

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 4 MARCH 2024

APPLICATION NO:
P/2023 /0738

LOCATION:
GAMFORD HOUSE GAMFORD
LANE ROSSETT WREXHAM
LL12 0EW

DATE RECEIVED:
25/07/2023

COMMUNITY:
Rossett

DESCRIPTION:
DYMCHWEL ADEILADU
PRESENNOL A CHODI 10 ANNEDD
AR WAHAN / DEMOLITION OF
EXISTING BUILDINGS AND
ERECTION OF 10 DWELLINGS

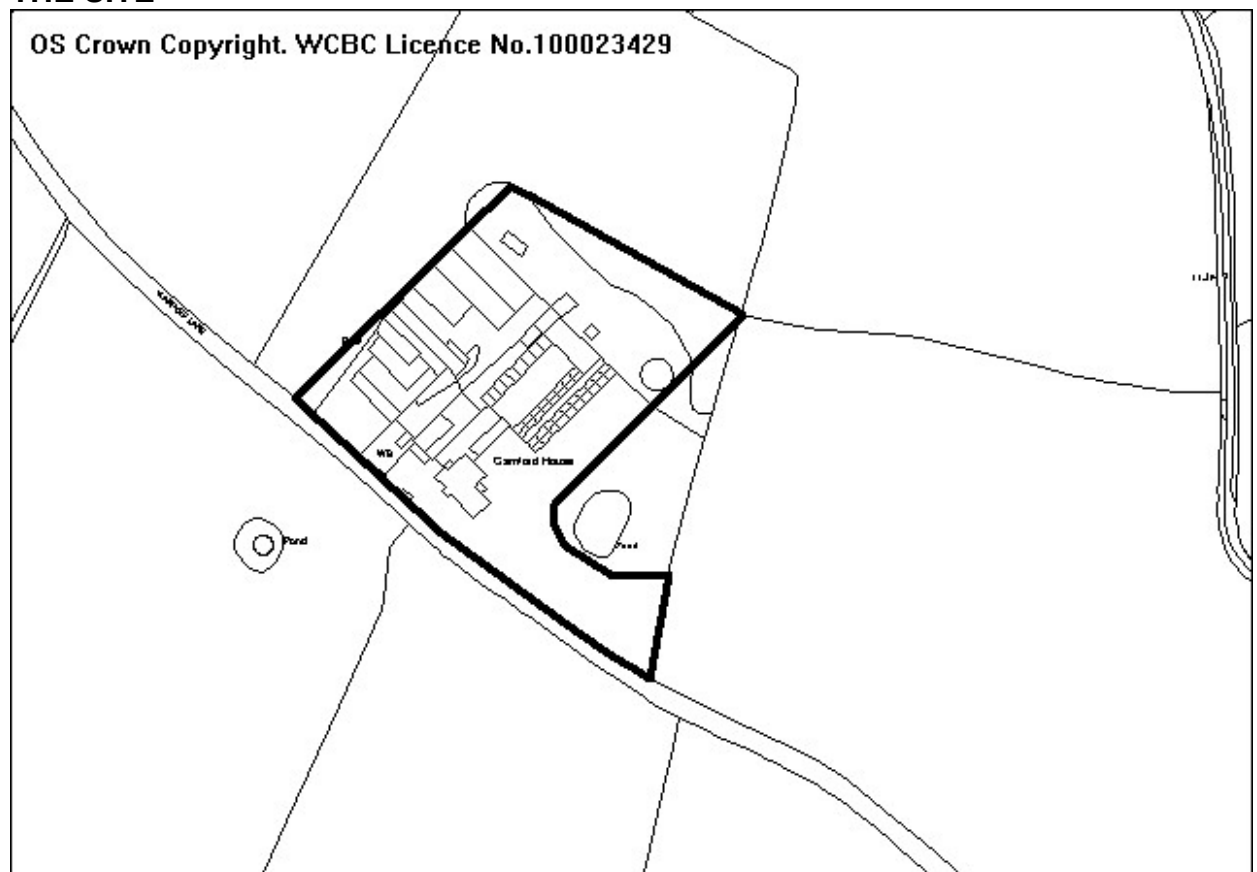
CASE OFFICER:
MP

WARD:
Rossett

APPLICANT(S) NAME:
MR DAVID HORTON
APPLETON DEELY PLANNING AND
LANDSCAPE

AGENT NAME:
APPLETON DEELY
PLANNING AND
LANDSCAPE
MR DAVID HORTON

THE SITE



PROPOSAL

Full planning permission is sought for the demolition of all existing buildings on the site and for the erection of 10 new dwellings.

