

WREXHAM COUNTY BOROUGH COUNCIL
PLANNING COMMITTEE MEETING OF 1st NOVEMBER 2021

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
ADDENDUM REPORT

This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.

Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chair.

ITEM 4 – DEVELOPMENT CONTROL APPLICATIONS

Page Nos	Community	Planning Ref	Speaker Against	Speaker For
37 - 64	CHIRK	P/2021/0725	√	√
87-96	ACTON	P/2021/0836		√
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Pages 37-64 CHIRK P/2021/0725

SPEAKER – AGAINST – CLLR JACKIE ALLEN – CHIRK COUNCIL
FOR - MR CHRIS EMERY (KRONOSPAN)

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SPEAKER – FOR - DAFYDD EDWARDS (AGENT – BLUEPRINT)

Pages 97-108 CAIA PARK P/2021/0864

SPEAKER –FOR - PETE LLOYD (PLP PLANNING)

Pages 109-128 RHOSLLANERCHRUGOG P/2021/0870

SPEAKER – FOR - ALISON HEALE – (HEAD TEACHER) – YSGOL YR HAFOD,
JOHNSTOWN

Pages

27-36

Code Number

P/2021/0610

Consultations

NRW: Following the submission of the amended document Bryn Lane, Wrexham Industrial Estate Wrexham Landscape And Ecological Management Plan V5.0 (22/10/21), I can confirm that the requirements of condition 19 have now been met and we are happy for the Reserved Matters approval to be issued.

Ecologist: Confirmed agreement to the Landscape And Ecological Management Plan V5.0

Recommendation

Reserved Matters are Approved, subject to condition 01 being amended as follows:

The development shall be carried out in strict accordance with:

- i. Drawing no. 01 Revision B
 - ii. Drawing no. 19153-C4P-B1-ZZ-DR-A-2001 Revision P3
 - iii. Drawing no. 19153-C4P-B1-ZZ-DR-A-2101 Revision P4
 - iv. Drawing no. 19153-C4P-B1-ZZ-DR-A-2102 Revision P1
 - v. Drawing no. 19153-C4P-B1-RF-DR-A-3301 Revision P2
 - vi. Drawing no. 19153-C4P-B1-ZZ-DR-A-2201 Revision P2
 - vii. Drawing no. 19153-C4P-AV-ZZ-DR-A-0504 Revision P6
 - viii. Drawing no. 19153-C4P-AV-ZZ-DR-A-0505 Revision P6
 - ix. Drawing no. 19153-C4P-AV-ZZ-DR-A-0506 Revision P6
 - x. Drawing no. T_21_2412-60-02 Revision P2
 - xi. The Environment Partnership Bryn Lane, Wrexham Industrial Estate, Wrexham, Landscape and Ecological Management Plan Version 5 dated 22/10/21
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Pages

79 – 86

Code Number

P/2021/0810

Consultations

Local Member (Cllr Jenkins) - E-mails received on the 2/9/2021 and 25/10/21:

2/9/2021:

I consider that the current application for Moreton Lodge, 48 Alexandra Road, Wrexham, may be invalid, and that a more detailed full application for change of use of the property needs to be submitted before the proposals for use as an HMO can be fully considered.

An application for the conversion of the then residential property at Moreton Lodge into a home for the elderly was refused permission by the Local Authority in February 1988, but the application was approved on appeal in February 1989. Planning Permission was then granted for "Change of use from Residential Home for the Elderly to Supervised Shared Accommodation for nine persons" in October 1997, after a great deal of opposition from local residents (many individual objections and a petition signed by 261 local residents) who at that early date were concerned about the increased number of HMOs in the locality, affecting residential amenity due to noise and disturbance, and exacerbation of on street parking problems which was already being experienced in other HMOs in the area. At that time, Planning Permission was required only for properties housing more than 6 residents.

In the report to Committee in October 1997, Graham Evans, the then Chief Planning Officer advised that there were not sufficiently strong reasons to justify refusal of the application, but stated "I do, however, consider that a planning condition would be needed to restrict the number of occupants and to limit the type of person in accordance with the application, i.e. a maximum of 9 mature students attending NEWI". At the Planning Meeting on 6th October 1997, the Planning Officer agreed to "the inclusion of an additional condition to ensure that the caretaker referred to by the applicant is appointed and is available to resolve any problems which may occur." (Reason: To ensure that a person is available to resolve any possible complaints made by local residents in the interests of amenity.)

The use of the property as a student accommodation was relatively short lived, for the reasons explained by the Applicant in this current Planning Application, as NEWI, now Glyndwr, provided residential accommodation on campus and that there is no longer need for student accommodation off site. The property then remained empty for many years. However, the reasons for the conditions applied in 1997 are even more relevant today than they were then.

