

APPLICATION NO:
P/2021 /0313

LOCATION:
FORMER EBENESER CHAPEL 2
CHESTER ROAD WREXHAM
LL12 7AD

DATE RECEIVED:
29/03/2021

COMMUNITY:
Acton

CASE OFFICER:
SJG

WARD:
Maesydre

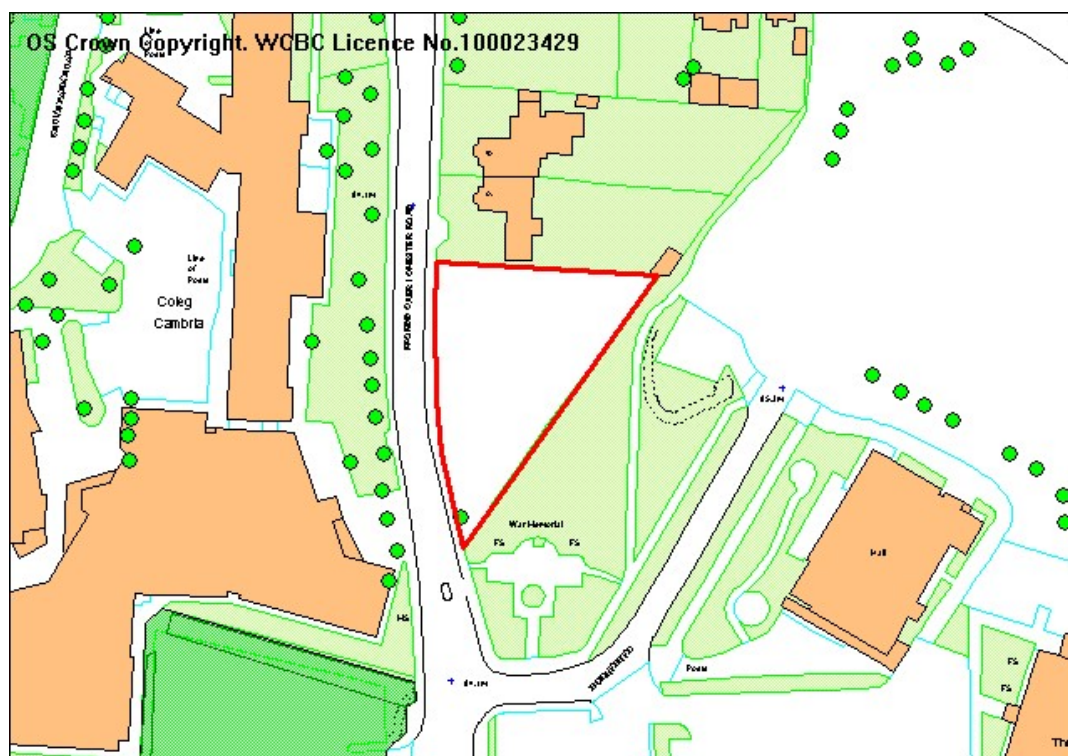
DESCRIPTION:
AMRYWIO AMOD 01
CYFANSODDIAD CYNLLUNIO
P/2016/0337 I ESTYNU CYFNOD
AMSER AR GYFER CYFLWYNO
DATBLYGU / VARIATION OF
CONDITION 01 OF PLANNING
PERMISSION P/2016/0337 TO
EXTEND TIME PERIOD FOR
COMMENCEMENT OF
DEVELOPMENT

AGENT NAME:
MR JOHN SMALL

APPLICANT(S) NAME:
MR JOHN SMALL

THE SITE

The site is a triangular area of land amounting to 0.16 hectare, on the east side of Chester Street to the north of the War memorial.



PROPOSAL

As above. The application seeks permission to extend the time for commencement of development by 3-5 years.

HISTORY

P/2016/0337	Demolition of former chapel and erection of 23 no. apartments, over four floors, with associated parking, external works and access. Granted 23/3/2017 subject to s106 agreement
P/2016/1030	Demolition Notification. Approved 1/12/2016

DEVELOPMENT PLAN

The site is within settlement limit. A tree at the southern end of the site is subject to a TPO. UDP Policies GDP1, GDP2, PS1, PS2, H2, H7, CLF5 and EC4 apply, together with Local Planning Guidance Notes 10 Public Open Space, 16 Parking, 17 Trees, 21 Space around dwellings, 27 Schools Contributions, 28 affordable housing, 30 Residential design and 32 Biodiversity. Wrexham Town centre masterplan is also relevant

