

WREXHAM COUNTY BOROUGH COUNCIL
PLANNING COMMITTEE MEETING OF 7th DECEMBER 2020

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
39-46	MAE	P/2020/0366		√
47-62	WRA	P/2020/0497	√	
63-68	WRO	P/2020/0549		√
75-86	BRO	P/2020/0570		√
87-108	LLA	P/2020/0623		√

Pages 39-46 **P/2020/0366**

Open Space, Hillcrest, Penley, Wrexham, LL13 0NW

SPEAKER: FOR – George Mellitzer

Pages 47-62 **P/2020/0497**

Barkers Lane CP School, Barkers Lane, Wrexham, LL13 9UN

SPEAKER: AGAINST – Mark Rees (Neighbour)

Pages 63-68 **P/2020/0549**

38 Pen y Bryn, Wrexham, LL13 7HY

SPEAKER: FOR – Steve Edgeller (Agent)

Pages 75-86 **P/2020/0570**

Land Adjoining Treetops, Wrexham Road, Brynteg

SPEAKER: FOR – Dafydd Edwards (Agent)

Pages 87-108 **P/2020/0623**

Land at Home farm, Gresford Road, Llay, Wrexham

SPEAKER: FOR – Bryn Richards (Agent)

Pages

39-46

Code Number

P/2020/0366

Consultations

Legal Services: The applicant for the registration of the land as a village green has asked that the application be withdrawn. This is awaiting confirmation from the Commons Registration Authority.

Applicant's Submission

The applicant has requested a deferment pending the outcome of the Village Green application and issues raised in respect of covenants which has been determined as a material consideration. We also note from the Committee Report that the land is described as open space, public open space and amenity greenspace. Please can the Council provide clarification in respect of exactly what status this land has? Also please can the Council provide us with a copy of the MAE02 Amenity Greenspace Document/Policy that is referred to in the Committee Report as we have been unable to locate this in the local plan or on the Council's website. The status of the land is a material consideration and it is imperative that the Committee Report is clear about this point before the application is determined.

Observations

I do not accede to this request for a deferment, as the reasons provided are not material planning considerations. The Village Green application and any additional information in respect of covenants have no bearing upon your consideration of this change of use application.

The applicant acknowledges within the description of the development that the site is presently open space. The issue of whether it is in public or private ownership is immaterial. To help clarify the position I have included the definition of open space from Annex A of Welsh Government TAN 16.

Open space is defined in the Town and Country Planning Act 1990 as land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. For the purposes of this guidance, open space should be regarded as all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport, recreation and tourism, and can also act as a visual amenity, and may have conservation and biodiversity importance. Areas which are privately owned may have amenity value, although access will not be possible without the agreement of the land owner. Areas like domestic gardens are relevant, since places without or with few gardens, are likely to be more reliant upon the provision of public spaces.

As you can see the definition of open space is not limited to land owned / maintained by the Council. In fact much of the open space we secure on new housing

developments is not adopted by the Council any longer but is managed by private management or residents management organisations. However, it is still open space as defined above.

The change in ownership does nothing to the status of the land in terms of its permitted use in this case the site has never been used for a purpose incidental to the occupation of a dwelling, therefore any such use would involve a material change of use.

Recommendation

Unchanged

Pages 47-62

Code Number P/2020/0497

Consultations Cllr Debbie Wallice has requested the application be deferred to next month to allow time for the local Councillors and the public affected by the proposal to have the opportunity to read the Transport Assessment which was only released on the public website on Tuesday December 1st.

Observations

I do not accede to this request as Highways have raised no objection in principle and the assessment has been fully appraised by Officers.

Correction – Delete condition 6 as it duplicates the requirements of condition 8 and condition 7 delete ‘existing hedges along’ from condition, condition 14 should say ‘the proposed staff car park’.

Recommendation

Unchanged

Subject to the above amendments remains unchanged.

Pages 63-68

Code Number P/2020/0549

Consultations

Public Protection Response received 20/11/2020.
No comments to make.

Local Member – Response received 30 November 2020.

Insufficient information has been submitted in which to judge the application.

Planning permission was originally granted to change the use of the building to a retail store (A1) under P/2015/0353. The store originally opened without the benefit of a valid planning approval, given not all of the conditions attached to the decision notice had been complied with, prior to the store opening.

A further application was approved under P/2016/0937 which gave permission in retrospect for the amended design and appearance, following the original conversion.

Conditions 2 and 3 required changes to the visibility splays to Pen Y Bryn and Tenter's Square within a month of the approval date and that the splays should be kept permanently clear of obstruction to visibility.

Condition 4 required car parking to be laid out, resurfaced and drained within a month of approval and maintained as such thereafter.

Presently, these conditions have not been complied with and the required improvement works have not been carried out.

Condition 5 restated the requirements of the Service, Delivery and Parking Management Plan - revision D dated March 2017 which had been approved under delegated powers without being presented to Committee at the end of April under planning approval P/2016/1124. This was very specific in its requirement.

Section 2 specifies the proposed servicing and delivery arrangements, requiring the car park area to be coned in preparation for the arrival of a delivery vehicle, limiting these to one delivery vehicle at a time, limiting the length of any delivery vehicle, and requiring these to be driven in a forward direction, in through one entrance and out through the other. Deliveries are not allowed before 8 a.m. or after 10 p.m. However, as we have discussed many times, these conditions are regularly breached. There are many occasions when two or more long articulated vehicles deliver to the store forecourt at the same time, and no attempt is made to clear the car park area to accommodate them. Very often, the second vehicle will reverse in from Tenter's Square, and will park for unloading with the vehicle protruding across Tenter's Square, and often into Pen y Bryn, blocking the main entrance along Tenter's Lane into St Mary's School, and putting the safety of pupils in danger. In addition, additional delivery vehicles will park along Pen y Bryn, creating an obstruction to the free flow of traffic along this busy route in and out of the town centre. The Highways section have recently concluded a consultation, and we are at present waiting for the new yellow lines and signage to be installed, to prevent parking and loading and unloading along the frontage on Pen y Bryn. The local Policing team regularly report their concerns about the dangers created by delivery vehicles servicing the store, and their concerns about the dangers to school pupils and other pedestrians in the locality.

The applicants are now asking in one of the current applications for the delivery times to be extended. Before such a change is considered, it is essential for a new Service, delivery and parking management plan to be drawn up, one which will have the full support and co-operation of the new owners, and which is fully enforceable through planning condition.

Condition 10 of P/2015/0353 required the submission of a plan “showing the extent of outbuildings to be demolished and the final finish and appearance of the element to be retained. The demolition and subsequent retained building shall be carried out strictly in accordance with those details approved”.

All along, there have been concerns about the unauthorised use of the outbuildings to the rear of the Store as a Bakery, operating through the night, with deliveries and collections taking place often before 6 a.m. causing much annoyance and disturbance to the residents of Pen y Bryn and Bellevue Court and the surrounding area - all outside the currently permitted hours of 8 a.m. to 10.p.m

The use as a Bakery has never received planning approval.

Submitted plan A2 201007 / 002 however labels one of the outbuildings as a “Bakery”, and also shows an L shaped block of store rooms and cold store behind the main store building. Drawing number (PL)001 shows that the “Bakery” element is to be demolished, but does not indicate the intention with regard to the other outbuildings, though the space would presumably need to be free in order to accommodate the larger extension alongside the “Plant Area” new building. This extension is marked BOH, though there is no indication as to what this represents?

Is it intended that the new extension “BOH” is in fact a replacement Bakery? If this is the intention, there would surely be a “change of use” which would require the submission of a further application? If such a change is being considered, it would not be acceptable for this to be in use, and for deliveries and collections, to be taking place as happens now.

The Community Council express the same concerns.

