Report of the Chief Officer Economy and Planning

Application Reference
P/2024/1074

Applicant
Mr Sean McBride Castlegreen Homes

Agent

Site Address
LAND TO THE NORTH AND SOUTH OF LANE FARM, ROSSETT ROAD, TREVALYN, ROSSETT, WREXHAM, LL12 0DS

Description of Development
AMRYWIO AMOD 1 O GANIATÂD MATERION A GADWYD YN ÔL P/2021/0110 I DIWYGIO CYNLLUNIAU CYMERADWY / VARIATION OF CONDITION 1 OF RESERVED MATTERS APPROVAL P/2021/0110 TO AMEND APPROVED PLANS

Ward
Rossett/Yr Orsedd

Community
Rossett/Yr Orsedd

Recommendation
Approve

Officer Report

Site Description
The application site comprises of two separate parcels of land. One lies to the south-east of Trevalyn Hall View on the north side of Rossett Road, the other lies to the east of Trevalyn Way and Moss Green on the south side of Rossett Road.



Proposal

The application seeks permission for the variation of condition 1 of reserved matters approval P/2021/0110 in order to amend the approved plans for amended plans. The proposed amendments are:

1. To omit a car park previously proposed on the northern parcel of land. The car park would have occupied both Council owned land and land owned by the developers. The Council, as landowner has not agreed to the car park being constructed;
2. Minor alterations to the alignment of footpaths within the northern parcel of land to align with proposed pedestrian access changes proposed by application P/2024/1291 and as a consequence of the omission of the proposed car park;
3. The substitution of house types on 10 plots within the southern parcel of land (south of Rossett Road).

Site History

P/2018/0560 OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF TWO PARCELS OF LAND (NORTHERN PARCEL FOR UP TO 61 NO. DWELLINGS, SOUTHERN PARCEL FOR UP TO 71 NO.

DWELLINGS), EXTENSION TO COMMUNITY PARKING FACILITY (IN ASSOCIATION WITH NORTHERN PARCEL) WITH ASSOCIATED MEANS OF ACCESS AND ALL OTHER MATTERS RESERVED WITH INDICATIVE PROVISION MADE FOR PEDESTRIAN CROSSING, PEDESTRAIN LINKAGES, PUBLIC OPEN SPACE AND AFFORDABLE HOUSING. Refused 7.1.2019. Allowed on appeal 14.12.2020

P/2021/0110 RESERVED MATTERS PURSUANT TO OUTLINE APPLICATION P/2018/0560. Approved 7.2.2022

P/2021/0111 DISCHARGE OF CONDITIONS 6 (ARBORICULTURAL METHOD STATEMENT), 8 (HIGHWAYS), 9, (HIGHWAYS) 10 (CONSTRUCTION METHOD STATEMENT) , 14 (TRAVEL PLAN) AND 15 (LIGHTING) OF PLANNING PERMISSION P/2018/0560. Approved 22.08.2023

P/2022/0241 PART DISCHARGE OF CONDITION 7 (DRAINAGE) OF APPEAL DECISION APP/H6955/A/19/3231048 (P2018/0560). Approved 7.12.2023

P/2023/0435 TEMPORARY ADVERTISEMENT CONSENT FOR SALES SIGNAGE FOR APPROVED RESIDENTIAL DEVELOPMENT (IN RETROSPECT). Pending

P/2023/0851 DISCHARGE OF CONDITION 7 (DRAINAGE) OF APPEAL DECISION APP/H6955/A/19/3231048 (P/2018/0560). Approved 29.1.2024

P/2023/0852 DISCHARGE OF CONDITION 2 (FLOOD) OF PLANNING PERMISSION P/2021/0110. Approved 15.3.2024

P/2023/0853 NON-MATERIAL AMENDMENT TO PLANNING PERMISSION P/2021/0110 TO AMEND LAYOUT AND LANDSCAPING PLAN INCLUDING ADDITION OF AN ATTENUATION BASIN AND PUMP STATION. Granted 29.1.2024

P/2024/0023 NON-MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL P/2021/0110 TO VARY CONDITION 2. Granted 29.1.2024

P/2024/0097 DISCHARGE OF CONDITION 3 (LANDSCAPE MANAGEMENT PLAN) OF RESERVED MATTERS APPROVAL P/2021/0110. Approved 1.3.2024

P/2024/0144 NON-MATERIAL AMENDMENT TO RESERVED MATTERS P/2021/0110 TO AMEND APPROVED PLANNING LAYOUT. Granted 11.4.2024

P/2024/1291 VARIATION OF CONDITION 5 OF APPEAL DECISION APP/H6955/A/19/3231048 (P/2018/0560) TO AMEND ACCESS. Pending.

