



Appendix14
Application
P/2016/0373 -
Officer's
Report &
Planning
Committee
Minutes

REPORT OF THE HEAD OF ENVIRONMENT AND PLANNING
6th JUNE 2016

APPLICATION NO:
P/2016 /0373

LOCATION:
LAND SOUTH OF THE MINERS
WELFARE INSTITUTE LLAY NEW
ROAD LLAY WREXHAM
LL12 0TH

DATE RECEIVED:
14/04/2016

COMMUNITY:
Llay

CASE OFFICER:
MP

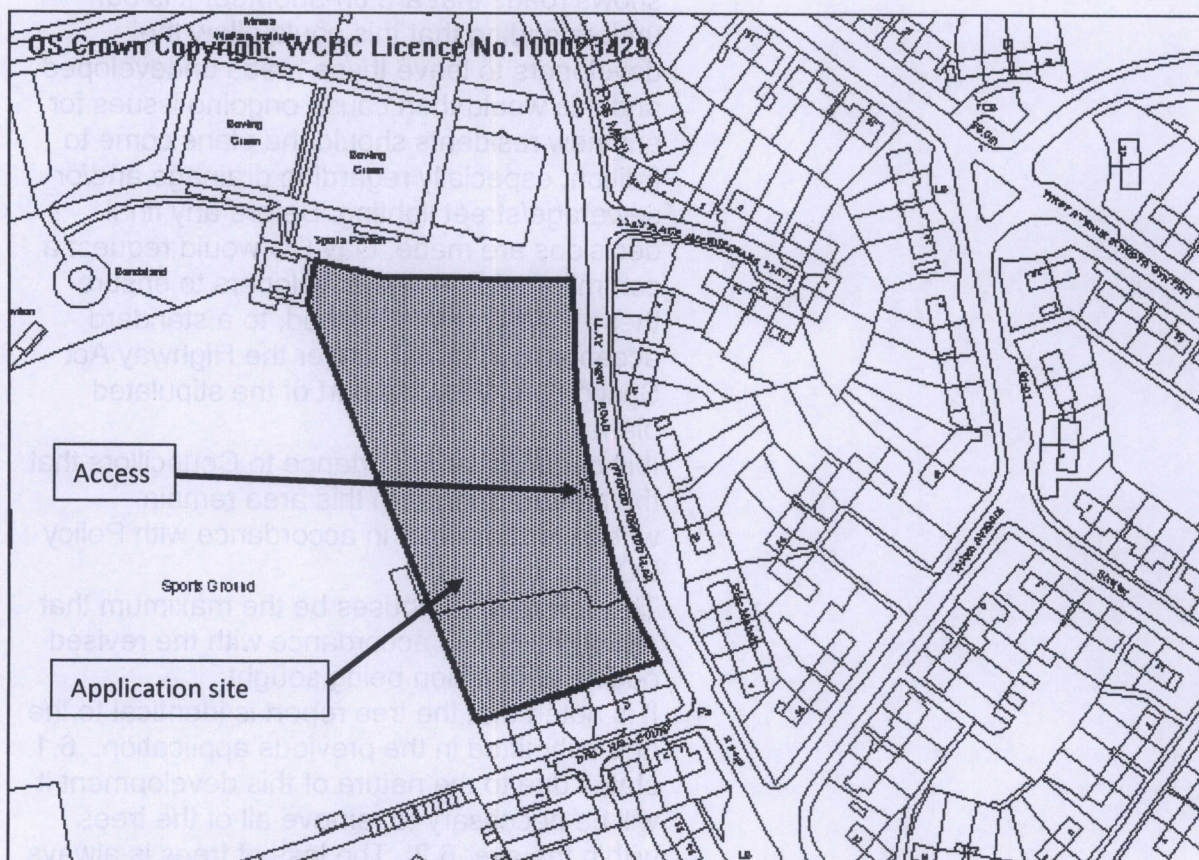
WARD:
Llay

DESCRIPTION:
OUTLINE APPLICATION FOR
RESIDENTIAL DEVELOPMENT AND
FORMATION OF NEW ACCESS

AGENT NAME:
BOB DEWEY PLANNING
MR B DEWEY

APPLICANT(S) NAME:
LLAY MINERS WELFARE INSTITUTE
AND RECREATION GROUND

THE SITE



PROPOSAL

Outline planning permission is sought for residential development. Approval is also sought for the site access. Appearance, landscaping, layout and scale are reserved for subsequent approval. Whilst the description of development

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does not include reference to a specific number of dwellings, the application is accompanied by an indicative layout plan for 18 dwellings.

HISTORY

P/2015/0669 Outline application for the erection of 24 dwellings and formation of new vehicular and pedestrian access.
Refused 2.11.2015

DEVELOPMENT PLAN

Outside of settlement limit. Policies PS1, PS2, GDP1, GDP2, EC4, EC6, EC9, H5, CLF4, CLF5 and T8 apply.

