

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
BLACK HORSE PUBLIC HOUSE TOP ROAD SUMMMERHILL**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2016/1153

PINS REF: 3176000

1.0 THE SITE

- 1.1 The appeal site is a vacant plot of land fronting Top Road, Summerhill. It was occupied by the former Black Horse Inn public house, which was demolished in 2016.

2.0 PROPOSAL

- 2.1 The appellant is proposing the erection of 2 x 4 bedroom detached dwellings.

3.0 PLANNING HISTORY

- 3.1 P/2012/0259 Conversion and alterations to public house and residential accommodation to form 4 no. 2 bedroom dwellings and 1 no. 1 bedroom dwelling, ancillary works and parking. Refused 14.9.2012. Appeal dismissed 11.3.13.
- 3.2 P/2014/0071 Partial demolition of vacant public house, change of use of remaining public house/ancillary accommodation to form 3 dwellings including erection of 3 x 2 storey extensions and formation of new vehicular access and parking. Granted 2.6.2014

3.0 LOCAL PLANNING CONTEXT

- 3.1 The following policies of the Wrexham Unitary Development Plan are applicable to the appeal proposals:
- GDP1 Development Objectives
 - H2 Housing Development (of Unannotated Land) within Settlements
 - T8 Parking
- 3.2 The following supplementary planning guidance is also applicable:
- Local Planning Guidance Note 16: Parking
 - Local Planning Guidance Note 21: Space around Dwellings.

4.0 THE COUNCIL'S CASE

Design

- 4.1 The Council has no objection in principle to the erection of two dwellings on the site, nor is it necessarily opposed to a more contemporary style of external appearance. However, the erection of two detached dwellings would not reflect the general pattern of development in the locality, and would look cramped.

- 4.2 Whilst there are dwellings in the vicinity of the site with a similar footprint to the two proposed, they are generally terraced or semi-detached properties. There are some detached dwellings in the locality, however they typically occupy a plot that is wider than the two plots the proposed dwellings will occupy. Finally, the asymmetrical design of the dwellings would further add to the impression of not according with the general character of development. Accordingly the Council considers the proposals to be in conflict with policy GDP1(a).

Housing Land Supply

- 4.3 Planning Policy Wales (paragraph 9.2.3) requires Local Planning Authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing.
- 4.4 In accordance with Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015), because the UDP plan period has now expired Wrexham is unable to demonstrate whether it has a 5 year housing land supply or not. In such circumstances TAN1 (paragraph 6.1) advises that the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with development plan and national planning policies.
- 4.5 In addition to the above, the emerging Wrexham Local Development Plan will need to make provision for around 8,460 new homes (this includes provision for a 10% contingency) to meet the housing needs of the County Borough over the 2013-2028 period. Taking into account existing deliverable supply this equates to a requirement for sufficient land to be brought forward for around 4,000 houses to be built. It is therefore clear that there is a need to significantly increase the supply of land available for housing in the County Borough.
- 4.6 The Council accepts that the need to increase housing supply is a material consideration that weighs heavily in favour of proposals for new housing development, including the appeal proposals. However the need to increase supply does not override other local and national planning policy requirements to promote good design.

Weight afforded to policy

- 4.7 The objective of policy GDP1(a) to ensure that development accords with the character of an application site makes a positive contribution to the appearance of the nearby locality is, in the Council's opinion, broadly consistent with Planning Policy Wales and in particular guidance set out in Technical Advice Note 12. As such despite the fact that the UDP plan period has now expired the policy can continue to be afforded significant weight.

Amenity

- 4.8 The Council received representations about the impact the proposals will have on the amount of daylight received by a side facing kitchen window and hall window of Or Newydd, the dwelling to the north of the appeal site.
- 4.9 Halls are not habitable rooms and therefore loss of light to it would not significant impact upon the standard of amenity afforded to occupiers of the dwelling.
- 4.10 The development will impact upon the amount of daylight received by the kitchen window. However whilst the appeal site is currently vacant, it was occupied by a former public house until relatively recently, a building which benefitted from planning permission for conversion and to residential use – including the provision of two storey rear extensions.
- 4.11 The amount of light received by the kitchen window would have previously been significantly reduced by the public house building, both in its original form and if it had been altered and extended as per the previously approved conversion scheme. Taking these factors into account it would be difficult to argue the development will severely impact upon the standard of amenity afforded to the occupiers of that property.

5.0 CONCLUSION

- 5.1 Due to their size, appearance and form the proposed dwellings will not be in keeping with development in the vicinity of the site and will therefore detract from the appearance of the locality. The proposals therefore do not accord with policy GDP1(a) of the Wrexham Unitary Development Plan. The Council respectfully requests the appeal be dismissed.

Schedule of Conditions in the event of the Inspector allowing the appeal:

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 in terms of the limits on the lifetime of a planning permission.

Condition 02

The development shall be carried out in strict accordance with drawing no. 273/1 Scheme 3 02.2016

Reason

To define the scope of the planning permission

Condition 03

The vehicular parking and turning areas as shown on approved drawing(s) No. 273/1 Scheme 3 02.2016 shall be fully laid out, surfaced and drained prior to first use of the development. 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.

Reason

To ensure that adequate off-street parking is provided to serve the development in order to reduce the risk of increased on-street parking and in turn potential obstructions to the free flow of traffic on the highway. Turning provision is considered necessary in the interests of highway safety because it will allow cars to exit the site in a forward direction affording drivers views on on-coming traffic and/or pedestrians.

Condition 04

No dwelling shall be occupied until a replacement street light has been installed on Top Road in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason

There was a street light attached to the former public house prior to demolition. The provision of a replacement streetlight is considered necessary in the interests of highway and pedestrian safety given the lack of footway provision.

Condition 05

No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

Reason

To ensure that provision is put in place to drain surface water from the site in a manner that does not overload the public sewer system.

Condition 06

Nothing shall be planted, allowed to grow or erected to a height greater than 1 metre in height above the level of the nearside edge of the adjoining highway for a distance of 2.4 metres measured back from the adjoining highway along the entire site frontage. The splays shall be provided prior to first use of the development and shall thereafter be permanently retained clear of any such obstruction.

Reason

To ensure that adequate visibility is provided and maintained at the site access in the interests of highway safety.

Condition 07

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.

Reason

To ensure that surface water from the site does not flow onto the highway and overload the highway surface water drains or cause a danger to highway safety, particularly in winter months.