

APPLICATION NO:
P/2022 /0976

LOCATION:
LAND AT STRYT Y BYDDEN NEW
BROUGHTON WREXHAM
LL11 6SN

DATE RECEIVED:
09/11/2022

COMMUNITY:
Broughton

DESCRIPTION:
CREU MYNEDFA DROS DRO I
GERBYDAU A LEFELU'R DDAEAR
(OL WEITHREDOL) /FORMATION OF
TEMPORARY VEHICLE ACCESS
AND GROUND LEVELLING (IN
RETROSPECT)

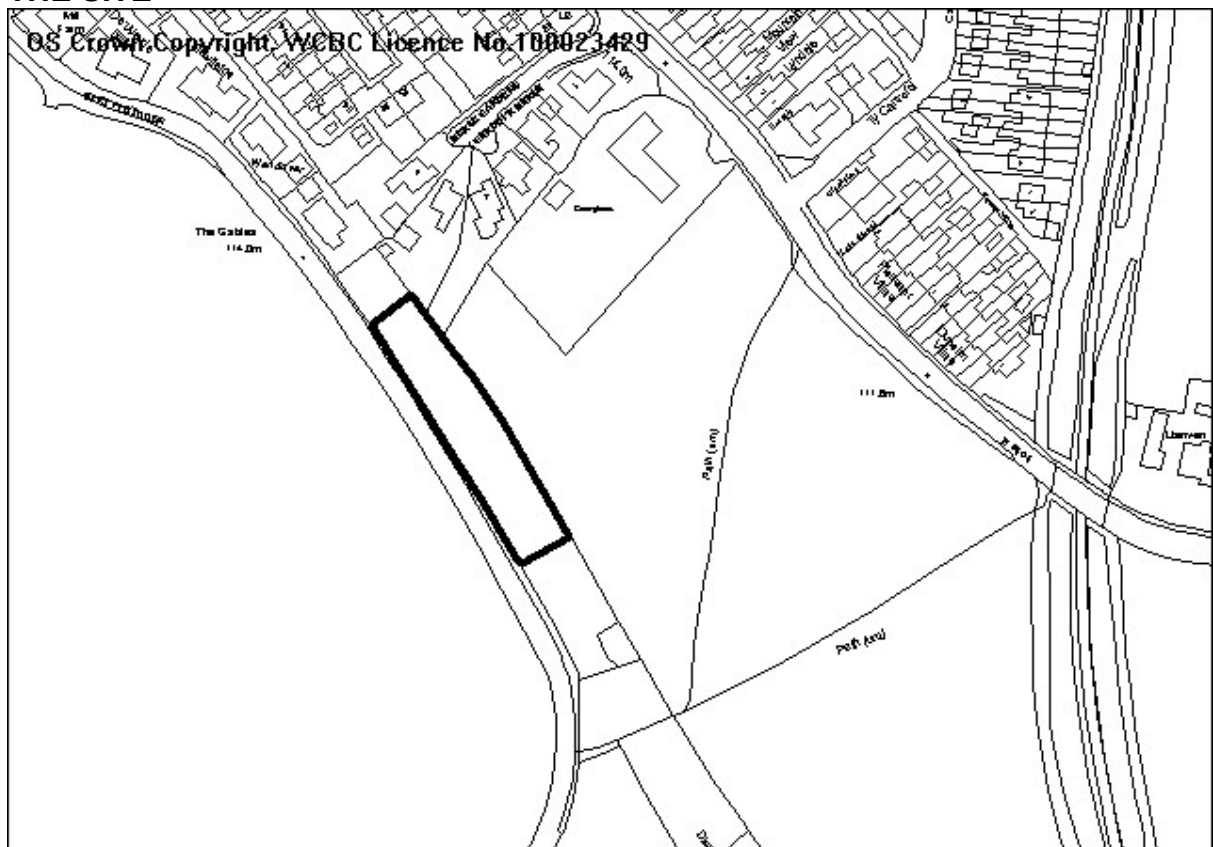
CASE OFFICER:
RC

WARD:
New Broughton

AGENT NAME:
TREVOR MENNELL
PLANNING
TREVOR MENNELL

APPLICANT(S) NAME:
MR PATRICK BERRY

THE SITE



PROPOSAL

In April 2022 a railway embankment was removed from the land without planning permission. In July 2022, Wrexham Borough Council issued an injunction on the land to stop any further development without the approval of planning permission.

A 0.9m high fence has been erected along the boundary with the highway. By itself, this does not require planning permission, however the fence has been erected leaving a splayed vehicular access enclosed by a gate.

