

WREXHAM COUNTY BOROUGH COUNCIL PLANNING COMMITTEE

MEETING OF 2 APRIL 2012

ADDENDUM

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT

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
3 – 8	RUA	P/2011/0688	√	√
9 – 19	WRO	P/2011/0884		√
30 – 45	ROS	P/2012/0017		√
46 – 57	BRO	P/2012/0024	√	

PAGES 3–8

Field adjoining eastern side of main drive, Wynnstay Park, Ruabon

AGAINST: Glynis Shaw (Representing Welsh Historic Gardens Trust)

FOR: Barry Cooke (Representing Applicant)

PAGES 9–19

Site of former Jacques Yard, Regent Street, Wrexham

FOR: Michele Steel (Representing Agents)

Applicant's Submission

The applicants have identified two issues of concern. These relate to the BREEAM requirement of 'Very Good' rating along with six credits for 'Excellent' under issue Ene 1 – Reduction of CO₂ Emissions and a preference to transfer funds for the maintenance of the proposed traffic signals through a S278 Agreement as opposed to a S106 Agreement, given the potential for delays associated with S106 Agreements.

With regards to the first issue further investigations have been undertaken to understand the impact of compliance with the condition on the viability of the scheme.

As you will be aware the Jacques Yard site has been subject to previous planning applications, none of which have been implemented. The site itself is unique in its development costs and is characterised by a number of significant obstacles to development, principally the contamination due to its former use as a scrap yard and issues associated with highways and access and drainage.

In order to bring this site forward (and unlock the remainder of the site) for development, our client has committed to deal with these issues. This obviously brings with it significant costs, these are set out below:

Remediation - £100,000

Highways and junction improvements – c. £100,000

Drainage - £50,000

In addition to this there are further costs connected to providing an acceptable landscaping scheme (including a lizard habitat) and works to the Wats Dyke Scheduled Monument.

The applicants have consulted with Sustainability specialists who have advised that the credits are awarded based on the buildings energy Performance Ratio (EPR) which takes account of the following parameters:

- the building's operational energy demand;*
- the building's energy consumption; and*
- the total CO₂ emissions from the building.*

A strategy to achieve these requirements is likely to require a combination of the following:

- Firstly, an energy efficient, well insulated building fabric, to prevent the loss of energy.*
- Secondly, the specification of energy efficient building services (eg heating & cooling plant and lighting) to reduce the demand for energy.*
- Finally, the specification of some form of low carbon technology (eg PVs, biomass boiler, solar thermal heating, heat pumps) to offset a proportion of the carbon from any remaining energy use.*

At present, the scheme is seeking to secure three credits – this is set out in the BREEAM Pre-Assessment submitted with the planning application. An initial assessment undertaken by the developer's Quantity Surveyor has indicated that it would cost an additional £200,000 (as an absolute minimum) to take the BREEAM rating up to six credits for Ene01.

Considering the abnormal costs for this site, set out previously, it is considered that should this condition remain with its current wording, the site will not be viable to develop and it will remain vacant for the foreseeable future.

The developer is not seeking to absolve themselves of their responsibility to deliver a sustainable scheme – the development will still secure a BREEAM 'Very Good' rating. In this instance, the developers are requesting that this condition be changed to remove the wording specifying the requirement for six credits or 'Excellent' under the Ene01 criteria as, for the reasons set out above, compliance with this will ultimately render the scheme unviable and therefore undeliverable.

Taking the above into consideration the developers are seeking a more flexible solution which still maintains the key requirement to secure a BREEAM 'Very Good' development, which our client has committed to achieving, which will allow this key gateway site to be brought back into use.

With regards to the second issue the applicants are concerned that the process of securing a S106 Agreement could result in potential delay. The applicants are therefore proposing a Grampian Condition and S278 Agreement to deal with this matter.

There is an urgent need for planning permission to be granted given that Worthington Properties and Premier Inn are looking to start on site in the first half of this year, securing the £5.5m investment in Wrexham and the creation of 33 new jobs. The development will also bring back into use a strategic, key gateway site into Wrexham town centre which has been vacant for a number of years.

