

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE
HELD IN COUNCIL CHAMBER, GUILDHALL ON MONDAY, 4 MARCH 2019**

MEMBERS

Councillor M G Morris, Chair
Councillor Marc Jones, Vice-Chair

Councillor	Bryan Apsley	Councillor	John McCusker
"	I David Bithell, MBE	"	Beverley Parry-Jones
"	Michael Dixon	"	Paul Pemberton
"	Frank Hemmings	"	John Phillips
"	Adrienne Jeorrett	"	Ronnie Prince
"	* Gwenfair Jones	"	John Pritchard
"	Paul Jones	"	Paul Roberts
"	David Maddocks	"	Graham Rogers
"	Tina Mannering	"	* Andy Williams

*Absent

Also Present – Councillors Andrew Atkinson, Trevor Bates, Brian Cameron, Dana Davies, Terry Evans, R Alun Jenkins, Joan Lowe, Mark Pritchard and Robert Walsh

57 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Gwenfair Jones and Andy Williams.

58 CONFIRMATION OF MINUTES

The Minutes of the meeting held on 4 February 2019 were submitted.

RESOLVED – That the Minutes of the meeting held on 4 February 2019 be signed as a correct record.

59 DECLARATIONS OF PERSONAL INTERESTS, IF ANY

Members were reminded of their responsibility, under paragraph 11 of the Members' Code of Conduct, to declare any interests in relation to any business to be transacted at this meeting. The following declarations were made:

Agenda Item 4 - Development Control Applications

Councillor Michael Morris – Personal and Prejudicial – Application Code No. P/2018/0922 the applicant being known to him and being a customer of his business. The Councillor withdrew from the meeting for this item taking no part in the discussion and voting thereon.

Councillor Bryan Apsley – Personal and Prejudicial – Application Code No. P/2017/0314 – being the Secretary of Llay British Legion Social Club. The

Councillor, in his role as one of the Local Members, made representations pursuant to Part 3, Section 14(2) of the Wrexham County Borough Council Code of Conduct for Members, indicating his objection to the proposed development, then withdrew from the meeting, taking no part in the discussion and voting thereon.

Agenda Item 5 - Tree Preservation Order (TPO) 282/2018 Wrexham Law Courts & Police Headquarters, Bodhyfryd, Wrexham.

Councillor Bryan Apsley – Personal and Prejudicial – having previously indicated his objection to confirming the TPO in an e-mail to all Members and thereby pre-determining the application. The Councillor withdrew from the meeting for this item taking no part in the discussion and voting thereon.

Councillor Adrienne Jeorrett – Personal and Prejudicial – her employer has spoken out publically about the TPO. The Councillor withdrew from the meeting for this item taking no part in the discussion and voting thereon.

60

DEVELOPMENT CONTROL APPLICATIONS

The Head of Environment and Planning submitted a report (HEP/13/19) for Members' consideration of planning applications and attention was drawn to his Addendum report where relevant.

Application Code No. P/2018/0551 – Planning Application for the development of an Orientated Strand Board Production Facility at Kronospan Ltd., Holyhead Road, Chirk, Wrexham.

A resident spoke against the application.

The applicant's representative spoke in support of the application.

The Local Member indicated his objection to the proposed development as the Transport Assessment submitted with the application indicated a 24% increase in HGV movements (approximately 200 HGV lorries) at the site over a 24 hour period. He commented upon the existing congested nature of the local highway network and that the condition of the road surface is deteriorating, especially at the entrance to the site. In his opinion, the existing access to the site from the B5070 Holywell Road will be inadequate to cope with the increased vehicle movements to and from the site and that the applicant should investigate the provision of an alternative vehicular access to the site. In addition, there will also be a potential increase in noise, dust and emissions by adding a new production line.

During the discussion that ensued, several Members concurred with the views expressed by the Local Member and suggested that further consideration of the application be deferred to allow the applicant time to investigate an alternate site access. This was agreed by the Committee.

RESOLVED – That consideration of the application be DEFERRED to allow the applicant time to consider an alternative means of access to the site so that the application could be considered by the Committee on the basis of the fullest information possible.

Application Code No. P/2018/0577 – Erection of four agricultural buildings for rearing livestock (poultry), ancillary building and plant, associated infrastructure, landscaping and access arrangements at Cinders Farm, Cinders, Ruabon, Wrexham.

The local residents' representative spoke against the application.
The applicant's representative spoke in support of the application.