P/2024/1076 NON-MATERIAL AMENDMENT TO RESERVED MATTERS P/2021/0110 TO AMEND PARKING ARRANGEMENTS (PLOTS 24-26) AND REMOVAL OF PEDESTRIAN LINK ON BOUNDARY. Approved 7.10.2024

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P/2024/1645 NON-MATERIAL AMENDMENT TO PLANNING PERMISSION P/2018/0560 TO AMEND DESCRIPTION. Approved 2.1.2025

Development Plan

Local Development Plan
Policy SP1
Policy SP2
Policy SP5
Policy SP19
Policy SP11
Policy SP14
Policy SP12
Policy SP18
Policy H1
Policy H2

Relevant National Policy

Planning Policy Wales 12
Technical Advice Note 5
Technical Advice Note 12
Technical Advice Note 15

Consultation Responses

Community Council:
No comments to make.

Local Members:
Notified. No comments received.

Natural Resources Wales:
Raises no objection.

Dwr Cymru Welsh Water:
Raises no objection.

Highway Officer:
Raises no objection to the proposed amendments.

Public Protection Officer:
No comments to make.

Contaminated Land Officer:
No comments to make.

Conservation Officer
No comments to make.

Arboricultural Officer:
No comments received.

Ecology Officer:
Raises no objection following the submission of an updated landscaping scheme incorporating more native species hedgerow to compensate for the loss the hedgerow that would occur in order to form the additional pedestrian access.

Ramblers Association:
Notes the site is near Public Rights of Way Allington Nos.20 and 21 and requests that these are not diverted or blocked by the development or construction works.

Publicity Undertaken:
Site Notice
Notification Letters: The owners/occupiers of 10 nearby properties notified.

Responses to Publicity:
26 representations received objecting to the application and expressing the following concerns:

- There are no rights of access for third parties to Trevayln Hall View or Darland View;
- The proposed cycle ways would adversely impact upon local residents and contravene Designing Out Crime guidance LPGN24;
- The proposed cycleways would harm protected trees within Trevalyn Hall View;
- The proposed footways do not integrate with any other cycleways to/from Darland or St Peters Schools;
- The site plan shows land owned by the Council within the red line boundary;
- The pedestrian access points do not match those approved by the Minister. All pedestrian access points were fixed by the Minister's Appeal decision and cannot be changed;
- The new pedestrian access point is not on the approved access plan and should be removed;
- The location of the affordable housing would not accord with Welsh Government's blind tenure requirements or WCBC guidance;
- A request to revoke the planning permission has been submitted to Welsh Government. A decision should be deferred or refused until a revocation decision is announced;
- The developer cannot comply with conditions 5, 8 and 9 of the planning permission;
- The pedestrian access points onto Trevalyn Way do not accord with Approved Access Plan and cannot be delivered because they cross third party land; and
- Red line boundary includes land outside of the applicant's control.

Principle of Development

Current Status of the Local Development Plan

The Court of Appeal judgement handed down on the 20th of December 2024 concluded that the Planning and Compulsory Purchase Act 2004 (the 2004 Act) does not impose a duty on a Local Planning Authority to adopt a Local Development Plan. It has the effect of overturning the High Court judgement of 29 November 2023, which had concluded to the contrary but this judgement is currently subject to an application to the Supreme Court by the Welsh Ministers to challenge.

The Wrexham Local Development Plan (2013-2028) (LDP) was adopted by Full Council on 20th December 2023. The judgement of the 20th December 2024 does not, by itself, alter the status of the LDP as 'the development plan', as defined in section 38(4)(c) of the 2004 Act and further legal process is required to 'unadopt' it. In accordance with section 38(6) of the 2004 Act, any planning applications or appeals must be determined in accordance with the development plan unless material considerations indicate otherwise.

The LDP therefore remains adopted and therefore the starting point for the determination of planning applications until the Court orders to the contrary.

The application site lies within the defined settlement limit for Rossett and is allocated for residential development. Policy H1 allocates the site for 137 dwellings. The site also benefits from outline planning permission and reserved matters approval. All pre-commencement conditions have been discharged and development has lawfully commenced. The principle of development is therefore acceptable.

Design

The area that would have been occupied by a car park is now proposed to be soft landscaped with a pedestrian footway crossing it. These changes would not significantly alter the appearance of the development nor would there result in any additional impact upon the character of the area compared to the approved site layout.

The additional pedestrian accesses onto Rossett Road would result in a gap of approximately 4 metres in what would otherwise have been continuous hedgerow on northern side of the road. The resulting change to the appearance of this part of the site frontage would be limited. In order to accord with PPW12 Chapter 6, the landscape scheme has also been amended to propose additional hedgerow planting to adequately off-set the loss arising from the new access. The Council's Ecology Officer has raised no objection to the application on the basis of the amended landscape scheme.

