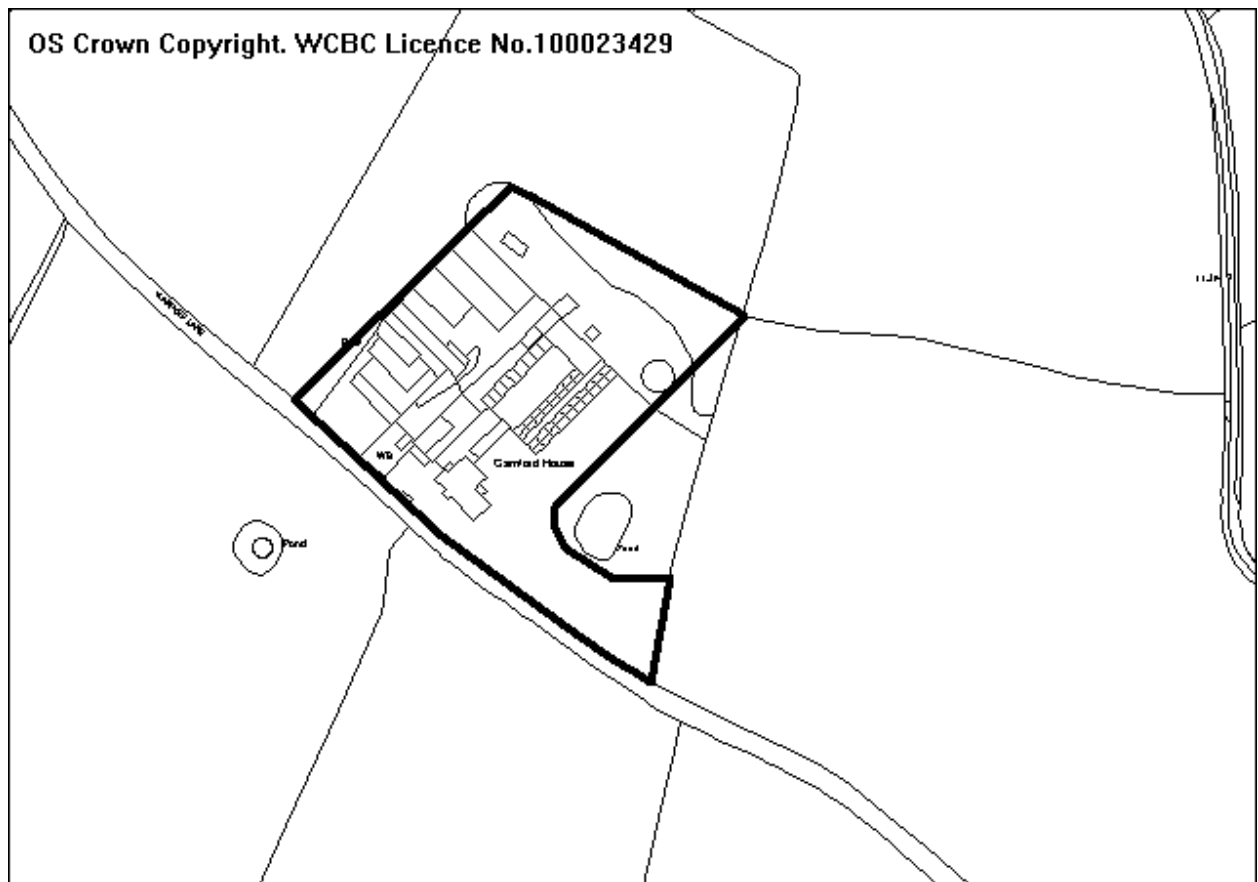


**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
GAMFORD HOUSE GAMFORD LANE ROSSETT WREXHAM**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2023/0036
PEDW REF: CAS-03093-K7X5B3

1.0 THE SITE



2.0 PROPOSAL

- 2.1 The appeal proposal is for the erection of 9 dwellings and an office building. Whilst not specifically referenced in the description of development or on the application forms, the development would require the demolition of all extant buildings on the site.