HISTORY

- 6/0036 Erection of pig unit, grain store and storage tank.
Granted 25.4.74
- 6/1856 Proposed extension to existing farm office.
Granted 29.1.76
- 6/0122 Alterations and extension to dwelling and improvements to existing vehicular access.
Granted 23.5.74
- 6/1432 Proposed extension to dwelling to provide additional lounge, and construction of new vehicular access.
Granted 5.9.75
- CB1060 Redevelopment of site with 18 dwellings and associated garages, including conversion of existing buildings and alteration to existing vehicular and pedestrian access.
Refused 16.5.97. Appeal dismissed 19.11.97
- P/2016/0384 CHANGE OF USE AND CONVERSION OF BARNs TO FORM 6 NO. RESIDENTIAL UNITS, CONSTRUCTION OF 2 NO. SEMI-DETACHED DWELLING HOUSES (REPLACEMENT OF EXISTING FARM HOUSE) AND DEMOLITION OF REMAINING STRUCTURES ACROSS THE SITE. Granted 7.11.2016
- P/2019/0246 CHANGE OF USE, CONVERSION AND REPLACEMENT AGRICULTURAL BARNs AND FARMHOUSE TO FORM 8. NO DETACHED DWELLING HOUSES INCLUDING REMOVAL OF DERELICT STRUCTURES ACROSS THE SITE. Refused 1.7.2019. Appeal dismissed 13.01.2020
- P/2021/0293 TYSTYSGRIF DATBLYGU CYFREITHIOL - DEFNYDD PRESENNOL - DEFNYDD CYMYSGOL YN CYDYMFFURFIO AMAETHYDDOL, DOSBARTH B2, DOSBARTH B8, IARD GWEITHREDWR HAULAGE A BUSNES HAULAGE GYDA'N GILYDD A DIRPRWY CYNNAL A CHADW HGV (SUI GENERIS) / LAWFUL DEVELOPMENT CERTIFICATE - EXISTING USE - MIXED USE COMPRISING OF AGRICULTURAL, CLASS B2, CLASS B8, HAULAGE OPERATOR'S YARD AND HAULAGE BUSINESS TOGETHER WITH ANCILLARY HGV MAINTENANCE DEPOT (SUI GENERIS). Granted 9.7.21
- P/2023/0036 ADEILADU 9 ANNEDD AC ADEILAD SWYDDFA / ERECTION OF 9 NO. DWELLINGS AND OFFICE BUILDING. Refused 12.5.2023. Appeal pending.

DEVELOPMENT PLAN

Local Development Plan

Outside of a defined settlement limit. Policies SP2, SP13, SP14, SP18, DM1, NE1, NE3, NE6, H2, H7, H8 and T1 apply.

CONSULTATIONS

Community Council

Raise no objections.

Local Members

Notified. No response received.

Highway Officer

Raise no objections.

Comments that the proposed main access is in approximately the same location as the existing main access. Advises that the dimensions of the access are considered acceptable and that adequate visibility appears achievable.

Recommends the existing access to the farmhouse should be permanently closed up.

Recommends that it would be preferable for the proposed 2 bedroom bungalow to be served by the main access, but advises that the required visibility splays for the proposed access to the bungalow appear achievable.

Public Protection Officer

Advise of a number of informatives to be included within any decision notice relating to measures to manage construction impacts.

Contaminated Land Officer

Recommends conditions be imposed to require the site to be investigated for contamination and its subsequent remediation.

Education Department

Advises that there is insufficient secondary school provision in the locality to accommodate pupils generated by the development. Recommends that financial contributions be secured towards additional secondary school provision.

Ecology Officer

Comments that the Preliminary Ecology Appraisal is lacking in survey detail and adequate mitigation. Advises that further bat surveys are required, including a detailed mitigation scheme. Also advises that a comprehensive Great Crested Newt mitigation scheme and conservation plan are required.

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Welsh Water

Raises no objections. Confirms that the Lavister WwTW has the capacity to accommodate the additional wastewater in compliance its Environmental Permit limits and that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater flows.

