

Town and Country Planning Act 1990

**Local Planning Authority Statement of
Case**

**APPEAL RELATING TO LAND ADJOINING ISFRYN, 5
QUEEN STREET, RHOSLLANERCHRUGOG,
WREXHAM, LL14 1TB**

PINS Refs: APP/H6955/A/16/3161345
LPA Planning Refs: P/2016/0326

1.0 THE SITE

- 1.1 The site consists of an open area of land which forms the curtilage of a property known as Isfryn, Queen Street in the village of Rhosllanerchrugog. The land can be accessed from either Queen Street or via an unadopted track known as Duke Street.
- 1.2 The appeal site is located in the centre of Rhosllanerchrugog, a large area of population which forms one of the 'Western Villages' of the wider area of Wrexham County Borough.

2.0 PROPOSAL

- 2.1 The appeal relates to an Outline proposal for residential development of the site. An indicative set of plans were submitted with the proposal which indicated the erection of a single dwelling with an indicative access to be made from Duke Street. The intention was to construct a dwelling of two storey proportions, indicative details of which were provided with the application in accordance with legislative requirements on determined drawing no. GO55/002 Rev A.

3.0 LOCAL PLANNING CONTEXT

- 3.1 The relevant development plan for this appeal is the Wrexham Unitary Development Plan (UDP) as adopted by the Council in 2005. For the purposes of this appeal, policies PS2, GDP1, H2 and T8 are relevant.
- 3.2 Policies PS2 is a strategic policy which aims to ensure the broad location of development.
- 3.3 Policy GDP1 states that new development should:
 - (a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the locality,
 - (d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- 3.4 Policy H2 allows for the development of unannotated land with defined settlement limits subject to compliance with Policy GDP1.
- 3.5 Policy T8 requires that all new development should provide, either on site or in close proximity, parking provision in accordance with the Council's current parking standards.
- 3.6 Paragraph 4.1 of the UDP states that the Council will, from time to time issue supplementary planning guidance with the aim of encouraging

high standards of development and design. Accordingly, Local Planning Guidance Notes 13 – housing in the Countryside, 16 – Parking Standards, 21 – Space Around Dwellings and 30 – Residential Design Guide are relevant.

4.0 THE COUNCIL'S CASE

- 4.1 The proposed development involves establishing the principle of development on the land in question for residential development. The Council considers that the principle of the development is acceptable in this instance, being an area of previously developed land in a settlement limit as defined by the adopted UDP. The Council also acknowledges its position in that it is not able to demonstrate an adequate supply of allocated housing land to cover a 5 year period, a requirement of national planning policy and guidance in Planning Policy Wales (Edition 9) and Technical Advice Note 1 – Joint Housing Land Availability Studies.
- 4.2 However, the Council is of the firm opinion that the development of the land for residential purposes would be detrimental to the amenity of the neighbouring occupiers as well as the safety of motorists and pedestrians by reason of the unadopted condition of the access road (Duke Street). The condition of the lane at present is such that it is not to a firm surface layer, being of loose deleterious material which is subject to further deterioration. The lane is not the subject of any maintenance regime with the onus of maintenance shared between the existing neighbouring occupiers/owners. To allow a further dwelling to be accessed in this location would result in a further deterioration of the road to the detriment of the users of the lane and the amenity of the neighbouring site occupiers.
- 4.3 Duke Street is also the position of a definitive right of way which is also part of a Safe Route to School. The further deterioration of the unmaintained lane will also result in detriment to safety of those users of the footpath because of the increased instances of potholing.
- 4.4 For the above reasons, the Council does not consider that the significant need for additional housing in the County Borough outweighs the harm that would be caused to pedestrians, motorists and the general amenity of the neighbouring occupiers by allowing a further dwelling accessed on a severely substandard highway. One single dwelling is not considered to make a significant contribution to the Council's housing land needs.

5.0 CONCLUSION

- 5.1 The Council considers that the proposal would represent an inappropriate form of development that would result in harm to public safety and be detrimental to residential amenity. The Council respectfully requests that this appeal is dismissed.

6.0 SUGGESTED CONDITIONS

6.1 Should the Inspector be minded to allow either appeal, the Council respectfully requests that consideration be given to the following 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.

Reason: To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)

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.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990.

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.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990.

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.

Reason: 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.

5. No part of the development shall commence until details of a construction phase Reasonable Avoidance Measures (RAMs) scheme

in relation to great crested newts have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall be carried out in accordance with details as approved.

Reason: In order to afford protection to species which would otherwise be affected by the proposed development.

6. There shall be no vehicular access to the development other than from Duke Street.

Reason: In the interests of highway safety.

7. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.

Reason: To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.

8. 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: In the interests of highway safety.

9. This permission shall be limited to the erection of only one dwelling.

Reason: In the interests of the amenity of the area, the neighbouring occupiers and highway safety.