3.0 PLANNING HISTORY

- 3.1 6/0036 Erection of pig unit, grain store and storage tank. Granted 25.4.74
- 3.2 6/1856 Proposed extension to existing farm office. Granted 29.1.76
- 3.3 6/0122 Alterations and extension to dwelling and improvements to existing vehicular access. Granted 23.5.74
- 3.4 6/1432 Proposed extension to dwelling to provide additional lounge, and construction of new vehicular access. Granted 5.9.75
- 3.5 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

- 3.6 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 REMINING STRUCTURES ACROSS THE SITE. Granted 7.11.2016
- 3.7 P/2019/0249 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
- 3.8 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
- 3.9 P/2023/0738 DYMCHWEL ADEILADU PRESENNOL A CHODI 10 ANNEDD AR WAHAN / DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 10 DWELLINGS. Pending

4.0 PLANNING POLICY

- 4.1 The site lies outside of a defined settlement limit. Policies SP2, SP13, SP14, SP18, DM1, NE1, NE3, NE6, H2, H7, H8, EM4 and T1 of the Wrexham Local Development Plan apply.

5.0 THE COUNCIL'S CASE

- 5.1 The Council's case is set out in the Officer Delegated Report found at **Appendix 1**.
- 5.2 The planning application was determined prior to the adoption of the Wrexham Local Development Plan (LDP) on 20th December 2023. The proposals were therefore assessed by the Council with regard to both the policies of the Wrexham Unitary Development Plan (UDP) and the LDP. Significant weight was afforded to the LDP policies on the grounds that the LDP Inspectors report (dated 27th February 2023) had found the LDP to be sound.
- 5.3 The policies of both UDP and LDP are referenced in the Council's reasons for refusal. However in light of the adoption of the LDP, the Council seeks to only rely on the policies of the latter. The Officer Delegated Report identifies why the proposed development is considered to conflict with relevant LDP policies.

6.0 APPELLANT'S GROUNDS FOR APPEAL

- 6.1 Paragraph 9.2 of the appellant's Statement of Case refers to a number of matters that they consider to be common ground with the Council. However, the Inspector's attention is drawn to the fact that no Statement of Common Ground has been tabled or agreed. There are a number of matters that the Council would wish to contest or qualify.

Principle of Residential Development

- 6.2 Whilst planning permission was granted in 2016 for the conversion of some of the extant buildings to residential use, this proposal was assessed in light of UDP policies that permitted this type of development provided specific criteria were met. The principle of residential use of the site was only accepted in the context of those policies. The appeal proposals seeking planning permission for new build residential development in the countryside and do not comply with relevant LDP policies. The proposed development is therefore not acceptable in principle.

Housing Land Supply

- 6.3 Following the revocation of Technical Advice Note 1 by the Welsh Government in 2020, there is no longer planning policy requirement in Wales for Councils to maintain a 5 year housing land supply. Development Plans Manual Edition 3 provides guidance on how housing delivery is to be monitored. The delivery of housing in the Country Borough now to be monitored using the Average Annual Requirement (AAR) as set out in a Local Development Plan. The table below demonstrates that the AAR has been not been achieved in any year since 2013, with average completions being just under half of the AAR:

Housing Completions Wrexham LDP 2013 -2028 Plan Period	
2013-2014	215
2014-2015	235
2015-2016	199
2016-2017	328
2017-2018	222
2018-2019	362
2019-2020	198
2020-2021	202
2021-2022	205
2022-2023	351
Average	252

- 6.4 The Officer Delegated Report acknowledges that completions since 2013 have been considerably less than the AAR, resulting in a considerable shortfall. However the Report also concludes this is not a consideration which outweighs the conflict with LDP and PPW regarding the location of residential

