

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

APPLICATION NO:
P/2023 /0476

LOCATION:
LAND AT WALLED GARDEN
WYNNSTAY HALL ESTATE RUABON
WREXHAM
LL14 6LD

DATE RECEIVED:
14/07/2023

COMMUNITY:
Ruabon

CASE OFFICER:
AB2

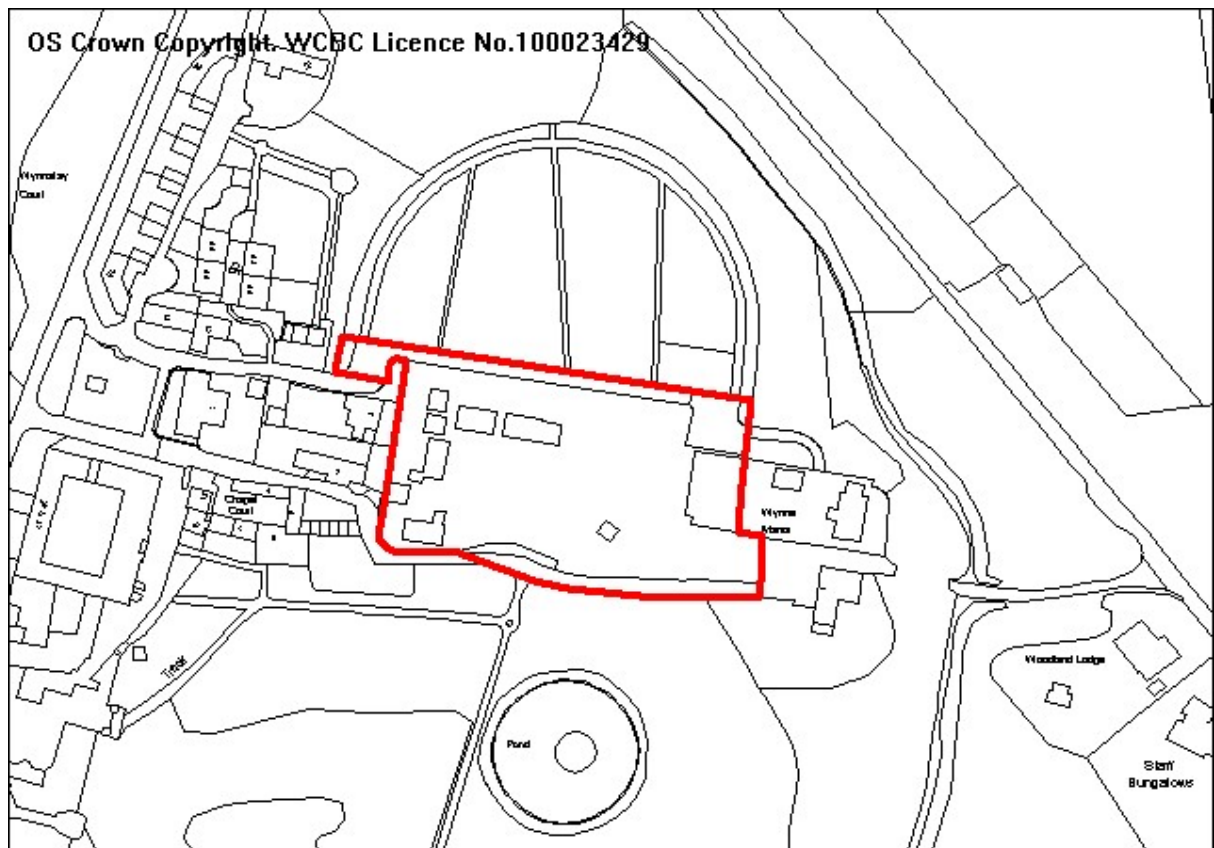
WARD:
Penycae abd Ruabon
South

DESCRIPTION:
AMRYWIO AMODAU 2 A 9
CANIATAD CYNLLUNIO P/2019/0913
I DIWYGIO CYNLLUNIO
CYMERADWY (LEINIAU 6 A
7)/VARIATION OF CONDITIONS 2
AND 9 OF PLANNING PERMISSION
P/2019/0913 TO AMEND APPROVED
PLANS (PLOTS 6 AND 7).

