

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING 3 JULY 2023

APPLICATION NO:

P/2023 /0135

LOCATION:

LAND NORTH OF GATEWEN ROAD
NEW BROUGHTON WREXHAM
LL11 6YA

DATE RECEIVED:

06/03/2023

COMMUNITY:

Broughton

DESCRIPTION:

GOSOD FFORDD MYNEDIAD,
GWAITH CLODDIO, TYNNU COED,
GWAITH STRWYTHUROL I'R
GRONFA DDWR A FFYNNON
BRESENNOL A DYMCHWEL
STRWYTHURAU PRESENNOL /
LAYING OUT OF ACCESS ROAD,
EARTHWORKS, TREE REMOVAL,
STRUCTURAL WORKS TO EXISTING
RESERVOIR AND WELL AND
DEMOLITION OF EXISTING
STRUCTURES

CASE OFFICER:

GH1

WARD:

New Broughton

AGENT NAME:

LICHFIELDS
MISS IMOGEN ZULVER

APPLICANT(S) NAME:

MR MATT GRANT
BELLWAY HOMES LIMITED

THE SITE

The application site comprises approximately 4.82 hectares (11.9 acres) of grassland situated to the north of Gatewen Road. The site's last use was for the grazing of horses, although it does not form part of a wider agricultural holding and exists as a pocket of grazing land. The application site is surrounded to the north and east by existing residential development, to the west by an existing area of public open space, and to the south by Gatewen Road and further residential properties.

The application site is located within a Green Barrier as per the adopted Wrexham Unitary Development Plan (UDP), although is located within the Broughton Settlement Boundary and allocated for residential development within the Draft Wrexham Local Development Plan (LDP).



PROPOSAL

Full planning permission is sought for a range of 'enabling works' associated with the future residential development of the application site, pursuant to outline planning permission reference P/2018/0674 (Appeal Reference: APP/H6955/A/19/3238474) and Reserved Matters approval reference P/2021/0955, namely:

- The construction of a site access;
- General earthworks;
- The installation of tree protection fencing and removal works;
- Making safe the former reservoir and disused well; and,
- Demolition of relic structure.

Members should note that no additional works over and above the existing operational planning permission are proposed, and the granting of planning permission would not impact in any way upon the existing planning permission.

HISTORY

P/2018/0674 Outline application for residential development, up to 112 dwellings together with vehicular / pedestrian access from Gatewen Road, open space, landscaping, sustainable drainage and other related infrastructure; Decision: Refused 01/07/2019. Allowed on appeal 15/02/2021

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P/2021/0955 Reserved Matters pursuant to Outline planning permission
P/2018/0674 (Appearance, Landscaping, Layout and Scale).
Approved 03/10/2022.

P/2023/0238 Discharge of Condition 15 (Sewage Scheme) of Planning
Permission P/2018/0674. Pending

RELEVANT PLANNING POLICY

National Planning Policy & Guidance:

- Future Wales: The National Plan 2040
- Planning Policy Wales (Edition 11)
- TAN 5: Nature Conservation & Planning
- TAN 10: Tree Preservation Orders
- TAN 11: Noise
- TAN 12: Design
- TAN 15: Development & Flood Risk
- TAN 16: Sport, Recreation & Open Space
- TAN 18: Transport
- TAN 24: The Historic Environment

Local Planning Policy:

Adopted Wrexham Unitary Development Plan (1996 – 2011):

Outside of settlement limit and within Green Barrier. Policies PS1, PS2, PS3, PS4, PS8, PS10, PS11, GDP1, GDP2, EC1, EC2, EC4, EC6, EC9, EC11, EC13, T1, T8 and T9 are relevance.

Draft Wrexham Local Development Plan (2013 – 2028):

Proposed housing allocation. Policies SP2, SP11, SP12, SP14, SP15, SP18, H1, H2, NE1, NE2, NE3, NE6, DM1, T1, T2 and T3 are relevant.

Wrexham Local Planning Guidance Notes:

07 – Landscape & Development
17 – Trees & Development
23 – Development of Sites with Land Contamination
30 – Design
32 – Biodiversity & Development

CONSULTATIONS

Broughton Community Council

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Objects for the following reasons:

- A number of trees within the site are subject to Tree Preservation Orders. The application does not give enough detail in identifying which trees are to be removed.
- The villages of Caego and New Broughton have been affected by flooding issues in the past couple of years. Any drainage work needs to ensure that additional pressures are not put on the current infrastructure.
- The site is home to a variety of wildlife – the application should be accompanied by the necessary surveys, particularly in relation to bats and badgers.
- Local residents and Community Council members are extremely upset about the proposed demolition of the remaining Gatewen Colliery building on the site. It is understood that this was used as a store for explosives. It is felt that this is of significant historical interest and is part of the local community's heritage. This building should be retained.
- In terms of traffic impact the Community Council understand that the surveys were undertaken during the Covid period. This was completely unrepresentative of the normal amount of vehicles which use the road.

Local Member - Councillor Clare Lovett

Notified 23/3/2023. No response received.

Councillor Beverly Parry Jones

Notified 23/3/2023. No response received.

