

WREXHAM COUNTY BOROUGH COUNCIL PLANNING COMMITTEE

MEETING OF 25 JULY 2016
ADDENDUM

REPORT OF THE
HEAD OF ENVIRONMENT AND PLANNING

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 – 41	WRO	P/2016/0306	√	
42 – 49	CHI	P/2016/0336		√
55 – 58	ISY	P/2016/0368		√

Pages 37 – 41 WRO P/2016/0306

37 Pen y Bryn, Wrexham

SPEAKER: AGAINST – Ms Pamela Charles (Neighbour)

Pages 42 – 49 CHI P/2016/0336

Kronospan, Holyhead Road, Chirk, Wrexham

SPEAKER: FOR – Mr Mike McKenna (Rep Kronospan)

Pages 55 – 58 ISY P/2016/0368

Wrexham Recycling Park, Bryn Estyn Lane, Wrexham Industrial Estate, Wrexham

SPEAKER: FOR – Mr Alan Bulpin (Applicant)

ALL OTHER ITEMS WILL BE TAKEN IN ORDER SHOWN ON THE
ORIGINAL AGENDA

PAGES 17 – 27 ESC P/2016/0198

Observations

The Council's Ecologist has now reviewed a detailed ecological report assessing the impact of the proposed development in terms of protected

species which are known to occupy the site. The favourable response is reflected in the additional conditions detailed below.

Recommendation

Add the following conditions and reasons:

23. The development shall be carried out in accordance with the mitigation measures outlined in section 5.4.2 of the approved report produced by Kingdom Ecology on 22 June 2016 and shall include provision of external boxes and integral habitat boxes built into the new build properties.

R: In order to ensure that the development does not cause harm to species and habitats which are afforded statutory protection.

24. No development shall commence until a scheme of monitoring and maintenance of the mitigation measures required by condition no. 23 over a five year period has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the scheme as approved.

R: In order to ensure that the development does not cause harm to species and habitats which are afforded statutory protection.

25. No development shall commence until a scheme detailing all proposed lighting across the entire site, to include all domestic lighting and highway lighting, has been submitted to and approved in writing by the local planning authority. The scheme shall fully specify the design, lighting specification and position of all lights in a bat friendly manner. The development shall be carried out in accordance with the detail as may be approved.

R: In order to ensure that the development does not cause harm to species and habitats which are afforded statutory protection.

26. The development hereby approved, to include the demolition of any building on site, shall not commence unless the local planning authority has been provided with either:

a) a licence issued by the Welsh Government pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

R: In order to ensure that the development does not cause harm to species and habitats which are afforded statutory protection.

27. No tree felling or shrub removal shall be carried out within the bird nesting season (March-August (inclusive)) unless the vegetation in question has been assessed by a suitably qualified ecologist no more than 48 hours prior to such removal and the results of any such survey reported, in writing, to the local planning authority.

R: In order to ensure that the development does not cause harm to species and habitats which are afforded statutory protection.

28. No development shall commence until a demolition and construction phase pollution prevention methodology has been submitted to and approved in writing by the local planning authority. The methodology shall specify detailed measures to prevent the pollution of the neighbouring watercourse from construction activities and material storage. The development shall be carried out in accordance with the detail as may be approved.

R: In order to ensure that the development does not cause harm to species and habitats which are afforded statutory protection.

29. No development shall commence until a Biosecurity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall fully detail appropriate measures to control any invasive and non-native species on site (INNS) and measures or actions that aim to prevent INNS being introduced to the site for the duration of development and restoration. The development shall be carried out in accordance with the detail as may be submitted.

R: In order to ensure that the development does not cause harm to species and habitats which are afforded statutory protection.

30. If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 12 months of approval of the above condition a comprehensive review of the requirements of that condition shall be submitted to and approved in writing by the local planning authority. Where necessary, the detail shall be amended and updated. The review shall be informed by further ecological surveys commissioned to establish if there have been any changes in the presence and/or abundance of bats using the site. The development shall be carried out strictly in accordance with those details as may be approved.

R: In order to ensure that the development does not cause harm to species and habitats which are afforded statutory protection.

PAGES 34 – 36

GWE P/2016/0288

Representations

The applicant has submitted the following comments on concerns regarding the use of sirens at night. They have confirmed that sirens are rarely used at night as the lights are very effective. The use of sirens would only be used dependant on the circumstances of time of day.

Observations

I am proposing an additional planning condition. Add the following condition and reason:

2. Within one month of this decision a scheme to manage / restrict the use sirens through the night shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be maintained thereafter for the life of the proposal.

R: To protect the amenities of the occupiers of nearby properties.

Recommendation

My recommendation, subject to additional condition is as the main report to GRANT planning permission.

Pages 50 – 54

ROS P/2016/0362

Submissions

An amended location plan has been submitted which confirms that all existing outbuildings fall within the curtilage of Mulberry House and are considered to be within the same planning unit.

Representation

Local Member – Unable to attend Planning Committee but would ask the Committee to agree a Site Visit. It is illogical, in the light of the Highways objection, that Officers should recommend approval. Additionally, I have serious concerns as to the visual impact of an ‘add on’ to what is a characterful building, factors which our planners appear to ignore.

Observations

Highways are not objecting, they are recommending refusal unless it can be demonstrated that there is adequate parking provision. I am satisfied sufficient parking is available on-site.

The proposed extension follows the design principles set out in Local Planning Guidance Note 20 and does not have a detrimental impact on the appearance of the dwelling or the streetscene as a whole. The existing dwelling is not Listed or within a Conservation Area and the general proportions of the extension are clearly subsidiary to the main dwelling. A more detailed justification for accepting the scheme is set out in my report, and I do not consider a site visit necessary in this instance, particularly when the dwelling is relatively well screened by front boundary planting along Burton Road.

Recommendation

Remains unchanged.

Pages 59 – 63

GWE P/2016/0372

Recommendation

My recommendation, subject to additional conditions is as the main report to GRANT planning permission.

Add the following Conditions, Reasons and Notes to Applicant:-

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no windows or other openings shall be inserted in any elevation of the building facing north west and south west.

R: To protect the amenities of the occupiers of nearby properties.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A, B, 3 and E of Schedule 2 Part 1, other than the development hereby granted permission.

R: To protect the amenities of the occupiers of nearby properties.

15. Prior to commencement of any works on site details of the finished floor levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. Works shall only be carried out in strict accordance with the details as approved.

R: To protect the amenities of the occupiers of nearby properties.

16. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 06 and 07 and contained within the application documentation.

R: To ensure that the development fully complies with the appropriate policies and standards.

17. Within three months of the commencement of development details of all means of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a timescale for implementation and the works approved shall be carried out in strict accordance with the details as approved and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

R: In the interests of nearby residential amenity and the general visual amenities of the area.

Notes to Applicant

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. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

The applicant is advised that compliance with condition no. 4 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be 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 Housing and Public Protection Department on 01978 315300 for further advice and information.

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 Environment and Planning Department on 01978 315300 for further advice and information.

Your attention is drawn to the comments of Natural Resources Wales and attached to this decision.