AGENT NAME:
EMERY PLANNING
MR JOHN COXON

APPLICANT(S) NAME:
LUBEK DEVELOPMENTS
MR J KELLY

THE SITE



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PROPOSAL

The application seeks permission to vary conditions 2 and 9 of planning permission P/2019/0913 to amend approved plans in respect of two plots, nos. 6 and 7.

HISTORY

P/2000/0813	Outline application for the recreation/re-introduction of original kitchen garden, link garden and associated garden structures and erection of 8 No. dwelling houses (as enabling development to finance repair work to historic environment). Granted 8.11.2004
P/2005/0432	Recreation/re-introduction of kitchen garden, link garden and associated garden structures and erection of 8 no. dwelling houses (as enabling development to finance repair work to historic environment). Reserved matters approved 4.12.2006
P/2014/0342	Erection of 7 dwellings – proposed amendments to a part implemented approved reserved matters application dated 4 December 2006 ref RUA P/2005/0432. Granted 22.8.2016
P/2019/0913	Variation of condition number 1 imposed under planning permission P/2014/0342 to extend the period of time before development shall be commenced. Granted 23.11.2020
P/2021/0169	Non-material amendment to P/2019/0913 – Landscaping. Granted 18.3.2021
P/2021/0213	Non-material amendment to planning permission P/2019/0913 – location, site layout and landscaping plans. Granted 19.3.21
P/2021/0751	Discharge of condition 3 (ecology) of planning permission P/2019/0913. Granted 31.08.2021
P/2022/0263	Discharge of Condition 4 (materials) of planning permission P/2019/0913. Granted 20.4.2022
P/2023/0134	Non-material amendment to P/2019/0913 (Conservatory materials to plot 1 and 2). Granted 19.5.2023.
P/2023/0430	Discharge of conditions 6 (management plan) and 8 (landscape and tree planting scheme) of planning permission P/2019/0913. Granted 4.10.2023

DEVELOPMENT PLAN

Wrexham Unitary Development Plan

Outside of a defined settlement limit, within Special Landscape Area. The site adjoins several listed buildings and is within a Grade I Historic Park and Garden. Policies PS2, PS4, GPD1, GPD2, EC5, EC9, EC11, CLF6, H5, T8 and T9 are applicable.

Draft Wrexham Local Development Plan

Outside of a defined settlement limit. Policies SP1, SP2, SP15, H7, NE5 and DM1 are applicable.

CONSULTATIONS

Community Council

Consulted 08/08/2023. No comments received.

Local Member

Consulted 08/08/2023. No comments received.

CADW

Advises that the application is located within the walled garden of the Grade I registered Historic Park and Garden at Wynnstay PGW(C)64(WRE). Raises no objection to the proposed variation of conditions 2 and 9 provided conditions regarding the restoration of the garden, the production of a Management Pplan for the garden, and its long-term maintenance, are adhered to.

CPAT

Confirms that there are no archaeological implications for the site.

Welsh Historic Garden Trust

Advises that WHGT has consistently objected to the developments at the Grade I listed Walled Garden and considers the amended dwellings to encroach further into the great horseshoe walled garden at the rear. Notes that the scheme lacks symmetry and has poor placement of garages, whilst the garage has not been restored.

Conservation Officer

Advises that the proposals amount to minor alterations to an already existing permission for new dwellings at the site. Considers the changes to make a negligible change to the consented scheme.

Highway Officer

Raises no objection to variation of conditions 2 and 9.

Public Protection Officer

No comments.

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Contaminated Land Officer

No comments.

Welsh Water

Acknowledges that the applicant does not propose to connect to the public sewerage network and there offers no objections to the proposed variation of condition 2 and 9 of planning permission P/2019/0913.