Local Member – Cllr Nigel Williams

Objects on the following grounds:

- Does not agree that any groundworks should commence until the phosphates issue has been addressed.
- Concerns regarding the proposed demolition of the Gatewen Colliery building. Once demolished there would be no sign of the colliery left. The building is a local landmark and means a lot to local residents.
- Concerns that mature trees are to be felled.
- Concerns regarding the visibility splay for the entrance/exit to the site.
- The site was approved for residential development by the Inspector on the understanding that junction improvement works were to be carried out to the A483. As funding has been pulled for the improvements, this could cause extra stress on the existing junctions.

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Highway Officer

Consulted 23/03/2023. No comments received.

Public Protection Officer

No objections raised. The dust section of the submitted Construction Environmental Management Plan is accepted.

Conservation Officer

No objections raised. The Conservation Officer notes the current application would not further impact on designated historic assets over and above the development already benefitting from planning permission.

Contaminated Land Officer

No objections raised subject to conditions. The Officer has confirmed it would be necessary and appropriate for the remediation of the application site to be carried out in accordance with the documents approved in the discharging of Condition 13 attached to P/2018/0674.

Ecology Officer

No objections raised. The Officer confirms that tree and thick vegetation removal should not occur within the bird nesting season March to August inclusive.

Arboricultural Officer

No comments received at the time of writing this report.

Clwyd-Powys Archaeological Trust (CPAT)

No objections raised subject to a condition being attached to any permission granted to secure the completion of a Level 2 Building Recording survey, in relation to the existing structures to be demolished.

Natural Resources Wales

No objections raised. Whilst bats are noted to be present on-site, NRW consider the proposals represent a lower risk for bats. NRW have confirmed that additional information submitted has addressed initial concerns about lighting during the construction period. Comments are also made in regard to a Landscape Management Plan and foul drainage arrangements.

Dwr Cymru Welsh Water

Consulted 23/3/2023. No response received.

Flood and Water Management Team

Consulted 23/3/2023. No response received.

Ancient Monuments Society

Consulted 23/3/2023. No response received.

Press Notice

Expired 10/05/2023.

Site Notice

Expired 11/05/2023.

Neighbours

The owners/occupiers of neighbouring properties were notified on 11/04/2023.

Eight objections have been received expressing the following concerns:

- Traffic congestion;
- Schools capacity;
- Loss of historic features;
- Loss of green space and inadequate provision of public open space;
- Flooding;
- Poor provision for walking to/from the site into Wrexham;
- Concerns regarding wider infrastructure provision in the site's vicinity;
- Phosphates;
- Impact upon property value;
- Concerns in relation to the proposed access/footway works;
- Noise concerns;
- No tree felling should be undertaken until at least October;
- Further ecology survey work is required;
- The existing ammunition store on-site should be listed; and
- Impact upon nearby statutory ecological sites.

SPECIAL CONSIDERATIONS

Principle of Development: The application is outside of the settlement limit and within a Green Barrier as defined by the Unitary Development Plan. However it is allocated for residential development in the draft Local Development Plan. Given that the LDP has been found sound by the LDP Inspectors, it is considered that the proposed allocation is a material consideration of significant weight. In addition, the principle of residential development on the site was established in February 2021 when outline planning permission for the construction of up to 112 residential dwellings was granted. Reserved matters approval were subsequently given in October 2022.

The applicants are not able to commence development due to the on-going phosphorous issue, which currently prevents the Council from discharging condition 15 in respect of foul drainage. On this basis, they are seeking planning permission to undertake a package of enabling works to prepare the site for development whilst the wider phosphates and foul drainage issues remain unresolved. The application does not propose any development over and above that already benefitting from outline and reserved matters consent.

Visual Impact: There would be no additional impact over and above the works approved by the extant planning permission.

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An Arboricultural Impact Assessment accompanies the application confirming no works to trees are proposed over and above those previously approved.

Having regard to the above, the development would not have an adverse impact upon the character of the site or the wider locality.

Amenity: The impacts arising from construction would be no greater than those likely to arise from the implementation of the extant planning permission.

A Construction Environmental Management Plan (CEMP) has been submitted. The implementation of the measures in the CEMP, which could be secured by a suitably worded condition, would ensure the impact of construction works on nearby occupiers is minimised.

With regard to the above, the proposed development would accord with UDP policy GDP1 and LDP policy DM1.

Highway safety: The proposed site access was approved at the outline planning permission stage. The current application does not seek to amend in any way the access point already approved.

Whilst no response has been received from the Highways Officer, given that the access arrangements have already been approved the proposed development would not give rise to highway safety concerns. In such terms it accords with UDP policy GDP1 and LDP policy DM1.

Contamination: The applicants submitted investigations of the site with the reserved matters application (P/2021/0955). The Contaminated Land Team confirmed the details were appointable thus enabling condition 13 of the outline planning permission to be discharged.

The applicants seek to implement the proposed enabling works in accordance with the previously approved contamination remediation measures. The Contaminated Land Team have confirmed this to be acceptable.

