

WREXHAM COUNTY BOROUGH COUNCIL PLANNING COMMITTEE

MEETING OF 1 FEBRUARY 2016

ADDENDUM

**REPORT OF THE
HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT**

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
29 – 43	RHO	P/2015/0382		√
44 – 47	WRO	P/2015/0580		√
76 – 81	WRO	P/2015/0752		√

PAGES 29–43 P/2015/0382

Land off North Road, Ponciau, Wrexham

SPEAKER: FOR – Mr Stuart Hatherall (Agent)

Representations

1 representation strongly opposing the application for the following reasons:

- Loss of view
- Security of property

Observations

I have responded to concerns about loss of a view in my main report.

The development will not put existing properties at any significantly greater risk of anti-social behaviour. In fact the development will increase natural surveillance of the site and the boundaries of neighbouring properties.

Recommendation

Remains unchanged.

PAGES 44–47 P/2015/0580

Land to the rear of Ryecroft Residential Home, 36 Percy Road, Wrexham

SPEAKER: FOR – Mr Stuart Hatherall (Agent)

Submissions

The applicant has now submitted an amended design for the proposed new dwelling which has addressed the concerns previously expressed by the Conservation Section. The design now reflects the character of the Conservation Area and will have a positive impact on the character and appearance of the Conservation Area.

The new dwelling can only be supported however if the development of P/2015/0752 is also granted planning permission, and therefore Committee should consider that application at the same time – see later item on agenda.

Observations

My original recommendation was in two parts. Recommendation B is now applicable requesting delegated powers to carry out additional consultation and subject to no substantial new issues being raised powers to approve the application subject to the following planning conditions/reasons and advice notes.

Conditions/Reasons

- 01 The development hereby permitted shall be commenced before the expiry of five years from the date of this permission. (Reason: To comply with Section 91(3) of the Town and Country Planning Act, 1990).
- 02 Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. L045/005. (Reason: In the interests of highway safety).
- 03 Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway. (Reason: To ensure that no deleterious material is carried onto the highway, in the interests of highway safety).
- 04 There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary. (Reason: In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access).
- 05 No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development. (Reason: In the interests of highway safety).
- 06 No development shall commence on site until the residential care home use of Ryecroft has ceased and this premises has been fully converted to form a dwelling which is subject to separate planning permission – ref: P/2015/0752. (Reason: To ensure the proposed scheme does not result in the loss of parking for the adjoining residential care home).
- 07 Prior to their installation on the building drawings to a scale of 1:5 and 1:20 fully detailing all new doors shall be submitted to the LPA. The details shall fully describe the proposed materials and decorative/protective finishes .The works shall only be carried out in strict accordance with such details as are approved. (Reason: To ensure the works reflect the character and appearance of the building).
- 08 No part of the development shall commence until an investigation, by air-spade or hand digging, has been undertaken to determine whether tree roots are

present in the ground within the footprint of the proposed development. The investigation shall be supervised by a qualified arboriculturist and the results of this investigation together with any necessary methods for minimising impact upon trees shall be submitted to and approved in writing by the Local Planning Authority. (Reason: To ensure the works reflect the character and appearance of the building).

- 09 Prior to their installation on the building, a specification of rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The details shall fully describe the proposed materials, fixing method, decorative/protective finishes and include cross sections. Works shall only be carried out in strict accordance with such details as approved. (Reason: To ensure the works reflect the character and appearance of the building).
- 10 All repairs, re-bedding and re-pointing of the existing brick boundary walls surrounding the site shall be carried out using a lime based mortar only. The Councils Conservation Officer shall be given 5 days' notice in writing. (Reason: To ensure the works reflect the character and appearance of the building).
- 11 Prior to their installation on the building, drawings to a scale of 1:5 fully detailing the proposed verge and eaves design, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed materials and finishes to the verges, bargeboards and soffits. The works shall only be carried out in strict accordance with such details as are approved. (Reason: To ensure the works reflect the character and appearance of the building).
- 12 Details of the proposed finish to the parking and turning area shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the details as approved prior to the occupation of the property and retained thereafter unless otherwise agreed in writing with the Local Planning Authority. (Reason: To ensure the works reflect the character and appearance of the building).
- 13 All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. (Reason: To protect the amenities of the occupiers of nearby properties).
- 14 No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase. (Reason: To protect the amenities of the occupiers of nearby properties).
- 15 No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
- iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. (Reason: To ensure satisfactory drainage of the site and to avoid flooding).