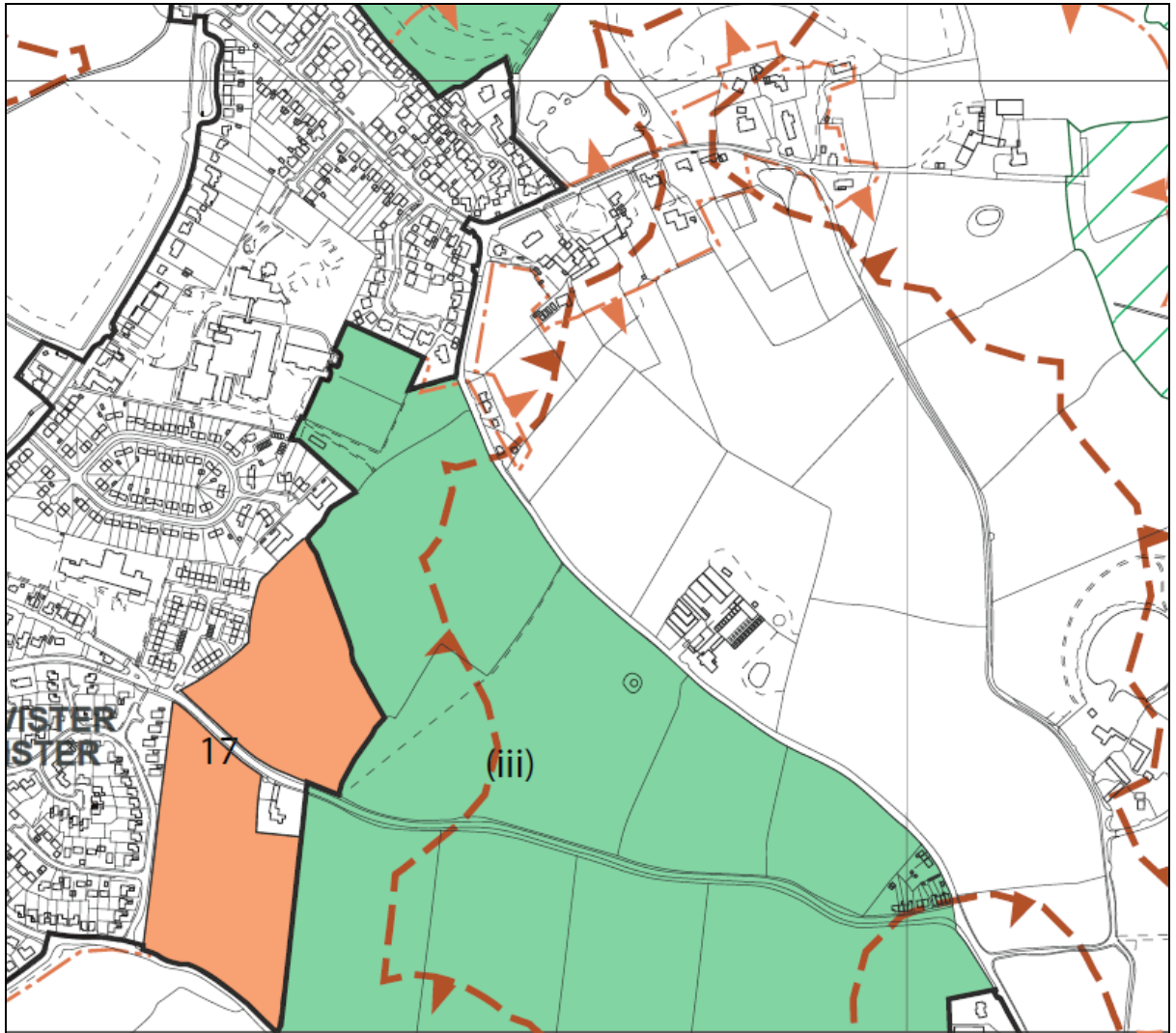
development. Moreover, the recent adoption of the LDP now provides for a plan-led solution to the shortfall in housing land supply.

Character of the Area

- 6.5 It is not common ground that the character of the proposals are considerably more sensitive to the location. One of the reasons for refusal specially states that the Council considers the development to be harmful to the rural character of the site and the immediate surroundings. This matter is also discussed in further detail in the Officer Delegated Report.

Proximity to the Settlement Limit

- 6.6 The appeal site was located approximately 350 metres outside of the settlement limit as defined by the UDP. It is approximately 300 metres outside of the settlement limit as defined in the LDP. Whilst it is therefore common ground that the site is closer to the settlement limit under the LDP, the site remains a considerable distance outside of it in an open countryside. The adoption of the LDP does not lessen the very significant policy objections to the principle of the proposed development. The relationship between the site and the settlement limit is shown on an extract from the LDP Proposals Maps below:



Place Making

- 6.7 Given the very significant conflict with both local and national planning policies, it is not common ground that the proposed development meets the 'place making' objectives set out in PPW12.

