

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER
2021**

APPLICATION NO:
P/2021 /0853

LOCATION:
UNIT 2 VAUXHALL INDUSTRIAL
ESTATE RUABON WREXHAM LL14
6HY

DATE RECEIVED:
25/08/2021

COMMUNITY:
Rhosllanerchrugog

DESCRIPTION:
YMESTYN FFENS DERFYN Y SAFLE
PRESENNOL AR DRAWS Y
DRYCHIAD BLAEN (DEHEUOL) /
EXTENSION OF THE EXISTING SITE
BOUNDARY FENCE ACROSS THE
FRONT(SOUTH) ELEVATION

CASE OFFICER:
SJG

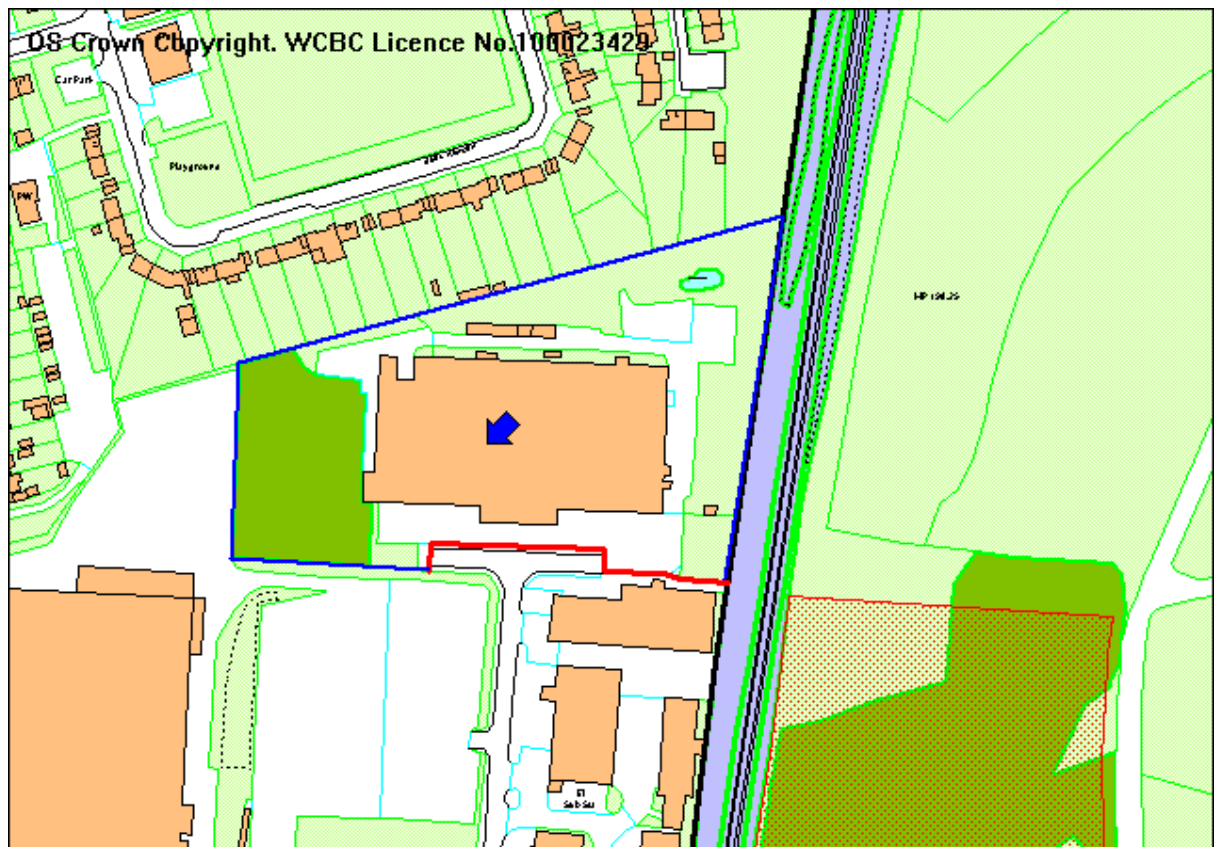
WARD:
Johnstown

AGENT NAME:
MR CRAIG BOYES

APPLICANT(S) NAME:
MR CRAIG BOYES

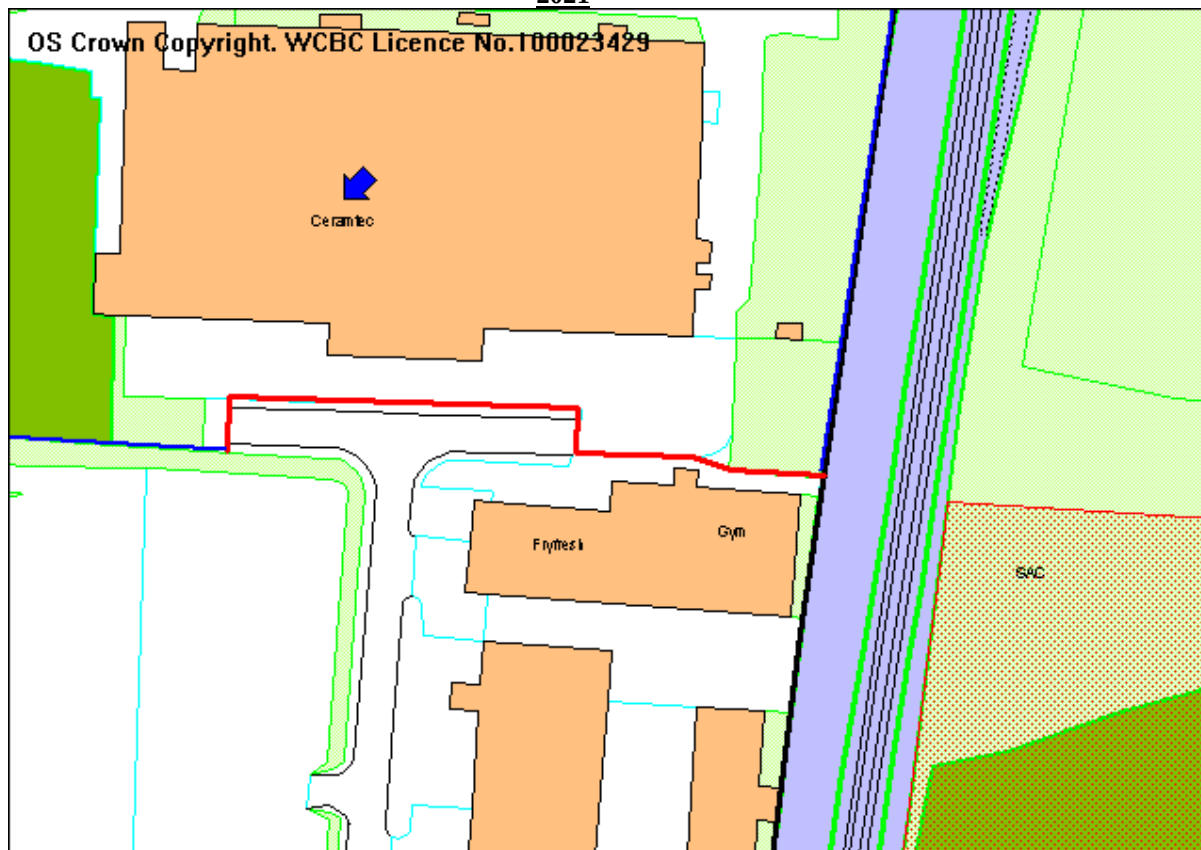
THE SITE

The site is an industrial building at the northern end of the Industrial estate.