CONSULTATIONS

Community Council:

Have the following comments:

- The current map of the proposed development shows roads that are un-adopted. It is our understanding that this could allow the developers to leave these roads undeveloped and this would then cause ongoing issues for any new residents should the plans come to fruition, especially regarding drainage and/or sewerage/street lighting. Before any final decisions are made, Llay CC would request a commitment from the developers to ensure these roads are made good, to a standard accepted by WCBC (under the Highway Act Section 38, 1980) as part of the stipulated plans;
- It is of particular importance to Councillors that the mature hedges in this area remain whenever possible, in accordance with Policy EC4;
- The listing of 18 houses be the maximum that are permitted, in accordance with the revised outline permission being sought;
- It is noted that the tree report is identical to the one submitted in the previous application. 6.1 states due to the nature of this development it will be necessary to remove all of the trees within the site. 6.2. The loss of trees is always regrettable although in this instance these losses can be mitigated with a new tree planting scheme within the development. Therefore there is concern that healthy mature trees could be removed and replaced by new ones. Could this be clarified;

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- Finally, it is the strong wish of the community that any monies are paid directly for the benefit of the Llay Miners Institute as stated in the design & access statement;
 - In principle, there are no objections to this application, but the Community Council would be grateful if you could respond, where possible, to the issues listed above.
- Local Members: Notified 20 April 2016
- Public Protection: Recommends measures to limit the impact of construction.
- Highways: Have made the following comments:
- There is adequate space available to create an access that complies with current highway standards. The footway/cycleway must be maintained at the frontage of the development with the construction of dropped crossings/tactile paving on the kerb radius;
 - The proposed access is opposite an off road parking layby. I understand that concerns have been raised about the legality of parking in this layby when it is within 10 metres of a junction. The Highway Code states you should not park opposite or within 10m of a layby **except in an authorised parking space**. As the layby is an authorised parking space there is no legitimate reason for the police to issue a fixed penalty notice;
 - Adequate off road parking must be provided;
 - The traffic generation from a development of this size will be approximately 1 vehicle every 3 minutes in the peak period and is unlikely to have any detrimental impact on highway safety.
 - Conditions recommended.
- Education: Contributions towards primary and secondary education required.
- Welsh Water: Recommend drainage conditions.
- North Wales Police: Recommend the site be developed in accordance with secure by design principles.
- NRW: Confirm the comments made in respect of P/2015/0669 remain valid:
- Biosecurity*
- We advise that any permission includes a condition requiring the submission and implementation of a Biosecurity Risk Assessment;
- Protected Species*
- We consider the ecological assessment for land to be satisfactory in this case for the

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purposes of informing the public decision making process;

- We note the conclusions of the assessment, and consider the survey and assessment in respect of the various species to be satisfactory. Further advice and guidance in respect of birds and reptiles should be obtained from your own ecological advisors;

Flood Risk

- The application site lies entirely within Zone A, as defined by the Development Advice Map (DAM) referred to under TAN15: Development and Flood Risk (July 2004). As such, flood risk is not considered to be a significant constraint on the proposed development;
- Due to its size and the potential increase in impermeable area, such development has the potential to increase surface water runoff rates, with a resulting increase in flood-risk elsewhere;
- The Applicant has indicated in their planning application form their intention to dispose of surface water through soakaway techniques, although no information has been submitted as part of the application submission to demonstrate that such techniques are viable on this site (i.e. on-site percolation tests);
- As they fulfil the role of Lead Local Flood Authority, we recommend that you consult your Drainage Department for their views on the planning application;
- Any proposed surface water drainage scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates (up to and including the 1% probability rainfall event, plus an allowance for climate change). Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

Site Notice:

Expired 18.5.16

Press Notice:

Expired 27.5.16

Neighbours:

The owners/occupiers of 19 nearby dwellings notified 27.4.16. 2 representations received expressing the following concerns:

- Difficulties using the layby opposite the site due to traffic flow and restricted visibility will be exacerbated;

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- The site access will be within 10 metres of the layby opposite. Cars parked in the layby may be classed as a road traffic offence;
- Will existing fence and hedge remain, if not will the ground near existing properties be affected by their removal;
- Surface water holds in the middle of the site – what measures have been put in place to deal with this;
- The road surface between the entrance to Drill Hall Court and the roundabout at the Miner's Welfare needs to be addressed.

SPECIAL CONSIDERATIONS

Policy: The proposals do not accord with any of the circumstances set out in policy H5 that permit small scale residential development on sites outside of settlement limits.

Housing Land Supply: Policy Wales (paragraph 9.2.3) requires Local Planning Authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing.

Because the UDP plan period expired in 2011 in accordance with Technical Advice Note 1: Joint Housing Land Availability Studies Wrexham is now unable to demonstrate whether it has a 5 year housing land supply. However the most recent Joint Housing Land Availability Study (JHLAS) (2014) found that Wrexham has a housing land supply of 3.1 years.

