

WREXHAM COUNTY BOROUGH COUNCIL PLANNING COMMITTEE

MEETING OF 6 FEBRUARY 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 – 17	CHI	P/2010/0952		√
24 – 39	BRO	P/2011/0670	√	√
53 – 58	WRA	P/2011/0749	√	
72 – 76	HOL	P/2011/0849	√	√
98 – 108	GRE	P/2011/0875	√	

PAGES 3 – 17 CHI P/2010/0952

Chirk Station, Station Avenue, Chirk, Wrexham
FOR: Mr C Phillimore (TIR Consultants)

Observations

After further discussions with Highways I am satisfied that an extension to the existing yellow lines, westwards along Station Avenue, is not required and that the existing footpath to and from the proposed car park to Chirk Station is acceptable.

I am adding two more conditions and notes of clarification to the applicant:

Condition 29

Notwithstanding the approved plans, details of the proposed boundary treatment alongside the existing station at Chirk shall be submitted to and approved, in writing, by the Local Planning Authority. Works shall only be carried out strictly in accordance with the details as approved. (Reason: To protect the general visual amenities of the area).

Condition 30

Details of pedestrian safety measures where the proposed railway crosses Chirk footpath 18 shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall include the railway fenced off from the footpath with self-closing pedestrian gates installed within the fence on either side of the railway and a form of boarding/surface at the same level as the top of the rails. The works as approved shall be carried

out prior to the first use of the railway line and maintained thereafter. (Reason: In the interests of pedestrian safety).

PAGES 24 – 39 BRO P/2011/0670

Land East of junction of Tanyfron Road / Southsea Road, Wrexham

AGAINST: Mr F Derbyshire (Representing Neighbours)

FOR: Mr R Bennett (Representing Applicant)

Consultations

Local Member (S Meyer): A response was received on 23.10.2011. Two concerns raised. The access is located on inside of a bend which also has a slight crest, and it is believed that this will pose a risk for the entrance / exit of the site. The site lies outside of the development boundary.

Highways: On the basis of the reduced site area and scale of development as shown on the amended plans, splays of 2.4m x 65m (north) and 2.4m x 59m (south) to the centreline of highway are satisfactory. If the hedges are to be retained, it is possible with some trimming back to achieve visibility splays of 2.4m x 120m (north) and 2.4m x 42m (south) to centreline of road. The splay southwards is below recommendations but based upon the previous use of the site (before the site was occupied) some traffic would have been generated, and this must be taken account of.