The need to draft and agree a Section 106 Agreement at this late stage puts this investment at risk.

Observations

With regards to the first issue the Welsh Government, through the advice contained in Planning Policy Wales, expect that new development meets the overall BREEAM 'Very Good' and Ene 1 'Excellent' rating. Whilst this requirement is routinely imposed by planning condition, it is nonetheless issued as Government advice and not as a mandatory requirement. Whilst we have, and will continue to impose these requirements upon developers, this site is quite unique in development terms and is characterised by significant costs involved, particularly contamination remediation work. Members will be aware that due to its previous use the contamination issues here are a significant obstacle to the future development of the site. The site itself is on a key route into the town centre and this proposal offers the opportunity to regenerate the area and unlock the remaining part of the site (50%) for further development. In view of these unique circumstances I consider there is some scope in this instance to relax the BREEAM requirement. However, the development will still be required to achieve BREEAM 'Very Good' standard with three of the mandatory credits (as opposed to six). I am satisfied that the strategy set out above by the applicant will ensure that the most energy efficient solution can be achieved given the financial constraints to development on this site. Conditions 18, 19 and 20 are therefore amended to take account of this situation.

The Premier Inn BREEAM Pre-assessment (dated 24/11/11) submitted with the planning application assumes that an Energy Performance Ratio (EPR) of 0.25 will be achieved, which translates into three BREEAM credits. It is proposed that these three credits will be achieved through a combination of the following:-

- Firstly, an energy efficient, well insulated building fabric, to prevent the loss of energy.*
- Secondly, the specification of energy efficient building services (eg heating & cooling plant and lighting) to reduce the demand for energy.*

Six credits under Ene01 requires an Energy Performance Ratio (EPR) of 0.55. An energy strategy to meet the requirements of six credits will also require a well insulated building fabric and energy efficient building services, but in addition is also likely to require the specification of a low/zero carbon technology (eg PVs, biomass boiler, CHP, heat pumps) to offset a proportion of the carbon from any remaining energy use.

I do not accept their proposal to pursue the transfer of funds through a S278 Agreement due to potential delays with S106 Agreements. This is a relatively straightforward S106 Agreement dealing with one issue. In addition, the legal agreement could be prepared by the applicants as a Unilateral Undertaking which again could minimise the timescales involved. In the event of the preparation of the Legal Agreement potentially prejudicing the delivery of the scheme, then the matter can be prioritised by the Legal Department.

Errors in conditions on main report and addition of extra conditions.

Correction

Press Notice Expired 06.01.12

Site Notices (4) Expired 07.01.12

Recommendation

Amend Condition and Reason nos. 1, 2 and 3 to read:

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission. (Reason - To comply with Section 91(3) of the Town and Country Planning Act, 1990).
2. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved. (Reason - To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area).
3. The bar and restaurant indicated on the approved drawings shall only be used by guests staying at the hotel. For avoidance of doubt the bar/restaurant shall not be used by the general public. (Reason: The site would not provide sufficient parking provision to cater for the hotel guests and the additional requirements of other users of the facilities, with a likely increase in congestion and highway danger in the surrounding area).

Amend Condition nos. 18, 19 and 20 to read:

18. Each new non-residential building hereby permitted shall be constructed to achieve a minimum [Building Research Establishment Environmental Assessment Method (BREEAM)] overall 'Very Good' standard and achieve *a minimum of 3 credits* under issue Ene1 - Reduction of CO2 Emissions (or subsequent equivalent quality assured scheme) in accordance with the requirements of BREEAM 2011. The development shall be carried out entirely in accordance with the approved assessment and certification. *Reason 18 To ensure the development is undertaken in the most sustainable manner given the physical constraints of the site.*
19. Construction of any building hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum BREEAM overall 'Very Good' standard and achieve *a minimum of 3 credits* under issue Ene1 - Reduction of CO2 Emissions (or subsequent equivalent quality assured scheme) has been achieved for that individual building in accordance with the requirements of BREEAM 2011. *Reason 19 To ensure the development is undertaken in the most sustainable manner given the physical constraints of the site.*
20. Prior to the occupation of the individual building hereby permitted, a 'Final Certificate' shall be submitted to the Local Planning Authority, certifying that a minimum BREEAM overall 'Very Good' standard and achieve *a minimum of 3 credits* under issue 'Ene1 - Reduction of CO2 Emissions' (or subsequent equivalent quality assured scheme) has been achieved for that building in accordance with the requirements of BREEAM 2011. *Reason 20 To ensure the development is undertaken in the most sustainable manner given the physical constraints of the site.*

