

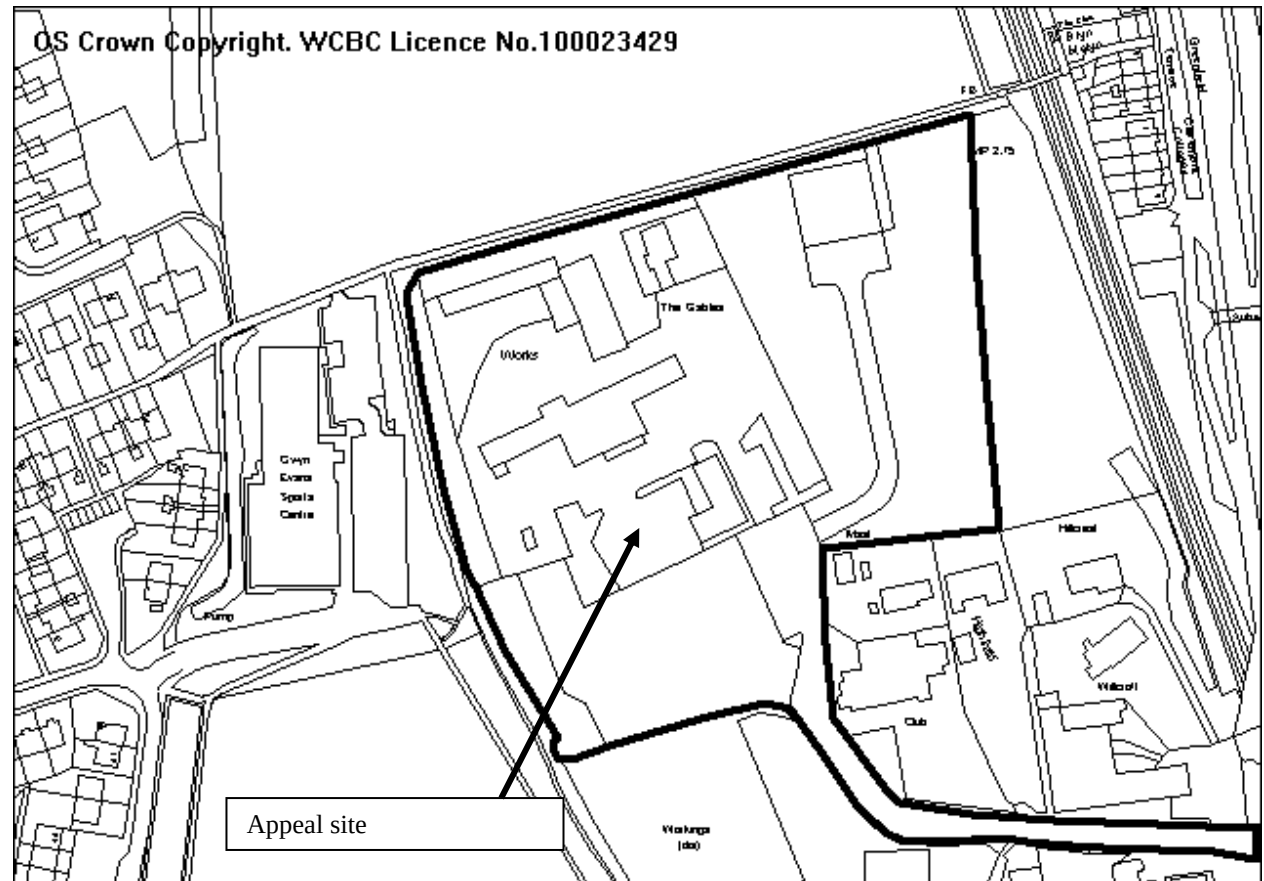
**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
LAND OFF MOLD ROAD GWERSYLLT**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2017/0927
PINS REF: 3207621**

1.0 THE SITE

- 1.1 The appeal site is located in Gwersyllt to the north of the Westminster Industrial Estate.



2.0 PROPOSAL

- 2.1 The appellant seeks outline planning permission for up to 30 dwellings, all matters reserved except access and full planning permission for a 54 bed low secure unit.

3.0 PLANNING HISTORY

- 3.1 P/2014/0931 Outline application for residential development (up to 65 dwellings) with all detailed matters reserved except access. Granted 10.3.2016

4.0 LOCAL PLANNING POLICY

- 4.1 The site lies within the settlement limit for Gwersyllt. It is not allocated for any specific purpose. Unitary Development Plan policies GDP1, GDP2, EC13, H2, H7, H11, CLF5 and T8 are applicable.

- 4.2 The following supplementary planning guidance notes are also considered applicable:
- Local Planning Guidance Note 10: Public Open Spaces on New Housing Developments
 - Local Planning Guidance Note 16: Parking Standards
 - Local Planning Guidance Note 21: Space Around Dwellings
 - Local Planning Guidance Note 27: Developer Contributions to Schools
 - Local Planning Guidance Note 28: Affordable Housing
- 4.3 Of the above, LPGs10, 27 and 28 are only applicable to the outline planning application for residential development.

5.0 THE COUNCIL'S CASE

- 5.1 The proposed low secure unit is a significant development, occupying a site of 1.68 hectares, having cumulative floor space of just over 3000 sq.m in area and providing 54 low secure bedrooms. The overall scale of the development in combination with a 30 dwelling residential development and the resulting intensity in the use of the application site is not in keeping with the scale of development in the area or the intensity in the use of land in the nearby vicinity. The Council is the opinion that the development is therefore in conflict with policy GDP1(a).