In addition to the above the Wrexham Local Development Plan Preferred Strategy, which has recently been subject to consultation, identifies a requirement for 11,715 new homes to meet the housing needs of the County Borough over the 2013-2028 period. Taking into account existing supply this equates to a requirement for sufficient land to be brought forward for 6,738 houses to be built. It is likely that a significant proportion of this requirement will be met through the release of sites lying outside of existing settlement limits.

Whilst the County Borough's housing requirements will primarily be met through the development of sites that are eventually allocated in the LDP, the Council will need to be able to demonstrate that it has a 5 year housing land supply when the LDP is adopted. It is therefore essential that deliverable sites continue to be brought forward for development between now and LDP adoption.

The above matters are material considerations that weigh heavily in favour of the development.

Impact of development outside of the settlement limit: The site is bounded by residential development to the south, by Llay New Road to the

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east and by the grounds of the Llay Miners Welfare Institute to the north and west. Despite being outside of the settlement limit, the development does not represent a significant or harmful projection into the countryside and, in my opinion, is a logical extension to the existing built up area. In light of this and the need to significantly increase the supply of land available for housing in the County Borough, in my opinion the fact that the development is a departure from policies PS1 and H5 would not be a valid reason for refusal in this particular case.

Loss of open space: The Council's 2009 Public Open Space Survey classifies the site as a children's equipped playground. Development of the site would result in there being a deficit of children's equipped play areas within Llay so the proposals are technically in conflict with policy CLF4.

Notwithstanding the above, the site is privately owned, there is no play equipment on it at present and there does not appear to be any regular public access to it. Indeed its use for recreation is entirely at the discretion of the landowner. In light of this, in my opinion it would not be possible to sustain a refusal on the grounds of loss of public open space.

Design: The previous application was refused because the indicative layout plan did not demonstrate that the site could accommodate 24 in a way that provided for an appropriate standard of design or without resulting in the loss of trees that make a positive contribution to the appearance of the locality, harm the setting of listed buildings and has adequate provision for off-street parking.

The current application is accompanied by a revised indicative plan that shows how 18 dwellings could be accommodated. The layout provides for a strong built frontage to Llay New Road that broadly takes account of the character of the wider locality.

As noted by the Community Council the applicants have submitted the tree report that accompanied the previous application rather than commissioning a revised one. The report suggests that all of the trees on the site will be removed however this is not in fact that case. Whilst the development will result in most of the existing trees being removed, the indicative plan demonstrates that three important mature trees that make a significant contribution to the amenity of the site and immediate locality can be retained. The trees will require protection whilst construction works take place therefore submission and implementation of an arboricultural method statement will be required by condition.

The loss of other trees within the site is regrettable however they do not contribute to the visual amenity of the area to the same extent as the three indicated as being retained. The indicative plan provides for a landscaped open space buffer around the northern and eastern edges of the site that will also provide an opportunity for some compensatory planting. This is a matter that can be considered in more detail when landscape details are submitted at reserved matters stage.

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The development will be located to the south of the main grade II listed Llay Miners Welfare Institute building. The north-west corner of the site also adjoins the grade II listed Pavilion, a building located within the grounds of the Institute. The indicative plan takes account of the relationship between the site and those buildings by providing the landscaped open space buffer referred to above. The landscaped buffer will not only benefit the appearance of the development generally, but will preserve the setting of the listed buildings.

Other than indicating that the boundary hedge along the site frontage is to be retained the indicative plans provides no other details of boundary treatment. However these are details that I would expect to be shown on the landscape plan submitted at reserved matters stage. The suitability of the boundary treatment and/or the impact it will have on neighbouring properties will be considered at that stage.

On the basis of the above I am satisfied the indicative plan demonstrates that the site can accommodate up to 18 dwellings and be developed in accordance with policies GDP1 and EC9. I am also satisfied that it will be possible to develop the site in accordance with the secure by design principles recommended by North Wales Police.

Public Open Space: Where it is to be provided on-site a development of 18 dwellings requires 1440 square metres of public open space in order to accord with policy CLF5. The indicative plan provides for around a quarter of the site or approximately 2000 square metres to be laid out as open space that will provide the landscaped buffer referred to above. This exceeds the requirement of policy CLF5.

The open space will not only enhance the appearance of the development but will benefit from natural surveillance from dwellings within the site as well as being well located to be used for informal recreation. The long term management and maintenance of the open space will need to be secured via a planning obligation.

Amenity: I am satisfied that the site can be developed in accordance with Local Planning Guidance Note 21 and as such the proposals will not prejudice the amenity of the occupiers of nearby properties by way of loss of light, privacy or by being visually overbearing. It will also be possible to develop the site so as to provide future occupiers of it with an adequate standard of amenity.

Access and Parking: The proposed site access will have adequate visibility in both direction and it will be possible to construct the site access to meet with current highway design standards. As such the development will be provided with a safe means of access and will not prejudice highway safety. A condition to require full design details of the access as well as to require it to be construction prior to first occupation of any dwelling will be required by condition. There is no requirement for the applicants to make a commitment

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with regards to Section 38 of the Highways Act 1980 via a planning application or before planning permission is granted. It will be for a developer to liaise separately with Highways regarding this matter.