NRW

Expresses concern that inadequate information has been submitted in respect of foul drainage and protected species. Would object to the proposed development in the absence of additional information.

Advises that the Preliminary Ecology Appraisal provides insufficient information to assess the impact of the development on Great Crested Newts and bats and that further information should be submitted.

Recommends conditions be imposed to require the site to be investigated for contamination and its subsequent remediation.

Advises that the potential for the development to increase the amount of phosphorous being discharged from the site should be considered.

CPAT

Recommends that conditions be imposed to require a photographic survey and archaeological watching brief.

Press Notice

Expired 13/12/2023

Site Notice

Expired 24/11/2023

Neighbours

The owners/occupiers of 8 nearby properties notified

1 representation objecting to the application and expressing the following concerns:

The proposed development lies within an early medieval hunting enclosure recorded in the Domesday Book.

2 representations in support and making the following comments:

- The site is in an extremely dangerous condition;
- Would welcome any improvements to the road and traffic calming measures;
- Attention needs to be given to vehicular access arrangements, speed limit and street lighting;
- Could a footway to the site be installed?; and
- Favour residential development rather than any commercial development.

SPECIAL CONSIDERATIONS

Principle of Development: Planning Policy Wales 12 paragraph 3.60 establishes that development in the countryside *'should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation'*. It goes on to state that *'new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled'*.

The site lies outside of a defined settlement limit. Policy SP2 directs new residential development to sites within settlements limits. However, policy H7 sets out a limited number of circumstances where new residential development may be permitted outside of defined settlement limits; namely conversion, replacement, subdivision, affordable housing exception sites on the edge of settlements, rural enterprise dwellings and One Planet development.

The proposed development is for the demolition of existing buildings and the erection of 10 new dwellings. This is not permitted by policy H7.

There is an existing farmhouse fronting onto Gamford Lane that is in a state of dereliction that could be made habitable without extensive reconstruction.



Photo 1: Existing Farmhouse

Replacing the farmhouse on a like for like basis would be acceptable in principle, subject to compliance with policy H8. One of the proposed

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dwelling would be sited in a similar position to the existing farmhouse. However the application must be considered on the basis of the proposed development as a whole, i.e. for the erection of 10 dwellings. This would not accord with policy H8.

Having regard to the above, the proposed development conflicts with policies SP2, H7 and H8.

Previously Developed Land

Part of the site is previously developed land (PDL), as confirmed by the decision to issue a Lawful Development Certificate for Existing Use in 2021 (ref: P/2021/0293). PPW12 paragraph 3.55 supports the re-use of PDL in preference to greenfield sites, but does not support the re-development of all PDL. It must also be considered alongside other requirements set out in PPW as well as LDP policies.

PPW12 para 3.55 advises that not all PDL is suitable for development and does not offer any specific support for the use of such sites in the countryside for new housing. Paras 3.43-3.44 of PPW12 also state that when identifying sites for development, consideration should be given first to the re-use of previously developed and/ or underutilised land within settlements, then land on the edge of settlements and then greenfield land within or on the edge of settlements. Whilst primarily applicable to the preparation of Local Development Plans, paragraphs 3.43-3.44 nevertheless serve to confirm that PPW12 does not support the re-use of previously developed land in the open countryside for new build housing.

Housing Land Supply

Completions of houses ever since 2013 have on average been around half of the requirement identified in the LDP, resulting in a significant shortfall. The proposed development would make a positive contribution to the housing land supply within the County Borough. Whilst this positive factor carries some weight in favour of the proposed development, the very significant conflict with both local and national policy considerations weigh heavily against it. Moreover, the recent adoption of the LDP provides for a plan-led solution to the shortfall in housing land supply. On balance the benefits of the development are not considered to carry significant enough weight to justify departing from LDP policies.

Affordable Housing: The site is within the Rural East sub-market area sub-market as defined in policy H2. The policy applies a 30% requirement for affordable housing to residential developments in this sub-market area.

For developments of 10 or more units, policy H2 sets an expectation for affordable housing to be provided on site in the first instance, with off-site provision or commuted sums being accepted in lieu of on-site provision in exceptional circumstances.

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The application does not make any provision for affordable housing. However, the site is poorly located to offer anyone qualifying for affordable housing good access to employment, education and services in a sustainable manner. It is therefore considered that a commuted sum payment towards funding affordable housing off-site would be more appropriate in this instance in the event that planning permission was granted. This could be secured by Planning Obligation.

