

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 7th OCTOBER 2019

APPLICATION NO:
P/2017 /1045

LOCATION:
THE LAW COURTS BODHYFRYD
WREXHAM
LL12 7BP

DATE RECEIVED:
19/12/2017

COMMUNITY:
Acton

DESCRIPTION:
DEMOLITION OF LINK TO
ADJACENT POLICE BUILDING AND
ERECTION OF NEW TWO-STORY
CUSTODY SUITE TO COUNTY
COURT BUILDING TOGETHER WITH
ASSOCIATED EXTERNAL WORKS
AND NEW ACCESS

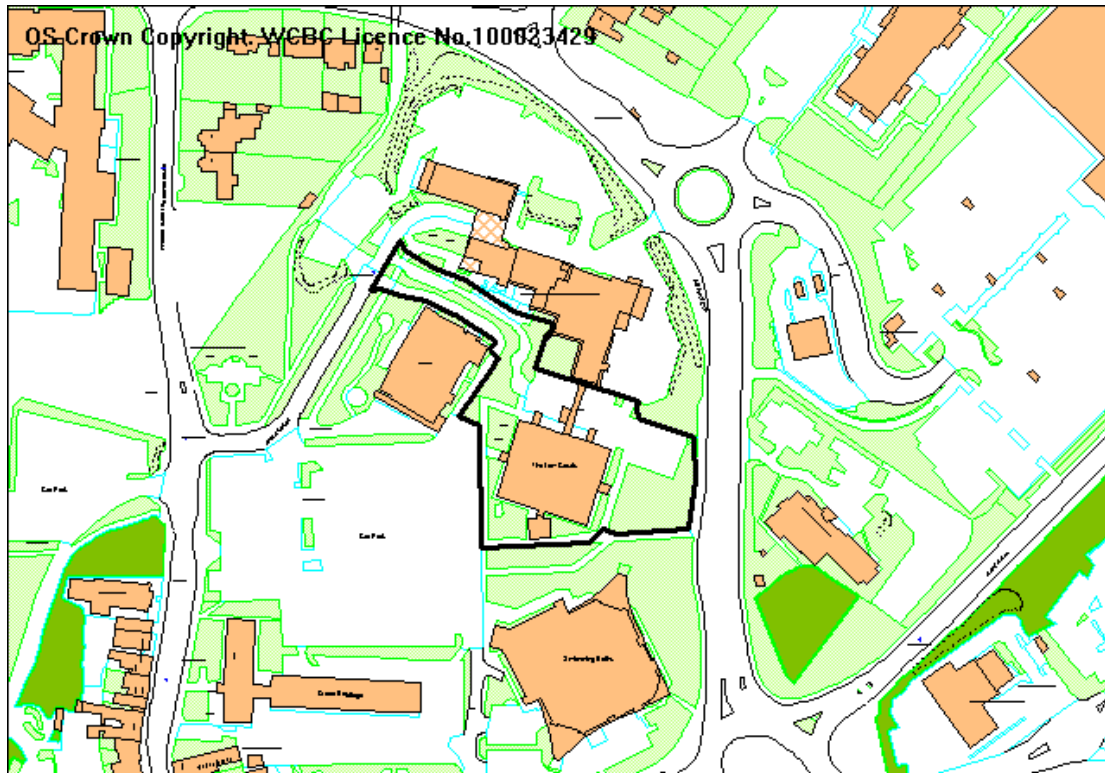
CASE OFFICER:
PF

WARD:
Maesydre

AGENT NAME:
DESIGN GROUP
CHESTER
ROGER LATHAM

APPLICANT(S) NAME:
JULIE STEELE
MINISTRY OF JUSTICE

THE SITE



PROPOSAL

Planning permission is sought to carry out an extension to the existing magistrates building to provide for the creation of a custody arrival and

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departure block along with secure cell accommodation. The proposal consists of a standalone block to be located adjacent to the northern site boundary linked by a 'bridge' to the existing court building. A proposed layout plan and elevation drawings can be found later in this report.

HISTORY

P/2010/0658 – New entrance to court building. Granted 08.09.2010

PLANNING POLICY

The site is located within the defined Wrexham Town settlement limit. Policies PS1, PS2, GDP1, EC4, EC13 and T8 are relevant. Guidance is contained in Local Planning Guidance Note 16 – Parking Standards and 17 – Trees and Development.

CONSULTATIONS

A period of re-consultation has been carried out on 03.09.2019 following receipt of a suite of amended plans.

Community Council:

The Community Council recognises that the design and layout of the building is subject to the requirements of the Ministry of Justice Service and welcomes the retention of the Magistrates Court in the Wrexham Town Centre.