CONSULTATIONS

Community Council:	Objects to the request to vary the original Condition 1. The demolished building has left an eyesore on the main approach into the town centre and works should commence within the original time period to ensure the amenity of the area is improved within the original time frame.
Adjacent Community Council:	Consulted 6/4/2021
Local member:	Cllr B Martin Objects. I too am concerned the developer will not be able to redevelop the site and putting up a new fence isn't going to change the derelict site behind it.
Adjacent Local member:	Cllr M Jones objects. Very concerned at this developer's ability to actually redevelop the site. Wrexham has far too many derelict buildings and wasteland as it is, no doubt in part because we have been too lenient with developers who find themselves unable to continue the work for whatever reason. Offers to change the fencing is just window dressing as he's made clear that he doesn't have the finance in place to build on the site.
Highways:	No objections.
Public Protection:	No comments.

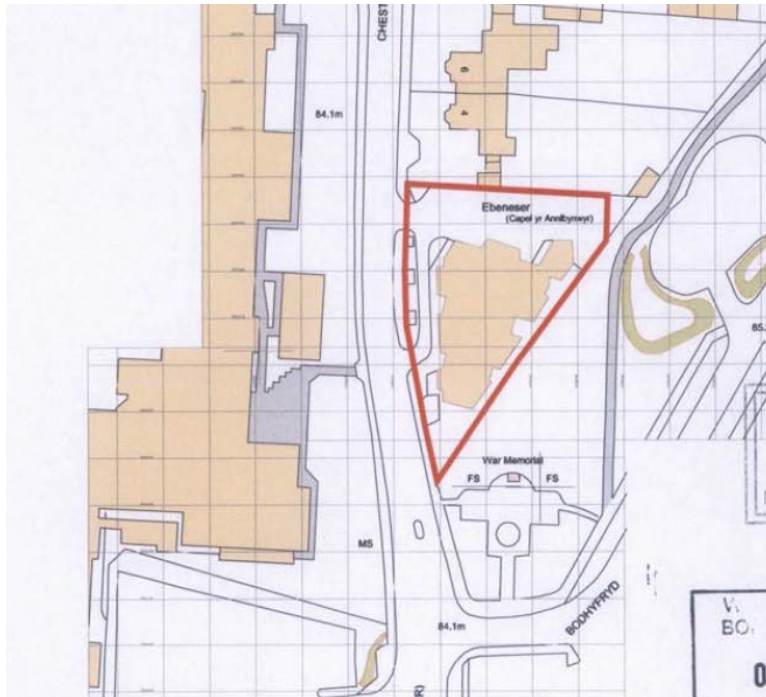
Contaminated land;	No comments.
Natural Resources Wales:	No objection.
Education:	Consulted 06/04/2021
Tree Officer:	Consulted 06/04/2021
Ecology Officer:	No objections
Site Notice:	Expired: 07/05/2021
Neighbours:	Notified 14/04/2021

SPECIAL CONSIDERATIONS

Background: The previously approved scheme sought planning permission in full for the demolition of the existing vacant church building and for the erection of a block of apartments comprising 23 no. 2 bed units. The block of apartments are proposed in a 'V' shape stepped over 3, 4 and 5 floors. The five storey element forms a feature section in a prominent position adjacent to the war memorial site. The church has now been demolished under a separate demolition notice.



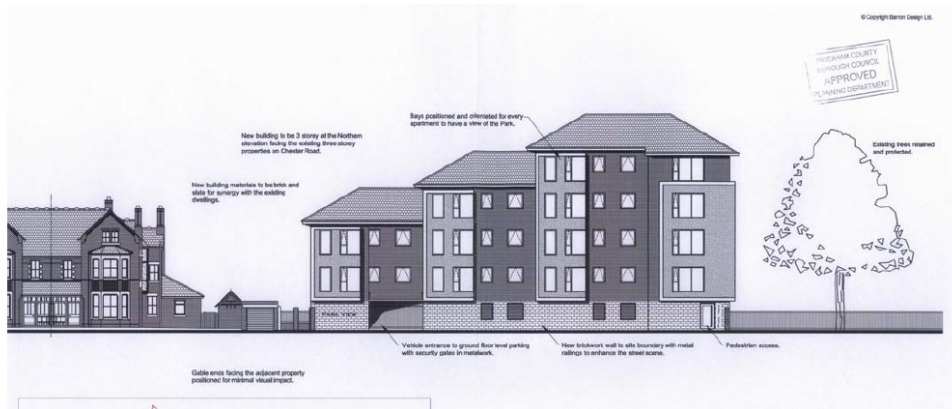
Existing Streetscene



Location Plan



Proposed site layout



Proposed Chester Street Elevation

Principle of Development: Welsh Government Circular 016/2014 on the 'Use of Planning Conditions' allows for the renewal of a planning permission before the time limit has expired, and recognises that *"Uncertain economic conditions may have an effect on the ability of developers to bring forward development."*

Paragraph 5.21 of the circular states that:

Planning permission can be renewed before the time-limit for the commencement of development has expired, under section 73 of the 1990 Act. As a general rule, such applications should only be refused where:

- there has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the Government of new planning policy guidance, material to the renewal application);
- continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or
- the application is premature because the permission still has a reasonable time to run.