The substitution of 10 house types on the southern part of the site would result in:

1. 4 x terraced affordable houses and x 2 detached houses adjacent to the western and southern boundaries of Lane Farm substituted for 3 x detached houses and 2 x semi-detached affordable houses;

2. 2 x detached houses and 2 x semi-detached affordable houses adjacent to the boundary with Trevalyn Way substituted for 4 x terraced affordable houses and 1 x detached dwelling.

There would be no changes to the alignment of the internal estate roads. The amended plots would be occupied by house types that are also being erected on other plots elsewhere within on the site. The amended plots would also integrated into the surrounding street scene, reflecting the general form and layout of the wider development.

The amendments would result in a reduction in the number of affordable houses adjacent to the boundaries with Lane Farm. However, this would be off-set by an increase in the number of affordable homes adjacent to the boundary with Trevalyn Way. The overall number of affordable houses proposed would remain unchanged at 33 or 25%, in accordance with the requirements of condition 2 of the outline planning permission. The affordable houses would be of the same standard of design as the market houses and visually integrated into the development. Moreover, the changes would not result in affordable dwellings concentrated in one part of the site. The proposed amendments would therefore accord with guidance in LPGN28.

Having regard to the above, the proposed amendments would not detract from the character and appearance of the development or the immediate locality. As such, they accord with policy DM1 of the LDP.

Impact on Neighbouring Amenity

The impact of the proposed amended accesses on the living conditions on the occupiers of existing dwellings close to the site is discussed in the report for application P/2024/1291.

The most significant change arising from the proposed house type substitutions would be the substitution of 4 x terraced houses orientated at right angles to the western boundary of Lane Farm with 3 x detached dwellings with rear elevations facing towards the boundary. However, all of the amended house types adjacent to the boundaries with both Lane Farm and Trevalyn Way would accord with separation distance guidelines set out in LPGN21. The proposed amendments would therefore not result in any undue harm to the living conditions of occupiers of nearby dwellings by way of loss of light, privacy or visual over dominance.

Having regard to the above, the proposed amended plans accord with policy DM1 of the LDP.

Highway Considerations

The proposed amendments would not result in changes to the vehicular accesses to the development or to the alignment of the internal estate roads. There would also be no net loss in on-site parking provision compared to the approved plans. Accordingly, the proposed amendments would not give rise to any highway safety concerns and therefore accord with policy DM1.

Flood Risk

The Flood Consequences Assessment submitted in support of reserved matters application P/2021/0110 did not identify any of the plots subject to the proposed amendments as being at risk of flooding. The substitution of house types on these plots would therefore not result in the development site or the wider locality being at any greater risk of flooding. It is also of note that NRW raises no objection to the proposed amendments.

Having regard to the above, the proposed amendments would not result in conflict with TAN15 or policy SP17.

Drainage

The site benefits from a SAB approval for surface water drainage arrangements. These details were also submitted to discharge condition 7 of the outline planning permission. Other than minor changes to the on-plot drainage arrangements for the 10 plots where amended house types are proposed, the amended plans would not require any material changes to the approved drainage plans for the wider site.

Conclusion

The proposed amendments would not give rise to any design, residential amenity, highway safety or flood risk concerns. They would therefore accord with the relevant LDP policies.

Conditions

1. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

   · Drawing no. ROSSRD-SL.01 Revision R;

   · Drawing no. P.1416.20.01 Revision N, Sheets 1-5;

   · Drawing no. P.1416.02.02 Revision N, Sheets 1-5;

   · Drawing no. ROSSRD-SL-FFL-01;

   · Landscape and Ecological Management Plan, reference P.1416.20 Revision H;

   · Rossett Housetype Pack Revision B; and

   · ROSSRD-ML.01 Revision C.

2. A flood attenuation basin shall be constructed in phase 2 prior to the first occupation of any dwelling in that phase in accordance with the details shown on drawing No. 106 Revision C: Southern Land Parcel

Main Drainage Flood Exceedance Routing Plan and drawing No. 108 Revision A: Sustainable Drainage (SAB) Southern Land Parcel Detention Basin Details approved on 15 March 2024 under reference No. P/2023/0852.

3. All landscaped areas, with the exception of the garden areas of individual plots, shall be managed and maintained in accordance with the Landscape and Ecological Management Plan, reference P.1416.20 Revision H.

4. No dwelling shall be occupied until it has been provided with a parking area in accordance with details down on drawing no. ROSSRD-SL.01 revision R. The parking area for each dwelling shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and of vehicles at all times.

Reasons

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

2. To protect the development from flooding and to ensure that the increase in off-site flooding does not increase in accordance with Policy DM1 of the Wrexham Local Development Plan.

3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.

4. To provide for the parking of vehicles clear of the highway in accordance with Policies DM1 of the Wrexham Local Development Plan.