Ecology

- 6.9 Given the absence of adequate ecological assessments and mitigation proposals, it is not common ground that ecology and biodiversity have been afforded prominence in the appeal proposals. The absence of sufficient ecological assessments and mitigation is cited as one of the reasons for the Council's refusal of the planning application.
- 6.10 Whilst acknowledging that the appeal proposals were submitted prior to PPW12, they fail to offer any evidence of compliance with the 'Step-Wise' approach. Additionally the absence of adequate ecological and mitigation proposals means there is also no evidence that the development would deliver a net benefit to biodiversity.

Re-use of Previously Developed Land

- 6.11 The Officer Delegated Report acknowledges that PPW supports the re-use of previously developed land in preference to greenfield land. However, this support is qualified, with PPW12 recognising that not all previously developed land is suitable for development. Moreover, in assessing the appeal proposals, regard must be had to all local and national planning policies. PPW12 and the LDP do not offer any specific support for the redevelopment of previously developed plan in the open countryside.

7.0 CONCLUSION

- 7.1 For the reasons set out in the Officer Delegated Report the proposed development does not accord with relevant LDP policies. The Inspector is therefore respectfully requested to dismiss the appeal.

8.0 SCHEDULE OF CONDITIONS IN THE EVENT OF THE APPEAL BEING ALLOWED – WITHOUT PREJUDICE TO THE COUNCIL’S REASONS FOR REFUSAL

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

Reason: To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. The development shall only be carried out in strict accordance with the details shown on drawings nos. ST01, PL01, PL02, PL04, PL06, PL07, PL09 and OF01.

Reason: To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

3. No part of the development shall commence until a scheme to provide mitigation in respect of bats and Great Crested Newts as well net benefit for biodiversity has been submitted to, and approved in writing by, the Local Planning Authority, to include a timescale for implementation. The scheme shall be implemented in accordance with the approved details and in accordance with the approved timescale and shall thereafter be permanently retained.

Reason: To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

4. No part of the development shall commence until a scheme of Reasonable Avoidance Measures for Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The approved RAMs shall be put in place prior to any development commencing and shall be retained for the duration of all demolition and construction works.

Reason: In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

5. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the

site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

Reason: In the interests of the amenities of the future occupants of the development in accordance with Policy DM1 of the Wrexham Local Development Plan.

6. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 5 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 development in accordance with Policy DM1 of the Wrexham Local Development Plan.

7. No part of the development shall commence until a Level 2 Historic Building Survey appropriate photographic survey has been carried out by an archaeological contractor, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The resulting digital photographs shall be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, Powys, SY21 8RP. Email: neil.bayliss@cpat.org.uk Tel: 01938 553670 / 552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd Powys Archaeological Trust, Coed Y Dinas, Welshpool, Powys, SY21 8RP for inclusion in the regional Historic Environment Record and an archive copy should be lodged with the National Monuments Record, RCAHMW.

Reason: To secure a full photographic record of the original building(s) prior to alteration, conversion or demolition in accordance with Policy DM1 of the Wrexham Local Development Plan.

8. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.

9. Prior to first use of the development hereby approved the vehicular accesses shall provide visibility splays of 2.4 metres x 56 metres in both

directions measured to the centreline of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

