

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

APPLICATION NO:
P/2021 /0599

LOCATION:
BETTISFIELD BOATYARD THE
MOORINGS BETTISFIELD
WREXHAM
SY13 2LJ

DATE RECEIVED:
24/04/2021

COMMUNITY:
Maelor South

CASE OFFICER:
SJG

WARD:
Overton

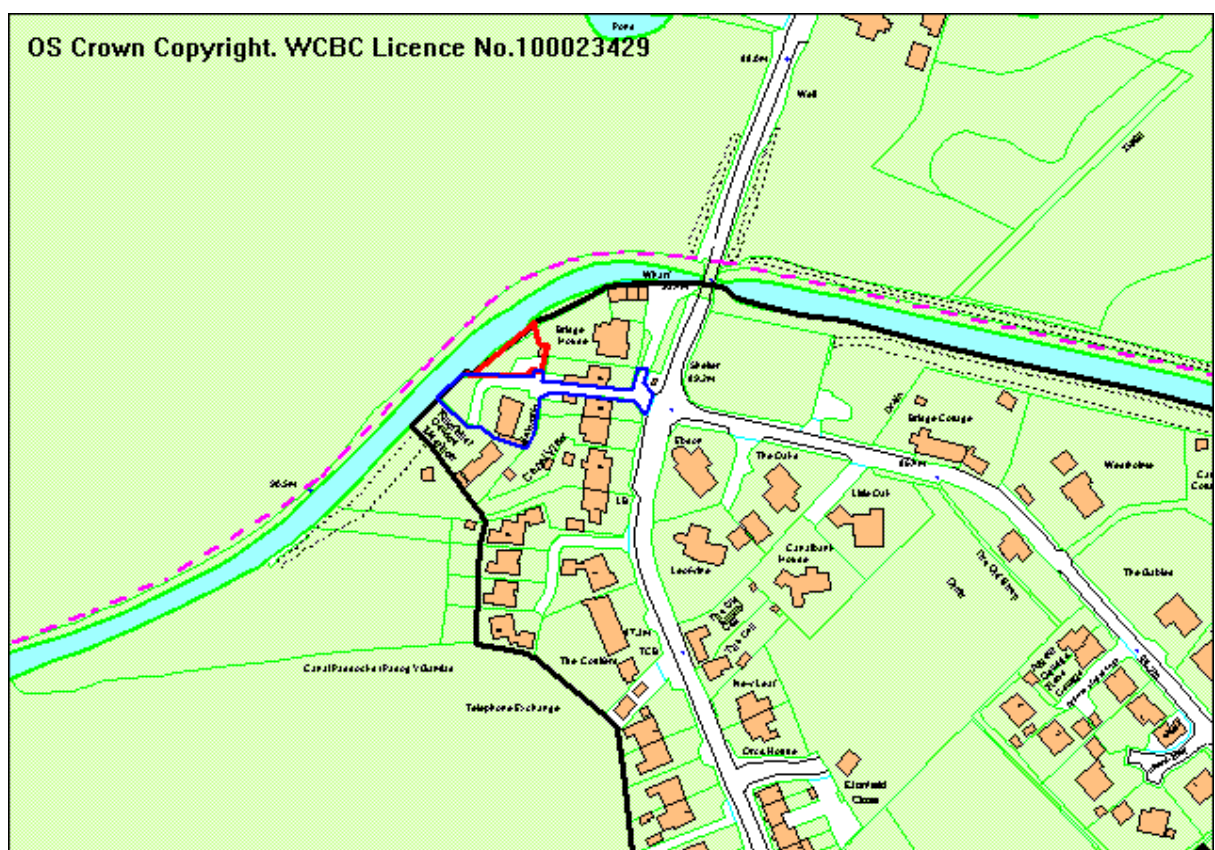
DESCRIPTION:
Codi Annedd ar Wahan /
erection of detached
dwelling

AGENT NAME:
MR BEVERLEY KEITH
STOKES

APPLICANT(S) NAME:
MR BEVERLEY KEITH STOKES

THE SITE

The site consists of a garage building and parking area associated with the former boat business.



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

PROPOSAL

As above. The application has been amended since originally submitted and now proposes a 1 bedroom single storey dwelling.