Representations

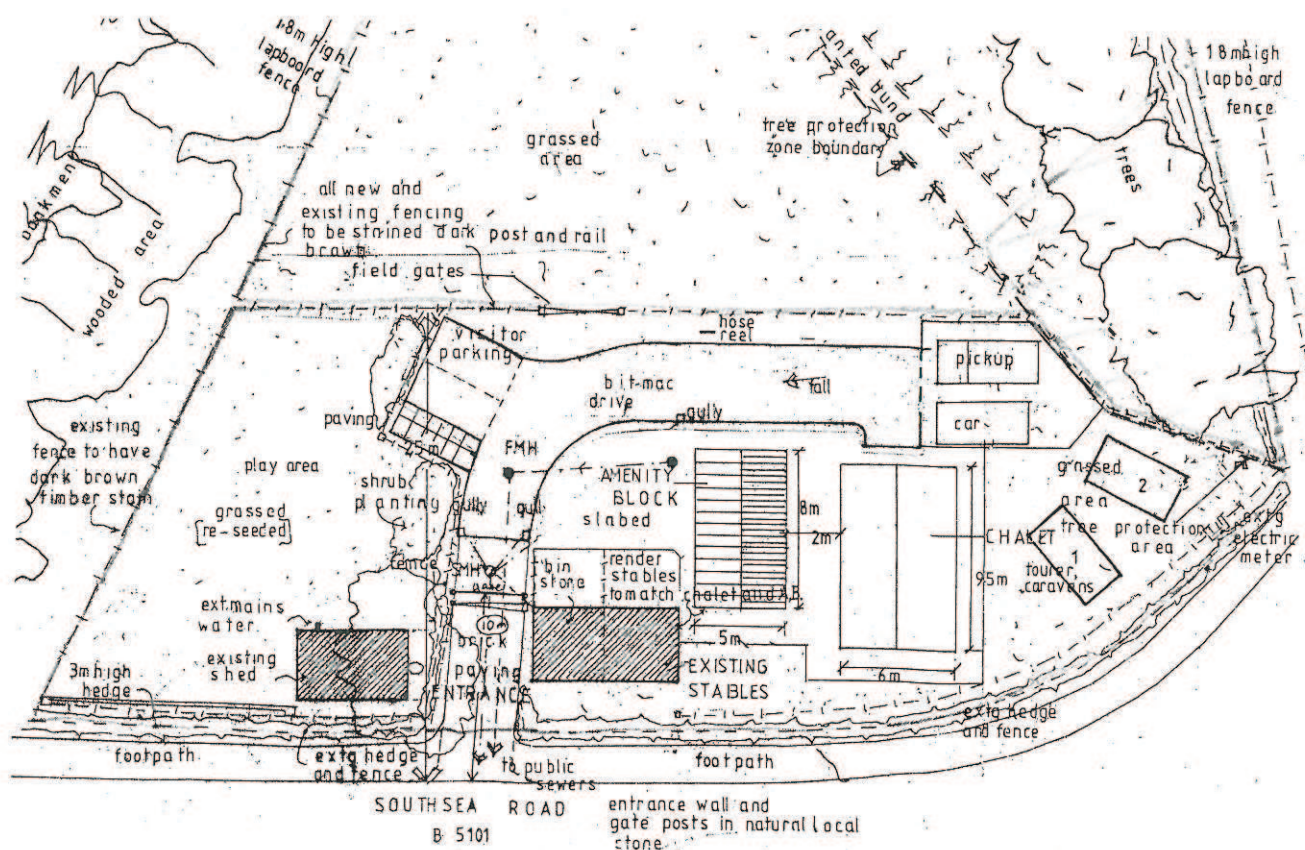
11 further letters (including one from Glan yr Afon Tenants and Residents Association and Southsea Action Committee) have been received, raising a number of similar comments to those in the report (relating to green barrier, flood risk, impact on public footpath, highway safety, noise, visual impact, vacant pitches at Ruthin Road, impact on character of area, and brownfield issues), but also including the following:

- Building materials have been delivered, and used on site.
- Intrusion of privacy. The deciduous hedge (in wintertime) does not form a screen.
- Concrete hard standing and other hard surfaced areas will not be able to soakaway, and these areas may be drained into public sewers.
- The site is part of a Community First Area, and the use may lower the areas' rating with regard to the Indices of Multiple Deprivation in Wales, which will mean there is less funding for grant money.
- The statement mentions "Traveller sites...incorporating space for touring caravans, vehicles and visiting relatives" and this statement is too open-ended, and could include the possibility for more caravans.
- Tri Plan is a small business unit surrounded by a few residential properties, and it cannot be regarded as a factory premises as mentioned on the submitted DAS.
- What will happen with the septic tank if this is no longer used? This was illegally installed by a previous occupant.
- The proposal will set a precedent for further green barrier sites to be used for this purpose.
- The site will not be used as a single family site.
- The site includes an extra caravan which is not the norm.
- It is unclear whether the public drains are deep enough to be able to allow the site to drain into them.
- There is a water course along the side and adjacent to the northern boundary fence which is not recorded. The water goes underground (into a culvert) which emerges near Southsea Church.

- The provision of a business use at the site contradicts the applicant's vision, to provide a family home that is attractive, functional and safe for residents.
- The site is enclosed to three sides by a curve, and this produce a parabola (conical shape) which could cause sound waves to be to be focused and projected towards the open side – to increase sound from the site.
- The site should be visited before any decision is made.
- The site has only been used as a grazing field.
- Visitor caravan will not be on plinths, and these will become extra pitches.
- Permanent accommodation should not be permissible on green barrier land.
- *The proposal is contrary to UDP policies H5 and H9. Policy H9 does not automatically over-ride all other planning considerations. The applicant could be accommodated within an existing settlement area but would prefer not to be. Therefore the case for the use is not exceptional, and policy H9 does not apply. The proposal does not protect the purpose of the green barrier, and the use encroaches the countryside.*
- *Policy GDP1 is not met. The use will not make a positive contribution because it must be screened contrary to GDP1a), and there is no evidence to suggest that the previous agricultural use generated similar traffic movements, and therefore the use will be contrary to GDP1d). Prior to the unauthorized occupation of the site, traffic was limited to one van a day delivering feed to the ponies. The gated access onto the Southsea - Lodge road has only been used once a day for 6 months or so per year. Traffic use will not be comparable between the two uses, and road safety issues should not be dismissed.*
- *The proposal is contrary to Policy GDP1i) because the ponies have been confined to the upper field, and the land is now denuded of turf and starting to suffer soil erosion.*
- *The use will make it difficult for anyone trying to sell their properties.*

Applicant's Submission

A further amended plan has been received – see below.