Additional Conditions

24. Details of all boundary means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the details as approved and retained thereafter unless otherwise agreed, in writing, with the Local Planning Authority. (Reason: In the interests of the general visual amenities of the area).
25. No development / works shall commence until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified archaeologist during construction works in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. In the event of the discovery of important archaeological features outside of the scope of the watching brief, all works shall cease until otherwise advised in writing by the Local Planning Authority. (Reason: The site contains archaeological remains which it is essential should be protected from damage).

26. A copy of the watching brief as carried out in connection with condition no. 25 above shall be submitted to and approved in writing by the Local Planning Authority within two months of completion of the fieldwork. (Reason: The site contains archaeological remains which it is essential should be protected from damage).
27. No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring. (Reason: In the interests of the amenities of the future occupants of the buildings).
28. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 27 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority. (Reason: In the interests of the amenities of the future occupants of the buildings).

Additional Note

With regards to Condition 25 the watching brief will be in an area to the north of the Dyke and outside the scheduled area where the Archaeological Assessment notes the potential for buried remains of the Dyke may survive.

My recommendation remains in accordance with the main report subject to the above changes to conditions and additional conditions.

PAGES 30–45

Lodge Farm, Borrass Road, Holt

FOR: *Richard Tomlinson (Representing Applicants)*

PAGES 46–57

Land at School Lane, Southsea

AGAINST: *Martin Bennett (Representing Neighbours)*

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

PAGES 71-76 WRR P/2012/0102

Consultations

Public Protection: No objections but request condition relating to hours of working and notes relating to disturbance during construction process.

Recommendation

Additional condition to be added 'All works in relation to the implementation of this permission, including deliveries to and/or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday'. (Reason: To protect the amenities of occupiers of nearby properties).

Additional notes to be added

The applicant is advised that compliance with condition no. 15 does not provide an exemption from the statutory noise nuisance provisions of the **Environmental Protection Act 1990**. Any complaints received relating to noise from the development during the permitted hours may still

be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

The applicant is advised that the Council has the option to control construction noise by serving a **Control of Pollution Act 1974**, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the **Environmental Protection Act 1990** anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the **Clean Air Act 1993** it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

The Applicant is advised that under the **Environmental Protection Act 1990**, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

PAGES 90-93 LLR P/2012/0118

Consultations

Welsh Government Transport: No comments as highway authority for the A5.

Recommendation

Remains unaltered.

PAGES 94-98 CEF P/2012/0123

Observations

As this application is for a variation of condition a further two conditions which were included on the original permission.

Recommendation

Add conditions:

10. Visibility from the vehicular access onto Rock Road shall be a minimum of 2.4m x 56m in both directions measured along the nearside edge of the adjoining highway within which there shall be no obstruction to visibility in excess of 1.0m in height. The splays shall be retained thereafter clear of any obstruction. (Reason: To ensure that adequate visibility is provided at the proposed point of access to the highway).

11. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. (Reason: To protect the amenities of the occupiers of the nearby properties).

PAGES 102-107 WRC P/2012/0139

Consultations

Public Protection: The external extraction system is adjacent to the neighbouring property (No.2) and in order to minimise noise and emissions, the exhaust stack should be moved further north west. Conditions recommenced (see recommendation below).

Applicant's Submission

The Applicant has submitted elevation details of a bin store (Amend condition no. 6 accordingly).

The Applicant has submitted a letter, photographs and petition of support in the interests of presenting a balanced view of local residents. The petition has been signed by 100 people who are supportive of the proposed change of use.

