

Appeal Reference CAS-02081-S0L3B8

1.0 THE SITE

- 1.1 The appeal site is located on land to the south west of The Old Black Horse Public House, High Street, Rhostyllen, Wrexham, LL14 4AG

2.0 PROPOSAL

- 2.1 P/2022/0042 - DISCHARGE OF CONDITION 7 (DRAINAGE) OF PLANNING PERMISSION P/2016/0809

- 2.2 Permission was refused on 14.10.2021 for the following reason:

The proposed development would result in an increase in phosphate levels which would be harmful to the River Dee and Bala Lake Special Area of Conservation (SAC). The proposal is therefore contrary to paragraph 6.4.18 of Planning Policy Wales and Policy EC6 of the Wrexham Unitary Development Plan.

3.0 PLANNING HISTORY

- 3.1 P/2016/0809 - Outline Application for Residential Development (3 No. Dwellings)

4.0 LOCAL AND NATIONAL PLANNING CONTEXT

- 4.1 Planning Policy Wales (PPW) Edition 11.
- 4.2 The site lies inside of settlement limit as defined in the current development plan for the area, which is the Local Development Plan (LDP) 2013 - 2028. Policies DM1, NE2 and SP14 are applicable
- 4.3 At the time the decision was made, the relevant development plan for the area was the Wrexham Unitary Development Plan (UDP) 2005. Policies GDP1 and EC6 were applicable.
- 4.4 Copies of the relevant policies are contained within the submitted questionnaire bundle.

5.0 COUNCIL'S STATEMENT OF CASE

- 5.1 This Council is aware that, by the digging of a trench and the laying of the concrete on 25/07/2022, a material operation took place on site, commencing planning permission ref: P/2016/0809. In doing so however, without first discharging a true condition precedent (drainage condition no.7 - the subject of the Appeal), it is the Council's opinion that the commencement of development is unlawful and the works carried out may have invalidated the planning permission.

- 5.2 At the time the commencement was made an Appeal had been lodged against this Council's decision to refuse to discharge condition no.7 (P/2022/0042). As such, the Council have held any enforcement action in abeyance until the outcome of this Appeal is known.
- 5.3 Since this Council refused to approve the submitted drainage details, due to the detrimental impact of increased pollution upon the SAC, the relevant Waste Water Treatment Works (Five Fords) has received a revised permit and does now have the capacity to manage the increased waste water generated by this development.

6.0 CONCLUSION

- 6.1 This Council is no longer concerned with the increased discharge of waste water to the SAC and therefore withdraws its reason for refusal to approve the submitted drainage plan.