In October 2018, application P/2018/0881 was submitted for the change of use of the residential property to "A Shared Supported Living Accommodation for up to 7 adults". This was welcomed and fully supported by local residents, and the application was granted approval under Officer delegated powers on the 13th November 2018, with the following conditions:

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 18-200-SK01 Rev A, 18-200-SK02 Rev A and 18-200-110 Rev A and as contained within the application documentation.
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or

without amendment), no part of the premises shall be used except for the precise purposes described in the application plans and documents.

The approval is valid until 2023, so is the current approved use of the property.

I would suggest that if “Changes to / Removal of Conditions” are to be considered, it should be to the conditions applied in this approval, rather than to those in the 1997 approval.

April 2020 - WG permitted development approval for 1 year use as an HMO. As the property was still empty in June of last year, Wrexham County Borough Council took a lease on the property, and under WG emergency legislation which gave permitted development rights to deal with emergency situations arising from the Covid pandemic, used the property as an HMO to house 9 homeless persons, especially those that were sleeping rough on the streets of Wrexham. This turned out to be a disaster for local residents, and despite the best efforts of the Council’s Housing Options team to control the situation, with almost daily visits to the property, it was decided to discontinue the use in May of this year, rather than to seek formal approval for the continued use beyond the 12 months permitted development period. It was quite clear that local residents would have very strongly opposed such a continued use on a permanent basis.

I am certain that the current proposal to operate the property as an HMO “for individuals that are not solely students”, and “there will also not be a caretaker on site” is not acceptable to local residents.

Many larger HMOs are now occupied by contractors who work in Wrexham during the week and return to their homes at the weekends, so the parking of cars, van and larger commercial vehicles has become a significant problem in this area - and in the Wards forming a donut shape around the town centre. There is little off-street parking available in the Alexandra Road, Victoria Road, Ruabon Road area.

I would appreciate your advice as to whether the current application is a valid application, given that it is seeking changes to conditions not related to the current approval for the site - and whether an amended application should be required from the applicant?

It is quite clear that the reasons for applying the conditions to the 1997 approval still apply today, and that the provision of adequate supervision and control of a larger HMO such as the one proposed here is even more essential, and that leaving this in the hands of an off-site Managing Agent will be insufficient.

Whilst there is some off street parking available at Moreton Lodge, it is difficult to see how provision could be made for nine vehicles without the complete loss of the amenity area surrounding the house - which is an essential part of the character of the area.

Refuse and recycling storage and collection was a major problem during the recent temporary use as an emergency HMO by the Council.

An amended application would bring with it the requirement for full plans for the use of the building and the surrounding amenity area to be submitted and agreed, for details of adequate control and supervision to be provided, to deal with any likely problems of

noise, disturbance and anti-social behaviour to be considered and agreed, for details of a refuse and recycling plan to be submitted and approved, and for the necessary parking provision arrangements to be submitted, and implications to be fully considered and approved.

Without this much more detailed information, the application in its current form has to be opposed.

In the three months since the Council's use of the building as an HMO came to an end, peace and normality have returned to the area. Any approval for the future use of this building has to ensure that such distressing conditions cannot return to the area.

25/10/21:

I received notification on Friday of the agenda for the Planning Committee on November 1st., which includes consideration of application P/2021/0810 for Moreton Lodge, Alexandra Road, which is recommended for approval subject to two conditions (other than the standard 5 year condition).

I was surprised and disappointed to see that under "Consultations: Local Member", the only comment is "Notified 04/06/2021", given that the application was not received until 15th August (I received my notification letter dated 19th August whilst we were on holiday) - and we had exchanged a number of (lengthy) e-mails on the 2nd and 3rd September, in which I set out my major concerns about the proposal to make the property a permanent HMO - reporting to you how local residents had suffered 12 months of absolute hell as the property had been used as temporary emergency HMO run by the Council.

The last approval for the site was for a "shared supported living accommodation for up to 7 adults", which had been approved under delegated powers following full support from the local residents. The previous HMO approval went back to 1997, and was specific to 7 students, with a resident caretaker. The use was quite short lived, and I argued with you that this should not now set a precedent for continued use as an HMO after such a long gap. Your advice however was that the application to vary the HMO conditions was valid and legal.

You however acknowledged the points I had raised, and asked for further information to be submitted by the Applicant in support of the application, so that parking arrangements, amenity space, storage of waste, and compliance with PGNs could be fully assessed.

This information should surely have been included within the "consultation" section of the report.

However, I heard no more until I received the Committee Report last Friday. Searching the Web Site, I found that a further two documents had been added on the 15th October, a Consultation response from Highways, and a Layout diagram showing the internal arrangements for the house from the Applicant.

