

Tyn Y Coed

Chester Road,

Rossett.

LL12 0DE

Planning Policy

Outline Application for the removal and replacement of existing dwelling & nine additional dwellings.

Tyn Y Coed, Chester Road, Wrexham - Planning Policy

Introduction

This report considers the planning policy issues associated the outline planning application for the removal and replacement of one existing property, and the construction of a nine new dwellings, (resulting in a net gain of 9 units in total) at Tyn Y Coed, Chester Road, Wrexham.

Site and Context

The proposed development site currently comprises a detached dwelling, with a disused tennis court and mature gardens, most of which have been recently cleared. To the north and south lie commercial properties and residential dwellings. Chester Road borders the site to the east and to the west lies disused land.

National Planning Policy:

Future Wales the National Plan 2040 - Policy 20 identifies Wrexham and Deeside as a National Growth Area

Planning Policy Wales (Edition 11) February 2021 at paragraph 1.22 states that:

“Up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making ... Planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise” .

Technical Advice Notes (TANs):

- TAN 5 Nature Conservation and Planning
- TAN12 Design
- TAN18 Transport

The Adopted Development Plan

Despite being time expired the development plan for the area is the **Wrexham Unitary Development Plan 1996 – 2011 (UDP)** which was adopted in February 2005 .

The site lies within the existing settlement limit of Rosset (Inset Map 3)¹ and partly abuts the designated Rossett Conservation Area. The UDP shows the whole of the application site situated within the settlement limits Rossett. It is not subject to of any designation or allocation and therefore would contribute as a windfall contribution to the housing supply under both the adopted and emerging development plans.

The following policies are relevant:

Strategic Policy

PS1 Directs development for housing to within defined settlement limits.

Specific Policies

¹ <https://www.wrexham.gov.uk/service/development-plans-and-other-planning-policy/wrexham-unitary-development-plan>

GDP1, General Development Principles –

GDP2 , Contributions to Schools

HOU2, Residential Development (of Unannotated Land) within Settlements will be permitted subject to compliance with Policy GDP1 above .

EC2, Policy EC2 Development on agricultural land of grades 1, 2 or 3a will only be permitted if it does not lead to the irreversible loss of that land.

EC4, Hedgerows, Trees and Woodland

EC6, Biodiversity Conservation

EC11, Archaeology

EC12, Development in Flood Risk *The application must be considered in light of the extant version of Technical Advice Note (TAN) 15: Development and Flood and the associated Development Advice Maps. Whilst a new version of TAN15 accompanied by new Flood Maps for Planning have been prepared by Welsh Government they will not now come into force until 1 June 2023, as confirmed by the Minister for Climate Change on 23 November 2021. Paragraph 6.2 of TAN 15 advises that new development should be directed away from Zone C (which is subdivided into Zones C1 and C2) and towards suitable land in Zone A or otherwise Zone B. It also goes on to advise that highly vulnerable development should not be permitted in zone C2.*

EC13, Surface Water Run Off = As part of any formal application there is a need to demonstrate a scheme of drainage can be achieved

H10 Replacement Dwellings in the Countryside ,

CLF5 Open Space Requirements on New Development

T8 Policy Development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards.

Local Planning Guidance Notes (LPG) are also relevant

- LPG 10 Public Open Space on New Developments (POS)
- LPG 16 Parking
- LPG 17 Trees and Development
- LPG 21 Space around Dwellings
- LPG 27 Developer Contributions to Schools
- LPG 30 Design
- LPG 32 Ecology

Emerging Local Development Plan 2013-2028 (LDP2)

The Wrexham Local Development Plan 2013-2029 LDP2 was submitted to the Welsh Government and PINS on 30th November 2018 and the Examination took place in 2019 - 2021. The LDP2 post examination process is ongoing, with the latest delay due to the 'Natural Resources Wales' recently published interim planning advice on the potential increase of phosphate levels in river Special Areas of Conservation (SACs).

The LDP Inspectors has recently confirmed to the Council that they can proceed with the Matters Arising Changes Public Consultation which starts on 23 May 2022², therefore the Plan is now at an advanced stage.