The submission of these two applications by a new owner would appear to be an opportunity to put the past behind us, to deal with all the longstanding problems and make a fresh start - if the following matters could be incorporated into new planning approvals - to ensure that this establishment does in future operate fully and safely within all the necessary regulations.

- 1 The need for the previously unfulfilled conditions regarding visibility splays and setting out the car park area to be carried out.

- 2 The submission and approval of a new Service, Delivery and Parking Plan, which would be fully respected by the applicant and fully enforceable so as to put an end to the problems that have caused such dangers in the area, and risks to pedestrians, especially school children, over the past few years.

- 3 Limit the use of the Store and the new Outbuildings to the agreed hours.

4 As part of this package, consideration could possibly be then given to extending the hours by an additional hour requested - from 7 a.m. rather than 8 a.m.

Before these matters can be concluded, it will be necessary to receive further information and clarity from the applicant as to which outbuildings are to be demolished, and whether either the BOH or Plant room is intended as a replacement Bakery - in which case a change of use application may be needed in addition.

Further comments received from Local Member 4th December 2020

Offa Community Council met last night and discussed the two planning applications relating to the site. They share the concerns about the need for a revised Service, Delivery and Parking Plan. The Site Committee in 2016 agreed that because of the location and surrounding residential properties, opening hours for the store should be limited to 8 a.m. to 10 p.m. Whilst there would be no objection to increasing the hours for delivery by 1 hour, to start at 7 a.m. rather than 8 a.m., subject to conditions, would it be possible to retain the current hours of opening for the store as 8 a.m. to 10 p.m.? **Could condition 7 be amended to reflect this?**

Could Condition 5 be replaced by wording such as:

“A revised Service Delivery and Parking Management Plan should be submitted for approval within one month of the date of this approval”?

Observations

Response to Additional Consultation Responses Received

This application is solely to vary condition 7 attached to the previously approved application under P/2016/0937. It is not within the remit of this application to consider other issues raised in relation to the proposal, namely previous non-compliance of conditions and the more recent application submitted by the applicants. We cannot punish the current applicant for previous breaches and cannot prejudge an application which should be considered separately under planning ref P/2020/0750. Any further applications at this site referred to above should be considered on their own merits and will be in due course.

In many respects the earlier start may alleviate some of the concerns raised in terms of current deliveries and the difficulties manoeuvring within the site and public highway as it will be quieter in terms of passing traffic and customers. In terms of the impact on residential properties the 7am start is consistent with other commercial/retail operating times in the town centre and Public Protection have made no comments

I do not consider the proposal will therefore result in any adverse impact upon amenities of neighbouring residential properties over and above the existing situation, to warrant refusing the application.

However I would agree with the Local Member in terms of the need for a revised Service Delivery and Parking Management Plan, if only to ensure there is consistency in terms of the start time and to avoid any confusion between the requirements of Condition 5 and Condition 7. I propose to revise Condition 5 as set out in the recommendation below.

In terms of the opening hours I am reluctant to exceed this request. It is not what has been applied for and the justification for resisting the change is not justified. Many other stores open at 7am and we would need to show specifically what the harm would be opening an hour earlier. I do not consider there is sufficient evidence to demonstrate this.

I am satisfied that the proposal would comply with UDP Policy GDP1.

Committee Report

The Committee Report states on page 66 that under the application approved as part of P/2015/0353, the opening hours to the store were restricted to between 07:00 – 23:00 hours.

This is an error. Whilst the recommended condition in the Committee report Ref P/2015/0353 restricted the opening hours to the above mentioned times, the actual condition on the decision notice restricted the hours to between 08:00 and 22:00. This was replicated in P/2016/0937

However, as the current application merely proposes to extend the time in the mornings by one hour from an 8am to a 7am start time with no other changes and both Public Protection and Highways have not expressed any concerns I am satisfied that the proposal would continue to comply with UDP Policy GDP1 and my recommendation remains unchanged on this basis.

Recommendation

Remains unchanged.