NOTES TO APPLICANT

See advice and notes from Natural Resources Wales attached to this decision.

See advice and notes from Welsh Water attached to this decision.

The applicant is advised that compliance with condition no. 13 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 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.

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 Housing and Public Protection Department on 01978 315300 for further advice and information.

Applicants are advised that compliance with condition no. 14 does not provide an exemption from the statutory nuisance provisions of the Environmental Protection Act 1990. Under the Act dust from any type of activity can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring

that the 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.

Your attention is drawn to Highway Supplementary Notes Numbered 1, 2, 3, 4 and 5 on the enclosed "Applicants Rights and General Information".

Recommendation

To follow the requirements of Recommendation B.

PAGES 76-81 P/2015/0752

Ryecroft, 36-38 Percy Road, Wrexham

SPEAKER: FOR – Mr Stuart Hatherall (Agent)

ADDITIONAL CONDITIONS

13 Prior to their installation on 36 and 38 Percy Road, drawings to scale 1:5 and 1:20 full details of all new/replacement windows and doors shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall fully describe the proposed materials, decorative/protective finishes, method of opening and glazing type and include cross section for glazing bars, sills, heads, etc. The works shall only be carried out in strict accordance with such details as are approved. (Reason: To ensure the works reflect the character and appearance of the Conservation Area).

14 Prior to the first use of the development, the bond pattern of the agreed brickwork and mortar mix and finish to 38 Percy Road shall be submitted to and approved, in writing, with the Local Planning Authority. The Council's Conservation Officer shall be given 5 days' notice, in writing, of a meeting on site to approve the details. Works shall only be carried out in strict accordance with such details as are approved. (Reason: To ensure the works reflect the character and appearance of the building).

Recommendation

As main report with the additional two planning conditions.

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

PAGES 48-59 WRR P/2015/0691

Applicant's Submission

The applicants have requested the deferment to allow for further work to be undertaken in support of their application.

Representations

Local member (Cllr Steve Wilson):

- The proposal as suggested is the best option available. Conditions 12 and 13 covers the car park issue and North Wales Police, in their response

(paragraph 3.1), have agreed to fund the cost of relining and signage of 5 blue badge spaces off King Street. Although these spaces are referred to as 6 spaces at present they are not officially designated as disabled spaces and not sufficiently 'roomy' for drivers and passengers to exit their vehicles. The proposal would address both these issues.

- Whilst sorry to see the re-location of the present 8 spaces I think what is proposed addresses the situation and ensures that Wrexham has a Police base in the Town centre.
- I therefore support this latest application.

A further objection has been received from AVOW on the following grounds:

- The petition referred to in the main report now stands at 350+ signatories;
- Information provided in the form of photographs confirming full occupancy of the existing blue badge spaces in the Rhosddu Road car park;
- The existing library staff car park could be realigned and re-orientated to provide 18 of the 20 spaces required for operational purposes by the applicant without the need to lose the blue badge spaces;
- The existing parking provision on King Street is marked by 'Access Only' signs. Does this mean that access should only be for Shopmobility/Bus Station users if enforced or for general access to all highway users;
- The proposed realignment of spaces on King Street is not going to be feasible as there is a traffic hazard between reversing cars and buses exiting the bus station;
- Photograph submitted showing the existing blue badge spaces in the Chester Street library car park fully occupied.
- The applicant's justification that operation vehicle parking is required 24/7 includes scene of crime vehicles which are not emergency vehicles;
- The proposal to create 5 blue badge spaces with from the existing 6 King Street spaces with the loss of the 8 Rhosddu Road blue badge will result in a net loss of 9 spaces from this part of the town centre;
- The newly proposed spaces in the Chester Street library car park will be further away from Rhosddu Road;
- The proposed relocated spaces do not accord with Government guidelines on defined distances to the town centre.
- The council has failed to carry out an Equality Impact Assessment on the implication of the removal of the 8 designated spaces.
- Will the council be seeking a section 106 funding from the developer to carry out any car parking alterations and necessary changes to the emergency exits from the library into the secure police compound.