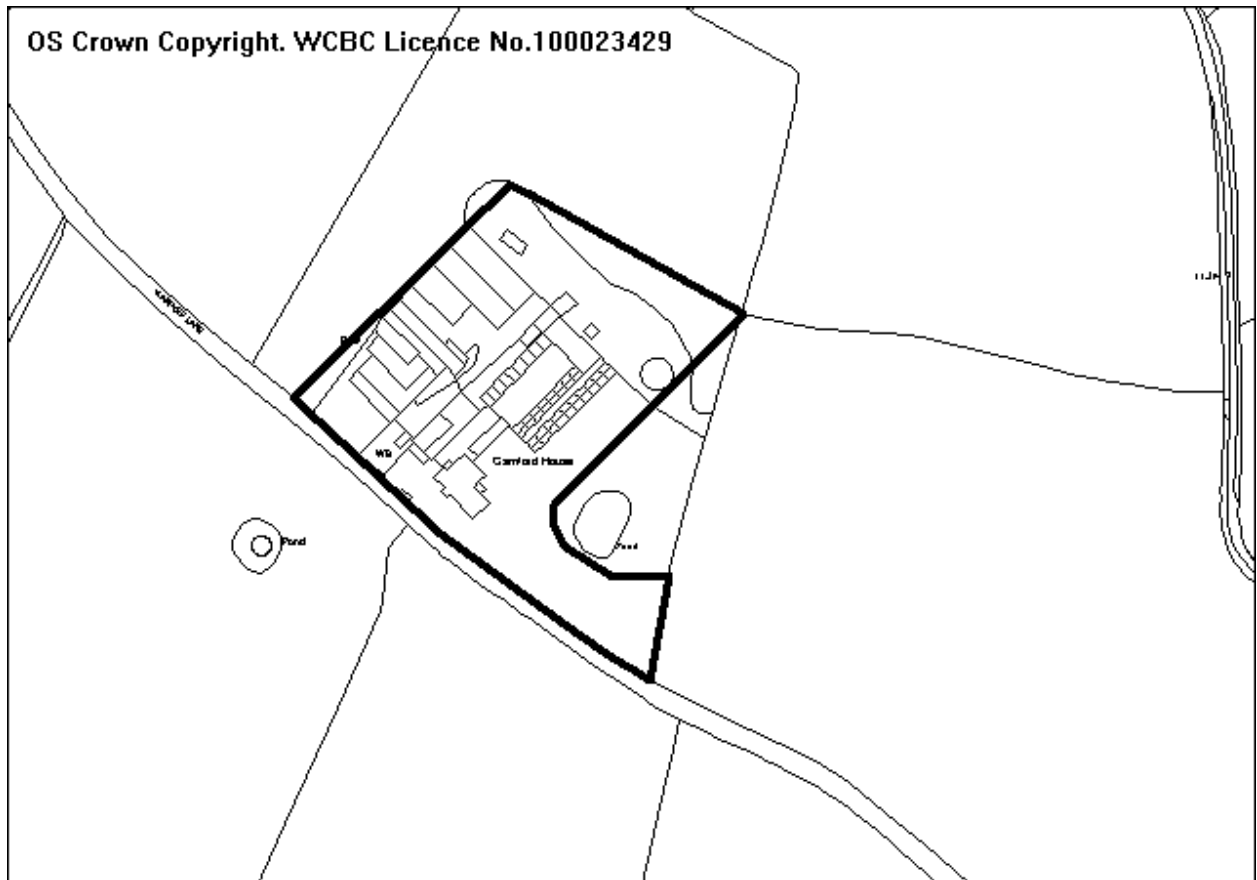
Reason: To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy DM1 of the Wrexham Local Development Plan.

10. Within three months of commencement of development a scheme of hard and soft landscaping, to include a timescale for implementation and long term management and maintenance, shall be submitted for the written approval of the Local Planning Authority. Hard and soft landscaping shall thereafter be implemented and managed and maintained in accordance with the approved scheme.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.

Appendix 1: Officer Delegated Report

THE SITE



PROPOSAL

The application proposes the erection of 9 dwellings and an office building. Whilst not specifically referenced in the description of development or on the application forms, the development would require the demolition of the extant buildings on the site.

An amended plan was submitted shortly before determination proposing to substitute the office for an additional dwelling, increasing the number of units to 10. **This amendment has not been accepted.** Increasing the number of dwellings to 10 would change the proposals from minor to major development. Had the application initially been submitted proposing 10 dwellings then statutory pre-application consultation requirements would apply. Because this requirement has not been met, the amendments would effectively render the application invalid. The agent has therefore been advised that the application will be determined on the basis of the original submissions, i.e. 9 dwellings and 1 office building.

HISTORY

6/0036	Erection of pig unit, grain store and storage tank. Granted 25.4.74
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- 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.
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- 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

DEVELOPMENT PLAN

Unitary Development Plan

Outside of settlement limit, within Green Barrier and Special Landscape Area.
Policies GDP1, EC1, EC5, EC6, H5 and T8 apply.

