

WREXHAM COUNTY BOROUGH COUNCIL PLANNING COMMITTEE
MEETING OF 7 JANUARY 2019

REPORT OF THE
HEAD OF ENVIRONMENT AND PLANNING

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 – 74	ROS	P/2018/0560	√	√
75 – 80	BRN	P/2018/0572	√	
123 – 128	ISY	P/2018/0977		√

Pages 29 – 74 ROS P/2018/0560

Land North and South of Lane Farm, Rossett Road, Trevalyn, Rossett, Wrexham

AGAINST: J Filce (Objector)

FOR: J Paul (Agent)

Consultations

Cllr Rob Walsh: Objects to the proposals on the following grounds:

1. Education - Darland School is currently full, so the addition of this development as well as the Gresford Road Development in Llay creates real uncertainty about the school's long-term ability to cope with catchment area demand. Until the effects of the Gresford Road Development are fully understood, any large scale developments in neighbouring communities would be unwise.
2. Alyn Family Doctors - The Health Board clearly states that this would put huge extra strain on a practice that is already strained by large patient numbers. Patients already struggle to obtain GP appointments now, so any significant additional housing within the local communities could be a tipping point. Until definite plans are revealed to increase the capacity at Alyn Family Doctors then no further large scale housing developments should be approved.

To conclude, this application breaches UDP Policy GDP2 and should be refused

Health Board: The health board cannot provide absolute evidence of sufficient impact that would provide clear grounds for rejection of the

application. That decision of itself would be for the panel to make, bearing in mind the total impact on community infrastructure, and given that there is not a specific health policy at present (although we look forward to that changing with the approval of the LDP that is currently being developed).

NRW: Confirm their position remains unchanged in respect of flooding.

Education: Have provided the following information regarding the capacity at The Roff School in Marford:

Number on Roll	Capacity	Admission Number	Surplus Places	Pupils from Rossett Ward	% Demand From Rossett Ward
204	210	30	6	28	13.73%

Representations

4 further representations received. A summary of the matters raised are set out below:

- Proposals to modify/widen footpaths in Trevalyn Hall View and Darland view does not accord with the views of the wishes of considerable numbers of property owners/occupiers;
- Many of the footways in the area are not owned by WCBC. Consultation with all of the residents would be required;
- Any alteration to any path of access that will involve the roots to all of the protected trees in the area are precluded;
- As alterations to improve access for residents have been vetoed in the past to protect trees, it is clear they cannot now be disturbed or altered for a 3rd party therefore any part of the scheme on 3rd party land must be refused;
- Any proposed footpath of cycleway will impact and intrude severely on the peace and wellbeing of the estate;
- Confirm previous objections apply;
- You are required to deal with the application in accordance with PPW10 and the UDP;
- Concerned you are saying you have to take the age of the UDP in account;
- Cannot choose when you are going to follow UDP and when not – expect all aspects of the UDP to be utilised;
- Presumption against developing BMW land;
- UDP Inspector found no justification for development outside of the boundary of Rossett;
- Both fields are within Green Barrier, SLA and outside of the boundary and contain grades 2 and 3 agricultural land;
- PPW10 now makes very clear when dealing with place making and throughout PPW10 that in order to facilitate sustainable development you have to interact with Communities;
- Lack of a five year land bank does not give the Planners the right to ridge rough show over national and local planning policies;
- There is no need for this development;

- Schools and doctors are full;
- Highways concerns about suitable pedestrian provision;
- Flooding;
- Dangerous precedent if approved;
- Cannot use the emerging LDP or make reference to it;
- Call in request submitted to the Minister of Housing and Local Government;
- Site Selection Process has been improperly undertaken – this goes to the heart of the plan;
- Failed to impart the real content of Savills objection and failed to fairly summarise all other objections;
- Developer told the site was being proposed under the LDP almost 2 years before Members and the Public were let into the secret;
- Case officer involvement has been totally skewed and biased in the applicants favour and has resulted in a one sided report;
- you should take immediate legal advice on this matter and ensure the Members get similar legal advice before they are asked to rule on this application recommendation;
- We are looking at complaints to WCBC and the RTPI regarding the way in which this matter has been handled.
- Resident of Harwoods Lane confirms they witnessed first-hand the River Alyn flooding in 2000 which covered the village from Station Road and Mill Lane right through to Cooks Bridge and Daisy Lane at Parkside. The flooding covered parts of Alyn Drive, Trevalyn Way, completely covered the Alyn Drive flood plain and crossed Harwoods Lane thereby starting to encroach on the fields abutting Lane Farm.