HISTORY

P/2020/0705 Creation of one residential mooring and one holiday let unit
Granted 11/02/2021

DEVELOPMENT PLAN

The site is within settlement limits as set out in the Wrexham Unitary Development Plan. Policies GDP1 PS2 PS1 H2 T8 EC6 and CLF4 apply, together with Local Planning Guidance Notes 16 Parking and 32 Biodiversity.

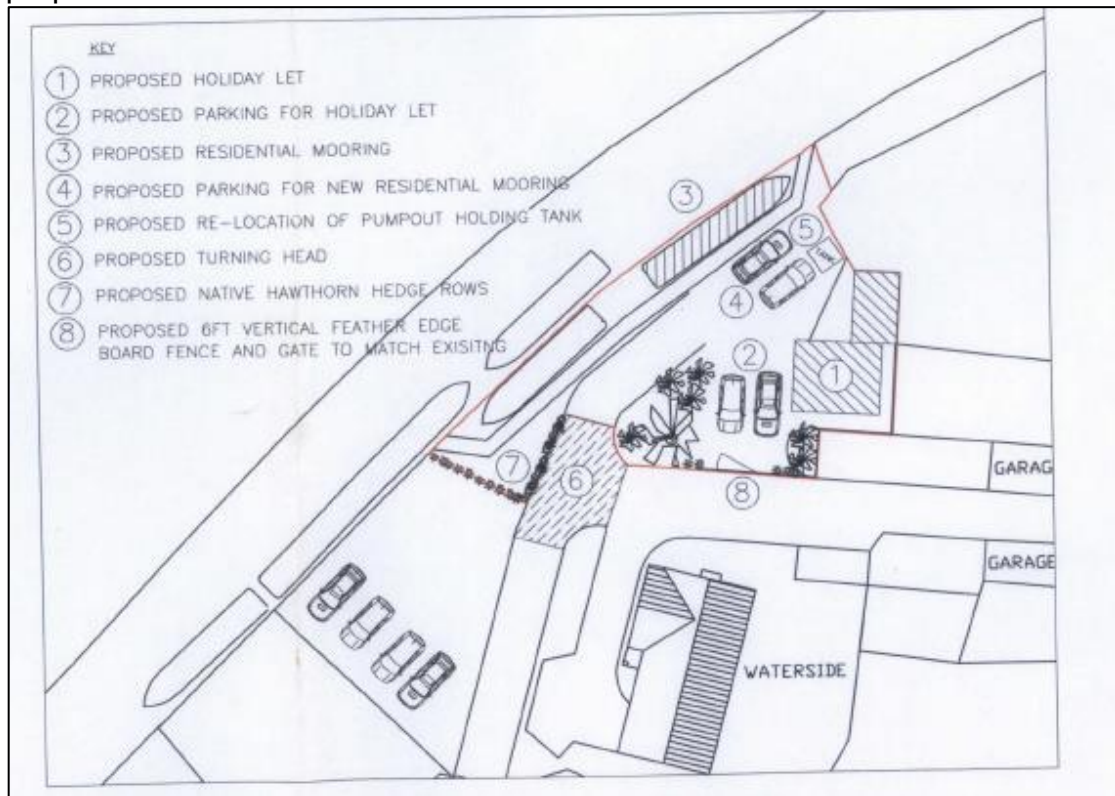
CONSULTATIONS

Community Council:	Objected to the original application on grounds of: 1. The site lies within a special landscape area. 2. The WCBC unitary plan clearly states Bettisfield is a very small hamlet with no street lighting, no mains gas, no main sewage and with no services or facilities. There is a serious lack of infrastructure and no further building, especially housing, should take place. 3. The water table is very high and the fields around this site are flooded regularly. 4. Cadney Lane, opposite the proposed site is in a bad state of repair with parts of the road sinking. 5. Support for this would give rise to further applications. No further comments have been received on the revised proposals.
Local member:	Consulted 18/6/2021
Highways:	No objections
Natural Resources Wales:	no objections subject to comments
Canal and rivers trust:	No objection subject to comments
Hafren Dyrydwy water:	No objections
Flood Risk:	Consulted 8/6/2021
Public Protection:	No objection subject to comments
Adjoining occupiers notified	21/6/2021 and 12/08 2021
4 Objections received:	1. Loss of turning space for adjoining dwellings 2. Increased risk of flooding 3. Increased traffic using a narrow access unsuitable for further development. 4. Overlooking from two storey development 5. Inadequate garden and parking space. 6. Drainage proposals are unacceptable and will cause environmental impacts to local residents