The Council has no objection to this proposal but recommends that if the application is granted, consideration should be given to imposing conditions relating to the plain pitched roof to ensure there are sufficient security measures put in place within the design of the building to ensure public safety and that trees of equal amenity to any felled for the new building and access are planted and should improve the diversity of trees and ensure tree health.

Local Member:

Initially consulted 21.12.2017

Site notice:

Expired 12.02.2018

Highways:

No objection but makes the following observations:

- No barriers or CCTV columns should be located on the adopted highway.
- A condition survey should be submitted pre and post development to ensure that the condition of the adopted highway at the point of access is maintained favourably.

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Public Protection:	Recommends conditions to control hours of construction and dust suppression measures.
Neighbouring occupiers:	5 neighbouring occupiers notified. One response received raising the following points: • The proposal will result in the loss of trees which as a group make a significant contribution to the town centre and provide habitat and linkages through the urban environment; and • The trees are also aesthetically appealing and have a high amenity value; the application will go against the ethos of promoting green infrastructure.

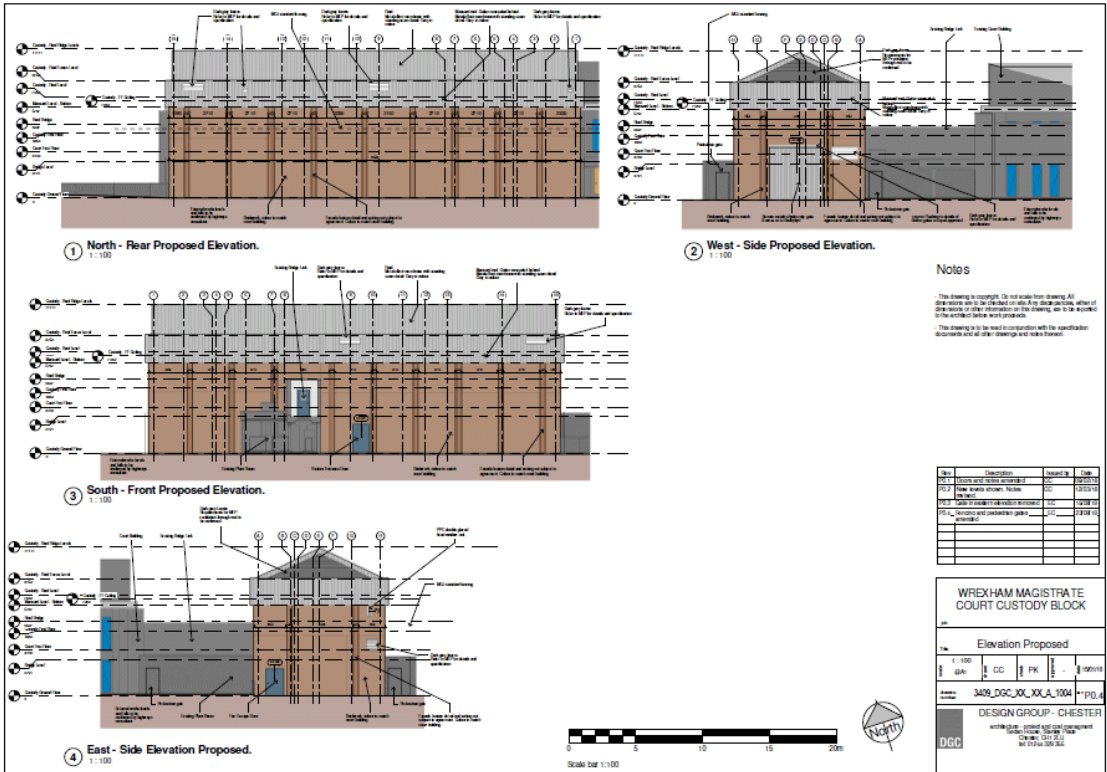
SPECIAL CONSIDERATIONS

Background: This planning application was originally submitted in late 2017 and has been the subject to detailed negotiation culminating in a set of amended plans which were eventually submitted in late August 2019. On the basis of the amended submissions, a period of re-consultation has been carried out with all consultees and neighbouring occupiers.