In addition the objectors have provided me with;

- A photograph showing standing water in Trevalyn Way on 6 November 2000;
- A copy of proposed amendments to NRW's Development Advice Map;
- Correspondence between one of the objectors and the Association of British Insurers;

Observations

The majority of the matters raised by the objectors are dealt with in my main report. There are two issues that need further comment:

Footpath Provision in Trevalyn Hall View and Darland View

Full details of the footway improvements will be required by condition 08, however in the case of both Trevalyn Hall View and Darland View, the works can be carried out on land entirely within the ownership of the Council. The applicants would however need to reach separate agreement with the Council, as landowner, to implement the improvements.

In both cases the improvements can be carried out without the removal of existing trees. For the most part the works will involve the widening of existing footways. Whilst these pass close to existing trees I am satisfied that provided the works are carried out with care that they are unlikely to result in significant harm to them or their root protection areas. Condition 06 will be amended to make it clear that the Arboricultural Method Statement should include specifications for these works.

Flood Risk

NRW have advised that there are to be minor changes to the Development Advice Map along Harwoods Lane. However the application site will remain outside of zone C1 and C2 and is therefore not at unacceptable risk of flooding.

School Contributions

It is clear from the information provided by Education that The Roft school is Marford is to all intents and purposes full. Whilst I consider it likely that many future occupiers of the site would choose to send their children to St Peter's school given its proximity, it is also clear that a significant minority of demand for places at The Roft comes from Rossett.

Given that The Roft school is only approximately 2 miles away from the application site it is not unreasonable to conclude that the development has the potential to generate demand for places at the school that cannot be currently accommodated. I am therefore satisfied that seeking financial contributions are necessary to make the development acceptable in planning terms and the contributions are directly related to impacts arising from the development. Furthermore in accordance with LPG27 the contributions take account of both the size of the dwelling and the number of dwellings built so they will be fairly and reasonably related in scale and kind to the development.

Recommendation

RECOMMENDATION B is amended as follows:

That the Council enters into an Obligation under Section 106 of the Town and Country Planning Act 1990 to secure:

- a) The provision of affordable houses. 25% of the total number of dwellings built on site shall be affordable;
- b) The payment of a commuted sum in order to secure the full 25% affordable housing as required by Local Planning Guidance Note 28 in the event of part of the affordable housing requirement being less than a full dwelling unit.
- c) The management and maintenance on-site public open space;
- d) Financial contributions towards primary and secondary education.

That the Head of Environment and Planning be given delegated authority to approve the final form and content of the Obligation.

Condition 06 is amended as follows:

No part of the development shall commence in a phase until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority for that phase. No development or other operations within that phase 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 (to include paths required by condition 08), 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.

Add note to applicant:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

*** Notice of initiation of development**

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.

*** Display of notice**

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty.

The person carrying out development must ensure that the notice is:

- a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- b) Legible and easily visible to the public without having to enter the site; and
- c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Pages 75 – 80 BRN P/2018/0572

Woodlands Farm, Conery Lane, Bronington Whitchurch

AGAINST: Mr Paul Martin (Neighbour)

Representations

2 further representations expressing the following concerns:

- Flooding;
- Will a drainage/FRA plan be created prior to the determination of the application;
- Concerned NRW have approved reasonable avoidance measures. Strongly believe all work should be carried under licence;
- Feel the project is being rushed and such a mild winter it could be the case that Newts will be coming out of hibernation earlier than expected.

Applicant's Submission

The applicant has provided responses to the matters raised by the objectors

Observations

The issue of flooding is addressed in my main report. The applicant's agent has also confirmed that a drainage plan will be submitted with the reserved matters application for the warehouse development. Given the nature of the development proposed by this application I do not consider it necessary to impose a requirement for a drainage scheme to be submitted either prior to or after determination.

The Ecological Mitigation Plan includes a Non-Licensed Method Statement which confirms that should Great Crested Newt be identified on the site a licence would be required. It also confirms that prior to any works the area should be checked to avoid risk of harm to GCN. The Council's Ecologist has not expressed any concerns about the development and NRW have no objections. I therefore have no reason to believe that subject to the works being carried out in accordance with Habitat Management Plan and Ecological Mitigation Plan they pose a risk to GCN.

Recommendation

Unchanged.

**ALL OTHER ITEMS WILL BE SHOWN IN THE ORDER OF THE ORIGINAL
AGENDA**

Pages 22 – 28 WRO P/2018/0448
The Brighter Futures, Belmont Road, Wrexham

Representations

1 additional objection expressing the following concerns:

- Parking issues;
- Blocking of driveways and pavements;
- Illegal parking close to junctions.

Observations

Parking is discussed in my main report.

