

# Public Pack

## Planning Committee - Tuesday, 7 May 2019

Addendum Report



**WREXHAM COUNTY BOROUGH COUNCIL PLANNING COMMITTEE**  
**MEETING OF 7 MAY 2019**

**ADDENDUM**  
**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**

*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**

<i>Page Nos</i>	<i>Community</i>	<i>Planning Ref</i>	<i>Speaker Against</i>	<i>Speaker For</i>
33 – 48	ROS	P/2018/0888		√
49 – 56	RHO	P/2018/0934		√
61 – 69	MIN	P/2019/0084	√	√
79 – 84	BRO	P/2019/0089		√
103 – 102	RHO	P/2019/0147	√	
113 – 117	COE	P/2019/0192		√
123 – 128	SES	P/2019/0220		√
129 – 136	LLA	P/2019/0229	√	

**Pages 33 – 48      ROS   P/2018/0888**  
**Broad Oak Farm, Llyndir Lane, Rossett, Wrexham**  
**FOR: Mr Guy Evans (Agent)**

**Representations**

1 no. representation received from Alyn Family Doctors. Concerns raised in regards to the limited capacity of the surgery to accommodate additional patients and that the application does not comply with PPW.

**Observations**

The objection of Alyn Family Doctors is noted, however their objection does not identify any evidence of a specific harm that would arise from the development. They have also provided no evidence to demonstrate whether the pressures they face are as a result of the capacity of physical infrastructure (i.e. surgeries) or staffing shortages. The UDP does not contain any specific policies regarding developer contributions towards healthcare provision, however in general terms where developer contributions are sought to mitigate impacts arising from specific proposals, they are to fund specific enhancements to physical infrastructure. So if contributions towards healthcare were justified it would be to fund enhancements to surgery premises. Health staff shortages are not unique to Wrexham, however in my opinion it is not an

issue for the Local Planning Authority to seek to mitigate. It is the responsibility of the Health Boards and the Welsh Government to ensure that healthcare services are provided with adequate levels of staff.

## **Recommendation**

Remains unchanged, with the exception that the reference to the Head of Environment and Planning under Recommendation A and B on page 44 of the Committee Report, is replaced by the Head of Planning and Regulatory.

### Condition 7

*The amount of hardstanding proposed at the rear of the site is considered to be significant in the context of the location of the built form and the site's location in open countryside. To ensure that the hardstanding is limited to the amount required for the turning of refuse vehicles only, the landscaping condition (condition 7) has been amended to include reference to the removal of hardstanding at the rear of the site. The amended condition reads as follows:-*

*7. Notwithstanding the approved Landscaping Framework (Dwg No. L10 P2), prior to commencement of development, full details of a hard and soft landscaping scheme, to include bin storage, the removal of hard standing at the rear of the site, native planting as well as type, positions, materials and design of all boundary treatments, together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.*

### Condition 14

*Condition 14 refers to the access, highway improvements, carriageway widening and passing places required, prior to first occupation of the development.*

*Based on the submitted TRICS information put forward by the agent, the Highway Authority state that if the proposed development was to be supported without adequate footway links but limited to existing traffic generation levels experienced by the farm (and that the traffic generation levels were accepted), then this would equate to around 10 – 11 dwellings.*

*The proposal is for 10 no. dwellings, therefore it is not considered necessary or reasonable to secure the required passing places, given the resultant traffic generation is comparable to the existing traffic generation which could be experienced by the farm. Therefore, reference to the passing places in this condition will be removed and the condition will solely refer to the highway improvements, access and carriageway widening required at the front of the site to facilitate the required visibility splays and footway across the site frontage only. The condition has been amended as follows:-*

*14. The access, highway improvements and carriageway widening as shown on the approved 1:250 Proposed Access Arrangement/Improvements Rev A, shall be carried out and fully implemented prior to first occupation of the development hereby approved.*

## Condition 2

*Reference to the 1:500 Passing Place and Footway Link Proposals Rev B (Dwg. No VN70889-SK04 Rev B) will also be removed from the approved plans (condition 2).*

### **Pages 49 – 56 RHO P/2018/0934**

***Horse & Jockey, Chapel Street, Ponciau, Wrexham***

**FOR:** *Mr Carl Hughes (Agent)*

### **Pages 61 – 69 MIN P/2019/0084**

***Gegin Farm, Ruthin Road, Minera, Wrexham***

**AGAINST:** *Mr Richard Jones (Local Resident)*

**FOR:** *Mr Adrian Rose (Agent)*

## **Consultation responses**

Local Member – Cllr D. Kelly: Raises concerns in relation to parking provision and staffing vehicle movements. These are material planning considerations. I support many of the concerns raised by residents and realise many are of a regulatory nature. I would ask you to comment as to why there are few conditions related to this application. Will the building be subject to a Building Control inspection to determine its suitability regarding the end use?