Site Notice

Expired 4.10.2023

Neighbours

The owners/occupiers of 9 nearby properties were notified on 01/09/2023. Three letters of objection have been received expressing the following concerns;

- Use of common land;
- That construction vehicles will park on, damage and result in muck and debris to the estate roads;
- The existing construction site is untidy and this causes the wider Wynnstay Estate to deteriorate;
- Area in front of plot 8 is a necessary turning circle for vehicles and refuse collection;
- The proposed plot 6 garage will be located over a sewage tank which serves a substantial part of the Wynnstay Hall Estate and access is required for future repairs and maintenance.

SPECIAL CONSIDERATIONS

Background: Outline planning permission was granted in 2004 for an enabling development of eight dwellings to facilitate the recreation/re-introduction of the walled kitchen garden, link garden and associated garden structures within the Grade I registered Park and Garden of the Wynnstay Hall Estate (P/2000/0813). Reserved matters approval for the eight dwellings was subsequently granted in 2006 (P/2005/0432). One dwelling was erected, thus securing the planning permission.

Proposals for an amended scheme for the remaining 7 plots revised housing were granted in 2016 under planning permission (reference) P/2014/0342. Whilst the layout of the development was broadly similar to the extant planning permission, revised house types were proposed. The planning permission was renewed in 2020 (P/2019/0913) and remains extant.

Proposed Changes: This application proposes the variation of conditions 2 and 9 to amend the approved plans in respect of plots 6 and 7 only. The proposed amendments are summarised as follows;

- Removal of the garden store from plot 6;
- Double garage within plot 6 to be substituted with a triple garage;
- Repositioning of the garage for plot 6; and
- Reduction in footprint of the dwellings as approved on plots 6 and 7.

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The proposed relocation and substitution of the double garage with a triple garage at plot 6 would be a comparatively minor alteration. It would have not result in significantly greater impact on the character of the area compared to the extant permission.

The proposed reduction in footprints of both plots 6 and 7 would result in no material changes to the form, appearance or elevation details compared to the extant permission.

As such, it is considered that the proposed changes would not have an unacceptable impact upon the character of the dwellings, surrounding properties, the Historic Park and Garden or the wider estate.

Residential Amenity: The proposed amendments would not result in any additional impacts upon the living conditions of neighbour occupiers compared to the extant planning permission.

Phosphorous: The development would not generate any additional foul water discharges than the extant planning permission. Accordingly it would not have an adverse impact on the River Dee and Bala Lake SAC.

Planning Obligation: The extant planning permission is subject to a Planning Obligation to secure the full implementation of the restoration of the Kitchen Garden, its long term management/maintenance as well as public access to the Kitchen Garden (referred to as the Walled Garden in the Obligation) along with the long term management of the Link garden. A Planning Obligation would be required to confirm these provisions also applied to the proposed development.

Other Matters: An objector has raised concerns that the proposed garage would be located over an existing sewage tank. However this is a private matter.

CONCLUSION

The proposed amendments do not give rise to any visual impact or residential amenity concerns.

RECOMMENDATION A

That planning permission be granted subject to the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to confirm that provisions of the Obligation pursuant to planning permission P/2019/0913 is also applicable to the development (with that the Chief Officer Economy and Planning be given delegated authority to approve the final form and content of the Obligation)

RECOMMENDATION B

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That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990, as detailed above, is not completed within six months of the date of the Committee resolution the Chief Officer Economy and Planning be given delegated authority to refuse the application for the following reason:-

1. No provision is made to secure the completion of the re-introduction of the Kitchen Garden and the long term maintenance of the Link Garden. In the absence of these provisions the development fails to secure the enhancement of a Grade I Registered Park and Garden and is contrary to policies PS1 and H5 of the Wrexham Unitary Development Plan and policies SP2 and H7 of the Wrexham Local Development Plan.