The indicative plan demonstrates that off-street parking in accordance with the requirements of LPG16 can be provided within the site.

The condition of the surface Llay New Road is matter outside of the scope of this planning application and is a matter for the Council as Highways Authority rather than Local Planning Authority to address. In any case the development, both during construction and when occupied, is unlikely to increase the volume of traffic using the road to the extent that it will cause significant damage to the existing road surface.

An objector has expressed concern that parking in the layby opposite the site may constitute a road traffic offence because the layby is within 10 metres of the proposed access. The layby is an authorised parking space and there would be no reason for the police to issue fixed penalty notices.

Ecology: The site has been subject to an ecological assessment and I am satisfied that this demonstrates the development could take place without adversely impacting upon statutorily protected species.

Drainage:

Foul Drainage

Welsh Water did not object to the previous application therefore I have no reason to conclude there is insufficient capacity in the local foul sewer network to cater for the development.

Surface Water

The applicant is proposing that surface water will be dealt with via soakaway drains however the site has not been assessed in order to determine whether the ground conditions are suitable for this type of drainage. This is a matter that ideally should be resolved prior to planning permission being granted however I do not consider the absence of any surface water drainage assessments to be a valid reason for refusal in this instance.

Circular 16/2014: The Use of Planning Conditions for Development Management advises that where no drainage assessment has taken place it will be necessary to attach a condition to prevent commencement of development until an assessment has taken place and drainage works subsequently approved.

Whilst I have no evidence before me to demonstrate that the site is suitable for soakaways I also have no reason to believe that it will not be possible to provide a drainage system that minimises the risk of on or off-site flooding due to surface water runoff. If part of or all of the site proves to be unsuitable for

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soakaway type drains then the development will need to incorporate measures to ensure that surface water run-off rates from the site do not exceed existing levels.

Other Matters: I note the Community Council's wish that proceeds from the sale of the site are paid directly to the Llay Miners Institute. Details submitted by the applicant's agent suggest that this is indeed the intention and given that they are the owners of the land, I would expect the Llay Miners Institute to be the beneficiary from the sale of the land. Ensuring they retain the proceeds of the sale is however a private matter that is outside of the scope of planning control.

CONCLUSION

Whilst the development lies outside of a settlement limit and therefore does not accord with policies PS1 and H5 of the UDP, in light of the significant need to increase the supply of land available in housing in the County Borough as well as the fact that the site is a logical extension to the existing built up area there are valid reasons to depart from those policies in this instance.

The indicative plan demonstrates that an acceptable form of development is achievable in a manner that allows for the retention of important trees, does not harm the setting of listed buildings, has adequate provision for vehicular access and off-street parking and without prejudicing the standard of amenity afforded to the occupiers of nearby dwellings. Accordingly the proposals accord with policies GDP1, EC4, EC9 and T8 of the Wrexham Unitary Development Plan.

RECOMMENDATION A

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

- (i) payment of a contribution of towards primary and secondary education provision in accordance with the formula set out in LPG27.
- (ii) the establishment of a management company to secure the long term management and maintenance of on-site public open space.

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

RECOMMENDATION B

Upon completion of the Planning Obligation that permission be **Granted** subject to the following conditions:

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CONDITION(S)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the landscaping of the site
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
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 the 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. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:
 - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and

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the measures taken to prevent pollution of receiving ground water and/or surface waters;

- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
- iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

6. No part of the development shall commence until full details of the proposed adopted footways and carriageway as shown on drawing no. 15/023/LMW/02 Revision D has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the scheme as approved has been implemented in full.

7. Development shall not commence until a Construction Environment and Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction shall thereafter be carried out in strict accordance with the details as approved.

8. No tree removal or vegetation clearance shall take place within the bird nesting season (March-September) or within 48 hours of a nesting survey of the trees and vegetation to be removed that has been submitted to the Local Planning Authority and demonstrates that there are no birds nesting in them.

9. 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.

10. The submissions made in respect of condition 01 shall include details of the location and layout of off-street vehicular parking and turning areas for each dwelling. No dwelling shall be occupied until vehicular parking and turning areas for that dwelling have been laid out, surfaced and drained in strict accordance with the details as are subsequently approved. The parking and turning areas shall thereafter permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.

11. This permission allows for a maximum of 18 dwellings to be built on the site.

REASON(S)

- 1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
- 2. To comply with Section 92 of the Town and Country Planning Act, 1990.
- 3. To comply with Section 92 of the Town and Country Planning Act, 1990.
- 4. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s).
- 5. To ensure satisfactory drainage of the site and to avoid flooding.

