

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
GAMFORD HOUSE, GAMFORD LANE, ROSSETT**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2019/0246
PINS REF: 3237654**

1.0 THE COUNCILS CASE

- 1.1 The Council relies upon the committee report of the Chief Officer Planning and Regulatory dated 1st July 2019 which is included as Appendix 1, with the exception of the section under Ecology. For the benefit of the Inspector the appeal decision referenced in the report under the heading 'Previously Developed Land' is also included as Appendix 2.
- 1.2 Prior to the determination of the application the appellants submitted additional ecology surveys that addressed the concerns set out in the committee report. Following the submissions Natural Resources Wales confirmed they had no objection to the development subject to conditions being imposed in the event of planning permission being granted. Accordingly, when the application was determined by the Council the third reason for refusal set out in the committee report was omitted from the decision.
- 1.3 It is acknowledged that the Council's Education Department has indicated that due to the capacity of the local secondary school (capacity for 840 pupils, with 847 pupils on the rolls) a financial contribution towards additional school capacity would be needed. However taking into account the small number of secondary pupils likely to be generated by the development (2), that the extant planning permission (P/2016/0384) is not subject to a Planning Obligation and that the appeal proposals are unlikely to generate significantly different number of pupils than the previously approved development, the Council does not intend to pursue a Planning Obligation in respect of this matter.
- 1.4 A schedule of conditions in the event of the appeal being allowed is included below.

2.0 CONCLUSION

- 2.1 For the reasons nos.1 and 2 as set out in the report of the Chief Officer Planning and Regulatory dated 1st July 2019, the Council respectfully requests the appeal be dismissed.

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

Condition 01

The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

Reason

To comply with Section 91(3) of the Town and Country Planning Act, 1990.

Condition 02

The development shall be carried out in strict accordance with the following drawings:

- i) PL-EX01 Revision A – Location Plan
- ii) PL-01 Revision A – Site Layout Plan as Proposed
- iii) PL-02 Revision A – Site Layout Plan as Proposed showing boundary treatment
- iv) PL-101 – Plot 1 Proposed Elevations
- v) PL-102 – Plot 1 Proposed Floor Plans & Section
- vi) PL-103 – Plot 2 Proposed Elevations
- vii) PL-104 – Plot 2 Proposed Floor Plans & Section
- viii) PL-105 – Plot 3 Proposed Elevations & Sections
- ix) PL-106 – Plot 3 Proposed Floor Plans
- x) PL-107 – Plot 4 Proposed Elevations & Sections
- xi) PL-108 – Plot 4 Proposed Floor Plans
- xii) PL-109 – Plot 5 Proposed Elevations & Sections
- xiii) PL-110 – Plot 5 Proposed Floor Plans
- xiv) PL-111 – Plot 6 Elevations & Sections
- xv) PL-112 – Plot 6 Proposed Floor Plans
- xvi) PL-113 – Plot 7 Elevations & Sections
- xvii) PL-114 – Plot 7 Proposed Floor Plans
- xviii) PL-115 – Plot 8 Proposed Elevations & Sections
- xix) PL-116 – Plot 8 Proposed Floor Plans
- xx) PL-117 – Proposed Garages Overlay

Reason

To define the scope of the planning permission.

Condition 03

The development shall be carried out in strict accordance with:

- i) Section 6.0: Dusk and Dawn Survey Conclusions and Recommendations of the Tyrer Ecological Consultants Ltd report titled: Bats – Dusk and Dawn Survey Results dated 14 June 2019

- ii) Section 6.0: Conclusions, Impacts & Recommendations and Section 7.0 Indicative Mitigation of the Tyrer Ecological Consultants Ltd report titled Great Crested Newt – Presence/Absence Survey Results dated 14 June 2019.

Reason

In order to protect wildlife interests, which are afforded special protection in accordance with policy EC6 of the Wrexham Unitary Development Plan.

Condition 04

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.

Reason

To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 05

Prior to their installation on each dwelling, drawings to scale 1:5 and 1:20 fully detailing all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The details shall fully describe the proposed materials, decorative/protective finishes, method of opening and glazing type and include cross sections for glazing bars, sills and heads etc. The works shall only be carried out in strict accordance with such details as are approved.

Reason

To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 06

Prior to first use of the development hereby approved the vehicular accesses shall provide visibility splays of 2.4 metres x 56 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

Reason

To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with policy GDP1(d) GDP1 of the Wrexham Unitary Development Plan

Condition 07

Hard and soft landscaping shall be carried out in strict accordance with the details shown on drawing no. PL-02 Revision A – Site Layout Plan as Proposed showing boundary treatment. All hard landscaping shall be fully implemented prior to the first occupation of the dwellings hereby granted permission. Soft landscaping shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use.

Reason

To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 08

Notwithstanding the provisions of Part 1, Classes A, B, C, D and E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any order revoking, re-enacting that Order with or without modification), no enlargements to any of dwellings the subject to this permission shall be erected and no buildings or enclosures shall be sited or erected within the curtilages of those dwellings.

Reason

The development is an exception to the normally strict control imposed over new development in the countryside. Controlling further development within the site is considered necessary in the interests of protecting the rural landscape and the character of the site and buildings in accordance with policy GDP1(a) of the Wrexham Unitary Development Plan.