CONDITION(S)

1. The development hereby permitted shall be commenced before 22 August 2024.

2. The development shall only be carried out in strict accordance with the following approved drawings:

Plots 1 - 5

AL[0]00: Landscape Plan Rev C (Minus Plots 6 & 7)

AL[0]01: Proposed Site Plan Rev A (Minus Plots 6 & 7)

AL[0]02: Sectional Elevations A-E

AL[0]02: Sectional Elevations F-H

AL[0]03: Plot 1 Floor Plans

AL[0]04: Plot 2 Floor Plans

AL[0]05: Plot 3 Floor Plans

AL[0]06: Plot 4 Floor Plans

AL[0]07: Plot 5 Floor Plans

Plot 6 & 7

05/23/57 5: Proposed Site and Landscaping Plan

05/23/57 3: Proposed Elevations A-B

05/23/57 4: Proposed Elevations C-D

05/23/57 1: Proposed Plans and Elevations (Plot 6)

05/23/57 2: Proposed Plans and Elevations (Plot 7)

Plots 1 - 7

AL[0]11: Detail Sample

AL[0]13: Detail of Gable Eaves

AL[0]14: Details

AL[0]14: Garage Door Details

AL[0]15: Large Window Details

3. Development shall be carried out in strict accordance with the details within the eDNA Survey for Great Crested Newts Dated 19th July 2021.

4. No external facing or roofing materials shall be used on the development other than those shown on the External Finishes Schedule Revision A received 13th April 2022 (reference P/2022/0263) and aluminium frames to the conservatories for plots 1 and 2.

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5. No dwelling shall be occupied until the Kitchen Garden and the Link Garden have been fully restored in strict accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the siting and appearance of a fountain to be provided within the Link Garden.
6. The Kitchen Garden and Link Garden shall be managed in accordance with the Lifetime Maintenance of Landscaped Areas and Gardens at Wynnstay Hall Walled Gardens Dated 3rd July 2023 and applicant email dated 05/10/2023.
7. All hard landscaping shall be carried out prior to the first occupation of the dwellings hereby granted permission in strict accordance with approved drawing AL(0)00: Landscape Plan Rev C.
8. Soft landscaping and tree planting shall be carried out in strict accordance with the Detailed Planting Plan – Plant Schedule, Implementation and Maintenance Notes Drawing Number D9348.002 Dated 07/04/2022 and applicant email dated 05/10/2023. The soft landscaping and tree planting scheme shall be maintained in accordance with the approved Maintenance Plan.
9. Each dwelling shall be provided with parking areas in accordance with the details shown on the approved drawing AL[0]01: Proposed Site Plan (plots 1-5) and 05/23/57 5: Proposed Site and 4 Landscaping Plan (plots 6 & 7) prior to first occupation of that dwelling.
10. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.
11. Notwithstanding the provisions Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting that Order with or without modification), no development permitted by those classes shall take place.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
5. To secure the restoration of a site of historical interest in accordance with policy EC11 of the Wrexham Unitary Development Plan.
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7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
9. To provide for the parking of vehicles clear of the highway in accordance with Policy T8 of the Wrexham Unitary Development Plan.
10. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. Due to the rural location of the site and in order to protect a registered Park and Garden from inappropriate development in accordance with policies GDP1 and EC11 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

From the 7th of January 2019 any new development of more than one dwelling or that involves construction work of more than 100m² is required to obtain approval from the SuDS Approving Body (SAB) prior to the commencement of those construction works. Furthermore the surface water drainage systems serving proposals of greater than one property will be subject to adoption by the SAB and must be constructed in such a manner as to be compliant with new national statutory standards. Given the potential implications for your development, in particular it's layout, it is essential that you satisfy yourself as to whether SAB approval is required, and if so, that you can demonstrate that the surface water drainage arrangements will be compliant with the national standards. While it is possible to seek planning permission in isolation of seeking SAB approval we emphasis the risk in pursuing such an approach. The earlier it can be determined that your proposals are compliant with the new standards the less chance of delay, wasted effort and costs for all parties involved. These comments are made in advance of any formal response from either the SAB or the Lead Local Flood Authority through the normal planning application consultation process to allow your early consideration of the implications of the new legislative requirements for your proposed development. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage: https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