Recommendation

Unchanged

Pages 85 – 90 GWE P/2018/0738
Cricket Ground Park Wall Road, Bradley, Wrexham

Applicant's submissions

The applicant has provided a 3 page statement regarding the current status of the application. Due to its length the salient points to the planning application have been summarised as follows:

- *One of the main problems with the move was the lack of equipment storage, with our coaches facing a 12-mile round trip in two cars to transport equipment. All our coaches are unpaid volunteers;*
- *Following discussions with WCBC Members and Officers, the proposed location was identified as the most suitable due to the proximity of the container to the pitches, the path leading up to the site allowing easy transportation of equipment, the security of the container as could be seen from the road, we could screen the container with Green V Mesh fencing already used by the Bowling club and School and the location also means that the coaches can keep an eye on their children on the pitches while transporting the equipment as there is a clear view of the pitches from the proposed location;*
- *The proposed alternative location for the container suggested by the bowling club, which is on an area of land that we had previously considered and dismissed due to the securing of the container. The site would require considerable amount of additional cost, to level the area before siting the container and there is no clear line of sight of the pitches from the container, it would also increase the H&S risk and its relocation would require a further planning application;*
- *the applicant wishes the Planning Committee to support the application as the only alternative suitable location for the storage container would be by the pitches, but has been ruled out;*
- *After discussions with Council officers the proposed location has been identified as the most suitable location;*

- *In our application we had identified possible problems with vandalism and anti-social behaviour have had attempted to overcome any problems with the installation of a V mesh security fence, which we are happy to install at the same time as the container is sited.*
- *The V Mesh security fence would also screen the view of the container and blends in with the fencing currently around the site;*
- *The alternative location proposed by the Bowling club was originally discussed but was dismissed due to the reasons stated above;*
- *Before requesting that our application was relisted for planning, the club waited over three weeks for contact from the local members or the bowling club, the only contact that we received was from WCBC confirming that in their opinion the current proposed location was the best site for the container.*

Representations

Local Member (Cllr D. Griffiths)

- *In November an application was placed before you in respect of the siting of a shipping container in Bradley for the use of Llay youth Football club (which you deferred for one month) for talks to take place,*
- *I feel due to a misunderstanding on both sides in respect of “were officers” instructed by committee to make this happen or was it made clear to the applicant and objectors that it was their responsibility,*
- *For whatever reasons these talks have not taken place, again I wish to make it perfectly clear I nor the immediate community users are against the club using the Wauns football pitches my only concern is like others is the welfare of the users of the bowling club who have endured much damage and anti-social behaviour in the past.*
- *The anti-social behaviour was addressed by the Community Council in them spending £40K to redevelop the adjoining skate park and to use the opportunity to lower the high standings which youths used to intimidate the bowling club users by shouting and throwing items over the fence onto the surface of the artificial green causing property and emotional damage.*
- *What is now being proposed is a possible return to those very disruptive times by siting the container indicated on your plans showing how close it will be to the boundary fence. As you are aware certain new builds should take into consideration in their design the reduction of crime or the fear of crime, shipping containers in my mind are no less important to those rules. The opportunity to remove that fear rests with you all today*
- *Please refuse this application in favour of a reapplication or condition it to include a higher fence to the same height as the bowling club boundary fence erected the same time as installation to help remove those very real fears.*
- *May I ask who will be responsible for the container if the club was to relocate?*
- *There would be no support to having the entire area fenced off as this would prevent further expansion of the neighbouring changing rooms.*

Ian Lucas MP

Correspondence has been received from the neighbouring bowling club. The bowling club has no objection to the siting of a container but would wish it to be located 10m away from the bowling club boundary fence. The concern relates to vandalism and the container may provide easy access to the green as it is considerably higher than the current fence. The club have attempted to contact the applicant in this regard but have been unsuccessful.

Lesley Griffiths AM

Correspondence has been received from the neighbouring bowling club. The club are happy for a 3m fence to be erected around the container but there are concerns as to the proximity of electricity cables. There has been considerable anti-social behaviour at the facility previously and there is concern the shipping container could increase vandalism. The inclusivity of the Bowling Club, catering for disabled and partially-sighted players is an issue as there is concern this could be severely impacted. Please also clarify why the bowling club were notified as a consultee.

Neighbouring occupier

Further correspondence has been received from the neighbouring bowling club secretary as follows:

- *If this application is accepted we would like conditions put in place that a 3 metre perimeter fence is placed around the container. We are agreeable to our boundary fence being used as the rear boundary preventing a gap between the rear fence of the container and our boundary fence; and*
- *We would like the council to consider is that the fence is installed at the same time as the container is sited.*

Observations

The assessment of the proposed location of the container is included in the main report. For clarity, the following observations are made in relation to the current situation and the proposal now before Members.

The resolution of the Planning Committee was to advise that discussions be held by the applicant with a view to finding an alternative location for the container. A letter was sent to the applicant on 11.2018.

Whilst the applicant was made aware of the Planning Committee's concern, he was made aware that changing the proposed location of the container would incur the need for a further planning application and a further fee.