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6. In the interests of highway safety.
7. To protect the amenities of the occupiers of nearby properties.
8. In order to protect wildlife interests, which are afforded special protection.
9. To ensure that adequate visibility is provided at the proposed point of access to the highway.
10. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
11. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

NOTE(S) TO APPLICANT

Drawing no. 15/023/LMW/02 Revision D has only been approved in so far as the position of the site access. The granting of this permission does not give approval for or imply than reserved matters approval or full planning permission will be forthcoming for the layout and of the development and/or the number of dwellings shown on that drawing.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on

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0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

RECOMMENDATION C

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 is not completed within six months of the date of the Committee resolution the Head of Environment and Planning be given delegated authority to refuse the application for the following reasons:-

1. Inadequate provision has been made towards the provision of additional community infrastructure. Without this additional provision, existing community infrastructure does not have sufficient capacity to cater for the development. As such the development does not accord with policy GDP2 of the Wrexham Unitary Development Plan.
2. The development makes inadequate provision for the long term maintenance of on-site open space and as such does not accord with policies GDP1 and CLF5 of the Wrexham Unitary Development Plan.

WREXHAM COUNTY BOROUGH COUNCIL PLANNING COMMITTEE

MEETING OF 6 JUNE 2016

ADDENDUM

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
17 – 20	GWE	P/2016/0137		√
21 – 32	ESC	P/2016/0225	√	
33 – 40	LLA	P/2016/0236	√	√
45 – 47	WRC	P/2016/0274		√
56 – 61	BRY	P/2016/0316		√
72 – 84	ISY	P/2016/0327		√
89 - 101	LLA	P/2016/0373		√

Pages 17 – 20 GWE P/2016/0137

Land adjoining and South of Railway Bridge, Highfield Road, Highfield, Wrexham
SPEAKER: FOR – Stuart Hatherall (Agent)

Pages 21 – 32 ESC P/2016/0225

Land West of Bryn Offa, Fennant Road, Ponciau, Wrexham
SPEAKER: AGAINST – Mary Sweeney (Representing Local Neighbourhood)

Representations

Six further representations have been received largely raising the same issues as addressed in the main report. However, for clarity I have summarised the main additional points further:

- A gate only 6m from the road would not leave enough space to turn in with a touring caravan which is 7.5metres long. Buses travelling over the brow of the hill on Fennant Road at 30mph meeting a caravan could cause a serious accident;
- If the trees are removed as required there will be no screening of the site; and
- The development will impact upon the setting of and the tourism benefits of Offa's Dyke path.

Further correspondence received from one of the Local Members requesting a full site history.

Observations

The further observations have been addressed in the main report. In terms of turning into the site with a caravan, there is considered to be sufficient forward visibility on Fennant Road to take into account slow moving vehicles entering the site. The road is subject to a 20mph speed limit and the site has been assessed in accordance with this legal restriction.

In response to the Local Member's request, I have undertaken a full site history and there is only one other decision relating to this site the details of which are set out below:

ESC 20614 Construction of new agricultural access. Granted 10.09.1992

Recommendation

Remains unchanged.

Pages 33 – 40 LLA P/2016/0236

Unit 2 Miners Park, Llay Industrial Estate, Llay, Wrexham

SPEAKERS: *AGAINST – Dennis Owen (Rep Local Objectors)*
 FOR – Bob Dewey (Agent)

Representations

One further representation received raising issues already summarised in the main report.

Further representation received raising the following issues:-

- 1: Although the planning officer states that he placed a planning application notice on the entrance gate of the business, when we checked over 6 weeks ago no notice was visible, after visiting the site several times since then at no time has a notice been displayed, therefore this does not comply with planning regulations.*
- 2: The planning officer informs us that 17 businesses have been notified in writing about this application. While this may be true, on consulting a number of the adjacent business (including the café) I could only find one who knew anything about it and had been informed in writing. One of the businesses not notified is situated in a newly built unit within 50mtrs of the proposed plant and one is opposite the entrance to the applicant's site.*
- 3: There are a number of residential dwellings on the B5102 road from Llay to Cefn y Bedd that are only just over 300mtrs away but they had not been notified or consulted. They only found out about it when we carried out a leaflet drop informing them how to comment to the planning officer.*
- 4: This site only employs five workers and therefore will not benefit employment within Llay.*

Consultations

Llay Community Council – Object for the following reasons:

- It is believed that a precedent has been set to not allow this application, based on various reports relating to a similar application on Wrexham Industrial Estate being turned down.
- The application contains the incorrect owners of the Unit 2 as listed in your paperwork.
- The report is considered disingenuous in numerous ways:-
 - a) As this plant would recycle old asphalt, there will be HGV traffic bringing old products to the Unit, then more HGV traffic taking away the new product.
 - b) Local businesses and residents did not know about this proposal, until informed by community councillors. In addition, it is believed that it is statutory to display at least 2 notices in the vicinity, but to date, none have been displayed. Also, some of the distances mentioned are simply not true, having been checked by members of the Council (unless the most circulatory route possible is taken).
 - c) The prevailing winds for Llay would undoubtedly ensure that odours produced would be noticeable to both residents and the pupils of Park CP School. There is no definitive information available on the contents of air borne properties from this product, but what research has been done, for a similar plant in Surrey (which was turned down), show there are risks associated with this.
 - d). There are food distribution Units and a Café within a reasonable distance of the proposed plant. Again, the owners of these had no idea what was being proposed. It is believed that the objections of a food producer on Wrexham Industrial Estate were a major factor in the application for this area being turned down.
 - e) It is felt that if this application were to be successful, it would deter a number of companies coming to the Industrial Estate in the future. In addition it is noted that this plant would not increase the number of employed people as there are currently 5 employed and this number would remain the same.
- With the forthcoming new Police Station, the existing quarry, the eyesore that is Foregolf, this application would mean that there would be totally unacceptable levels of heavy traffic entering and leaving the village, from whichever direction they travel. It is also felt that Llay, as a community, has borne its fair share of developments of this nature.
- There is a lack of clear information contained within the application in its current state.