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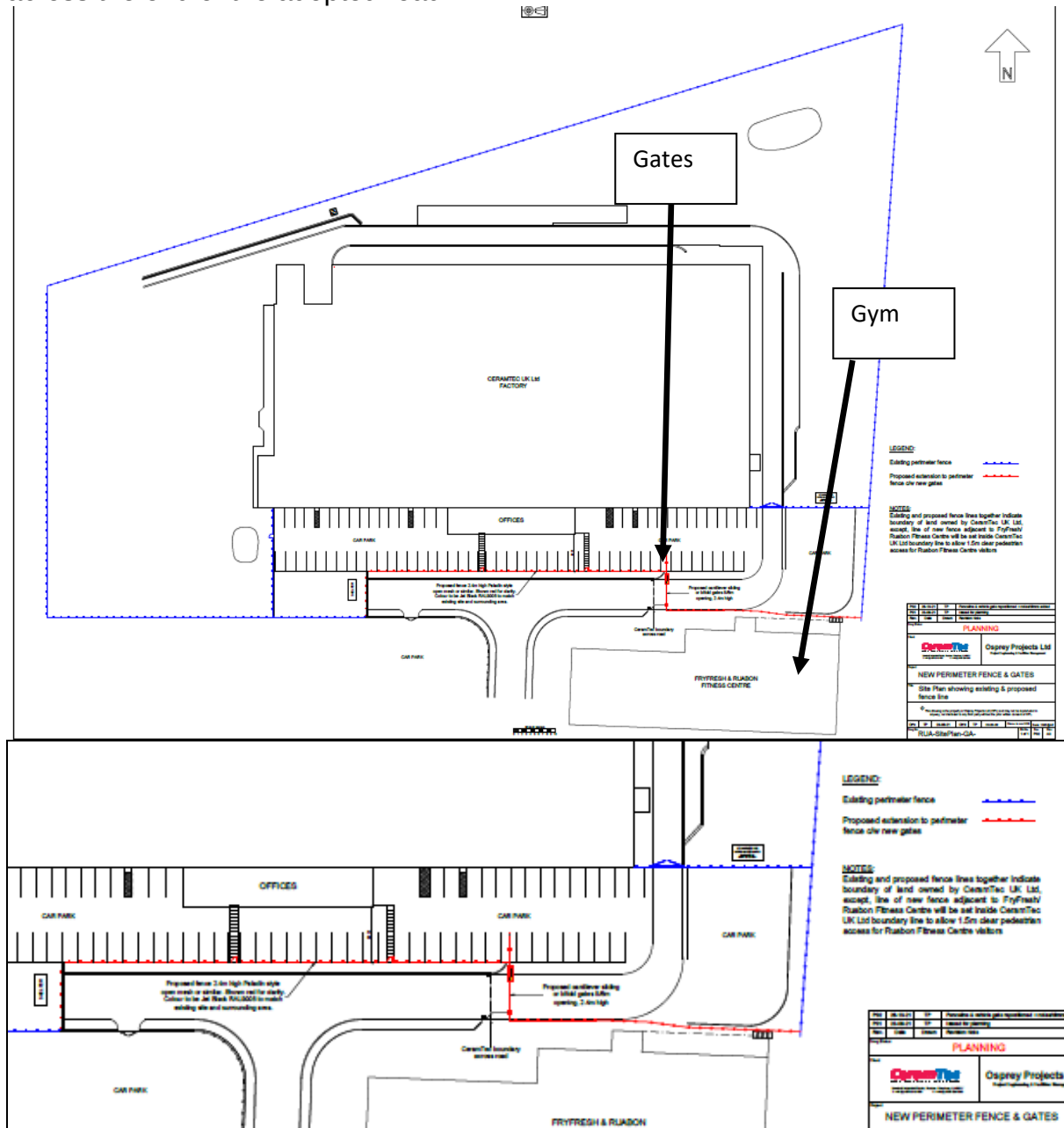
PROPOSAL

As above

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The application proposes the construction of a 2.4 m high black mesh fence on part of the southern boundary of the premises, together with sliding gates across the end of the adopted road.



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Typical example of proposed fence.
Paladin style open mesh or similar
Colour RAL9005 Jet Black



Typical example of proposed
cantilever sliding gate.
Colour RAL9005 Jet Black

HISTORY

P/2008/0346 Industrial storage building Granted 14/8/2008
P/2008/0149 Temporary storage building Granted 7/4/2008

Adjoining site to south

P/2020/0648 Change of use to gym Granted 13/7/2021

DEVELOPMENT PLAN

The site is within settlement limits as set out in the Wrexham Unitary Development Plan and the buffer zone for the Johnstown newts SAC. Policies GDP1, PS1, PS2, T8 and EC6 are relevant, together with local planning guidance notes 6 access to buildings, 16 parking and 32 Biodiversity.