Ecology: The application has been accompanied by an Ecological Appraisal. Natural Resources Wales (NRW) has confirmed no objections to the proposals.

The applicants have confirmed that construction will be limited to daylight hours only and that no flood lights are proposed. The only light source will motion activated security light. NRW have confirmed this is acceptable.

In terms of Net Biodiversity Benefit (NBB), which is a requirement as per Part 6.4.5 of Planning Policy Wales (Edition 11), it is noted that no measures have been proposed as part of the current application. Notwithstanding this the proposed works are enabling works associated with the already permitted residential development, which includes detailed proposals for soft

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landscaping works that will deliver NBB. Accordingly no additional NBB measures are necessary.

Phosphates: Given the nature of the proposed works there would not be any increase in the volume of wastewater produced by the development and in turn, no increase in phosphorous discharges into the River Dee and Bala Lake SAC.

Historic Environment: Clwyd-Powys Archaeological Trust (CPAT) have advised that structures proposed for demolition within site form part of a munitions store related to the former colliery, and are of at least local interest. CPAT have advised that a Level 2 Historic Building Survey should be completed prior to any works to the subject buildings taking place.

No conditions were imposed on the extant planning permission, indeed in 2018 Cadw had no objections to the outline application and did not recommend any conditions. However, given that CPAT have been made aware of additional information during the consideration of the current application, it would not be unreasonable to impose the suggested condition.

Other Matters: The vast majority of concerns expressed by the Community Council, the Local Member for the adjoining Ward and within the public representations relate to the already approved residential development of the application site, and not the works proposed by this application. Whilst the proposed works are intended to prepare the site for development, it is not possible to reconsider the principle of development or any detailed aspects of the already approved residential development.

CONCLUSION

Whilst the site lies outside of the settlement limit and within a Green Barrier in the UDP, the principle of development is already established by the extant planning permission. The proposed development would not give rise to any greater visual impact, residential amenity, highway safety or ecology concerns. In such terms it accords with the relevant UDP and LDP policies.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall be carried out in accordance with the following approved plans and documents:
 - Application Form [Dated: 06/03/2023]
 - Dwg No: LP01 REV A - Location Plan
 - Dwg No: 7791/600 - Enabling Works Plan
 - Dwg No: PC1810-RHD-ZZ-GR-DR-D-0101 REV P02 - Access Plan
 - Email from Agent: Additional Information [Received 25/05/2023]

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- Email from Agent: Lighting [Received 25/04/2023]
 - Agent Cover Letter [Dated: 06/03/2023]
 - Ecological Appraisal - Land North of Gatewen Road [Dated: 16/10/2021]
 - Arboricultural Method Statement Ref: P.1511.21.02 REV B [Submitted and approved under application ref: P/2021/0955]
 - Design and Access Statement - Mountain View, New Broughton [By: Bellway]
 - Construction Environmental Management Plan Ref: BH/NW/GR/CEMP/001 [Dated: October 2021]
3. The vehicular access shown on drawing no. PC181-RHD-ZZ-GR-DR-D-010 Revision P02 shall be laid out prior to the commencement of any other development hereby permitted.
4. Before any other works associated with the development hereby approved take place, the vehicular access shall be provided with visibility splays of 2.4 metres x 43 metres in both directions as 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.
5. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.
6. The development hereby approved shall be carried out in strict accordance with the following approved documents:
- Construction Environment Management Plan Ref: BH/NW/GR/CEMP/001 [Dated: October 2021]
 - Arboricultural Method Statement Ref: P.1511.21.02 REV B [Submitted and approved under application ref: P/2021/0955]
7. Development shall be carried out strictly in accordance with the measures outlined within the following approved documents and the measures shall be implemented in-full:
- Coopers (Chester) Ltd, Site Investigation Report for Land off Gatewen Road, Wrexham. Dated 24th September 2021 [Submitted and approved under application ref: P/2021/0955]
 - Coopers (Chester) Ltd, Letter Report Re: Ground Gas Monitoring Results for Land North of Gatewen Road, New Broughton, Wrexham. Dated 2nd November 2021 [Submitted and approved under application ref: P/2021/0955]
- The site shall be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.
8. No demolition of existing buildings or structures within the site shall take place until a programme of building recording and analysis, equivalent to

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an Historic England Level 2 building survey, has been secured and implemented, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The survey will be completed by a professional archaeological contractor. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report shall be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: neil.bayliss@cpat.org.uk Tel: 01938 553670). On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at her@cpat.org.uk. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
4. In the interests of highway safety and to ensure compliance with Policy GDP1 of the Wrexham Unitary Development Plan and TAN 18.
5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. In the interests of highway safety and to ensure work is carried out in-line with accepted arboricultural practices for the long-term wellbeing of the trees in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan and TAN 18.
7. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To allow an adequate analytical record of the building to be made, before demolition, to ensure that the buildings origins, use, and development are understood and the key features, character and state of preservation are recorded in accordance with TAN 24.

NOTE(S) TO APPLICANT

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be

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aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

The accuracy of the detailed plans and drawings forming part of the application documents hereby approved shall remain the responsibility of the applicant/developer.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk
