

WREXHAM COUNTY BOROUGH COUNCIL PLANNING COMMITTEE

MEETING OF 3 MARCH 2014

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
2 – 9	CEF	P/2010/0374	√	
34 – 53	HOL	P/2013/0660	√	
54 – 59	WRA	P/2013/0835		√

PAGES 2–9 CEF P/2010/0374

Land off Queen Street, Cefn Mawr, Wrexham

Speaker: AGAINST – Janet Radford (representing self and neighbours).

Correction

Amend description from five to four dwellings.

Consultations

4 additional objections on basis:

- road is dangerous with more traffic on the road*
- pedestrian safety will be compromised*
- land is unsafe with tipping on the site over the years from the old Chemical works*
- wildlife will be disturbed*
- overlooking and loss of privacy*
- loss of views*
- consultation process inadequate*

Observations

The additional concerns are addressed within the main report and the various attached conditions.

Minor alterations to the text within the report.

In Design Section – Para 1 – “substandard area” should read “substantial area”

In Design Section – Para 3 – “design retention of the mature tree” should read “design and retention”

In Highway Section – Para 3 – should read “two spaces per unit are indicated”

Additional Conditions:

- 18 No equipment, machinery, plant or materials of any kind in connection with the development shall be brought onto the site until tree protection fencing and ground protection measures have been implemented in strict accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details should include specification and location for the fencing. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made. (Reason: To ensure that the retained trees are adequately protected during development in the interests of amenity).*
- 19 The tree protection fencing and ground protection measures approved in connection with condition no. 18 shall be kept in place until all external site works have been completed and the removal of the fencing has been approved in writing by the Local Planning Authority. (Reason: To ensure that the retained trees are adequately protected during development in the interests of amenity).*
- 20 No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:
 - 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;*
 - 2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;*
 - 3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;*
 - 4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;*
 - 5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;*
 - 6) Method for protecting retained trees during demolition works;*
 - 7) Details of all proposed tree works, including felling and pruning.**(Reason: To ensure the work is carried out to accepted arboricultural practices for the long term well being of the tree(s)).**
- 21 No part of the development shall commence until the design of the foundations for the proposed development within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. Foundation design shall take into account the presence of tree roots. The works shall be carried out in accordance with the foundation design as approved. (Reason: To ensure that hard surfacing does not cause harm to retained trees in the interests of visual amenity).*
- 22 No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter. (Reason: To ensure that effective*

- drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system).
- 23 The existing vehicular access as indicated on the approved drawings shall be permanently closed up prior to first use of any part of the development in accordance with a specification of works which has been submitted to and approved, in writing, by the Local Planning Authority. (Reason: In the interests of highway safety).
- 24 Prior to the commencement of works on site, a detailed scheme of earth-moving operations and measures to ensure the stability of the site during exploratory/construction work shall be submitted to and approved, in writing, by the Local Planning Authority. Details shall include any proposed retaining structures. Works shall be carried out strictly in accordance with the details as approved. (Reason: In the interests of the safety of nearby residential properties and pedestrian users of nearby footpaths).
- 25 No part of the development shall commence until a Construction Management Plan, including parking and provision for contractor parking, has been submitted to and approved by the Local Planning Authority. Works shall be carried out strictly in accordance with the details as approved. (Reason: In the interests of highway safety).

Recommendation

When the initial application was submitted an extensive consultation exercise was carried out. The scheme subsequently has been subject to extensive negotiations in terms of design, reduction in numbers from 5 to 4, cross sectional information and proposals to secure the future health of the mature tree on the site and this has caused considerable delay in the determination. Whilst additional consultation has taken place recently this has predominantly been with people who previously raised objections and given the concerns now expressed by residents new to the area and close to the site, further consultation is considered to be required.

My recommendation has changed and I consider it is appropriate to carry out additional neighbour consultation and recommend the application is DEFERRED to be considered at the APRIL Planning Committee.

PAGES 34–53 HOL P/2013/0660

Part of field West of Commonwood Farm and South of Borrass Road, Commonwood, Holt, Wrexham

Speaker: AGAINST – Mrs Paul (local resident)

Consultations

10 further letters of objection and a petition signed by 1,649 signatories as well as the main objector, who has already objected to the application – objections relating to increase in traffic, earthquakes, fracking, further pollution, noise, landscape issues, consultation not extensive enough and the impact of the Gresford Mining Disaster and areas where bodies have been entombed.

General information received from ‘concerned communities of Falkirk’ expressing concerns over the commercial extraction of coalbed methane. Experience from Falkirk would indicate that a refusal of permission in that area has resulted in the first Public Inquiry into first commercial production of any unconventional gas anywhere in

the UK, by Dart Energy for coalbed methane. The interest group suggest that this application be deferred until the above test case is determined.

Observations

The additional objections are addressed within the main report, including issues within the petition are addressed and discussed within the main report.

With regard to the comments regarding the Gresford Disaster, there is no evidence to suggest that the area where miners died would be affected. Relevant consultees including CPAT have not raised any concerns.

Whilst I note the general issues raised, these are not site specific and each application for borehole testing should be dealt with on its own merits. The applicants, Dart Energy, have obtained a licence to drill within this area, from the Department of Energy and Climate Change (DECC) and the issue here relates to the suitability of this particular site for drilling purposes, based upon normal planning considerations.

Recommendation

Remains unaltered.

PAGES 54–59 WRA P/2013/0835

Unit 4, 14 Borrass Road, Wrexham

Speaker: FOR – Mrs Lesley Ozdamir (applicant's wife)

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

PAGES 70-77 WRO P/2013/0847

Consultations

Community Council: In response to the submission of amendments to the application the Community Council have no objection subject to the following:

1. There would be strong objections to a second taxi firm being able to move into the vacated taxi office. There are already congestion problems in the area and a second taxi firm would add to the problems.
2. The entrance to 'Y Werddon' must be kept clear at all times.
3. There should be control and restrictions on the opening hours of the fast food outlet because of the residential properties nearby.
4. The area of land opposite on Brook Street owned and used for parking by the taxi firm needs tidying up.

Local Member:

1. Could the provision of litter bins outside the new hot food outlet be considered?
2. As Brewery Place is the approach cul-de-sac to a block of residential flats could restrictions on opening hours be considered;
3. Could Prestige have submitted a simultaneous planning application to change the use of their existing building to something other than as a taxi-office as a way of overcoming this concern?
4. Are there any ways of controlling parking on the pavements on Brewery Place. It is well used by pedestrians so I am concerned for their safety, especially as vehicles carry out three point turns at the gated entrance to the flats.

Observations

I have already responded to the above matters in my main report.

- *An additional condition should be added in respect of litter bins;*
- *I have set out in my main report why I consider restrictions on opening hours are unnecessary in this instance;*
- *It would have been possible for a planning application for change of use of the existing taxi office to be submitted, however it would not necessarily have prevented it from being used as a taxi office. The existing use would only have been abandoned if/when a tenant started to use the premises for an alternative use. Furthermore the Council cannot compel the owner/tenant of building to submit a planning application.*
- *If vehicles are parking on a pavement that forms part of the adopted highway this would be a matter for Highways to investigate and, if necessary, take action. The proposed taxi office will have a car park that is large enough for vehicles to turn around in so this should reduce the risk of taxi vehicles using Brewery Place to turn. However it is not possible to impose conditions to require vehicles to use the parking area for parking or turning, only that this area is retained for those purposes.*

Recommendation

Remains unaltered.

Condition 03 be amended as follows:

No part of the premises shall be used for a purpose falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without amendment) until details of the means of ventilation for the extraction and dispersal of cooking smells, including details of its method of construction, odour control measures, its appearance and finish have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first use of the premises for and shall thereafter be permanently retained in an effective condition.

The following condition be added:

Condition 09: No part of the premises shall be used for a purpose falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without amendment) until litter bins have been provided in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The bins shall thereafter be retained for use by customers. (Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area).

PAGES 82-88 BRN P/2013/0851

Observations

I have added two additional planning conditions:

09 Within three months of the date of the permission, an Arboricultural Method Statement shall be submitted to and approved, in writing, by the Local Planning Authority. Any proposed works shall be carried out in strict accordance with the Method Statement as approved. (Reason: To ensure any proposed works are carried out to accepted arboricultural practices for the long-term wellbeing of the tree).

10: Development shall be carried out in strict accordance with the recommendations contained within the Supplementary report on the "Giant Redwood at Iscoyd Park", dated October 2013 and in conjunction with Condition 09. (Reason: To ensure the long-term future and protection of an important tree).

Recommendation

Subject to the additional two planning conditions my recommendation to Grant permission remains in accordance with the main report.