The Highways Officers comments acknowledged the on street parking pressures already existing in the locality, and recommended a pre commencement condition requiring plans to be submitted regarding the surfacing, drainage and marking of the parking area to accommodate six vehicles . . . "to be thereafter permanently retained

and kept free of obstruction and made available solely for the parking and turning of vehicles at all times" This has been included as a condition in the proposed approval.

The Highways Officer also commented "that any proposed bin store / compound should be of adequate size and design to accommodate the required number / type of bins and is suitably located to serve such a development i.e. in close proximity to the adjoining Highway"

The report suggests that "Officers are confident that there would be space within the site for waste and recycling storage", but that the management of this would be addressed through the "HMO Licensing regime"

However, the size, positioning, appearance and screening of this provision must surely be a Planning consideration, and plans for such should be provided and put into place as a pre-commencement condition to ensure that they do not cause problems to neighbouring properties, and do not conflict with the parking and turning arrangements required for the 6 car parking spaces, and do not leave the property without adequate amenity area for the 9 residents.

A plan showing the full parking arrangements, waste and recycling arrangements, and the provision of adequate amenity space for the 9 residents, should be submitted as a pre-commencement condition.

I trust that the necessary additions will be made to the suggested conditions should committee decide that the application is to be approved

However, this will not be sufficient to overcome the objections of residents who suffered the consequences of the HMO for nine residents, set up in the property as permitted development under Welsh Government Emergency Legislation from June 2020 to May 2021. Even though this was managed and controlled by the Council's Housing Options section, the problems were so great that Housing decided not to continue the use beyond the initial 12 month permitted development, so did not put in a formal application for its continued use.

Local residents went through a considerably unsettling and upsetting twelve months, and would certainly not now want to see the continued use of the property as an unsupported HMO for 9 residents, and I support them fully in this.

Observations

Officers note the error in the report, the date the member had been notified was the 19/8/21.

Officers gave due consideration for the points raised by the Local Member in early September. Further information had been sought by the Case Officer in the form of a site plan and existing floor plans. Whilst a site plan was not forthcoming, the Case Officer had visited the site and is confident sufficient space is available for parking, amenity space and the storage of waste on the site. As such, in the absence of a site plan, it would be unreasonable to withhold determining this application. As stated within the report, whilst noting highways comments in relation to waste, controlling the

operation of the HMO is a matter that falls outside the scope of planning control and are matters addressed through the HMO licensing regime.

The remaining matters raised by the Local Member have been addressed within the report.

Recommendation

Unchanged

Pages

97 – 108

Code Number

P/2021/0864

Consultations

Natural Resources Wales (22/10/21): We have no objection to the proposed development as submitted and provide the following advice.

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

However, recognising the specific nature of the application submitted, we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Recommendation

Unchanged

PAGES

109 - 128

Code Number

P/2021/0870

Consultations

NRW response:

The revised ecology report has identified that bats are present on site, but that the proposed development presents a lower risk for bats. The development is not likely to harm or disturb bats provides that the avoidance measures contained within in the bat report are implemented (see existing condition no. 11 on the main agenda)

We are satisfied that any concerns with this application, in relation to the impact of the development upon the 'Johnstown Newt SAC' and 'Stryt Las a'r Hafod SSSI' sites, can be overcome by attaching conditions securing a scheme of Reasonable Avoidance Measures (see existing Condition No.12 on the main agenda), and the submission of a Biosecurity Risk Assessment (see additional Condition No. 29 below).

The application site is within the catchment area of the River Dee and Bala Lake SAC. We agree with the Council's interpretation that the extension to the Junior school, to accommodate the Infant school pupils, is unlikely to increase the amounts of phosphorus entering the catchment, as the pupils are from within same catchment area. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the SAC.

Observations

Condition no. 25 is missing from the main agenda. See change to recommended conditions below.

Recommendation

Remains the same, that planning permission should be Granted, subject to the additional conditions below:

- Condition no. 25:

No part of the development shall commence until further details of the proposed vehicular parking and turning facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities as are approved shall be fully laid out, surfaced and drained prior to first use of the development, and shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

Reason - To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.

- Condition No. 29

No part of the development shall commence until a Biosecurity Risk Assessment, to include, but not be limited to, appropriate measures to control invasive non-native species (INNS) on site and to prevent INNS being introduced on site. The measures as are approved shall be fully implemented as part of the development.

Reason – To prevent the spread of INNS (Amphibian Chytrid Fungus) in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

PAGES

129 - 142

'Code Number'

P/2021/0871

Site

JOHNSTOWN INFANTS SCHOOL, MELDY AVENUE, JOHNSTOWN, WREXHAM, LL14 2TB

Observations

Condition no. 12 is missing from the main agenda.

Recommendation

Remains the same, that planning permission should be Granted, subject to:

- Condition no. 12:

Within six months of the first use of the development, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

Reason - 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.