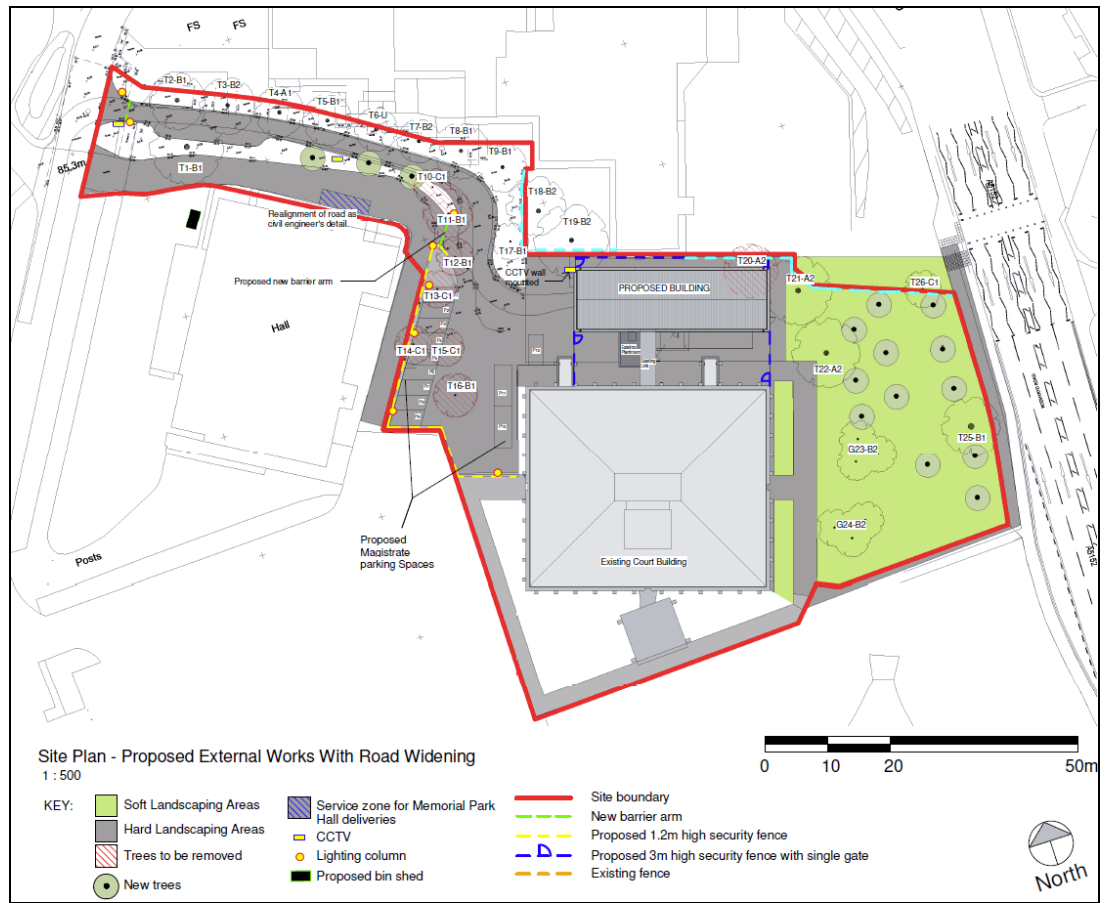
The proposal relates to the need for Her Majesty's Courts and Tribunal Service, hereinafter referred to as HMCTS, to make provision within the curtilage of their site for secure custodial accommodation, including vehicular access and egress for the judiciary and custody vehicles. This development is required because these facilities can no longer be offered to the Magistrates Court within the former North Wales Divisional Police HQ building following their vacation of the site.

For the benefit of Members, a proposed site layout and elevation drawings of the extension are shown below.