The proposal seeks planning permission in retrospect for the creation of a vehicular access and for the ground levelling works associated with the removal of the railway embankment. .

HISTORY

None.

DEVELOPMENT PLAN

The application site is outside the settlement and lies within the Green Barrier in UPD. Policies GDP1, PS2, EC1 PS8 are relevant.

The site lies outside of the settlement limit within the emerging Local Development Plan. Policies SP12, DM1, T1, SP6 are relevant.

CONSULTATIONS

Community Council

Objects to the application because the site is outside of the settlement limit and within the Green Barrier, it is not highlighted in LDP2 and illegal groundworks were performed which resulted in a Court Injunction which has now been breached by the request for planning permission.

Local Member

Notified 24/11/2022. No response received.

Highway Officer

After receiving confirmation that the proposal does not include a change of use, the Highway Officer advised the available visibility (2.4 x 43m in both directions to nearside edge) is considered acceptable.

Public Protection Officer

Confirmed no comments to make.

Contaminated Land Officer

Confirmed no comments to make.

Natural Resources Wales

Consulted 24/11/2022. No response received.

Site Notice

Expired 20/12/2022

Neighbours

The owners/occupiers of 11 nearby properties on 29/11/2022
6 representations received objecting for the following reasons:

- Outside of settlement boundary and not included in the LDP
- Site is classified as Green Barrier;
- Comments in the Design and Access statement regarding fly tipping and dumping of earth are false;
- Removal of the earth left the boundaries of neighbouring properties being left way above ground level;
- Left neighbouring property exposed to the lane;
- The development work has been carried without planning permission;
- An injunction was taken out by the Council to stop any further development work;
- Not clear what the intended use future use will be ;
- Highway safety;
- The land should be left in its natural state ;
- Impact on the landscape; and
- This application could give a green light to for further development

SPECIAL CONSIDERATIONS

Principle of Development: There are no specific policies in the UDP or emerging LDP regarding the removal of old railway embankments and levelling of land and as such there is no policy objection to the proposal in principle.

The key issues for consideration are visual amenity, impact on the Green Barrier residential amenity and highway safety.

Visual Amenity: The immediate locality of the site is characterised by detached residential dwellings to the north, with the remainder of the site surrounded by agricultural land.

The removal of the railway embankment does not materially or harmfully effect the character of the wider rural landscape, nor does it harm the openness of the Green Barrier.

The site has been enclosed by installation of the 0.9 metre high post and rail fence with a laurel hedge planted. The appearance of the site is broadly reflective of its rural setting. Whilst the vehicular access, by itself, does not detract from the character of the area the gate enclosing has an industrial/urban appearance. A condition is recommended which would require the gate to be replaced by a gate of a design which would be more appropriate to a rural setting.

Having regard to the above, there is no conflict with policies EC1 and GDP1.

Residential Amenity: The retention of the site its current condition would not result in an adverse impact on residential amenity given it does not afford a

greater degree of overlooking of the closest properties than previously would have been the case.

The lawful use of the land remains as agricultural and therefore the proposal is unlikely to give rise to noise disturbance.

Having regard to the above, there is no conflict with policy GDP1.

Highway Safety: The Council's Highways Officer confirmed the available visibility is considered acceptable. Traffic generation from the existing lawful use of the site for agriculture is likely to be low and therefore does not give rise to a highway concern and in such terms accords with policy GDP1 (d).

Other Relevant Matters: Objectors have expressed concerns about potential future uses of the site. The Council must consider this application on the basis of the details submitted and not what a landowner/applicant may propose to do in future. Any further development requiring planning permission will be considered on its own merits should a planning application be submitted.

Concerns relating to the boundaries of neighbouring properties being exposed as a result of the works is a private matter and this is not a material consideration relevant to the consideration of the application.

CONCLUSION

The development does not detract from the visual amenity of the area or the openness of the Green Barrier nor does it give rise to residential amenity or highway safety concerns. It therefore accords with the relevant UDP policies.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The existing gate enclosing the access hereby granted planning permission shall be removed 28 days of a failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 12 weeks of the date of this decision details of a replacement gate shall have been submitted for the written approval of the local planning authority;
 - ii) If within 20 weeks of the date of this decision the local planning authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Ministers

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 6 MARCH 2023

iv) The replacement gate has been erected in accordance with approved details within 12 weeks from the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers. Upon erection of the gate, it shall not be replaced with any other gate other than one that strictly accords with the details as approved.

REASON(S)

1. 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.