Wrexham County Borough Council – Highways. No objection. Comments made as follows:

- Visibility from the site access on to the B5102 is acceptable for the prevailing traffic speeds;
- There is adequate space within the curtilage to provide off road parking for 5 vehicles;

It is considered unlikely the development will result in any significant increase in traffic generation compared to its current use; and

- Crashmap accident records reveal no personal injury accident has been reported in the last 20 years at the A525 Minera Road and Gegin Lane junction.

Wrexham County Borough Council – Social Services. Comments made as follows:

[WCBC Social Services] were not aware of a Children's home opening up in Wrexham. I would like to express my concern at the proposal for another children's home to open in this area given the large number of privately owned ones already in existence in Wrexham. This has been of concern historically as these establishments impact on services here for example very often these establishments will require services from Police/health/CAMHs/Youth Justice Service and Social Care with no additional resources provided to meet increasing demand.

## **Representations**

Representations have been received by a resident's spokesperson and their Planning Consultant objecting the proposal on the following grounds. The representations raise concerns, based on a fact finding exercise with the applicant, that there are errors and omissions within the application submission. Other points raised, largely those of the

Planning Consultant have been summarised and addressed already in the main report and are not repeated. Additional issues raised have been summarised as follows:

- The name of the property is wrong. It should be a Y Gegin, not Gegin Farm;
- This is not a small family unit as claimed, but a business providing specialist care to the most traumatized children. This cannot be described as providing a setting such as a small family unit;
- No details on the type of children, their background or their behavioural characteristics to be housed are provided. The applicant confirms that the children placed come from a variety of situations such as children's homes and other residential homes which is not the same character as a normal residential home. There is a significant additional risk to the community as a result;
- The proposed use is not characterised as a secure unit in planning terms, therefore the applicant does not have the legal authority to prevent children going out of the home;
- The applicant has stated in their submissions the intention to house up to four children and in discussions with the community they have confirmed that this will not change. However, the applicant's own website is advertising for a teacher of up to five children in the Wrexham area inferring there will be five children housed;
- The applicant confirmed in a meeting with the community that there will be 9 operational staff, 2 educational staff and 1 clinical staff. This is 10 more than as stated in the application documentation and is a material difference which should be considered in relation to highway safety and availability of parking for 13 staff vehicles;
- The ground floor windows are set below the A525 allowing people to legally view into the property causing issues of security for the vulnerable children. The windows are sash style leading to issues of security for the children;
- The Children's Commissioner states that such homes should be located in rural areas away from the road network. This is not a safe environment as there is a temptation to escape via the road network, especially as there is another similar home 0.6 miles away which the applicant was not aware of and does not appear to have formed part of their own risk assessments;
- There is a lack of assurance from the applicant regarding the existing resident's personal safety;
- Residents have asked that the applicant inform the local planning authority of errors and omissions but this has not been done and there is a concern that this pivotal information is being withheld;
- An Ofsted report into another facility run by the applicant is 'Good' and not 'Outstanding' as stated by the applicant which misrepresents the status of the applicant in the media
- Crime statistics and speeding incidents have been submitted for a location adjacent to an existing similar facility in Bwlchgwyn and crime statistics for a facilities run by the applicants in Pwllheli and Winsford have been submitted.

This indicates various levels of crime such as antisocial behaviour and sexual offences in close proximity to those sites.

## **Observations**

The concerns expressed by the Local Member and resident's spokesperson have largely been addressed in the main report. However, I will comment on specific matters that have not.

Members are reminded that the operational suitability of the building and applicant is a matter for the Care Inspectorate Wales.

The name of the property within the application is not relevant to the determination of the application. The property name is shown in varying guises on the OS base map and national land gazetteer but it identified on a local plan as submitted in the planning application.

The applicant has provided a planning statement for the purposes of aiding the consideration of the planning application. However, this is not a statutory requirement and the errors and inaccuracies noted by the residents are perceived, many of which are descriptive to demonstrate the setting of the service that the applicant wishes to achieve for the site. I am satisfied that the recommendation has been formulated in full knowledge of the type of service provided by the applicant and that the use falls entirely as a residential institution as laid out in planning legislation.

Reference to the applicant advertising for a teacher of up to 5 children in the Wrexham area is not directly relevant to the determination of this planning application and is an assumed link. The issue of the potential number of occupiers is addressed in the main report.