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Proposed elevations



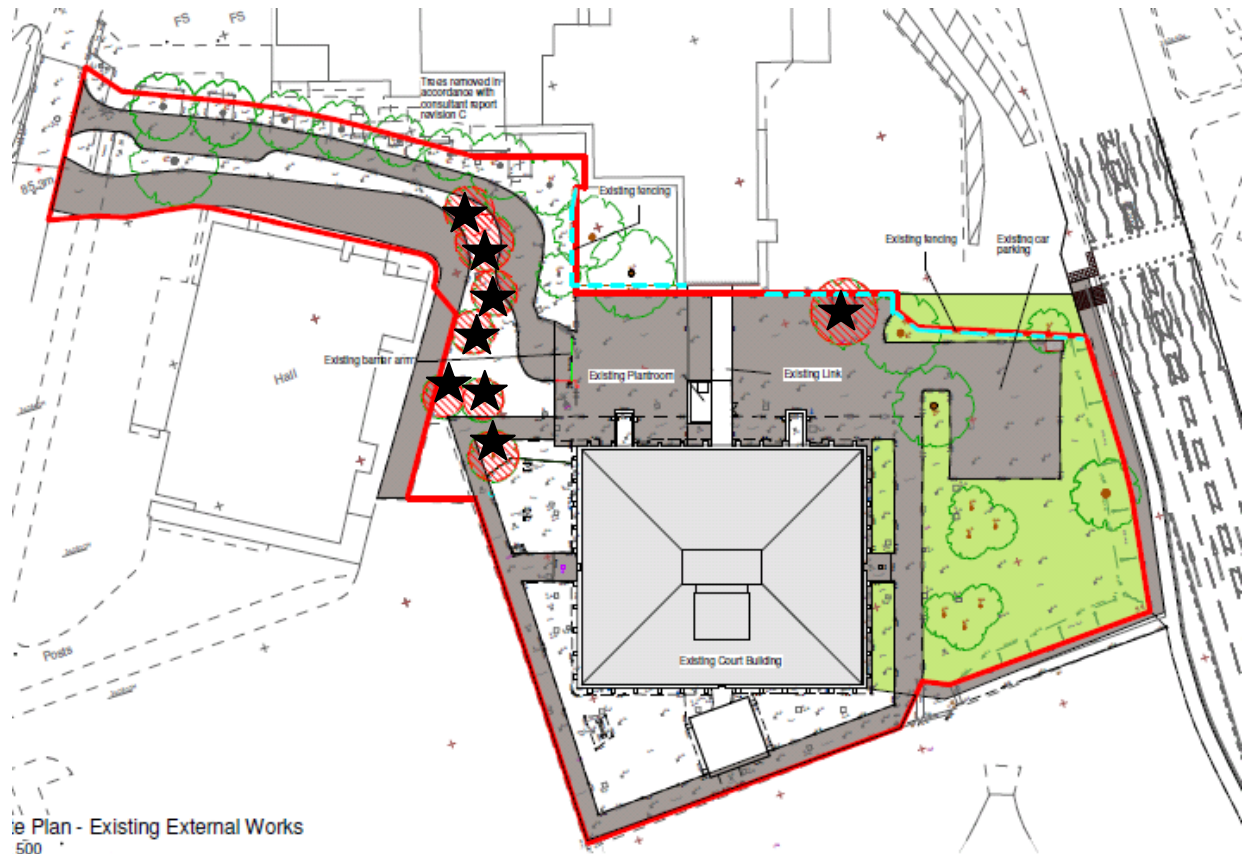
Proposed site layout

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Visual impact: The proposal consists of a number of elements. The primary alteration to the site is the proposed custody block extension. This would initially appear as a detachment from the existing court building when viewed from outside the site. However there is a narrow corridor link which will be retained between the two buildings. Due to the nature of its use, the design of the building features no windows. Therefore the building does have a stark block like appearance although it has been designed in manner to reflect the form and characteristics of the existing court building. Subject to the use of materials which match the existing court, I am satisfied the building could sit comfortably without appearing incongruous in the street scene.

The remainder of the alterations will occur to the rear of the court and Wrexham CBC Memorial Hall. These will be a reorientation of car parking spaces on an existing hardstanding area to serve the courts and the provision of a shared 'in' and 'out' access for the court and Memorial Hall. This reorientation includes the provision of fencing to provide adequate security for the court as well as guide visitors and pedestrian around both sites. This area is currently mainly used as servicing and parking for both areas, therefore I do not consider these fencing alterations will detrimental to the wider townscape character.

Trees: A significant constraining factor with the application that has lead to a long period of negotiation is the impact the proposal will have on the existing mature tree coverage. A consequence of the loss of the police HQ site is the need to provide direct access to the site for custody vehicles as well as provide staff and judiciary parking provision. This element, along with footprint of the custody building, will result in the loss of 8 mature trees, the majority of which have been identified as category B, with one category A tree. These trees are also the subject of a TPO confirmed earlier this year. The plan below indicates trees to be removed.



Existing layout plan. Star symbol indicates trees to be removed.

The overall scheme now integrates well with the arboricultural constraints on site with the trees agreed for removal in principle now identified and adequate mitigation for such losses now provided for through enhanced tree planting primarily located across both existing open space and within a hard surface parking area which is to be lifted and appropriately prepared for landscaping.

The efforts and co-operation of the applicant to achieve the integration of the custody suite with both minimal tree loss and appropriate tree planting is very much acknowledged and it is considered the proposal will comply with UDP policy EC4 and LPG17.

There are some minor elements of concerns with detailed contained on submitted drawings in relating drainage and service runs interfering with root protection areas of some trees to be retained. I have sought to address this matter with the applicant and I will update Members of progress by way of the addendum.

An updated Arboricultural Method Statement, to include details of Arboricultural supervision will be required and this can be dealt with by way of condition.



Layout plan indicating mitigation planting.

