Y Gwasanaeth Cynllunio
Cyngor Bwrdeistref Sirol Wrecsam
Neuadd Y Dref, Wrecsam, LL11 1AY

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Planning Service
Wrexham County Borough Council
Guildhall, Wrexham. LL11 1AY

Telephone: 01978298994
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Application for Removal or Variation of a Condition following Grant of Planning Permission

Town and Country Planning Act 1990; Historic Environment (Wales) Act 2023

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Details

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Land Adjoining 7

Address Line 1

Rose Hill

Address Line 2

Brynteg

Town/city

Wrexham

Postcode

LL11 6LL

Description of site location (must be completed if postcode is not known)

Easting (x)

330932

Northing (y)

352194

Description

Applicant Details

Name/Company

Title

Mr

First name

Richard

Surname

Collier

Company Name

Address

Address line 1

Land Adjoining 7 Rose Hill

Address line 2

Brynteg

Address line 3

Wrexham

Town/City

Wrexham

Country

Postcode

LL11 6LL

Are you an agent acting on behalf of the applicant?

- [x] Yes
- [ ] No

Applicant Contact Details

Primary number

Secondary number

Email address

Agent Details

Name/Company

Title

mr

First name

Adam

Surname

Pierpoint

Company Name

PointPlanning

Address

Address line 1

Cedar Lodge Bronygarth

Address line 2

Address line 3

Town/City

Oswestry

Country

United Kingdom

Postcode

SY10 7LY

Contact Details

Primary number

***** REDACTED ******

Secondary number

Email address

***** REDACTED ******

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Erection of four bedroom dwelling

Reference number

BRO P/2022/0135

Date of decision (date must be pre-application submission)

24/08/2023

Please state the condition number(s) to which this application relates

Condition number(s)

5. Prior to first occupation of the dwelling a footway shall be constructed along the Maes Eithen site frontage of the site to extend from the existing Rose Hill footway for a distance of 7 metres, in strict accordance with a scheme of details which has been submitted to and approved in writing by the Local Planning Authority.

Has the development already started?

- [x] Yes
- [ ] No

If Yes, please state when the development was started (date must be pre-application submission)

01/11/2025

Has the development been completed?

- [ ] Yes
- [x] No

Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed

Condition 5 requires the provision of a new footway along the Maes Eithen frontage prior to occupation of the dwelling. This condition was originally imposed on the planning permission granted in 2011, when the site was in different ownership.

The site has since been sold, and the current owner and applicant, Mr Richard Collier, purchased the plot in 2025 to implement the approved development. The land required to deliver the footway lies entirely outside the applicant's ownership and control and forms part of neighbouring private land. The applicant therefore has no legal right or mechanism to carry out the works required by the condition. The footway cannot be delivered via a Section 278 agreement, as it does not fall within adopted highway land.

As currently worded, the condition would prevent the lawful occupation of the dwelling for reasons unrelated to the acceptability of the development itself. Although the dwelling can be constructed in accordance with the approved plans, the condition cannot be complied with in practice, rendering the permission undeliverable.

In addition to the ownership and control issue, the requirement for a new footway in this location is considered unnecessary and disproportionate. A continuous pedestrian footway already exists on the opposite side of Maes Eithen, which adequately serves pedestrian movement. Maes Eithen is a quiet residential access road rather than a main through-route, and pedestrian activity is limited. The short length of footway required (approximately 7 metres) would not meaningfully connect to the wider footway network and would offer no tangible highway or pedestrian safety benefit.

Delivering the footway would also require the removal of established hedgerow and garden planting, along with several trees. This boundary planting contributes positively to the character of the street and provides habitat for birds and other wildlife. Its removal and replacement with hardstanding footway and fencing would be harmful to visual amenity and would urbanise an otherwise green residential frontage. The presence of a main electricity pole within the required strip further constrains delivery of the footway.

Works have already commenced on site, and without variation or removal of this condition the development would be left in a position where it could not be completed or occupied, despite being otherwise acceptable.

For these reasons, it is considered that Condition 5 is no longer appropriate in its current form and that its removal or variation would not result in harm to highway safety, residential amenity, or the character of the area. The development would remain acceptable without the requirement for the footway and could be completed and occupied as intended.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

It is proposed that Condition 5 be varied by removing the requirement for the provision of a new footway along the Maes Eithen frontage.

The remainder of the planning permission would be unchanged.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- [x] Yes
- [ ] No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

- [x] The agent
- [ ] The applicant
- [ ] Other person

Pre-application Advice

Has pre-application advice been sought from the local planning authority about this application?

- [x] Yes
- [ ] No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED ******

First Name

***** REDACTED ******

Surname

***** REDACTED ******

Reference

P/2025/0495 Land at Rosehill Brynteg - Condition 5

Date (must be pre-application submission)

20/11/2025

Details of the pre-application advice received

Jenni was very helpful in advising the steps to take - confirming that a Section 73 is the correct route and that there shouldn't be any phosphate delays now that works have already started on site.
Highways can then formally make a decision on this.

Ownership Certificates

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Please answer the following questions to determine which Certificate of Ownership you need to complete: A,B,C or D.

Are you the sole owner of ALL the land?

- [x] Yes
- [ ] No

Certificate of Ownership - Certificate A

I certify/the applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least seven years left to run) of any part of the land or building to which the application relates.

Person Role

- [ ] The Applicant
- [x] The Agent

Title

mr

First Name

Adam

Surname

Pierpoint

Declaration Date

13/02/2026

☑ Declaration made

Agricultural Holding Certificate

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Agricultural land declaration - you must select either A or B

◉ (A) None of the land to which the application relates is, or is part of an agricultural holding

○ (B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below

Person Role

○ The Applicant

◉ The Agent

Title

mr

First Name

Adam

Surname

Pierpoint

Declaration Date

13/02/2026

☑ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☑ I / We agree to the outlined declaration

Signed

Adam Pierpoint

Date

13/02/2026