Council Planning Officers cannot insist that the applicant enter into negotiations with any third party, neither would it be appropriate for the Local Planning Authority to act as an intermediary to negotiate on behalf of a third party's desires. That applicant has the right for their application to be determined on the basis it was presented – the applicant has confirmed that this is the case. I remain satisfied that the proposed container would be appropriately located subject to appropriate security fencing.

The applicant is agreeable to the erection of a security fence around the proposed container. This is reflected in recommend condition no. 4 in the main report. For the benefit of Members figure 1 below shows a possible position for the fence that would be acceptable to Officers – the final design detail of the fence would be agreed prior to commencement of development and erected prior to the first use of the container.

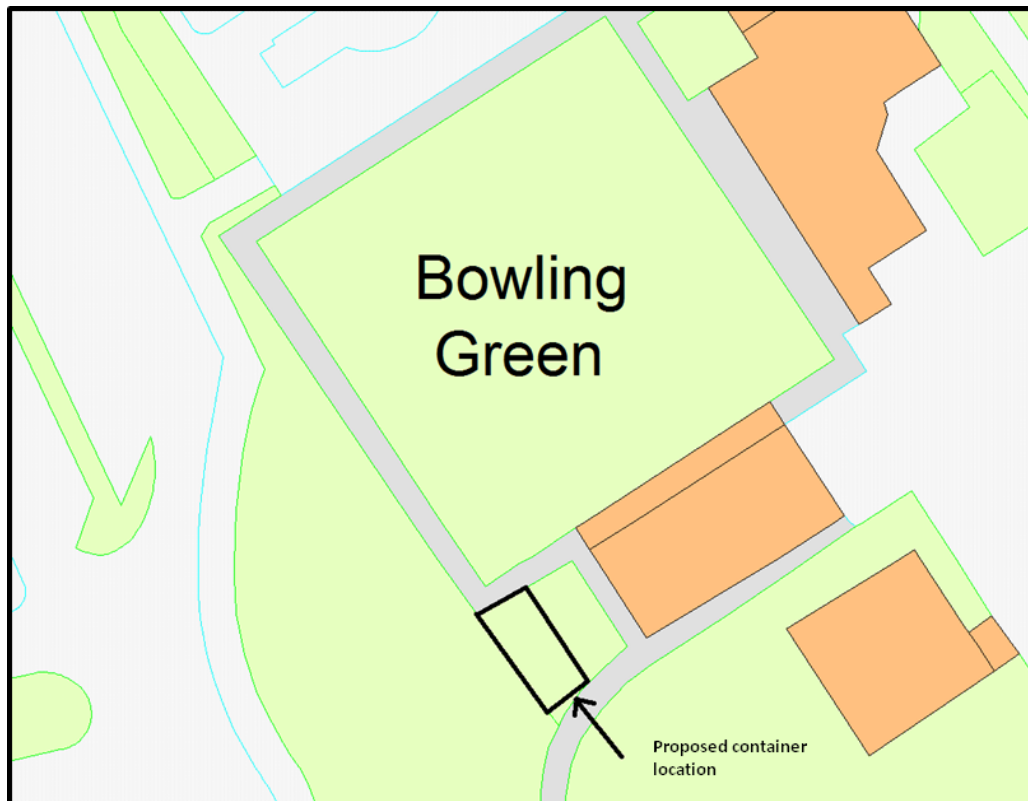


Figure 1 – proposed acceptable fence location

The neighbouring bowling club have requested that the security fence be erected at a height of 3m. For visual consistency and to prevent any fencing appearing out of place, I propose to amend the condition so that the height of the fence matches the height of the existing bowling club fence.

It is acknowledged that there are electricity supply cables in close proximity to the proposed container which also supply the bowling club site. There is no reason to suggest that locating the container would cause detriment to these cables. It is the applicant's responsibility to liaise with the relevant utility provider.

The electronic address points labelled across the wider recreational area are unclear. Officers notified those addresses which appeared as organisations rather than physical features such as 'bowling green'. It is for this reason that it is council policy to also post a site notice, which was the case with this application.

Recommendation

Amend condition no. 4 to read as follows:

4. Prior to the first use of the development hereby approved, a means of enclosure shall be erected between the points highlighted on the approved plan in accordance with details which have been submitted to and approved in writing by the local planning authority. The fence shall be specified at the same height as the neighbouring bowling green perimeter fence. The fence shall be retained for the duration of the use of the siting of the container.

R: In the interests of security and for the prevention of antisocial behaviour.

Observations

The HMO concentration figure stated in the report is wrong – it was based on the concentration without the proposal being counted. The correct figure, were planning permission for this proposal granted, would be a concentration of 5% (3 properties). This change in concentration is considered negligible and falls well within the threshold stated in LPG5.

Recommendation

Remains unchanged.