The Local Member together with the adjoining Local Member commented that the proposed development would increase HGV traffic movement along the local highway network. The access to the development site was proposed off Cinders Lane, a narrow lane with visibility splays at its junction on to the A539 not meeting the guidance contained in Planning Policy Wales Technical Advice Note 18. In their opinion, the implementation of the proposed highway improvement measures would not be sufficient to allow for the safe passage of HGV vehicles along Cinders Lane and this would have an adverse impact on highway safety at this location. Therefore, they asked that planning permission be refused.

During consideration of the application it was suggested that, if the Committee was minded to grant permission, in the interests of highway safety and to protect the amenities of occupiers of nearby properties, two further conditions be included to provide for the hours of delivery and collection of birds and a construction and operational traffic plan. This was agreed by the Committee.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/13/19 together with the following additional conditions thereto:

Add Condition 19

Subject to the exceptions detailed separately in this condition, all works in relation to the implementation of this permission, including deliveries to or from the site shall be undertaken only between the hours of 07:30 and 18:00 Monday to Friday, and 08:00 to 14:00 on a Saturday and at no time on a Sunday, Bank or Public Holiday. Vehicles associated with the delivery or collection of the birds shall be allowed to be on site from 06:30 hours with loading and unloading taking place from 07:00 hours. The removal of manure from the site shall not take place on Saturdays, Sundays, and Bank or Public Holidays.

Reason: To protect the amenities of the occupiers of nearby properties.

Add Condition 20

Prior to the commencement of the development a construction and operational traffic management plan including provision for contractor parking shall be submitted to and approved in writing by the Local Planning Authority. The plans as approved shall be fully implemented and maintained for the duration of the use hereby permitted.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties.

Application Code No. P/2018/0832 – Residential development for 6. No. dwellings and associated new vehicular access on land to the rear of Seion Chapel, Pontfadog, Llangollen.

A resident spoke against the application.

The Local Member indicated his support for the application as, in his opinion, the proposed development would provide much needed smaller housing accommodation within the area. In addition, interest has been expressed by a Registered Social Landlord to manage the houses, therefore, he requested that permission be granted.

During consideration of the application a Member suggested that, if the Committee was minded to grant permission, in the interest of highway safety and the amenities of occupiers of nearby properties, a further condition be included to provide for a construction traffic development plan prior to commencement of the development. This was agreed by the Committee.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/13/19 together with the following addition condition thereto:

Add Condition 26

Prior to the commencement of the development a construction traffic management plan including provision for contractor parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the details as be approved.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties.

(Councillor M G Morris vacated the Chair for the following item of business, having declared a personal and prejudicial interest in the application. The Vice-Chair presided for this item).

Application Code No. P/2018/0922 – Application for variation of Condition No. 2 imposed under Planning Permission P/2017/0744 to amend the approved drawings to delete the two-storey element of the extension at 1 Y Groes, Salisbury Road, Wrexham.

(Member declaration of interest in relation to this application is set out in Minute 59 above).

The applicant's representative was present having indicated 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/13/19.

Application Code No. P/2018/0933 – Mixed use development comprising residential development (outline), a 4,000 sq.ft. retail unit (outline), a car park (full), details of access (all other matters reserved) and associated works at British Legion Social Club, Watts Dyke, Llay, Wrexham.

(Member declaration of interest in relation to this application is set out in Minute 59 above).

A member of the public spoke against the application.
The applicant's representative spoke in support of the application.

Both Local Members together with the adjoining Local Member indicated their objection to the application. They referred to the previous planning application for development of the site (P/2017/0314) which this Committee had refused on the 2 July 2018. In their opinion, there had been no material change in the situation and that the provision of local primary health care facilities, especially in obtaining GP appointments, had deteriorated. They reiterated their previous concerns on the proposed development and these included:

- Local community facilities, specifically schools and health care, have insufficient capacity to adequately cater for the additional demand arising for the development and as such it is contrary to Policy GDP2 of the adopted Wrexham Unitary Development Plan.
- Due to loss of land at the Royal British Legion available for parking and for remembrance services, the development will adversely affect a multi-activity community facility and is therefore contrary to Policy CLF1 of the adopted Unitary Development Plan.
- The capacity of the existing local highway and drainage infrastructures to accommodate the proposed development.
- By significantly reducing the land available for car parking and remembrance services at the Royal British Legion Club, the proposed development would have a detrimental impact on the way this multi-activity community facility operates.

Therefore, they asked that the application be refused for the same reasons as set out in July 2018.