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CONSULTATIONS

Community Council:	Consulted 21/9/2021
Local member:	Cllr David A Bithell: This site has a long history with the gym which needed to seek retrospective planning, I am aware of concerns over parking issues and there may be some legal challenges of land. Not with standing this, I do have concerns on access for disability users to the gym and the width of the footpath and fence line which would encroach within a legal requirement of a footpath width. By erecting the fence, I am also concerned in the event of a fire or evacuation of the site which could cause safety concerns, I would like re-assurances that any fire risk assessment has been carried out and is adequate to cope with the numbers or potential users of the gym. Historically parking has been undertaken on this area of land and I would like to see how this would be mitigated and would any impact of the general parking provisions which is already congested. We also have a number of parking provisions and traffic orders.
Highways	No objections
Natural Resources Wales:	No objection subject to conditions
Welsh Water:	Comments regarding sewers crossing the site
Public Protection:	No objection subject to comments
Contaminated Land:	No comments
Ecology Officer:	No comments
Other representations:	Adjoining occupiers notified: 22/9/2021 Site notice expired 7/10/2021 3 Objections received: 1. Adverse impact on day-to day running of gym and other businesses 2. The proposed gates and fence will block access to parking spaces and lead to tailbacks of traffic waiting to enter the gates. 3. Adverse impact on highway and pedestrian safety 4. Emergency vehicles would be affected 5. Access to building for wheelchair users would be adversely affected Petition signed by 67 customers of the gym, objection to the proposal on grounds of highway safety and accessibility.

SPECIAL CONSIDERATIONS

Background: Planning permission for the fence and gates is needed because they are situated adjacent to a highway and exceed 1 metre in height.

Design and amenity: The design of the fence is appropriate and the open mesh design will not affect visual amenity.

Highway safety: The highways officer has been made aware of the points raised by objectors and has no concerns. The gym has parking space in the rear yard as well as on the frontage with the adopted road, and adequate parking will be retained.

Accessibility: The proposal has been amended to show a 1.5m wide path to the front door of the gym, which will allow for access by wheelchair users.

Ecology: The application site is located within 30m of the Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI) and SAC. The application includes a Reasonable Avoidance method Statement for great crested newts, which will be conditioned as part of any permission granted as recommended by Natural Resources Wales.

Conclusion: The proposed development is considered to comply with adopted policies and guidance.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered: RUA-Site Plan-GAP02, RUA-Fenc Details-GA-P02 and as contained within the application documentation.
3. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Risk Avoidance Measures (RAMS) Assessment as carried out by Wild Ground and dated 12/10/2021 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

REASON(S)

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1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

Your attention is drawn to Highway Supplementary Notes - Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
[http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)

Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang=en>
Natural Resources Wales Advice for the Developer
Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>
Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported

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to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural

Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of

the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be

accompanied by Hazardous waste consignment notes.

Landfill

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste material. We would therefore advise you to consult with the local authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in

respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of the landfill site(s) so that they can decide whether or not to make their own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states It has been found that many sites which have taken only supposedly inert waste have produced gas.

You are advised that the planning permission hereby granted does not authorise any building over, diversion, connection or other interference with any sewer, public or private, which crosses the site. You are advised to contact Welsh Water, PO Box 10, Treharris, CF46 6XZ (Tel: 01443 331155) in this regard, prior to undertaking any groundwork in connection with the development. Should you be required to depart from the details hereby approved, you should contact the Council's planning department to seek further advice with regard to the submission of amended plans and / or a new planning application.

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken

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where appropriate.

The applicant must adhere to the times given above wherever possible. If however there are urgent or unavoidable circumstances requiring works outside of the specified times, permission to proceed may be sought by contacting Environmental Health and Housing Standards at: healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.