Observations

The points made in the above representation have substantially been address in the main report. However, the following comments are made:

- Full occupancy of the Rhosddu Road blue badge car park is noted, however there is no evidence to suggest which part of the town centre these users are visiting – therefore there is no evidence to suggest that the relocation of the spaces would be detrimental to the public/blue badge holders;
- The 'Access Only' provision on King Street could relate to other Bus Station users not solely Shopmobility users. The marking out as blue badge spaces

- is will provide a better opportunity for those who require the services of Shopmobility to access this service in closer proximity. The proposed realignment of these spaces will not create any more hazard than at present;
- The matter of whether an Equality Impact Assessment has been carried out is not a material planning consideration in the determination of this planning application;
 - There is no justification for requiring funds through a Section 106 for car park alterations. Planning conditions are considered adequate. Emergency exit alterations will form part of the detailed design and Building regulations approvals.

In the main report, attention is drawn to page 51. For clarification the proposal is to provide one no. additional marked mobility space and remark 7 no. existing general spaces to mobility standard in the Chester Street public library car park. This will total 8 no. new mobility standard spaces in this car park as mitigation for the loss of the 8 no. mobility standard spaces in the Rhosddu Road car park.

However, in response to the applicant's request and the view of the need to fully explore all of the options available to AVOW's concerns I consider this request reasonable.

Recommendation

DEFERRED.

PAGES 91-97 WOR P/2015/0799

Submissions

The applicant has withdrawn the application, and no reasons have been stated.

Recommendation

WITHDRAWN

PAGES 116-126 RHO P/2015/0915

Consultations

Welsh Water has now viewed the additional information, and has confirmed that the submitted drainage report is not conclusive. Copies of results for the porosity tests need to be submitted, and Welsh Water will not agree to controlled surface water discharges from the site into the public sewer until it has been demonstrated that all other options have been explored and exhausted. The crossing of third party land to gain access to a watercourse should still be explored before being discounted. Further information is required before controlling conditions can be discharged.

Applicant's Submission

A drainage report has been submitted by the applicant for consideration, and this indicates that surface water from the development can be suitably controlled by using underground StormBlocs (by Hydro-International or similar approved) and oversized pipework within the highway.

Observations

This drainage information is still under consideration and this has not fully resolved at this stage, but it seems that the matter can be appropriately controlled by the planning conditions as suggested in my original report, and connection to the public sewer system cannot be guaranteed at this stage until other options are fully explored. Also any off site works may require separate planning permission depending upon the final details, but the suggested drainage conditions will provide control to ensure that the dwellings are not occupied until the matter is resolved.

Recommendation

Remains Unchanged.

PAGES 135-139 LGC P/2015/0935**Consultations**

Community Council - Whilst we are pleased that the stable has been moved further towards Tan yr Allt, and is therefore less intrusive, the position and size of the ménage remains a concern. The ménage, its size and position on such an elevated site would be visually intrusive in the landscape, being situated high up on the south facing hill-side. We therefore object to the application.

Applicant's Submission

I believe that I have covered the concerns of the community council in my Landscape & Visual Impact Survey already submitted as part of this application. To reiterate:

- The manège area is barely visible from almost all of the viewpoints within the special landscape area;*
- Where the manège is visible it would be barely discernible from the mud/grass surrounding, and the fence (painted green) will also blend in;*
- Additional planting is proposed in all gaps of the existing hedgerow will further reduce any possible visual impact.*

Observations

The matters raised by the community council are addressed in the main agenda report.

Recommendation

Remains unchanged.