During consideration of the application the Chair reminded Members that additional information has been provided by the Local Health Board and the Education Department and this was set out in the Officer report. After hearing the views of Members it was:

RESOLVED -

- (1) That an Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 be required to secure the following:**

- The formation of a Management Company for the future maintenance by the applicant of all communal areas including driveways, parking areas, hard and soft landscaping, trees and planted features;
- Payment of a commuted sum at the rate of £1000 per dwelling for the improvement of hard and soft landscaping within the neighbouring Alyn Waters Country Park;
- Affordable Housing provision across the development in accordance with the Welsh Government definition; and
- A contribution towards the shortfall in primary and secondary education infrastructure provision

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/13/19.
- (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 reason:

Reasons

- Lack of appropriate maintenance by the applicant of all driveways, parking areas, hard and soft landscaping, trees and planted features;
- Lack of improvement or provision of open space to cater for the future needs of the dwelling;
- Lack of affordable housing provision; and
- Lack of infrastructure provision for primary and secondary education provision.

Application Code No. P/2018/0935 – Application for variation of Condition 13 imposed under Planning Permission P/2016/1048 to allow surface water drainage to be partially disposed of in the public sewer network at The Goulbourne, Borrás Park Road, Wrexham.

The applicant's representative was present having indicated 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/13/19.

Application Code No. P/2018/0975 – Erection of fence (more than 1 metre high)

next to highway (in retrospect) at Edgcroft, Pant Lane, Gresford, Wrexham.

The Local Member indicated his support for the application as, subsequent to the photograph contained in the report being taken, part of the fence has been set back to improve visibility from the driveway of the neighbouring dwelling onto the highway. Therefore, he requested that permission be granted.

After hearing the views of Members it was:

RESOLVED – That permission be REFUSED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/13/19.

Application Code No. P/2018/0995 – Sub-division of single dwelling into 3 No. flats (in retrospect) at Flats 2,3 and 4 Hazel Grove, Church View, Chirk, Wrexham.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/13/19.

Application Code No. P/2018/1010 – Change of use from B1 (office) to D1 (medical) at Unit Nos. 1 and 3 Chesney Court, Rhyd Broughton Lane, Wrexham Technology Park, Wrexham.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/13/19.

Application Code No. P/2019/0002 – Single-storey extension to replace existing conservatory and new front porch at 2 Forest Hills, Halton, Chirk, Wrexham.

A resident had indicated his intention to speak against the application, but had left the meeting prior to the application being considered.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/13/19.

Application Code No. P/2019/0016 – Construction of on-street parking on land in front of Nos. 77 and 78 Longfield, Chirk, Wrexham.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/13/19.

61 **TREE PRESERVATION ORDER 282/2018 WREXHAM LAW COURTS & POLICE HEADQUARTERS, BODHYFRD, WREXHAM**

(Members declaration of interest in relation to this application is set out in Minute 59 above).

The Head of Environment and Planning submitted a report (HEP/21/19) which enabled consideration to be given to written representations made in respect of Tree Preservation Order (TPO) Wrexham County Borough Council No.282/2018 – Wrexham Law Courts and Police Headquarters, Bodhyfryd, Wrexham.

The Local Member commented that confirmation of the TPO may have an adverse impact on the proposed construction of a new custody suite and access road which is a necessary requirement to serve the existing Law Courts on site. The Planning Control Manager reminded Members that should there ever be a case in the future when any of the trees in question are agreed for removal, confirmation of the TPO will allow the Council to enforce replacement planting by the developer.

A Member suggested that there was an additional mature sycamore tree on site which, in his opinion, would also be worthy of protection. In response, the Arboricultural Officer explained the reasoning behind his selection of the trees proposed for protection, however, he agreed that the mature sycamore tree could be worthy of protection.

During consideration of the order, several Members suggested that the TPO be modified to include the mature sycamore on site and confirmed. This was agreed by the Committee.

RESOLVED – That Tree Preservation Order Wrexham County Borough Council 282/2018: Wrexham Law Courts and Police Headquarters, Bodhyfryd, Wrexham be confirmed with the modification to include the mature sycamore tree.

62 **PLANNING APPEAL DECISIONS**

The Head of Environment and Planning and the Head of Corporate and Customer Services submitted a joint report (HEP/22/19) which advised the Committee of the outcome of appeals against decisions of the Council (June 2016 - January 2019).

RESOLVED – That the report be noted.

63 **RETIREMENT**

The Chair referred to the imminent retirement of Ken Bickerton, who had clerked this Committee for many years and Members wished him all the best for the future.

Councillor M G Morris
Chair