PAGES 89-92 BRN P/2013/0852

Observations

The following conditions be added:

- 01 Within 12 months of the date of this consent, details of a scheme to periodically review the physical condition of the marquees shall be submitted to and approved, in writing, by the Local Planning Authority. Any identified required maintenance/replacement shall be undertaken in accordance with the works identified and to a timescale that has previously been agreed in accordance with the submitted and approved Review Scheme. The Review Scheme as approved shall be implemented for the duration of the existing approved business use of the marquees. (Reason: To ensure the appearance of the marquees does not compromise the setting of the Listed Building and the Historic Garden).
- 02 The marquees hereby approved shall be completely removed from the site on cessation of the existing approved business use and the land restored to its previous condition not later than 12 months after their removal. (Reason: To protect the long-term integrity of the Listed Building and the Historic Gardens).

Recommendation

Delete Listed Building Consent be Granted and replace with:

RECOMMENDATION A

That the Welsh Government should be advised that Wrexham County Borough Council is disposed to grant Listed Building Consent in accordance with Article 3 of the Planning (Listed Building/Conservation Area) Regulations 1990 subject to the attached conditions.

RECOMMENDATION B

That the Head of Community Wellbeing and Development be authorised to issue the appropriate certificate forthwith if the Welsh Government refers the application back to the Council for determination.

PAGES 93-101 PEN P/2013/0868

Consultations

Public Protection: Recommend a condition in respect of measures to limit the impact of conversion works.

Recommendation

The following condition is added:

Condition 08:

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).

PAGES 107-115 WRC P/2014/0020

Consultations

Neighbours:

7 letters of objection on following grounds:

- increased traffic on Rivulet Road and in area generally
- increased demand for parking on Rivulet Road including construction phase
- only one entrance to site – no emergency access
- loss of light, privacy and loss of views
- poor design and will impact on the existing character
- increased noise
- contamination and drainage issues
- tree felling
- footpath should be retained as close as possible to existing
- pedestrian footpath through the development could cause safety issues

Observations

The concerns expressed through neighbour consultation are largely addressed in the main report. No trees of any merit will be removed and planning conditions will require a landscaping scheme.

Amendment to main report and amenity section – para 1. None of the properties directly affected by the development on St Johns Road have two-storey extensions, but some do have single-storey.

With regard to concerns regarding privacy between the new development and properties on St Johns Road and the proposed development to the immediate west, plans are being prepared to delete balconies and provide selective obscure glazing. I am confident that the amended scheme, which will be submitted in the next few days, will address the issues.

Whilst Highways are waiting for some limited further information it is not fundamental to the determination of the application and could be conditioned.

Recommendation

~~My recommendation remains in accordance with the main report.~~

Alterations to Recommendation B and Recommendation C

Alteration to Recommendation B:

Add – to secure in perpetuity the houses are retained as affordable housing and not sold.

Recommendation C

Should read – “If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990, as detailed above, is not completed within six months of the date

of the Committee resolution, the Head of Community Wellbeing and Development be given delegated authority to REFUSE the planning permission for the following reason:

No adequate provision has been made for education facilities to meet the needs of children in the area inadequate play areas to meet the requirements of development and to ensure acceptable levels of affordable housing are retained in the area.

PAGES 116-120 BAN P/2014/0069

Consultations

Rights of Way:

Would not want any parking area or gates on the bridleway as this would obstruct the passage of users. It is also unclear what width is being left between the shelter/feed store and the eastern boundary. The access gate from Station Road and the second gate, which appears to be connected to the animal shelter, are also very close to each other.

Community Council: Object to this request on the basis that whilst the application is presented as a matter concerning time limits, the plans actually suggest alteration to the access/egress from the land which is in direct contravention of the conditions on which the original application was granted. The Community Council is also concerned with the extension of time in that no works have taken place to date and it was noted that trees planted to the rear of the properties at the top of Station Road have not been well maintained and left to over grow.

Observations

A further plan accurately plotting the bridleway and the proposed development is required, and this will be secured by planning condition (please see below). Furthermore the proposals and conditions in relation to the access/egress are identical to the original submission.

Recommendation

Additional Condition:

No part of the development shall commence until a plan accurately plotting the location of 'Bangor bridleway 5' has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on the site plan approved as part of this application, no part of the shelters/feed store or parking area should interfere with the bridleway, nor shall any gates or other structures be erected on or across the bridleway, and this shall be confirmed on the same plan to be submitted. (Reason: In order to ensure that the bridleway is not obstructed in the interests of the free flow of users).