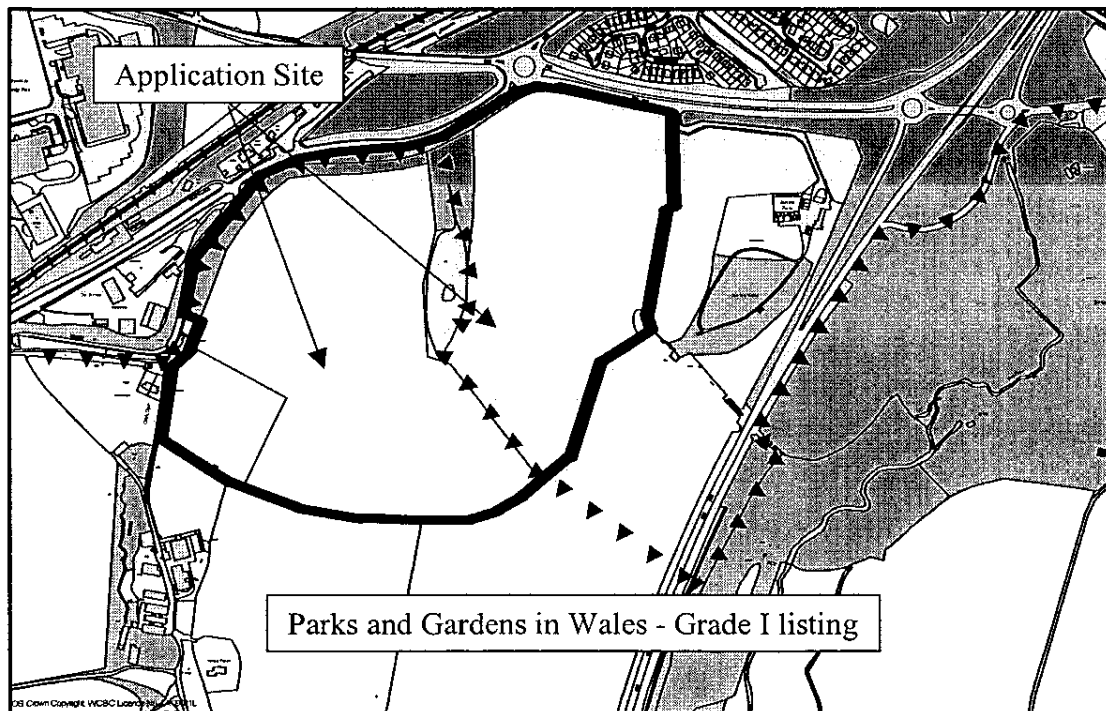


**REPORT OF THE CHIEF PLANNING OFFICER – Date 6th December 2004**

|                                        |                                                                                                                                                                                                                       |                                                |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>APPLICATION NO:</b><br>P/2004 /0294 | <b>LOCATION:</b><br>Ruabon Business Park West Of A483(T) &<br>South Of A539 Ruabon Wrexham                                                                                                                            | <b>DATE RECEIVED:</b><br>08/03/2004            |
| <b>COMMUNITY:</b><br>Ruabon            | <b>DESCRIPTION:</b><br>Vary condition No. 1 imposed under<br>planning permission Code No.<br>P/2003/0058 to allow a further one year<br>period within which to submit application<br>for Approval of Reserved Matters | <b>CASE OFFICER:</b><br>JGK                    |
| <b>WARD:</b><br>Penycae & Ruabon South | <b>APPLICANT(S) NAME:</b><br>The Wynnstay Farming Company                                                                                                                                                             | <b>AGENT NAME:</b><br>R P S<br>Camilla Yerbury |

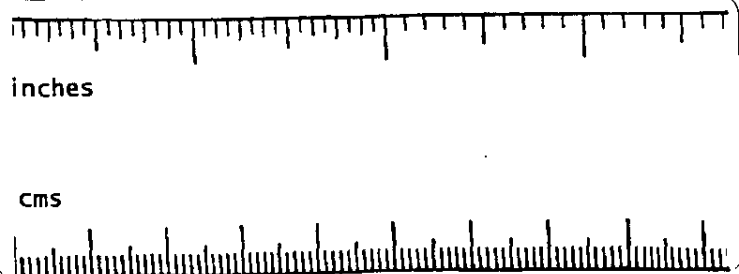
**THE SITE**

Ruabon Business Park west of A483(T) and south of A539, Ruabon, Wrexham.



**PROPOSAL**

Variation of condition 1 of outline planning permission Code No. P/2003/0058 to allow a further one year period within which to submit an application for approval of reserved matters.