Observations

Since there were some issues regarding the proposed location of the touring caravans within the site – as shown on the amended plans, the applicant has submitted a further plan to further amend the proposed site layout details. This now shows all the accommodation grouped together within one corner of the site. This improves the single family pitch arrangement, and some of the proposed conditions require adjustment, or additions, to reflect these alterations and to include the revised plan number. The position of the defined pitch is located further away from the nearest dwelling. There is now over 25m amenity separation.

Most of the issues raised by these additional representations have been covered by the previous report.

However it should be noted that UDP Policy H5 is not relevant in this instance as the occupation of the caravans/chalet are not for general or affordable housing, or for an essential need related to agriculture or forestry. The provision of new accommodation for gypsy/traveller use can be considered in principle under the terms of Policy H9. Issues for this exception within the green barrier have been raised in the report, and it is noted that up-to-date evidence collected for the deposit LDP confirms that the Wrexham area does not have enough pitches for this type of use.

Site drainage (including soakaways and land drainage) will not be allowed to drain into the public sewer. Only foul drainage will be allowed into the mains, and a condition can be imposed to control this matter.

The use should not enable a precedent for other green barrier sites. Each site will continue to be considered on individual merits.

The implications of using an existing field for grazing purposes is not a material consideration for this application, and therefore any soil erosion for this area is not an issue for the current application.

The issue of Community First status is not a material consideration for this planning application.

In order to control the size of the caravans (including a chalet) on site, it will be useful for condition 2 to be reworded. This ensures that the heights of the caravans are controlled to be less than 3.05m high, and that helps control the visual impact of the use.

Recommendation

Amend condition 2 to read:

The residential use hereby permitted shall be restricted to one family pitch only, and the use shall be restricted to the stationing of no more than 3 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on the site at any time.

Reason: Unchanged.

Amend condition 3 to read:

No caravans which are subject to this permission shall be stationed on the land other than within the areas shown cross hatched black on drawing no. 0:1755/A/C [Rev B Jan 12].

Reason: Unchanged

Amend wording of conditions 8, 12 and 14 to replace wording of "Rev A" with "[Rev B Jan 12]"

Amend condition 13 to read:

Within 3 months of the date of this permission, all existing lapboard fences within the site, including those within the blue edged areas shall be stained dark brown.

Reason: Unchanged

Add condition 17

17. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. (To protect the health and safety of existing residents and to ensure no detriment to the environment).

Add condition 18

18. The new post and rail fencing and field gate to be erected along the eastern edge of the site as shown on the approved drawing no. 0:175/A/C [Rev B Jan 12], shall not exceed 1m in height, and those fences/gates shall be fully erected within 3 months of the date of this permission, and shall thereafter be permanently retained. (Reason: To ensure that the proposed use is limited to the defined fenced areas, and to minimise potential impacts on the green barrier).

Add condition 19

19. The grassed areas as shown as part of the application within the red and blue edged areas on the approved drawing no. 0:175/A/C [Rev B Jan 12] shall be fully implemented

within 3 months of the date of this permission, and any seeding shall take place within the first planting season (April to September) following the date of the permission.
(Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area).

Add condition 20

20. The fence as shown on the approved drawing no. 0:175/A/C [Rev B Jan 12] to be located along the northern edge of the access road linking between the back edge of the highway to the eastern boundary shall be erected within 3 months of the date of this permission, and this fence shall be permanently retained in accordance with a specification to be agreed in writing with the Local Planning Authority.

(Reason: To ensure that this area is not used for the parking of vehicles, to minimise potential impacts on the green barrier).

PAGES 53 – 58 WRA P/2011/0749

12 Ffordd Dyfed, Wrexham

AGAINST: *Mrs P Taylor (Neighbour)*

PAGES 72 – 76 HOL P/2011/0849

Cornish Farm, Francis Lane, Holt, Wrexham

AGAINST: *Mrs D Abell (Neighbour)*

FOR: *Mr Leslie Smith (Agent)*

Consultations

Highways: The revised layout plan appears adequate. The visibility now available from the access (59 metres to the south-west and 100 metres to the north-east) appears to be adequate based on the speed survey (85th percentile speed of 34mph). However, without the submission of a valid calibration certificate for the speed gun, the results of the survey cannot be accepted.

Representations

Additional responses received from two objectors to revised information:

Now that a full understanding of the application has been reached, the facts demonstrate that there is a lack of "feasible" parking and traffic management on site, the access visibility is inadequate and the increased traffic generated by the 2 businesses will overwhelm existing traffic levels on Francis Lane and will be far in excess of any reduction happening when the bypass is completed in August (weather permitting).

Further cutting back of the hedge is not required by the previous planning permission for the barn conversion.

The provision of additional parking spaces implies more traffic on an unsuitable lane.

Applicant's Submission

A traffic report has been supplied, together with a large scale plan of the car park and a revised site boundary.

The agent has also made the following points:

The plans have been amended to include the parking areas within the application. The present lawful use of the office is undetermined.

It is correct that foul water goes to a septic tank shared between the application site and the adjoining property and not to mains. There are no protected species within the application site.

The matter as to how a veterinary practice should be run to comply with the RCVS Practice Standards Scheme or other considerations is not a planning matter.

A number of comments in regard to this scheme fail to take account of what is actually approved at the site at the current time. The site is a commercial livery and as such horse boxes and other vehicles can call at the site without restriction as to times or numbers. The veterinary practice must be considered against that base line.

It is accepted by all parties that traffic along Francis Lane will diminish considerably when the new road is completed around the Industrial Estate, and estimate was given by a consultee of 80% reduction. The traffic generated by the veterinary practice will be far less than that estimated in the responses and even then results in a net reduction in traffic. There will also be a considerable reduction in the average speed of traffic as traffic entering the site will be slowing down on entering the site or gently accelerating away from it compared with passing at a constant speed.

There will be no adverse effect on the neighbouring property. There is no overlooking from inside the office; this is not a 24x7 operation, although the commercial livery could be; the security will be increased by the daytime presence of staff; any lighting required will not be in excess of that which is currently required for commercial livery; parking has been assessed to be adequate; there is no evidence that vehicles will park on the road, which could of itself be an offence of obstruction; there is no evidence that horses are more likely to enter the highway than at present.

Most of the objections are based upon vehicle related issues and a great deal of work has been carried out to gather evidence that would satisfy these concerns.

Other matters relate to activities that are currently lawful in planning terms or are matters outside the control of the planning regime.

There is nothing in the representations upon which a refusal of planning permission could be substantiated.

If the above points are not accepted, a 3 year temporary permission is requested to allow the impacts to be monitored and re-assessed.

Observations

The revised site layout plan is acceptable and demonstrated adequate parking and turning space for the existing and proposed businesses. Visibility from the access to the west has been improved, but the highway concerns remain.

Recommendation

Amend reason 1 to read:

There is restricted visibility at the existing access. The increased use of the access would be detrimental to highway safety for vehicle and other road users, contrary to policy GDP1d of the Wrexham Unitary Development Plan.

PAGES 98 – 108 WRA P/2011/0875

Land to the south of Baldrumma, 87 Wynnstay Lane, Marford, Wrexham
AGAINST: Mrs Ann Sutton (Neighbour)

Representations

1 additional letter making the following comments:

- width of frontage of plot next to Wineberry House is inaccurate – it is not 15m but 20m wide;*
- reasons for decision of plot next to Wineberry House no longer valid;*
- there is not a great deal of difference between this application and those previous;*
- the character of the area nor specific houses highlighted as being of upmost importance have not changed (since previous decisions)*
- suggest any decision is delayed until a site meeting can be arranged to ensure those it affects are able to put forward their concerns.*

1 verbal request to withdraw the comments referred to in my main report as being in support of the application. There are now no comments in support of the application.

Observations

The width of the plot next to Wineberry House referred to in my main report is based on the plans submitted with the application to develop it.

Recommendation

I refer Members back to my original report.