Amend condition 5

5. A revised Service Delivery and Parking Management Plan shall be submitted to the Local Planning authority by January 31st 2021. The development shall be carried strictly in accordance with the approved revised plan.

Pages 87 – 107

Code Number P/2020/0623

Representations

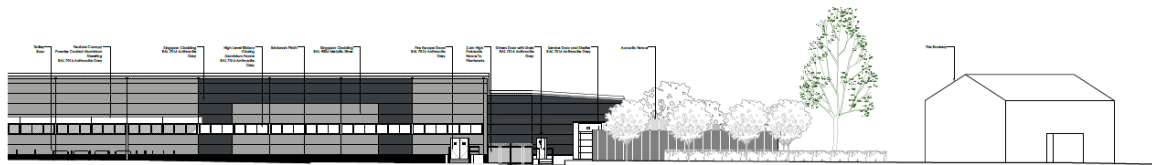
3 no. representations received in support of the proposal.

Observations

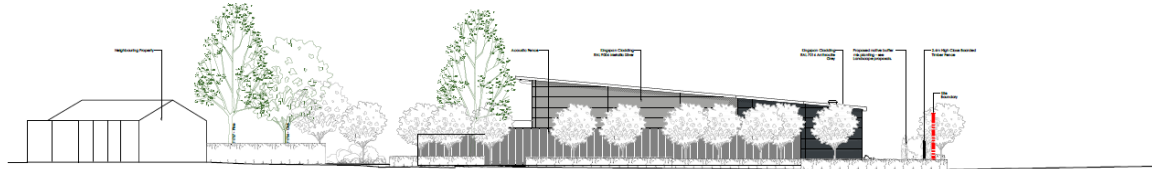
No observations in relation to the additional representations received.

To assist your understanding of the proposal below is a proposed site layout and elevational details.

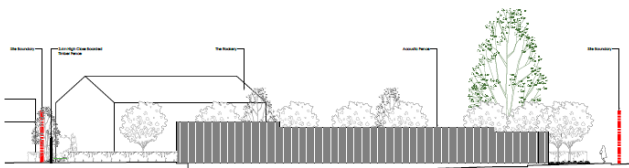




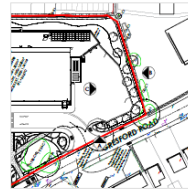
A - GRESFORD ROAD ELEVATION 1:200



B - LOADING BAY ELEVATION 1:200

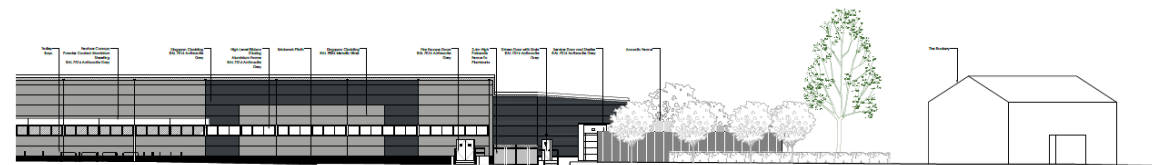


C - LOADING BAY INTERNAL ELEVATION 1:200

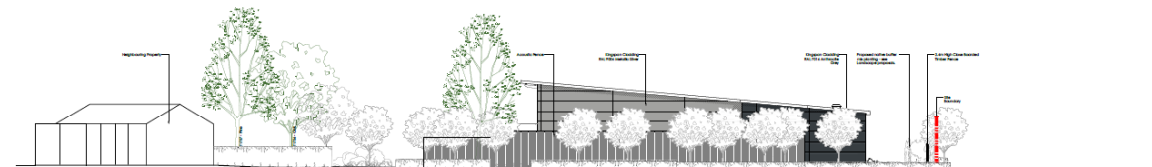


Elevation Key: Not to Scale

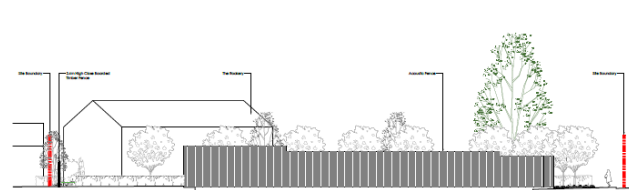
Client	ALDI STORES LTD
Project Title	PROPOSED DEVELOPMENT GRESFORD ROAD LLAY
Status	PLANNING
Scale	1:500
Date	SEPT 2020
Drawn by	MS
Checked by	MS
Project No.	2636NESW-129