Local Development Plan

Outside of settlement limit. Policies SP2, SP15, NE1, NE6, H2, H7, EM4 apply.

CONSULTATIONS

Community Council

No objection.

Local Member

Supports the application and requests it be determined by Planning Committee.

Chair of Planning Committee

Has looked at and is aware of the historic applications.

Notes the Local member is happy with the design however, the issue is not so much design, as that is always subjective, but more the previous appeal decisions which endorsed refusal and the fact that the site is in open countryside in both the UDP and draft LDP although is not given the same protection in the LDP designations for green barrier/ wedge. The original scheme granted approval for the site was for a lesser number of houses and involved more of a conversion scheme rather than new build.

Notes there have been two other appeal decisions which were both to utilise previously developed land outside of the settlement. One where committee was mindful to grant was subsequently refused following call in by W.G. and the other which was refused under delegated powers.

Under the circumstances, the Chair confirms it is not appropriate for this to be brought to committee and the applicant can then exercise their right of appeal.

Highway Officer

Consulted 9 February 2023. No response received.

Public Protection Officer

Advise of a number of informative 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.

Ecology Officer

Advises that further information is required regarding protected species.

Notes the proposed means of foul drainage and advises that further information is required, but as the volume of foul water discharged is likely to be over 2 cubic metres, a HRA will need to be carried out.

Tree Officer

No objection. Recommends a condition be imposed to require the implementation of a landscaping scheme.

Education

Consulted 14 February 2023. No response received.

Welsh Water

Notes the proposals involve the use of an alternative to mains drains and therefore advise the applicant to seek advice from NRW.

NRW

Have significant concerns because of inadequate information has been submitted regarding foul drainage and protected species. If this information is not provided, NRW would object to the application

CPAT

Recommend conditions requiring a photographic survey and archaeological watching brief.

Press Notice

Expired 15.3.2023

Site Notice

Expired 9.20223

Neighbours

The owners/occupiers of 8 nearby properties notified 9.3.2023

1 representation received making the following comments:

- The site is in a dangerous condition so broadly support the application; however
- Have safety concerns about the increased traffic along Gamford Lane and would welcome road improvements or traffic calming measures.

SPECIAL CONSIDERATIONS

Principle of Development: Planning Policy Wales 11 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 UDP is still the adopted development plan for the County Borough. However, the Council has now received the Inspectors' LDP Report which confirms the LDP is sound. Whilst Full Council voted to not adopt the LDP on 20th April 2023, because the LDP has been found it can be afforded significant weight in the determination of this application.

The site lies outside of the settlement limit in both the UDP and the LDP. UDP policy PS1 direct new housing and employment development to sites within settlements limits, with policies H5, E5 and E6 dealing with housing and employment development in the countryside. Whilst the UDP plan period expired in 2011 the policies broadly reflect PPW11 regarding development in the countryside, although the provision in policy H5 for infilling is now out of date in light of PPW11 paragraph 3.60. LDP policies SP2, H7 and EM4 set out generally similar limitations on housing and employment development in the countryside, albeit H7 omits reference to infill.

UDP policy H5 and LDP policy H7 set out a limited number of circumstances where new residential development may be permitted in the open countryside; namely conversion, subdivision, affordable housing exception sites on the edge of settlements and rural enterprise dwellings. The proposal would not comply with the provisions of either policy.

UDP policy E5 only permits employment development through the conversion of existing buildings. Policy E6 does allow for up to 300 sq.m of new build development but only to enable on-farm diversification. Being new build development not associated with an existing farm or farm diversification enterprise, the proposed office development does not comply with either policy. LDP policy EM5 is broadly consistent with both of the extant UDP policies. Whilst the office would offer some benefit in terms of new employment opportunities, the application form suggests it would result in the creation of 3 jobs. There is no justification why an office needs to be located at the site as opposite to sites located within settlement limits or employment areas elsewhere in the County Borough. Accordingly the benefits of providing accommodation for a small number of jobs does not outweigh the conflict with policy.