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

PAGES 40-52 GWE P/2011/0709

Applicant's Submission

The following amendments to the landscaping scheme:

- Reduction in the number of new trees to be planted to 13 and amended positions of new trees to better reflect the space available and to ensure the trees have sufficient space to grow;
- A wider variety of tree species to be planted.

Observations

The amendments are acceptable and will ensure that the landscaping proposals, in conjunction with the whole development, will assist in enhancing the appearance of the site.

Recommendation

Condition 05 amended to refer to the updated landscape plan:

The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawings no. EXL1 D, DET 1, and Tree Solutions drawing no. 04: Landscape Plan Revision C within three months of the first occupation of the dwellings hereby approved with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first occupation of the dwellings.

The following additional condition added:

Condition 12

No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2005 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved. (Reason: To ensure the work is carried out to accepted arboricultural practices for the long term well being of the tree(s).

PAGES 68-71 LLA P/2011/0834

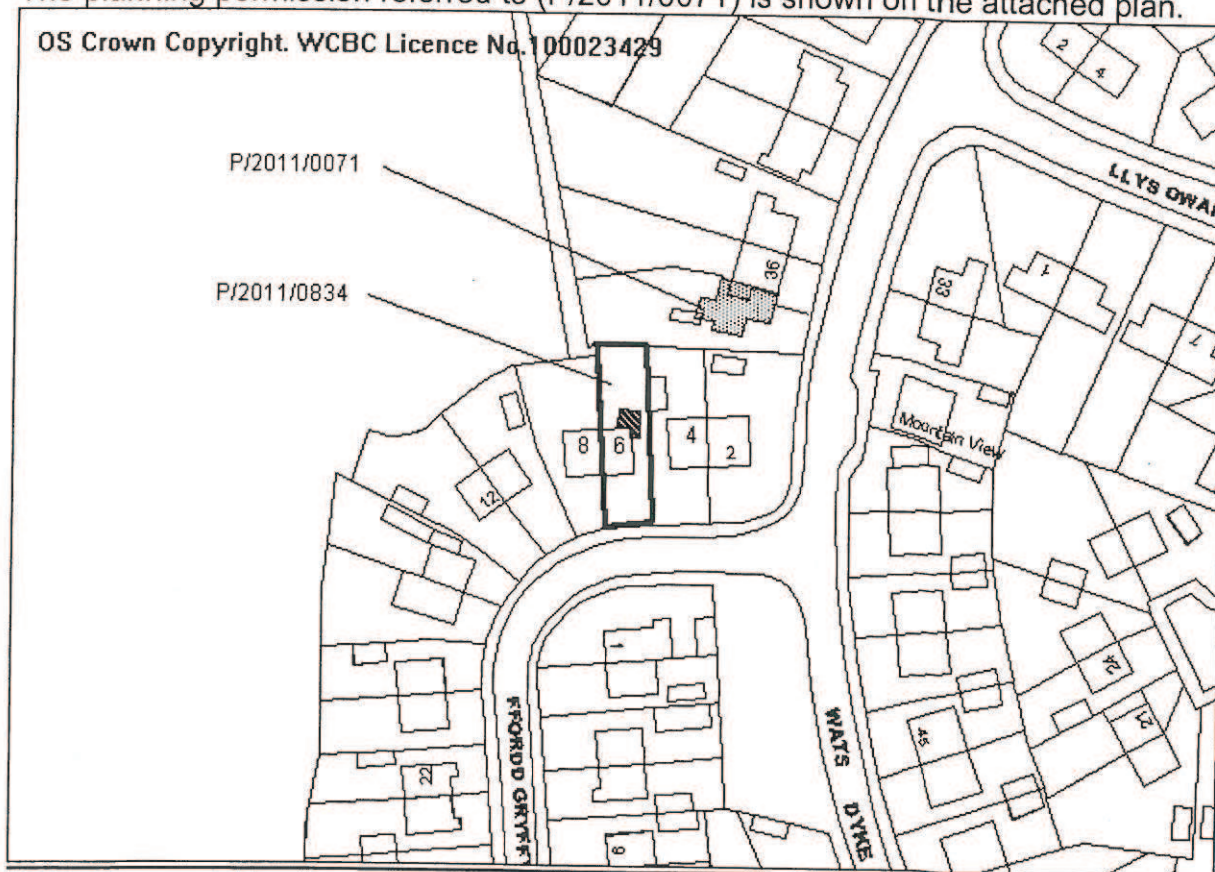
Representations

Additional comment received:

The recent planning permission for a 3 bedroom dwelling attached to 36 Wats Dyke should be taken into account, in terms of possible privacy infringement from the bedroom window to the garden and rear living area of the new dwelling.