7. Incorrect boundary line

SPECIAL CONSIDERATIONS

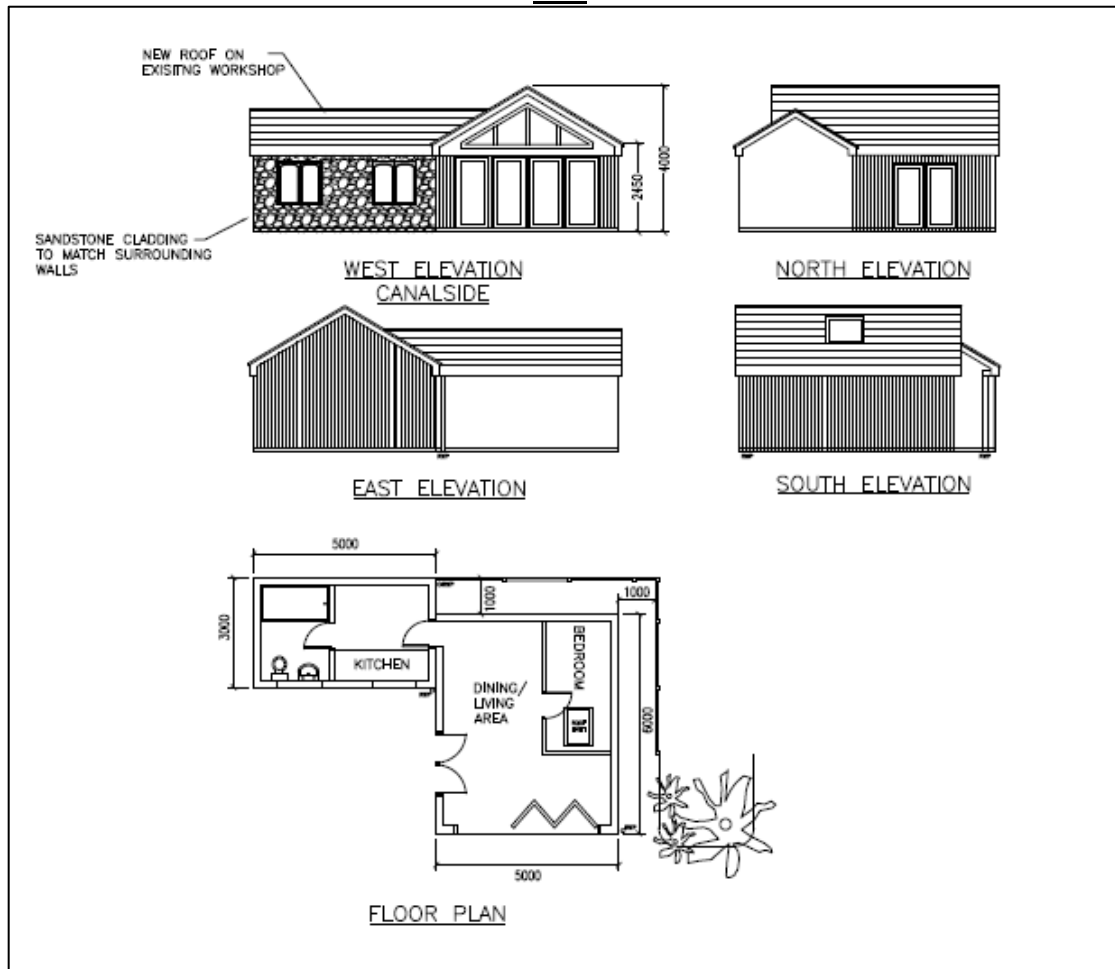
Policy: The proposal is within settlement limits and adjoins the canal. The extent of development proposed is very similar to the previous approval for a holiday let development. The previously approved plans and the plans now proposed are shown below:



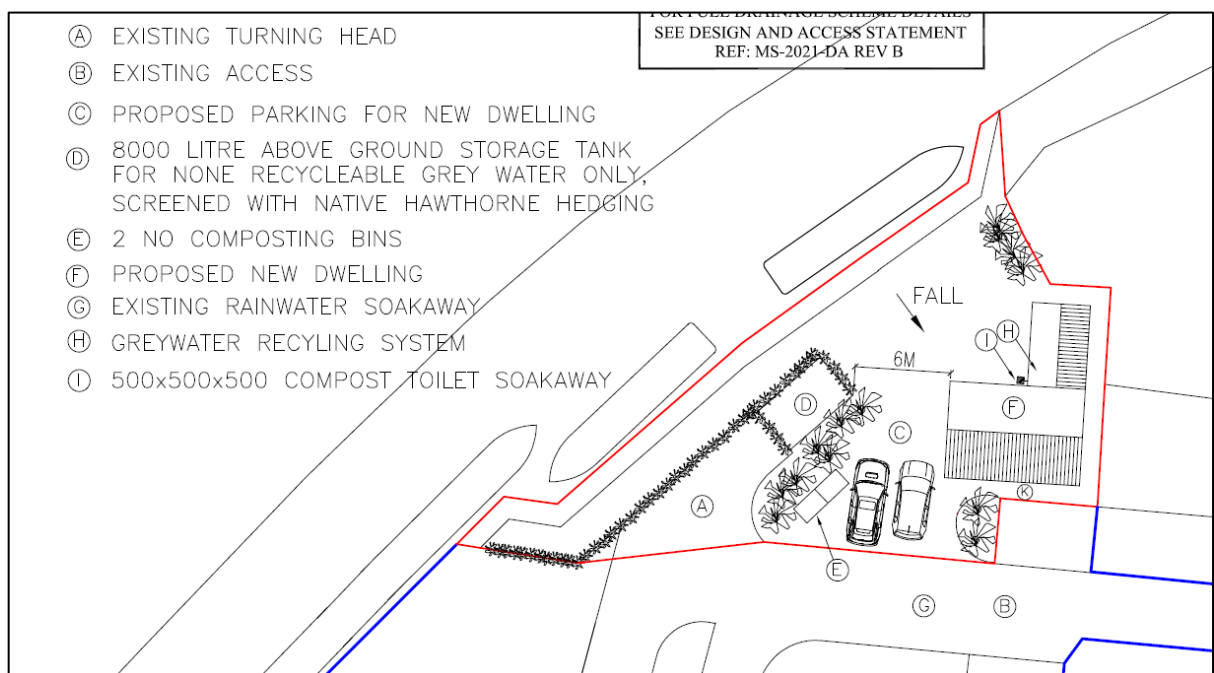
P/2020/0705 Approved Site Plan

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

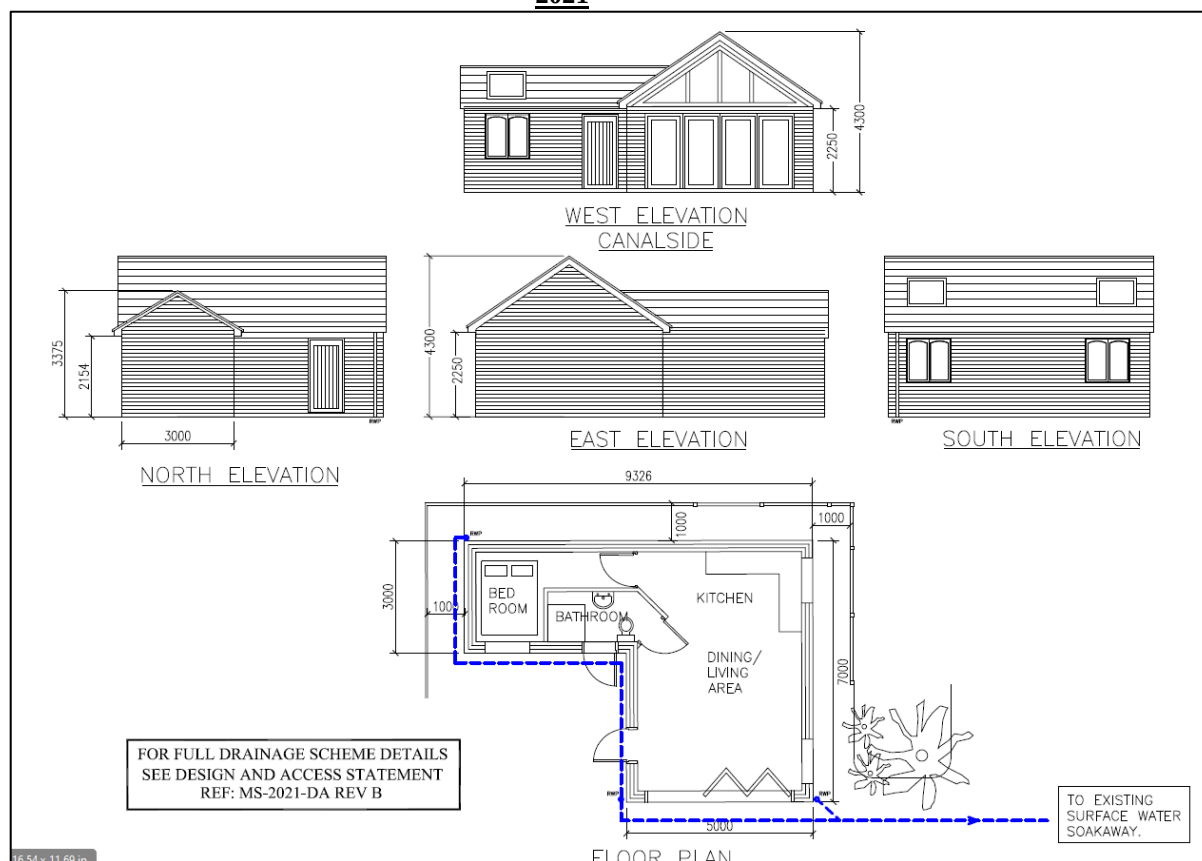
2021



P/2020/0705 Approved Elevation and Floor Plans



Proposed Site Plan



Proposed plans and elevations

Residential amenity: The proposed development is single storey and would have no additional adverse impacts over and above the approved development. The dwelling would have adequate garden space for a 1 bedroom property.

Design: The design of the building is appropriate for the locality and broadly similar to the plans previously approved.

Drainage: The drainage proposals are the same as approved for the holiday development, and will be subject to guidance issued by NRW. Whilst cesspit drainage is discouraged, there are no alternatives in this location. NRW did not raise any concerns regarding the previous application for a holiday unit and residential boat mooring and have confirmed no objection to the current application. There are no issues with phosphates as the site is outside the catchment of the River Dee.

Ecology: The bat report submitted in support of the above application has identified that protected species are not present at the application site, although it is suitable for foraging and commuting by bats. From the information submitted, NRW considers that the proposed development represents a lower risk for bats. As this is a lower risk case for bats, the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Furthermore, the proposed development is not likely to harm or

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

disturb the bats or any breeding sites and resting places at this site, provided the avoidance measures described in the bat report are implemented.

Highway safety and parking: Based on the likely reduction in vehicle movements with the cessation of the existing boat hire business, the highway authority has no objections to the proposed development on highway grounds.

CONCLUSION

It is considered that the revised proposal complies 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:
MS-2020-002B Proposed elevations and floor plans
MS-2021-001B Location and site plans (1)
MS-2021-001B Location and site plans (2)
MS-2021/DA B Design and Access statement and as contained within the application documentation.
3. Prior to their use on the development details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting that Order with or without modification), no development permitted under Classes A, B, C and E of Schedule 2 Part 1 shall take place.
5. The vehicular parking area as shown on approved drawing number MS 2021 01B shall be fully laid out, surfaced and drained prior to first use of the development. This parking area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.
6. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Susan Worsfield.
Ecological Impact Assessment - Bettisfield Boatyard, The Moorings, Bettisfield. May 2021.
Version 2 15/6/21. Ref.: WAT. 240. 521 approved as part of this application.
The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.
7. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is

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

found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

8. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 7 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

REASON(S)

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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
4. Due to the restricted application site and its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
5. To provide for the parking of vehicles clear of the highway in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
6. 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.
7. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 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

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

tm

Please note that detailed advice has been issued by Natural Resources Wales and the Canal and Rivers Trust which is available on the Council's website.

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 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: heathandhousng@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Planning & Regulatory Department on 01978 292040 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be

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

causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Planning & Regulatory Department on 01978 292040 for further advice and information.

Further advice on compliance with condition no. 7 may be obtained by contacting the Council's Environmental Protection Team on 01978 298989 or contaminatedland@wrexham.gov.uk

Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site.