The proposed site is not allocated within 'Policy H1: Housing Allocations' of the emerging Plan. however, the settlement hierarchy identifies Rosset as **Tier 3: Local Service Centre** (*Settlements which have relatively good accessibility by non-car modes*)³ where in rural areas of the County Borough suitable development would be limited small scale infill and **windfall development**. The proposal fits within the sustainable principles, preferred strategy and the wider policies of LDP2.

Other Material Considerations

Phosphorous: The implications for the River Dee and Bala Lake Special Area of Conservation (SAC) that may arise if this application is submitted and needs to be considered. Foul water from the site will be disposed of via the mains sewerage system which connects to the Lavister wastewater treatment works (WwTW). This has provision to remove a percentage of phosphorous from wastewater and consents to discharge treated water into adjacent watercourses (and therefore directly or indirectly into the River Dee), subject to specific limits on the amount of phosphorous within the treated water. Whilst the WwTW is currently operating within its consented limits, the existing discharge consent is around 10 years old and pre-date recent case law, and as such need to be reviewed using new data and specially developed models. Whilst the existing provisions in place at the WwTW remove the vast majority of phosphorous from waste water, a residual amount remains. Development which increases foul water flows to the WwTW will therefore also result in an increase of phosphorous discharges into the SAC.

In light of the above, development cannot start until sufficient information has been submitted to demonstrate to the Local Authority, that the proposed foul water drainage scheme will not give rise to an increase in phosphorous entering the SAC. Sites affected by phosphates will need to be subject to a Habitat Regulations Assessment and, in all likelihood, a mitigation scheme.

Due to the application for this site being outline, with all matters reserved and finer details of the scheme to be resolved, We anticipate that the solution and proposals for Phosphorus mitigation (if required) will be covered in the Reserved matters / detailed stage of the application.

Housing Supply

The emerging Local Plan requirement is to deliver 7750 homes which equates to 517 per annum. The actual rate of completions over the period 2013 and 2021 has only been 254 units per annum⁴. This amounts to a considerable under supply of housing land in every one of the last 8 years. In addition to dwellings delivered through proposed housing allocations, the LDP is expected to be delivered by other components including windfall sites. This site presents such an opportunity. The acknowledged housing requirements of the County Borough is therefore also relevant and important consideration.

Conservation

The north east of the proposed site boundary, together with the south east boundary abuts the boundary of the designated Conservation Area of Rossett.

² https://wrexham-consult.objective.co.uk/portal/matters_arising_changes_consultation,

³ <https://wrexham-consult.objective.co.uk/file/3821856>

⁴ <https://wrexham-consult.objective.co.uk/file/5946895> - Table 2

Rossett Hall marks the northern entrance to the Conservation Area, its scale and design making it a distinctive building. The grade II listed building dates from the mid 18th Century⁵.

Local Service Centre

Rossett is identified as one of the Tier 3 Settlements/Local Service Centres in the emerging plan, which are described as having relatively good accessibility by non-car modes. This is an acknowledgement of the fact that the village has a wide range of services including a primary and a secondary school, convenience shops and a regular bus service to Wrexham and Chester. Rossett is therefore a sustainable settlement. The application site itself lies within easy walking distance of the centre of the village, the primary and secondary schools and bus stops served by the Wrexham to Chester service and is therefore in a sustainable location.

Local Plan Position

It is clear that the existing **Wrexham Unitary Development Plan 1996 – 2011** is not up to date, and there are also significant material considerations which weigh in favour of granting planning permission which can be listed as:

- the need to increase housing supply due to a shortage of land genuinely available for housing
- the presumption in favour of sustainable development
- the land does not project into wider countryside, but lies within the defined settlement boundary
- the land is divorced from useable agricultural land
- The nearby services and facilities ensure that the site is in a highly sustainable location
- If the emerging LDP housing requirements are to be achieved there will need to be a significant increase in the number of completions over the remaining plan period. That can only be achieved if more land is brought forward for development
- Given that the LDP2 has been through the Examination process and is now at Matters Arising Changes Public Consultation, the LDP2 should be attached significant weight.

20 May 2022

⁵ [Rossett Conservation Area Assessment and Management Plan \(wrexham.gov.uk\)](http://wrexham.gov.uk/Rossett%20Conservation%20Area%20Assessment%20and%20Management%20Plan)