Observations

The exhaust stack has been positioned in the simplest place in terms of clear wall space and also directly in line with the internal kitchen layout. No 8.4 Smithfield Road actually extends into the ground floor of no. 2 Bertie Road, with a flat above to be occupied by the manager of the take-Away. The stack is a good distance away from the bathroom/toilet window belonging to 4 Bertie Rd which is the nearest separate residence to the development. The flue will be properly specified and designed with filters etc to avoid noise and smells being emitted and I do not consider the location to be inappropriate.

Recommendation

Additional conditions and advisory note:

Amended condition no. 6: The external waste storage area shall be fully implemented in strict accordance with approved drawing nos. 12-01 A04 Rev A and 12-01 A06 Rev A prior to first use of the development, and the waste generated by the take-away shall be stored in this location only and on no other external part of the site. (Reason no 6: The premises are closely adjoined by residential properties and it is considered necessary to strictly control the nature and intensity of the use of the premises in the interests of the amenities of the area).

Condition no. 7: Prior to first use of the development a suitable grease trap shall be provided in order to prevent entry into the public sewerage system of matter (cooking fats, oils and grease etc) likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents. (Reason no. 7: To prevent pollution of the water environment).

Condition no. 8: Prior to first use of the development hereby approved, details of all boundary treatments and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details as are approved shall be completed in all respects prior to first use of the development and shall thereafter be permanently retained. (Reason no 8: In the interests of ensuring a good standard of development and to protect the amenities of the neighbouring occupiers).

Note: You are advised that the premises should comply with the provisions of the Health and Safety at Work etc. Act, 1974 which is administered by this Council. You are advised to contact the Council's Housing and Public Protection Department on 01978 813700 for further advice and information.

PAGES 108-111 LLA P/2012/0153

Consultations

Highways: No objection. Recommend condition requiring that illumination is not directly visible to drivers of vehicles using the adjoining highway.

Applicant's submissions

Amended plans:

- i) Totem sign shown to be outside of visibility splay;
- ii) Individual letter signs amended to display the name 'The Crown'

Confirmation that the free-standing sign will not reduce off-street parking.

Observations

The amended plans address the issues referred to in my main report and also overcome the objection received from Councillor Williams in respect of the name of the premises.

Recommendation

That advertisement consent be granted.

The following additional condition is added:

Condition 11

No light source to any sign(s) hereby granted consent shall be directly visible to drivers of motor vehicles using the adjacent highway. (Reason: In the interests of highway safety).

PAGES 120-128 WRO P/2012/0179

Consultations

Community Council:

- Support the application but have concerns about inadequate parking;
- Submissions ignore the fact that on-road parking on Brynycabanau Road will no serve the new centre given the nearness to the junction with Kingsmills Road, relocation of bus stop and splay for new entrance;
- Parking deficient compared to recently built community resource centres in Acton, Coedpoeth and Gwersyllt;
- This will be especially so for events taking place at the centre during the day when the limited parking may well be utilised by the health centre.

Environment Agency: Scheme has low environmental risk.

Highways:

- LPG16 requires a maximum of 33 spaces;
- 14 spaces available during evenings and weekends when offices would be closed.
- Provision falls significantly below the maximum and some potential for use of medical centre and office to overlap with that of community centre;

- However site is in a sustainable location;
- Parking a significant improvement compared to existing provision;
- No objections. Conditions recommended.

Observations

I appreciate that parking is below the maximum standards permitted by LPG16. However my main report sets out why, taking into account the level of parking provided for the existing facility, that on balance I consider the proposals acceptable. My conclusions are supported by Highways.

Whilst some visitors to the clinic or community centre may park on the Brynycabanau Road there are no dedicated on-street parking spaces on that road. This development and the adjoining development of 92 dwelling do not reduce the amount of dedicated off-street parking provision in the locality.

With regards to other community resource centres, the amount of parking permitted/required for them was a decision based on the individual merits of those schemes.

Recommendation

That the following additional conditions be added:

Condition 11

The vehicular parking and turning areas as shown on approved drawing(s) No(s). 6791/L(9)07 shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times. (Reason: 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).

Condition 12

No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development. (Reason: In the interests of highway safety).