Securing a contribution towards the delivery of affordable housing would be a material consideration that weighs in favour of the development. However the benefits are not significant enough to outweigh the very significant conflict with local and national planning policies regarding the strict control of development in the countryside.

Design: The applicants have undertaken a Landscape Character Assessment which draws attention to a number clusters of development in the vicinity. Development in each of these is either entirely or predominantly pre-1948. Where development has taken place since 1948, planning permission will have been granted having regard to the planning policies in place at that time. The proposed development must be considered in light of current policies, which do not provide for the development of new clusters of housing development in the countryside.

The site comprises of a detached farm house together with a significant number of vacant buildings. Despite some of the existing buildings having last been used for industrial and storage purposes (as confirming by Lawful Development Certificate application P/2021/0293), in terms of scale and appearance they are similar to those found in other large farm complexes in the locality and are likely to have been originally constructed for that purpose. The site therefore retains a largely agriculture appearance and is also viewed in the context of an agricultural landscape.



Photograph 2: View of existing buildings



Photograph 3: View of existing buildings



Photograph 4: View of existing buildings



Photograph 5: View of existing buildings

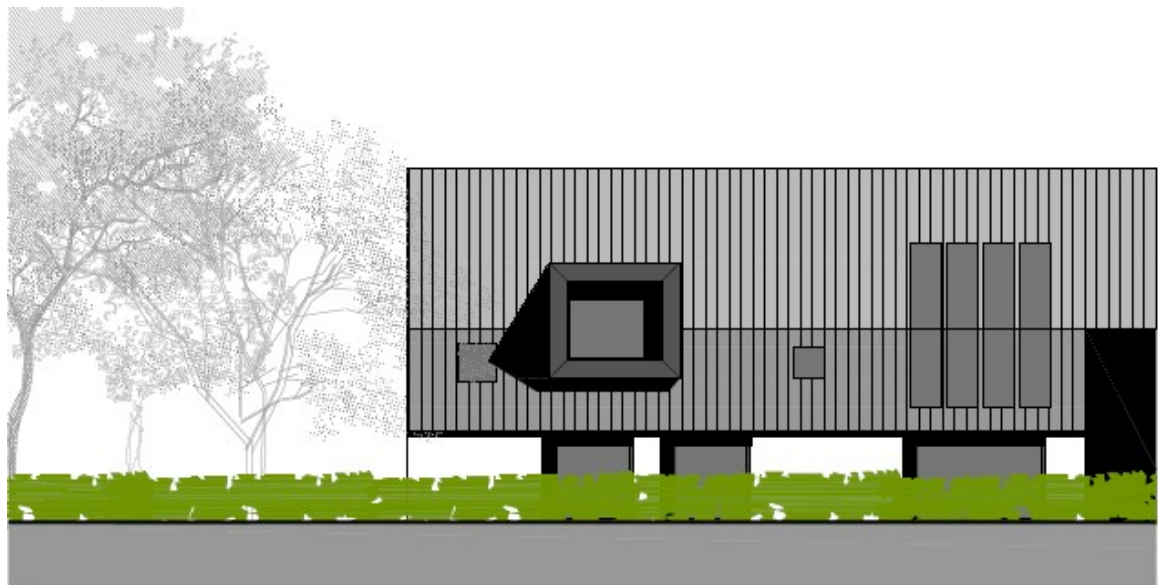
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The proposed development would be of a contemporary design. Whilst the overall standard of design would be high, the layout, form and appearance of the development would be urban in character, being at odds with the rural/agricultural character of the surrounding area.

