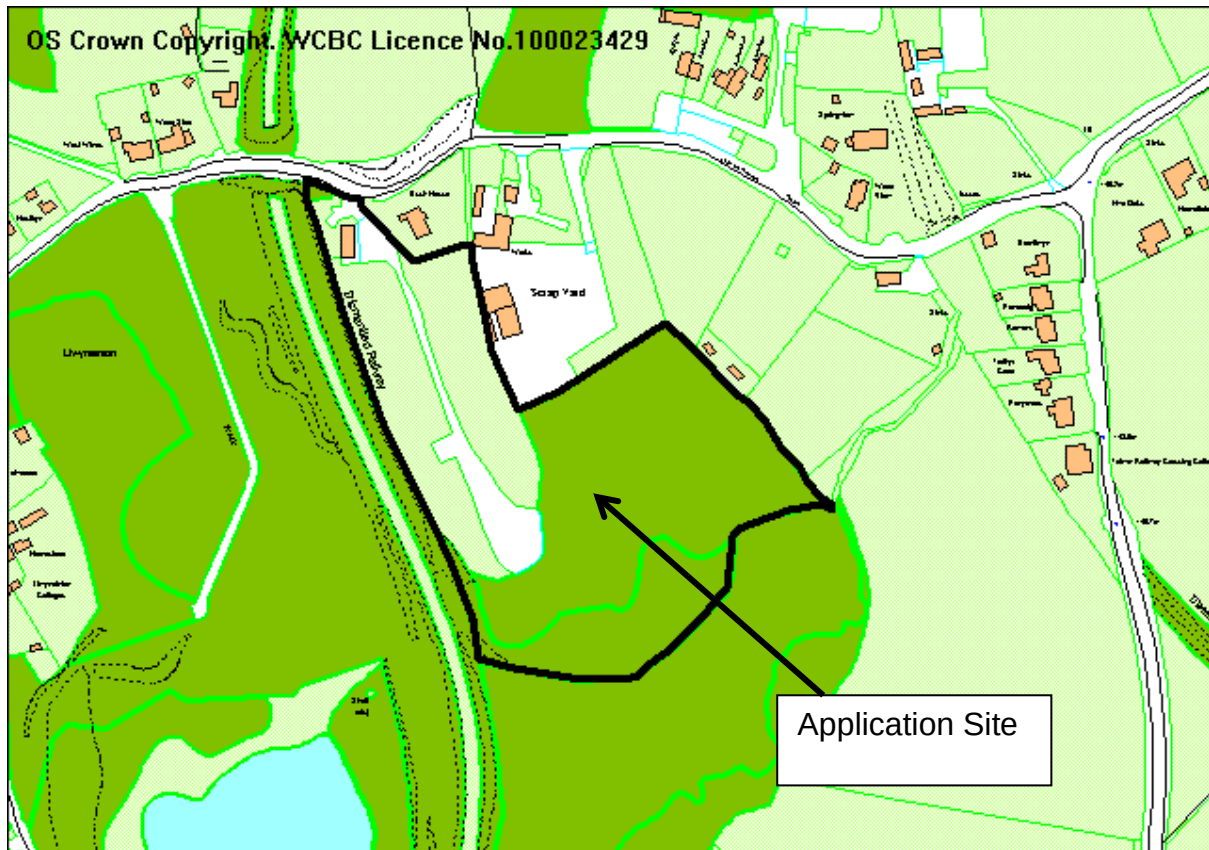


**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 77 APPLICATION AT
LAND SCRAP YARD LLWYNEINION ROAD LEGACY**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2020/0072
PINS REF: 3262399**

1.0 THE SITE



2.0 PROPOSAL

- 2.1 Outline planning permission is sought for up to 15 dwellings. All matters are reserved for subsequent approval.

3.0 HISTORY

- 3.1 P/2016/0611 REMOVAL OF SCRAP YARD USE AND DEMOLITION OF ASSOCIATED BUILDING ERECTION OF 7 NO DETACHED DWELLINGS, ACCESS, GARAGES AND GARDENS, CREATION OF WILDLIFE MEADOW AND NEWT MITIGATION HABITAT AREAS. Withdrawn.