To mitigate the loss of the identified trees, officers have negotiated a planting scheme to the frontage of the court building as it faces onto Bodhyfryd. This is currently used as a parking area but upon construction of the proposed extension will become redundant. The applicant has provided a landscaping and maintenance scheme which will remove the hardstanding and result in the planting of trees to complement existing trees. Whilst it is unfortunate that any mature trees need to be identified for removal, I am satisfied that the need to provide the facility and the proposed mitigation planting outweighs this harm. I am therefore satisfied that the proposal accords with policy EC4 as a result.

The trees identified for removal are not considered to have ecological merit in their own right, but as a collective contribute to the green infrastructure of the urban environment. By the same token, I am satisfied that the mitigation planting will provide for a suitable replacement which can mature in perpetuity.

Highways: Highways do not raise fundamental concerns in relation to the principle of the development. The site has an existing established use as a court and there are no concerns in relation to the anticipated custody traffic movements transferring from the former police HQ to the rear Bodhyfryd.

At present, there are two narrow driveways which serve the court site for staff access and the rear of the Memorial Hall for servicing. This proposal seeks to provide a shared arrangement allowing court and Memorial Hall vehicles in the southerly access with court vehicles leaving via the northerly drive and Memorial Hall traffic via a new exit on to Waterworld Car Park. Whilst highways do not object to the principle of this arrangement, they have raised concerns that the two drives should be hardbound for a distance back from the adopted highway to reduce the likelihood of vehicles mounting the verge. The applicant has provided a swept path analysis which shows this to be

unnecessary. The only vehicle that is likely to do so is a 'worst case scenario' construction crane which would only visit the site at build stage. To carry out these alterations purely for this purpose would be wholly disproportionate and I do not consider it necessary to insist that the applicant carries out these works. The requirement for a pre and post construction condition survey of the adopted highway is also considered disproportionate and burdensome on the applicant. This would be a matter for enforcement through Highways legislation if damaged and not rectified.

Finally, the provision of a traffic control barrier has been raised as a concern because of the potential to cause a backlog of traffic on to the highway. The position of such barriers when considered against the proposed flow of traffic is so divorced that there are unlikely to be any instances where traffic entering or leaving the site will be high as to cause detrimental congestion on the adopted highway. I propose no changes be made in this regard. Any concerns relating to the position of the barriers and CCTV columns in the public highway are a matter for any applications under the Highways Act.

Parking provision is considered acceptable. The site is located in the town centre adjacent to a large public car park. Any shortfall in parking provision in comparison to existing is likely to be absorbed by this provision.

Other matters: Concerns have been raised regarding the flat roof nature of the structure and implications for security. I am satisfied that the design criteria have been fully specified by HMCTS in accordance with national standards. I have no reason to believe that the design presented is any less secure than would normally be expected.

Conclusion: I am satisfied that the proposed development can assimilate into its existing surroundings. Whilst the loss of a significant number of mature trees is unfortunate, I have balanced this loss against the mitigation planting proposed and the need to provide an upgraded facility within the town. On this basis I recommend accordingly.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five 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 3409-DGC-XX-XX-A-1003 Rev P0.7, 3409_DGC_XX_XX_A_1004 Rev P0.4, 3409_DCG_XX_XX_A_1020 Rev P0.8, 3409_DCG_XX_XX_A_1040 Rev P0.4, FD1-WCS-07-19 Tree Planting and Maintenance Scheme, WCS-SUT-ZZ-XX-DR-C-620-0001-P01.02_PRIVATE DRAINAGE LAYOUT and FENCE DETAIL and as contained within the application documentation.

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3. Prior to their use on the development, a specification of all facing materials shall be submitted to an approved in writing by the local planning authority. The development shall be carried out in accordance with the details as submitted.
4. 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:
 - a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - b) 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;
 - c) 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;
 - d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - f) Method for protecting retained trees during demolition works;
 - g) Details of all proposed tree works, including felling and pruning.
5. All mitigation planting shall be carried out in the first available planting season following to the first use of the development in accordance with the detail contained in approved document TPS/WCS/07/19 Tree Planting and Maintenance Scheme. All planting shall be retained and maintained in accordance with the approved scheme.
6. Prior to the first use of the development hereby approved, all access, parking and turning areas shall be laid out, surfaced and marked in accordance with the details contained in approved drawing number 3409_DGC_XX_ XX_A_1040 Rev P0.4 and retained in this condition thereafter.
7. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.

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.

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4. To protect trees which are of significant amenity value to the area in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
 5. 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.
 6. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 7. To protect the amenities of the occupiers of nearby properties and to ensure the free flow of traffic on the adopted highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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