Observations

The further observations in the representation and from Llay Community Council have been addressed in the main report.

However, whilst Llay Community Council has commented regarding recent planning approvals of a significant scale in their community, this is as a result of its context as a larger settlement with a significant population, services and an established industrial estate. This development is of a commercial scale and nature on an established industrial estate with robust and safe access.

1. *It is our standard practice to display a site notice on all planning applications received. However, the publicity regulations do not require Local Planning Authorities to ensure that Notices remain in place for the duration of the consultation period. Consequently neighbour notification is also undertaken to ensure the application is adequately publicised.*
2. *17 neighbouring occupiers were notified of the development and 12 responses were received. The number of responses would appear to demonstrate that the notifications were received.*
3. *The nearest residential properties lie over 300 metres away from the site and are separated by the former colliery spoil heap. The Legislation allows Local Planning*

Authorities maximum discretion to determine who should be notified. No system for publicising planning applications can be fool-proof however extensive. There needs to be a balance between considerations of cost, speed of decision making and providing a reasonable opportunity for public comment.

4. The economic benefits of the application are a material planning consideration. The fact that it is not a significant generator of employment is not a justification to refuse the application.

Recommendation

Remains unchanged.

Pages 45 – 47 WRC P/2016/0274

Unit 1 Charles Street, Wrexham

SPEAKER: FOR – Stuart Hatherall (Agent)

Pages 56 – 61 BRY P/2016/0316

Land South of Glyn Heulog, Green Road, Brymbo, Wrexham

SPEAKER: FOR – Bob Dewey (Agent)

Pages 72 – 84 ISY P/2016/0327

Land South of Ridleywood Lane & East of Bryn Lane, Wrexham Industrial Estate, Wrexham

SPEAKER: FOR – James Berggren (Representing Agent)

Pages 89 – 101 LLA P/2016/0373

Land South of The Miners Welfare Institute, Llay, Wrexham

SPEAKER: FOR – Bob Dewey (Agent)

Representations

1 additional representation expressing the following concerns:

- i) Loss of trees that contribute to the visual amenity of the area;
- ii) More should be done to protect the trees.

Observations

The above matter is dealt with in my main report.

Recommendation

Unchanged

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

Pages 62 – 71 RHO P/2016/0321

Submissions

An amended plan has been received making minor alterations to the layout of the proposed dwellings.

Observations

The amendments relate to minor internal layout alterations. This has resulted in a reduction in the amount of external plumbing and the materials of these have been stipulated. I can therefore remove the requirement for detail of these elements to be submitted for further approval. Various minor condition amendments are required along with the deletion of a condition. This is reflected below.

Recommendation

Amend condition no. 2:

2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered FC32/RW0216/1a, FC32/RW0216/2b and contained within the application documentation.

R: To ensure that the development fully complies with the appropriate policies and standards.

Delete condition no. 3 and renumber remaining conditions accordingly.

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE
HELD IN COUNCIL CHAMBER, GUILDHALL ON MONDAY, 6 JUNE 2016**

MEMBERS

Councillor M G Morris, Chair
Councillor Mike Edwards, Vice-Chair

Councillor	Andrew Bailey	Councillor	Paul Pemberton
"	I David Bithell, MBE	"	John Phillips
"	Terry Boland	"	John Pritchard
"	Terry Evans	"	Graham Rogers
"	* A Keith Gregory	"	Paul Rogers
"	D J Griffiths	"	Barbara Roxburgh
"	G W Griffiths	"	* David Taylor
"	Kevin Hughes	"	Robert Walsh
"	Bernie McCann	"	* Andy Williams

*Absent

Also Present – Councillors R J Dutton OBE, R Alun Jenkins, O Arfon Jones, David Kelly and Mark Pritchard

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Keith Gregory, David Taylor and Andy Williams.

2 CONFIRMATION OF MINUTES

The Minutes of the meetings held on 3 May 2016 and 13 May 2016 were submitted.

RESOLVED – That the Minutes of the meetings of the Planning Committee held on 3 May 2016 and 13 May 2016 be received and approved as a correct record.

3 INSTALLATION OF MOBILE ASPHALT PLANT AT UNIT 2, MINERS PARK, LLAY INDUSTRIAL ESTATE, WREXHAM (APPLICATION CODE NO P/2016/0236)

The Head of Environment and Planning submitted a report (HEP/25/16 pages 33 – 40) together with a further addendum report in respect of the above-mentioned application.

Mr Dennis Owen (representing local objectors) spoke against the application.
Mr Bob Dewey (Agent) spoke in support of the application.

RESOLVED – That a site visit be arranged for Members of the Committee to view the application site prior to determination of the application by the Committee.

Reason for Visit: To assess the impact of the proposed development on the surrounding area.

4 DEVELOPMENT CONTROL APPLICATIONS

The Head of Environment and Planning submitted a report (HEP/11/16) for Members' consideration of planning applications and attention was drawn to his addendum report where relevant.

Application Code No P/2016/0137 – Outline Planning Application to erect 1 No. dwelling on land adjoining and South of Railway Bridge, Highfield Road, Highfield, Summerhill, Wrexham.

Mr Stuart Hatherall (Agent) spoke in support of the application.

The Local Member (Councillor O Arfon Jones) requested that Members visit the site to view the impact of the proposed development on the surrounding area prior to determining the application.

RESOLVED – That permission be REFUSED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/25/16.

Application Code No P/2016/0225 – Change of use of land to provide 2 No. Gypsy/Traveller pitches, erection of ancillary Mobile day room/amenity building and construction of hard-standing area and access on Land West of Bryn Offa, Fennant Road, Ponciau, Wrexham.

Mr Droog (representing local neighbourhood) spoke against the application.

Both Local Members (Councillors Kevin Hughes and Paul Pemberton) indicated their objection to the application as the proposed site was outside the defined settlement limit and would form an unacceptable intrusion into open countryside, eroding a green wedge of open land along Fennant Road. A significant proportion of the site was identified as being at risk from surface water flooding as identified on Natural Resources Wales's updated flood map for surface water. The site lies within an environmentally sensitive location within close proximity of Offa's Dyke, a Scheduled Ancient Monument and a designated SSSI/SAC. Furthermore, Fennant Road was devoid of a footpath along its nearside edge serving the site and in their opinion would have a detrimental impact on pedestrian safety at this location. As the proposal was a clear departure from policies contained within the adopted Wrexham Unitary Development Plan, they recommended that permission be refused. The Committee concurred with the views of the Local Members.

RESOLVED – That permission be REFUSED

Reasons

1. The proposed site lies outside defined settlement limits. The applicants have failed to demonstrate that attempts have been made to find suitable sites within existing settlements and consequently the proposed development would form an unacceptable intrusion into open countryside, eroding a green wedge of open land along Fennant Road. To allow the development would therefore be contrary to Wrexham Unitary Development Plan policies PS1 and PS2.
2. A significant proportion of the site is identified as being at risk from surface water flooding as identified on Natural Resources Wales's updated flood map for surface water. Without adequate flood mitigation measures the proposed development would be highly vulnerable to flooding and is therefore contrary to Wrexham Unitary Development Plan policy GDP1 (i)
3. The site lies within an environmentally sensitive location within close proximity of Offa's Dyke, a Scheduled Ancient Monument and a designated SSSI/SAC. The proposed development would have an adverse impact upon the setting of Offa Dyke and would result in the loss of terrestrial connective habitat between the designated site and associated great crested newt population. To allow the development would be contrary to Wrexham Unitary Development Plan policy EC11 and GDP1 (h)
4. Fennant Road is devoid of a footpath along its nearside edge serving the site. In the absence of adequate footpath provision the proposed development would adversely impact upon pedestrian safety, contrary to Wrexham Unitary Development policy GDP1(d), which requires all new development to ensure safe and convenient pedestrian and vehicular access to and from the site and in the nearby locality.

Application Code No P/2016/0263 – 3 No. Lime Trees (T31,32 and 33) – fell to ground, 1 No. Sycamore Tree (T44) – fell to ground and 1 No. Yew Tree (T48) fell to ground (trees protected by Tree Preservation Order WMBC No. 8) on land South of Chestnut Court, Summerhill Road, Summerhill, Wrexham.

The Committee sought clarification on whether all five trees needed to be felled.

RESOLVED – That Tree Preservation Order be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/25/16.

Application Code No P/2016/0274 – Change of use from Hair Salon to Taxi/Private Hire Office at Unit 1, Charles street, Wrexham.

Stuart Hatherall (Agent) was present having given notice of his intention to speak in support of the application, but in the event, did not do so.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/25/16.

Application Code No P/2016/0278 – Conversion and extension to bungalow to form two-storey dwelling and side extension to provide utility room at Casa Nabun, Tallarn Green Road, Tallarn Green, Wrexham.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/25/16.

Application Code No P/2016/0289 – Conversion of loft, insertion of 6 No. roof lights (3 to front and 3 to rear) and internal alterations to provide staircase at 1 Ffordd Tudno, Wrexham.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/25/16.

Application Code No P/2016/0316 – Variation of Condition Nos. 2 & 3 of Planning Permission P/2013/0293 to extend the time periods of the Planning Permission and time period for submission of Reserved Matters on Land South of Glyn Heulog, Green Road, Brymbo, Wrexham.