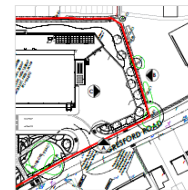
A - GRESFORD ROAD ELEVATION 1:200



B - LOADING BAY ELEVATION 1:200



C - LOADING BAY INTERNAL ELEVATION 1:200



Elevation Key: Not to Scale

Client	ALDI STORES LTD
Project Title	PROPOSED DEVELOPMENT GRESFORD ROAD LLAY
Status	PLANNING
Scale	1:500
Date	SEPT 2020
Drawn by	MS
Checked by	MS
Project No.	2636NESW-129

Amendments to Conditions

Please note, the following conditions have been amended so that they are more precise in their wording. The amended wording is included below.

Condition 16

No development shall commence until a scheme detailing the layout, design drainage, lighting and construction of all highway works associated with the Straight

Mile including left turn only access and associated signing and extension to the left turn lane at Crossroads junction has been submitted to the Local Planning Authority. The scheme shall be approved and fully implemented prior to the first use of the development.

Condition 17

No development shall commence until details of the zebra crossing, bus stop, all footways and signage within the public highway have been submitted to the Local Planning Authority. The scheme shall be approved and fully implemented prior to the first use of the development.

Condition 18

No development shall commence until a Stage 2 Independent Safety Audit has been submitted for the proposed scheme to the Local Planning Authority. The Stage 2 Independent Safety Audit shall be approved and a Stage 3 Independent Safety Audit shall be submitted for approval post construction.

Condition 22

The planting scheme implemented in connection with condition no. 6 shall be permanently retained. Any planting which becomes 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 within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.

Addition of condition

Please note the following condition will be added into the suggested conditions list, in accordance with advice provided by the Tree Officer:-

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 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).

Deletion of condition

Please note condition 20 (submission of landscaping scheme) included within the Committee Report can be omitted, given this is already secured as part of condition 6 (approved landscaping scheme).

Condition 20 will now refer to the requirement for the submission of an Arboricultural Method Statement, prior to commencement of development.

Recommendation

Remains unchanged.

For ease of reference, all conditions from condition 16 onwards, are referenced below. Conditions 19 and 21 remain unchanged from the Committee Report.

CONDITION(S)

16. *No development shall commence until a scheme detailing the layout, design drainage, lighting and construction of all highway works associated with the Straight Mile including left turn only access and associated signing and extension to the left turn lane at Crossroads junction has been submitted to the Local Planning Authority. The scheme shall be approved and fully implemented prior to the first use of the development.*
17. *No development shall commence until details of the zebra crossing, bus stop, all footways and signage within the public highway have been submitted to the Local Planning Authority. The scheme shall be approved and fully implemented prior to the first use of the development.*
18. *No development shall commence until a Stage 2 Independent Safety Audit has been submitted for the proposed scheme to the Local Planning Authority. The Stage 2 Independent Safety Audit shall be approved and a Stage 3 Independent Safety Audit shall be submitted for approval post construction.*
19. *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.

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 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.*
21. *No part of the development shall commence until details of underground and overhead services have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details as approved.*
22. *The planting scheme implemented in connection with condition no. 6 shall be permanently retained. Any planting which becomes 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 within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.*

REASON(S)

16. *In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.*
17. *In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.*
18. *In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.*

19. *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.*
20. *To ensure the work is carried out to accepted arboricultural practices for the long term well being of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.*
21. *To ensure that the works on the site properly take account of the future health of the trees in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.*
22. *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.*