The first bullet point does not apply in this case with the exception of ecology and drainage issues as discussed below.

With regard to the second point, the site has been cleared under a separate Demolition Notice. It has been just over 4 years since planning permission P/2016/0337 was granted and it is true to say that economic conditions have been very difficult during this period.

In terms of the third bullet point, the planning permission has less than a year to run and so the timing of the application is appropriate.

Ecology: The application has been screened under the recent guidance from Natural Resources Wales regarding phosphate levels in the River Dee SAC and it is considered that there would be no adverse impacts, and an appropriate assessment is not required.

Drainage: SAB approval will now be required for the proposed development, but there is no reason to make a different decision based on information currently available.

Visual amenity: The appearance of the site is a cause of concern and the applicant has offered to discuss a more appropriate boundary treatment for the building site once an extension of time is granted. It is considered that working with the developer to discharge the conditions and allow development to commence in a slightly longer time frame is the best way to ensure that the site does not remain vacant for a long period.

CONCLUSION

There are no planning grounds to refuse the application based on Welsh Government Advice.

RECOMMENDATION A

That the Council enters into an obligation under Section 106 of the Town and Country Planning Act 1990 requiring:-

Confirmation of the Section 106 agreement for the previous application, requiring a contribution towards the provision of off-site public open space improvements.

The final form and amount shall be determined by the Chief Officer Planning & Regulatory.

RECOMMENDATION B

That 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 Chief Officer Planning and Regulatory be given delegated authority to REFUSE planning permission for the following reason:-

The development does not provide for improvements to public open space provision in accordance with Policies GDP2 and CLF5 of the Wrexham Unitary Development Plan.

That the Chief Officer Planning & Regulatory is given delegated authority to determine the final form and content of reasons for refusal.

RECOMMENDATION C Subject to the completion of the S106 obligation, planning permission be GRANTED subject to the following conditions:-

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of three 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 102 Rev P4, 200 Rev P4, 201 Rev P3, 202 Rev P3, 203 Rev P3, 204 Rev P3, 205 Rev P3, 206 Rev P2, 207 Rev P2, 208 Rev P1, 300 Rev P3, 301 Rev P3 and 302 Rev P1 and contained within the application documentation.
3. Prior to their use on the development details of all external facing 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. The development shall be carried out in strict accordance with the Arboricultural Impact Assessment reference no. Tree Solutions 16/AIA/WXM/184 (including Tree Protection Plan) and the Arboricultural Method Statement reference no. Tree Solutions 16/AIA/WXM/184. No development or other operations shall take place except in strict accordance with the reports as approved.
5. 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. The works shall be carried out in strict accordance with the details as are approved.
6. No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works 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. The supervisory works shall be carried out in strict accordance with the details as approved.
7. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a five year Maintenance Plan and timescales for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.
8. The landscaping scheme submitted and approved in connection with condition no. 7 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
9. The landscaping scheme as carried out in connection with condition no. 8 shall be retained for a minimum of 5 years. Within this timescale, any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.
10. 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.

11. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 43 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
12. 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.
13. The vehicular parking area as shown on approved drawing numbers 200 Rev P4 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.
14. Within one month of the date of this permission, a scheme of temporary fencing along the highway frontage of the site shall be submitted to and approved in writing by the Local Planning Authority. The fence as is approved shall be implemented on site within one month of the date of the approval, and thereafter retained until the commencement of the development hereby approved.

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. To protect trees which are of significant amenity value to the area.
5. To determine whether tree roots are present and to minimise harm to the retained trees in the interests of visual amenity in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
6. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
7. 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.
8. 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.
9. 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.
10. 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 in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

11. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

12. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

13. To provide for the parking of vehicles clear of the highway in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan

14. To ensure a satisfactory standard of appearance of the site in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

You are advised that this grant of planning permission was made following the completion of an Agreement under Section 106 of the Town and Country Planning Act. Before undertaking any work under this permission you are advised to obtain full details of the Agreement and ensure that you are able to comply with its terms.

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.htm

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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 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.

A licence must be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to lower the kerbline and cross the footpath. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.