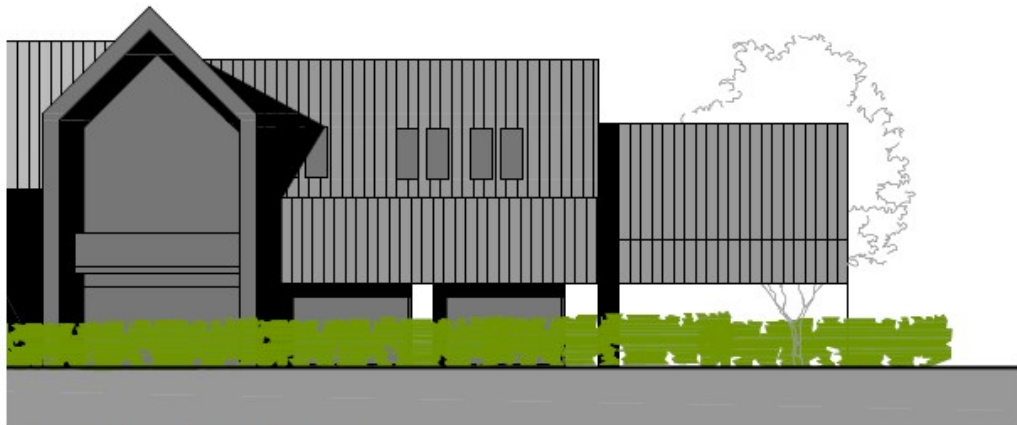
The proposed site plan and front elevation plans for the dwellings facing onto Gamford Lane from the north-west to the south east are shown below:



Plan 1: Proposed Site Plan



Plan 2: Plot 2



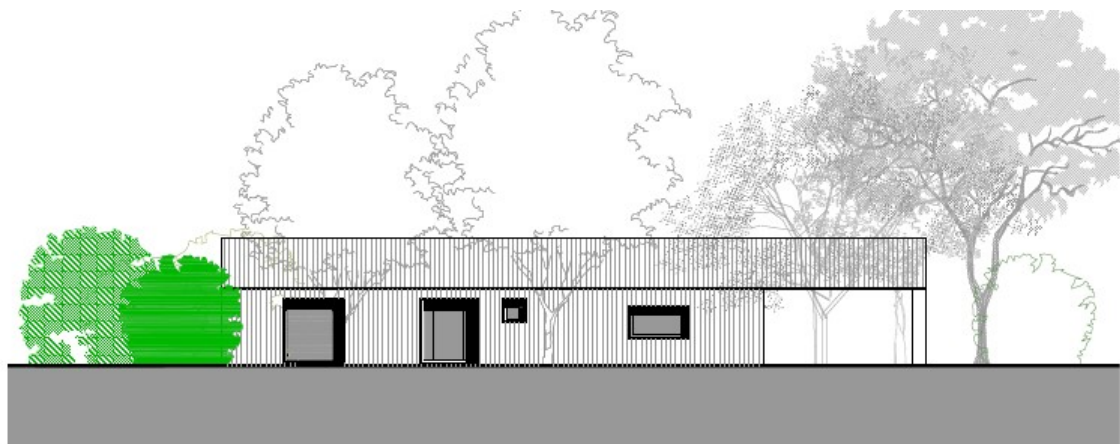
FRONT ELEVATION FACING GAMFORD LANE

Plan 3: Plot 1



REAR ELEVATION FACING AWAY FROM VILLAGE GREEN

Plan 4: Plot 9



FRONT ELEVATION FACING GAMFORD LANE

Plan 5: Plot 10

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The application proposes zero carbon homes. Whilst PPW and TAN12 support high quality design (including low/zero carbon development), they do not make any provision for higher standards of design to justify development where it otherwise would not normally be supported. Similarly, there are no LDP policies that take a more relaxed approach to development in the countryside where higher standards of design or sustainability are proposed.

Having regard to all of the matters above, the development would represent a harmful intrusion of urban development into the rural landscape and would therefore conflict with policy DM1.

Open Space: The dwellings would be arranged around a central area of open space that accords with the requirements of policy CF2. The long term management and maintenance of the open space could be secured by a Planning Obligation.

Highway Safety: 9 of the proposed dwellings would be served by a vehicular access in a broadly similar position to the existing main access to the site. The Highway Officer has advised that the required visibility splay are achievable. It is also noted that the access arrangements are similar to those that would have served the developments proposed by applications reference Nos. P/2016/0384 and P/2019/0246. Whilst the latter was refused and subsequently dismissed on appeal, this was not due to highway safety concerns.

The submitted plan proposes a separate vehicular access to serve one dwelling. The Highway Officer has advised that required visibility splays are achievable.

The existing farmhouse is served by its own vehicular access. The submitted site layout plan suggests the access would not be retained and the Highway Officer has recommended that it be permanently closed up. This could be secured by a suitably worded condition.

The development would be provided with parking in accordance with LPGN16 guidelines.

Having regard to the matters above, the development does not give rise to highway safety concerns and as such accords with policy DM1.