Reference to the claimed 12 no. staff members, including 9 operational staff rather than the 2 stated in the application is noted. However it would appear to me that this is the total employment, rather than total staff at any one time. Whilst there may be 12 staff members who attend the site, Members are reminded that operational staff are rostered and are highly unlikely to be on site at any one time. Issues relating to parking and access are addressed in the main report.

Reference made to crime statistics using existing facility locations is purely circumstantial. No evidence has been provided to show a form link between incidents and the established facilities. Little or no weight should be given to this.

I note the comments made by WCBC Social Services. However, the concerns raised are not planning matters. The existing building has a residential use and impact upon local services is comparable to if it were occupied as a single dwelling. In land use planning terms the proposed use is acceptable as there is likely to be a marginal increase in demand upon public services specific to this planning application.

The need for Building Regulations approval is not a planning matter. However, I have discussed the matter with the council's Building Control section and an application for approval under the Building Regulations is likely to be required.

The number of recommended planning conditions, or lack of, is not a reason to resist and planning proposal. Members are reminded that there are strict tests for imposing planning conditions. Amongst other matters, they must be necessary and reasonable and should not be imposed as a blanket control. I am satisfied that the conditions forming part of the recommendation are justified.

### **Recommendation**

Remains unchanged.

**Pages 79 – 84 BRO P/2019/09089**  
**Ferndale Garden Centre, Berse Road, Caego, Wrexham**  
FOR: Stuart Hatherall (Agent)

**Pages 103 – 112 RHO P/2019/0147**  
**Land adjacent to 1 Islwyn, Beech Avenue, Rhosllanerchrugog, Wrexham**  
AGAINST: Mr David Cartwright (Representing Objectors)

**Pages 113 – 117 COE P/2019/0192**  
**49 Castle Road, Coedpoeth, Wrexham**  
FOR: Stuart Hatherall (Agent)

**Pages 123 – 128 SES P/2019/0220**  
**1 Bedwell Crescent, Cross Lanes, Wrexham**  
FOR: Stuart Hatherall (Agent)

**Pages 129 – 136 LLA P/2019/0229**  
**Land at Home Farm, Gresford Road, Llay, Wrexham**  
AGAINST: Mr Dennis Owen (Rep. Community Council)

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

**Pages 13 – 22 ESC P/2016/0611**

**Legacy Car Dismantlers and Scrap Yard, Llwyneinion Road, Legacy, Wrexham**

**Observations**

This application has been **withdrawn**

**Pages 23 – 32 MAE P/2018/0608**

**Big Green Farm, Ellesmere Lane, Penley, Wrexham**

**Applicant's Submission**

“The concerns expressed by local residents in relation to the location of the builders' compound are understood. The layout has been changed since the original submission with a parking area to the rear of the site. This area can be used for the compound.”

**Recommendation**

No Change

**7 Heol Dinas, Wrexham**

**Representations**

One further neighbour representation received raising objections already noted and addressed in the main report. One comment was made in relation construction work ongoing most weekends causing noise.

**Observations**

With regards the noise from construction works, the building is complete. I have no reason to believe that noise should be associated with the use of the building. Any commercial operations that may occur would require further scrutiny through the planning system but there is no evidence before me to warrant adding noise disturbance as a reason for refusal.

**Recommendation**

Remains unchanged.

**5 Ffordd Elwy, Wrexham**

**Submission**

Amended plans have been submitted amending the proposal by:

- removal of the full height flue so it is now being taken through the house with only a metre being visible above the main roof of the property
- increase in the amount of glass on the rear extension
- insertion of a side window in the front porch and amending the materials so it is timber clad

**Observations**

The amendments reduce the impact of the flue when viewed from the rear and improve the appearance from the neighbouring properties.

The increase in the glass on the rear extension faces into the garden so will not result in any additional overlooking to the neighbouring properties.

The amended design of the porch is acceptable and the side window will not affect any nearby properties.

There is no evidence that a B&B business is being proposed; the internal changes would not require planning permission.

## **Representations**

Neighbouring properties have been re-consulted. One letter received raising the following points:

- Position of flue is close to neighbouring property and would be prominent and not in keeping with area.
- Concerns that smoke and smell from the flue would be unacceptable for neighbours.
- Concern that the number of en-suite bedrooms mean a B & B is proposed which will result in parking problems. Meetings are already held at the property which increases parking at the property.

## **Recommendation**

The application is still in the re-consultation period and therefore delegated powers to approve the application upon the ending of this period are requested.

Amend condition 2 so the development is in accordance with Plan Number 110 rev F