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**HISTORY**

- P/2003/1484 Business Park, B1 use (High Technology, manufacturing, research and development of prestige offices). Currently under consideration.
- P/2003/0058 Variation of Conditions 2 and 3 impose under outline planning permission Code no P/2000/0418 to allow a further 1 year period within which reserved matters may be submitted and a further 5 year period for commencement of development. Granted 10.03.03.
- P/2000/0769 Variation of condition no. 6 imposed under outline planning permission Code No. CB01467 to allow a maximum of 65% of the total site area to be taken up by operational and built development. Withdrawn 10.11.2000.
- P/2000/0491 Variation of Condition 6 of outline planning permission Code No. CB01467 to allow a maximum of 65% of the total site are to be taken up by operational and built development. Withdrawn 31.07.2000.
- P/2000/0418 Relaxation of Condition 2 imposed under planning permission Code No CB01467 to allow an extension of time for the submission of reserved matters application. Granted 31.07.2000
- CB01467 Renewal of the permission detailed below. Granted 05.10.97
- 6/23477 Business Park B1 Use (High Technology manufacturing, research and development and Prestige Offices) Granted 31.05.95

**DEVELOPMENT PLAN**

The site is shown within recognised settlement limits and allocated for employment purposes as detailed in the former Wrexham Maelor Local Plan (Policies J1 and J2 referred). However, the Wrexham Unitary Development Plan which was made operational in May of this year for development control purposes shows the site outside any recognised settlement limits and not allocated for employment purposes. The land immediately to the north, west and east is green barrier. To the south is special landscape area.

**CONSULTATIONS**

- |                        |                                                                                                                               |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Community Council:     | No objection subject to only B1 uses being allowed                                                                            |
| Local Member:          | Notified 16.03.04.                                                                                                            |
| Public Protection:     | No comments.                                                                                                                  |
| Railtrack:             | No objections.                                                                                                                |
| Welsh Office Highways: | Notified 01.04.04.                                                                                                            |
| Welsh Water:           | No comments.                                                                                                                  |
| Environment Agency:    | No objections.                                                                                                                |
| Highways:              | No objections. If planning permission is to be granted all conditions attached to the original permission should be retained. |
| CCW:                   | Still awaiting copies of the Ecological Report.                                                                               |
| CPAT:                  | Notified 01.04.04.                                                                                                            |
| CADW:                  | Notified 01.04.04.                                                                                                            |

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Welsh Historic Gardens: Wynnstay gardens has a Grade I listing in the Register of Historic Parks and Gardens in Wales (ie in top 5 in Clwyd.)  
No consideration given to visual effect of so many blocks, their height and disposition – scheme should be rethought if it has to go ahead.

Site notice: Expired 10.02.04.

Other representations: One objection received to any extension of time.

Martyn Jones MP would hate to see potential development come to a halt – company have put £200,000 into development already, so I believe have shown commitment to project, council should show their commitment.

**SPECIAL CONSIDERATIONS/ISSUES**

**Background:** Outline planning permission was first granted in July 1995, and has been renewed on a number of occasions since, the most recent in March, 2003 when the time for the submission of reserved matters was extended by one year only until March, 2004. A reserved matters application was submitted in December 2003 and is currently under consideration with the applicant revising the proposal to take account of concerns that have been expressed. An extended period has been taken to ensure that the details are completely acceptable because if my recommendation (below) is accepted there will be no further opportunity to submit reserved matters applications.

**Policy:** The site was allocated for employment purposes within the adopted Wrexham Maelor Local Plan and listed in an appendix as a site with planning permission for employment development. However, in the UDP, the site is no longer shown within the settlement limit. This change in policy circumstances was the subject of an objection, which was rejected by the Inspector who recommended that in relation to Ruabon Business Park, no modification be made to the UDP. The Council accepted this recommendation in June 2003 and since May of this year the Wrexham UDP has been approved by the Council and made operational for the purposes of development control. The one year extension of time instead of the normal three years (until Dec 2003) was made to allow the company a short extension in the light of the imminent change of policy status. There has therefore been a significant policy change, and the circumstances which, led to previous extensions of time for the submission of reserved matters no longer apply.

**Parks and Gardens in Wales:** The original planning consent was granted in 1995. Over 50% of the application site now forms part of a larger area as shown on the plan above which in 1996, was given a Grade I listing in the CADW/COMOS/CCW Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales. Although the register is advisory only and has no statutory powers, the aim is to aid the protection and conservation of such important parks and gardens. I consider that this listing is now a material consideration in the determination of this application.

**Reserved Matters application:** For your information this application (P/2003/1484) is currently under consideration. I have had many discussions and meetings with the applicant/agent and I understand that a revised scheme is being prepared and additional information will be supplied which will, hopefully, address the concerns

**REPORT OF THE CHIEF PLANNING OFFICER – Date 6th December 2004**

that have been expressed. The refusal of the 'extension of time' application will not prejudice this consideration.

**Conclusion:** Due to the significant change in policy circumstances, the subsequent Historic Parks and Gardens Grade I listing for part of the site and adjacent areas, and notwithstanding the current consideration of the 'reserved matters' application, I consider that the application should be refused.

**RECOMMENDATION    That permission be REFUSED**

**REASON(S)**

1.     The site is located outside of any recognised settlement limits and in the open countryside as shown in the Wrexham Unitary Development Plan. It is therefore contrary to the provisions of both national and local policies relating to the location of new development as detailed in Unitary Development Policies PS1 and E6.
  2.     The proposed development would have an unacceptable affect upon the landscape, in particular the area identified as a Grade I listing in the CADW/COMOS/CCW Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales. As such it would be contrary to Wrexham Unitary Development Plan Policy PS2 and Planning Policy wales TAN12 - Good Design which seek to protect the Countryside, Landscape Character and the Quality of the Natural Environment.
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