Green Barrier

The site is situated in the Green Barrier as defined by the UDP, which is analogous to Green Wedges described in PPW11. The development constitutes inappropriate development in a Green Wedge, as defined by para 3.75 of PPW11. PPW11 advises that Green Wedges should be reviewed as part of the development plan process.

Whilst the proposals conflict with UDP policy EC1 and PPW11 with regards to development in the Green Barrier, in accordance with PPW11 paragraph 3.68 the existing UDP Green Barriers were reviewed in the Strategic Green Wedge Review (GWR) October 2017 as part of the process of preparing LDP. The application site lies in an area that is not a Green Wedge designation in the draft LDP.

Whilst Council has determined not to adopt the LDP, it has been deemed to be sound by the Inspectors. As such, the LDP should be afforded very significant weight in the decision making process. Bearing in mind the UDP became time expired in 2011, combined with the fact that the Green Barrier designation was not brought forward in this particular location by the draft LDP, the UDP Green Barrier designation is not, in itself, considered to be fatal in this instance.

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). Whilst PPW11 paragraph 3.55 and UDP policy PS3 both offer support to the re-use of PDL preference to greenfield sites, this support is qualified and falls a long way short of supporting to residential development on all PDL. It must be considered alongside other requirements set out in PPW as well as other UDP and LDP policies.

PPW11 para 3.55 advises that not all PDL is suitable for development and does not offer support for the use of such sites in the countryside for new housing. Paras 3.43-3.44 of PPW11 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 PPW11 does not support the re-use of previously developed land in the open countryside for new build housing.

UDP policy EC15 supports action being taken to protect and enhance general amenity through the reclamation and restoration of derelict sites. However, the site is nearly 1ha in area so cannot be considered small. Furthermore, policy EC15 does not offer any specific support for residential development in the countryside. As noted above, the provisions of the policy must be also considered alongside other local and national planning policies.

Housing Land Supply

Completions of houses ever since 2013 have on average been around half of the requirement identified in emerging LDP, resulting in a significant shortfall. The proposed development would make a positive contribution to the housing land supply within the County Borough. This does carry some weight in favour of the proposed development, although must be carefully balanced against other policy considerations.

Overall Planning Balance

Although the shortfall in housing land supply and the potential for new employment opportunities carry some weight in favour of the proposed development, the very significant conflict with both local and national policy considerations weigh heavily against it. On balance the benefits are not considered to carry significant enough weight to depart from these policies.

Design: The applicants have undertaken a Landscape Character Assessment which draws attention to a number of 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 or employment development in the countryside.

The site comprises of a detached farm house in a state of dereliction together with a significant number of vacant buildings. Despite some of the existing buildings having last been used for industrial and storage purposes (as confirmed by Lawful Development Certificate application P/2021/0293) , in terms of scale and appearance the buildings 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.

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

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 in where it otherwise would not normally be supported.

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 UDP policy GDP1(a) and LDP policy DM1.

Special Landscape Area: The design concerns discussed above would mean the proposal conflicts with policy EC5 of the UDP, which imposes strict controls over non-agricultural or rural enterprise related development within Special Landscape Areas (SLA). The site is not within and SLA in the draft LDP as the SLA designations were informed by the Special Landscape Areas Study (the Study). Given that the LDP should be afforded significant weight in the determination of the application, the UDP SLA designation is not, in itself, fatal to the application.

Highway Safety: The 8 dwellings would be served by access in a broadly similar position to existing access. No comments have been received from the Highway Officer. However, it is noted that this access would also have served the developments proposed by 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 Highway Officer has previously advised that visibility splays of 2.4 x 56m in both directions are required. These appear to still be achievable.

The submitted plan proposes a separate vehicular access for the office. Visibility to the north-west is achievable with the required splays being entirely within the application site. The centreline of the access also appears to be sited so as to provide the required splays in a south-easterly direction.

The development would be provide 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 UDP policies GDP1 and T8 and LDP policy DM1.