6.0 APPELLANT'S COSTS APPLICATION

- 6.1 Whilst acknowledging that the application was subject to an Officer recommendation to grant (subject to a planning obligation), paragraph 3.9 of Annex 12 of the Development Management Manual advises that local planning authorities are not bound to adopt the professional advice of officers.
- 6.2 The planning committee had significant concerns about the proposed development in relation to its scale and the intensity of the use and therefore identified it as being contrary to policy GDP1(a). It is considered this provides a sound planning reason for refusal and as such the Council has not acted unreasonably in this instance.

7.0 CONCLUSION

- 7.1 The proposed development, by virtue of its scale and use would involve an over-intensive use of the site. To allow the development would be contrary to Policy GDP1 (a) of the adopted Wrexham Unitary Development Plan. The Council respectfully requests that the appeal be dismissed.
- 7.2 For the reasons set out in paragraphs 6.1 and 6.2 above, the Council does not consider it has acted unreasonably in refusing planning

permission and as such also respectfully requests that the appellant's application for an award of costs also be dismissed.

SUGGESTED LIST OF CONDITIONS IN THE EVENT OF THE APPEAL BEING ALLOWED

CONDITION(S)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced on the land described as 'Extent of Outline Planning Application' on drawing no. 17-032-014:
 - a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the landscaping of the site
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
3. The development hereby permitted shall be commenced:
 - a. in respect of that part of the site described as 'Extent of Full Planning Application' on drawing no. 17-032-014, before the expiry of five years from the date of this permission;
 - b. in respect of that part of the site described as 'Extent of Outline Planning Application' on drawing no. 17-032-014, before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
4. In respect of that part of the site described as 'Extent of Full Planning Application' on drawing no. 17-032-014, development shall be carried out in strict accordance with the following plans:
 - i. 17-032-110 Revision B Proposed Site Plan
 - ii. 17-032-111 Revision A Site Plan - Boundary Treatments & Fencing
 - iii. 17-032-120 Ground Floor Plan
 - iv. 17-032-121 First Floor Plan
 - v. 17-032-123 Roof Plan
 - vi. 17-032-150 Proposed Elevations - Sheet 1
 - vii. 17-032-151 Proposed Elevations - Sheet 2
 - viii. 17-032-152 Proposed Elevations - Sheet 3
 - ix. P.883.17.03 Landscape Proposals
5. The landscaping and layout reserved matters to be submitted for the approved development pursuant to the requirements of Condition 1 above shall include a scheme for and area or areas of open space and green space to be provided within the development site along with a management plan for

those areas. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings and shall thereafter be managed in accordance with the approved management plan.

6. Development shall not commence until a scheme for the improvement of the Westminster Industrial Estate access road from its junction with Mold Road to the proposed low secure unit and housing developments has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of drainage, construction, footway provision and double yellow line road markings.

No part of the development shall be occupied until the scheme as approved has been implemented in full.

7. Development shall not commence on each part of the site until a detailed Arboricultural Method Statement for that part of the site has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- f) Method for protecting retained trees during demolition works;
- g) Details of all proposed tree works, including felling and pruning.

8. Development shall not commence on each part of the site until the following components of a scheme to deal with the risks associated with contamination on that part of the site has shall be submitted to and approved, in writing, by the Local Planning Authority:

- (i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- (ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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.

9. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 8 shall not be occupied / used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

10. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

11. Development shall not take place on a part of the site until a comprehensive and integrated drainage scheme indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority for that part of the site. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.

12. Development shall not commence within a part of the site until a detailed method statement for the removal of and long term management of Japanese Knotweed on that part of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement unless otherwise agreed in writing by the local planning authority.

13. 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.

14. No external lighting shall be provided on any part of the low secure unit other than in strict accordance with details that shall first have been submitted and approved in writing by the Local Planning Authority.
15. The low secure unit shall not be brought into use until the vehicular parking and turning areas shown on drawing no(s). 17-032-110 Revision B have been fully laid out, surfaced and drained. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.
16. The low secure unit shall not be brought into use until the boundary treatments shown on drawing no. 17-032-111 Revision A have been provided in full. The new low secure unit fencing shall thereafter be retained throughout the lifetime of the development.
17. The development shall be carried out in strict accordance with Section 6.0 Conclusions and Recommendations of the Ascerta Bat Survey and Assessment dated 08 September 2017.
18. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.
19. This permission provides for a maximum of 30 dwellings to be erected on the land described as 'Extent of Outline Planning Application' on drawing no. 17-032-014.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
2. To comply with Section 92 of the Town and Country Planning Act, 1990.
3. To comply with Sections 91(3) and 92 of the Town and Country Planning Act, 1990.
4. To define the scope of the planning permission
5. In the interests of the standard of amenity afforded to future occupiers and the visual amenity of the development.
6. To ensure the formation of a safe and satisfactory access.
7. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s).

8. In the interests of the amenities of the future occupants of the buildings
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10. In the interests of the amenities of the future occupants of the buildings.
11. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.
12. To remove and control the spread of an invasive species.
13. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
14. In order to protect wildlife interests, which are afforded special protection.
15. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
16. In the interests of site security.
17. In order to protect wildlife interests, which are afforded special protection.
18. In the interests of highway safety.
19. To define the scope of the planning permission.

NOTE TO APPLICANT

Where reference is made to parts of the site in the conditions above, this shall be taken as meaning that the development comprises of two separate parts:

- i. the land described as 'Extent of Full Planning Application' on drawing no. 17-032-014
- ii. the land described as 'Extent of Outline Planning Application' on drawing no. 17-032-014