Bob Dewey (Agent) was present having given notice of his intention to speak in support of the application, but in the event, did not do so.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/25/16.

Application Code No P/2016/0321 – Demolition of Wern House, erection of one pair of 2 bedroom semi-detached dwellings and one 3 bedroom detached dwelling with associated parking and turning facilities at Wern House, Wern Lane, Rhosllanerchrugog, Wrexham.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/25/16 together with the further amendments contained within the Addendum Report.

Application Code No P/2016/0327 – Variation to Condition Nos.2 & 3 of Planning Appeal Ref No. APP/H6955/A/12/2188910 to extend the time limits for submission of Reserved Matters application and for commencement of development by a further 3 and 5 years respectively on Land South of Ridleywood Lane and East of Bryn Lane, Wrexham Industrial Estate, Wrexham.

James Berggren (Agent) spoke in support of the application.

The Chair (in his capacity as Local Member) drew Members' attention to the application site history and of all the land subject to Wrexham Unitary Development Plan Policy E3. The Planning Inspector, when considering the planning appeal had concluded that the application was contrary to Policies E3 (the site being a large single user employment site) and PS1 (outside the Settlement Limit) of the adopted Wrexham Unitary Plan but went on to refer special needs and had granted consent as the proposed development would facilitate the expansion needs of a specific end user (NDL). Immediately following the appeal decision, the site was put on the market for sale. In his opinion, by advertising the site for sale, it was no longer required for NDL and therefore there has been a material change in planning circumstances since the original permission was granted.

During consideration of the application several Members were of the opinion that there had been a material change in planning circumstances as the previous reasons and justification for approving this development was to facilitate the expansion needs of NDL no longer exist. The site was outside the defined settlement limit of Wrexham Industrial Estate and any development, without sufficient justification, would detrimentally affect the countryside and landscape character. Therefore, they recommended that permission be refused.

After hearing the views of Members it was

RESOLVED – That permission be REFUSED.

Reason

The Council consider that as the previous reasons and justification for approving this development no longer exist, which was to facilitate the expansion needs of a specific end user (NDL), the proposal does not accord with Wrexham Unitary Development policy E3. The site lies outside the defined settlement limit of Wrexham Industrial Estate and any development on this site without sufficient justification, would detrimentally affect the countryside and landscape character contrary to Wrexham Unitary Development Plan policies PS1, PS2 and GDP1

Application Code No P/2016/0341 – Single-storey bedroom and shower room extension at 29 Peris, Plas Madoc, Acrefair, Wrexham.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/25/16.

Application Code No P/2016/0373 – Outline application for residential development and formation of new access on Land South of The Miners Welfare Institute, Llay New Road, Llay, Wrexham.

Bob Dewey (Agent) was present having given notice of his intention to speak in support of the application, but in the event, did not do so.

RESOLVED –

- (1) That an obligation pursuant to Section 106 of the Town and Country Planning Act 1990 be required to secure:
- (i) Payment of a contribution towards primary and secondary education provision in accordance with the formula set out in Local Planning Guidance Note 27:
 - (ii) The establishment of a management and maintenance of on-site public open space;

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

- (2) Upon completion of the Section 106 obligation permission be **GRANTED** in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/11/16.
- (3) That, if Section 106 obligation is not completed within 6 months of the date of the Committee resolution, the Head of Environment and Planning be given delegated authority to **REFUSE** planning permission for the following reasons:

Reasons

- 1 Inadequate provision has been made towards the provision of additional community infrastructure. Without this additional provision, existing community infrastructure does not have sufficient capacity to cater for the development. As such the development does not accord with policy GDP2 of the Wrexham Unitary Development Plan.
2. The development make inadequate provision for the long term maintenance of on-site open space and as such does not accord with policies GDP1 and CLF5 of the Wrexham Unitary Development Plan.

(Councillor Terry Boland declared a personal but non-prejudicial interest in this matter, being a member of the Llay Miners Welfare Institute and remained in the meeting whilst the application was being considered and did take part in the discussion and voting thereon).

(Councillor Rob Walsh declared a personal but non-prejudicial interest in this matter, being a member of the Llay Miners Welfare Institute. He also declared a personal and prejudicial interest in this matter, as he lived on Drill Hall Court that neighbours

the development, and left the meeting whilst the application was being considered and did not take part in the discussion and voting thereon).

**5 TREE PRESERVATION ORDER WREXHAM COUNTY BOROUGH COUNCIL
NO249/2016 SPRINGFIELD COURT AND ORCHARD COURT, GRESFORD,
WREXHAM.**

The Head of Environment and Planning submitted a report (HEP/23/16) which enabled consideration to be given to written representations made in respect of Tree Preservation Order (TPO) Wrexham County Borough Council No 249/2016 'Springfield Court and Orchard Court, Gresford, Wrexham,

RESOLVED – That the Wrexham County Borough Council Tree Preservation Order No. 249/2016 'Springfield Court and Orchard Court, Gresford, Wrexham' be confirmed without modification.

Councillor M G Morris
Chair