4.0 DEVELOPMENT PLAN

- 4.1 Outside of settlement and within a minerals buffer zone. Policies PS1, PS3, GDP1, EC4, EC6, EC15, H5, CLF6 and MW11 apply.

5.0 COUNCIL'S CASE

- 5.1 The site lies outside of the settlement limit for Rhos. It is therefore acknowledged that the site is in an area where local policies impose strict controls over new residential development. Policy H5 only allows small scale housing developments to take place outside of settlement limits through the conversion of suitable buildings, the subdivision of an existing dwelling, up to

two dwellings on an infill plot, small scale affordable housing schemes on sites adjacent to a settlement limit and for key rural worker housing. None of these circumstances is applicable in this instance.

- 5.2 Members of the Planning committee were advised by Officers to refuse permission on the grounds that site lies outside of a settlement limit and in open countryside and that the development would result in an unsustainable development not in keeping with the rural character of the locality. Members nevertheless resolved to grant planning permission because of specific material considerations applying to this case that weigh in favour of the proposals.
- 5.3 The site is previously developed land having been last used as a scrapyard. Notwithstanding the location of the site outside of the settlement UDP policy PS3 supports the re-use of previously developed land. Policy EC15 supports action being taken to improve untidy sites and dilapidated buildings. Planning Policy Wales (paragraph 3.51) also supports the re-use of previously developed land.
- 5.4 The site still benefits from a licence for use as a scrapyard and therefore that use could resume at any time. This resumption of this use would detract from the rural character of the surrounding area and would result in numerous heavy goods vehicles travelling Llwyneinion Road and using the existing site access. The site access suffers from substandard visibility. Since being out of use the site has also been a target for anti-social behaviour.
- 5.5 There is an acknowledged need for housing in the County Borough. The emerging Local Development Plan identifies a need for 7750 homes to be delivered over the 2013-2028 period, equating to an annual requirement for 517 homes to be completed. The average rate of completions over the 2013-2020 period has been around half that, pointing to a clear need to increase supply.

6.0 CONCLUSION

- 6.1 The redevelopment of the site will secure the abandonment of the scrapyard use, an improvement to the appearance of the site, a reduction potential HGV traffic using Llwyneinion Road and a substandard access and deter anti-social behaviour. It will also contribute towards meeting the County Borough's housing need. The proposals accord with UDP policies PS3, EC15 and Planning Policy Wales 10. The Council therefore respectfully requests that planning permission be granted.

SCHEDULE OF SUGGESTED CONDITIONS

Conditions

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the means of access to the site and building(s)
 - e. 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 approved shall be commenced 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. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site 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. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.
5. Development shall not commence until a scheme including the following has been submitted to and approved in writing by the Local Planning Authority
 - i) a report of findings arising from a scheme of intrusive site investigations that shall have been carried out;
 - ii) details of any remedial measures that are necessary, including the submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no-build' zones.

Where remedial measures are proposed, they shall be implemented in strict accordance with the details as are approved prior to the commencement of any part of the development.

6. Development shall not commence until the following has been submitted to and approved in writing by the Local Planning Authority:
 - i) Full details of the proposed Great Created Newt Mitigation Area to include a timescale for its being provided and a long term management and maintenance plan;

ii) a scheme of Reasonable Avoidance Measures in respect of Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority.

Development shall thereafter only take place in strict accordance with the scheme as approved. The Great Created Newt Mitigation Area shall thereafter be permanently retained and managed and maintained in accordance with the approved long term management and maintenance plan

7. No part of the development shall commence until a detailed Arboricultural Method Statement 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. 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.
9. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 07 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. The reserved matters shall include an area or areas of public open space to be provided within each phase together with a scheme that includes the following details:
- i) hard and soft landscaping of the open space area(s);
 - ii) the timing of the construction and landscaping of the open space area(s);
 - iii) A long term management and maintenance plan for the area(s) of open space.

Public open space shall be provided in accordance with the scheme as approved. It shall thereafter be permanently retained and managed and maintained in accordance with the approved long term management and maintenance plan

Reasons

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 Section 92 of the Town and Country Planning Act, 1990.
4. 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 in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
5. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
7. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
8. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

10. In the interests of the appearance of the development and the standard of amenity afforded to future occupiers in accordance with policies GDP1(a) and CLF5 of the Wrexham Unitary Development Plan.