Observations

The planning permission referred to (P/2011/0071) is shown on the attached plan.



The proposal is considered acceptable in terms of privacy and separation distances for the proposed dwelling. The properties will be some 17 metres apart, but main windows do not directly face each other. The rear garden remaining at 6 Ffordd Gryffydd is 9 metres long.

Recommendation

Remains unaltered.

Consultations

Offa Community Council: No objections to the general development. Concerns that over parking for Community Resource Centre will be inadequate. Because this building is not included for approval with this application, members want reassurance that a sufficient parking area will be retained for its use.

Highways: Have no objection to the development following the submission of amended plans.

Applicant's Submission

Amended elevation plans for the proposed flats have now been submitted.

Observations

The parking provision for the Community Resource Centre will be a matter for consideration when a planning application is submitted for it. However there is sufficient space for adequate parking provision to be provided for that building.

The amended plans address the concerns expressed in my main report. The external appearance of the flats will now complement the appearance of the dwellings.

Recommendation

AMENDED RECOMMENDATION B

That upon the expiry of the publicity period and;

- a) provided any additional representations received do not raise matters relevant to planning and not already addressed in my main report or in the addendum; and
- b) completion of the planning obligation.

The Head of Community Wellbeing and Development be given delegated authority to **Grant** planning permission subject to the conditions set out in my main report as well as the amendments and additional condition referred to below:

Conditions 6, 7, 13, 14 and 15 be amended to refer to approved drawing no. 6791/L(9)01 Revision P10.

Condition 23

No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented. (Reason: In the interests of highway safety).

AMENDED 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 Community Wellbeing and Development be given delegated authority to refuse the application for the following reason:-

1. The development makes inadequate provision for the provision of and long term maintenance and management of open space on site and the locality. This will

result in a poor standard of development and will compromise the standard of amenity afforded to future occupiers of the site and occupiers of existing properties in the locality. As such the development does not accord with policies GDP1 and CLF5 of the Wrexham Unitary Development Plan.

PAGES 109-113 WRA P/2011/0881

Representations

Additional comment received from adjoining occupier (15):

1. *Pleased that the plan has been amended.*
2. *The proposed living room/ kitchen area extension is still a little imposing. If it cannot be reduced further, there should be a guarantee that the top of the ridge does not exceed 4 metres, to lessen any reduction in solar gain and reduce the impact. The development will be required to conform to the approved plans.*
3. *The waste water drain becomes a public sewer within number 13 and will pass under the extension. Requests a guarantee that it will be safeguarded through building control to Welsh water requirements.*

Observations

1. *The roof pitch of the single storey extension is 25 degrees, which is appropriate for the property and the locality. A reduced pitch would have little impact on sunlight/ daylight.*
2. *The issue of the sewer will be addressed through building control consultation with Welsh Water.*

Recommendation

Remains unaltered.

PAGES 118-122 WRC P/2011/0896

Representations

Community Council: No objection.

Recommendation

Remains unchanged.

PAGES 130-133 BAN P/2011/0910

Applicant's Submission

The existing windows and doors are all PVCu and the proposed porch will match the existing details. Only one door will be visible from the road which will be the same as the existing house.

Recommendation

Remains unchanged.

PAGES 134-140 WRA P/2011/0919

Consultations

Community Council: No objections

Recommendation

Remains unchanged.

PAGES 141-143 WRC P/2012/0025

Representations

Public Protection: The site was once a landfill site. As such the disturbance of the existing surface may cause disturbance to sub surface materials. A contamination investigation and possible mitigation methodology will be required. Condition required.

1 further response from the Headteacher of Gwenfro Primary School received supporting the application on the grounds that the community and pupils of the school will benefit.

Recommendation

Add conditions:

3. 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).
4. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 3 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).

Informatives

Further advice on compliance with condition no. 3 may be obtained by contacting the Council's Environmental Protection Team on 01978 813722. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site.