Ecology: The application is accompanied by a Preliminary Ecology Assessment (PEA). The PEA concludes that a number of existing buildings have moderate potential for roosting bats and recommends bat activity surveys are undertaken. The PEA also refers to a previous survey carried out in 2019 which identified the presence of Great Crested Newts (GCN) in the locality.

NRW have advised that further survey work should be undertaken in respect of both bats and GCN.

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The applicant's agent has commented that it was not possible to undertake further surveys prior to the submission of the application due to it being the incorrect time of year. The agent has suggested that suitably worded conditions could require further protected species surveys to be carried out and secure appropriate mitigation measures.

Para 6.2.2 of Technical Advice Note (TAN) 5: Nature Conservation and Planning advises that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development, should be established before planning permission is granted. It also advises that planning permission should not be granted subject to a condition requiring protected species be carried out and, in the event they are found to be present, mitigation measures submitted for approval. Para 4.27 of Circular 16/2014: The Use of Planning Conditions for Development Management also advises that conditions should not be imposed to require ecology survey work undertaken.

The applicant's agent has referred to a number of previous ecology surveys of the site undertaken between 2015 and 2019. The previous surveys have not been submitted in support of this application. However, given their age, they would now be of very limited value. If planning permission was granted on the basis of out of date surveys, a development could give rise to harm to protected species that has not previously been assessed or mitigated for. The Council would also be at considerable risk of being found to have failed in its statutory duty to have proper regard to ecological considerations.

The applicant's agent has been asked whether they intend to make any further submissions to set out how the proposed development takes account of Chapter 6 of PPW12 including the 'Step-Wise' approach. They have confirmed that because PPW was updated after the submission of the application, they do not intend to make any further submissions. Although the application was submitted prior to the recent updates to PPW, it must be assessed with regard to the policies in place at the time of determination, not submission.

In the absence additional protected species, there is insufficient information to conclude that the development would not give rise to harm to protected species and their habitats. The application in its current form does therefore not accord with policies SP14 and NE1, Chapter 6 of PPW12 and TAN5.

Foul Drainage: In accordance with NRW's advice for proposed developments within River Special Areas of Conservation, the proposed development has been assessed to determine whether it is likely to have a significant effect on the River Dee and Bala Lake SAC.

The site would connect to the main foul water sewer network. Foul water from the site would drain to Lavister Waste Water Treatment Works (WwTW). The WwTW benefits from an up to date Environmental Permit. Welsh Water has confirmed that the WWTW has the capacity to accommodate the additional wastewater in compliance with the revised Permit limits and that the sewer

network and associated WwTW has the hydraulic capacity to accommodate additional wastewater flows.

Having regard to the above, the proposed development is unlikely to have a significant effect on the River Dee and Bala Lake SAC. In such terms it accords with LDP policies NE1 and NE6.

Notification Requirements: The application proposes residential development on a site having an area of 1.36a that does not accord with the provisions of the development plan (the LDP). It therefore constitutes 'major residential development' for the purposes of The Town and County Planning (Major Residential Development) (Notification) (Wales) Direction 2020

Under the provisions of the Direction, should the Council resolve to grant planning permission it is required to give notice of its intentions to the Welsh Government who then have a statutory period of 21 days to determine whether to call the application in or not. A decision must not be issued until the Council has received confirmation from the Welsh Government that the application will not be called in or if the period of 21 days expires with no direction being received from the Welsh Government.

CONCLUSION

The site lies outside of a settlement. The proposed development conflicts with PPW12 and LDP policies regarding residential development in the countryside. Furthermore, the development would have a harmful urbanising effect on the site and immediate locality. In addition, insufficient information has been submitted to demonstrate that the proposals would not have an adverse impact on the protected species. It therefore also conflicts with the relevant LDP policies as well as PPW12 Chapter 6 and TAN5.

RECOMMENDATION: That permission be REFUSED

REASON(S)

1. The site lies outside of any defined settlement limit and the development would have a detrimental urbanising impact upon the rural character of the site and its immediate surroundings. The proposal therefore conflicts with policies SP2, H7 and H8 of the Wrexham Local Development Plan.
 2. Insufficient information has been submitted to demonstrate that the development would not adversely impact upon statutorily protected species and their habitats. In the absence of this information, the proposal conflicts with policies SP14 and NE1 of the Wrexham Local Development Plan, Technical Advice Note 5 and Chapter 6 of Planning Policy Wales 12.
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