Ecology: The application is accompanied by a Preliminary Ecological Assessment (PEA). However Ecologist and NRW have advised that it does not provide sufficient information to demonstrate that the development can proceed without adversely impact upon the bats and Great Crested Newts. Further survey work and details of mitigation measures required. This information would be required before planning permission could be granted, with paragraph 4.27 of Circular 16/2014: The Use of

Planning Conditions for Development Management clearly advising that conditions should not be imposed to require survey work undertaken. In the absence of this additional information, the application in its current form does not accord with UDP policy EC6 or LDP policies SP15 and NE1.

Foul Drainage: The development would utilise a private foul water drainage system, with the submitted Phosphorous Statement referring to either a septic tank (ST) or package treatment plant (PTP). The use of an existing pond and reed bed is proposed to mitigate for phosphorous in foul water discharged from the drainage system. No further details about the ST or PTP have been provided, such as location or details of the drainage field. It is therefore not possible to conclude that the proposals would not result in additional phosphorous entering River Dee and Bala Lake SAC catchment. This could lead to damaging effects on the SAC. The proposals as submitted therefore conflict with policy EC6 of the UDP as well as policies NE1 and NE6 of the LDP.

In addition to the above, NRW have questioned whether this site should be connected to the public foul sewer network. The applicant's agent has been asked to comment on this but, to date, no response has been received. In the absence of further information to demonstrate connection to the public foul sewer network is not feasible, the proposed use of a ST or PTP conflicts with paragraph 6.6.21 of PPW11 and Circular 008/2018.

Other Matters: UDP policy H7 (affordable housing) is only applicable to developments of 25 or more dwellings. However LDP policy H2 applies to all residential developments. For sites of 10 or more dwellings, the policy requires on-site provision of affordable housing. For smaller sites, a commuted sum payment is required calculated on the basis of the following formula as recommended in the DVS Viability Assessment 2019:

$$\text{Commuted Sum} = (\text{MV } \text{£ per unit}) \times (38\%) \times N$$

MV = Open market value per dwelling relating to the dwelling type that would have been the 'Affordable' unit. This will be the smaller units on the site, given the high proportion of smaller units required by the Local Housing Market Assessments.

N = Number of units required according to Affordable Housing Target for the specific sub area.

The site lies in the Rural East sub-market area as identified in the LDP therefore N in this instance is 30%.

Given that the commuted sum could be secured by Planning Obligation there is no reason to conclude the proposals would conflict with LDP policy H2.

CONCLUSION

The site lies outside of a settlement. The proposals conflict with both UDP and LDP policies regarding residential development and employment development in the countryside. Furthermore, the development would have a harmful urbanising effect

on the site and immediate locality. Insufficient information has also been submitted to demonstrate that the proposals would not have an adverse impact on the protected species or the River Dee and Bala Lake SAC.

Whilst the proposals also conflict with UDP policies EC1 and EC5, the removal of Green Wedge and SLA designations from the site in the LDP and the significant weight that can now be afforded to the LDP following the receipt of the Inspectors' report means that the two UDP policies are outdated and conflict with them is not a valid reason for refusal. Nevertheless, the removal of these designations does not alter the overall planning balance against the development given the very clear conflict with other existing and emerging policies as well as PPW11.

RECOMMENDATION Planning permission be refused for the following reasons:

1. The site lies outside of any defined settlement limit and within the open countryside 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 PS1, GDP1 and H5 of the adopted Wrexham Unitary Development Plan and policies SP2, H7 and EM4 of the draft Wrexham Local Development Plan.
2. Insufficient information has been submitted to demonstrate that the development would not adversely impact upon statutorily protected species. In the absence of this information, the proposal conflicts with policy EC6 of the adopted Wrexham Unitary Development Plan and policies SP15 and NE1 of the draft Wrexham Local Development Plan.
3. Insufficient information has been submitted to demonstrate that the proposed foul drainage arrangements would not result in adverse impacts to the River Dee and Bala Lake Special Area of Conservation. In the absence of this information, the proposal conflicts with policy EC6 of the adopted Wrexham Unitary Development Plan and policies NE1 and NE6 of the draft Wrexham Local Development Plan.
4. In the absence of information to demonstrate connection to the public foul sewer network is not feasible, the proposed foul drainage arrangements conflict with paragraph 6.6.21 of PPW11 and guidance in Circular 008/2018.

Manager Sign Off	Date Signed
David Fitzsimon 	12.05.23