



PLANNING STATEMENT

Prepared on behalf of Wales & west Housing

in support of a

Detailed Planning Application

for the

Proposed erection of a replacement Over 55s Affordable Housing Scheme involving a three-storey apartment block comprising 17 no. 1-bed dwellings and 8 no. 1-bed bungalows; retaining existing means of vehicular access and landscaping.

to Wrexham County Borough Council

Cwrt Pentwmpath, Eighth Avenue, Llay, Wrexham, LL12 0TT

October 2022

Ref. J10-W&W-PS-RevA

CONTENTS	PAGE
1.0 INTRODUCTION & BACKGROUND	2
Summary of the Application	2
The Application Pack	3
Site Description	4
The Proposed Development	6
2.0 PLANNING POLICY CONTEXT	9
Planning Legislation	9
The Local Development Plan Framework	11
Supplementary Planning Policy	20
3.0 OTHER MATERIAL PLANNING CONSIDERATIONS	21
The National Planning Policy Framework	21
The Benefits of the Proposed Development	34
4.0 DECISION MAKING : PLANNING BALANCE	36
Planning Conditions	36
Planning Obligation	36
Conclusions : Section 38(6) of the 2004 Act	37
5.0 APPENDICES	38
A : Pre-application guidance	
B : s106 Heads of Terms	

1.0 INTRODUCTION & BACKGROUND

Summary of the Application

- 1.1 This Planning Statement (PS) has been prepared and undertaken by J10 Planning Ltd (the Agent) acting on behalf of Wales & West Housing (the Applicants and freehold owners of the site).
- 1.2 The premises associated with this proposal comprises an existing sheltered housing scheme that is proposed for replacement through site redevelopment known as Cwrt Pentwmpath, located at Eighth Avenue, Llay, Wrexham, LL12 0TT.
- 1.3 The application site extends to an area of land comprising 0.47 ha (1.16 acres).
- 1.4 It accompanies and supports the submission of a Detailed planning application to Wrexham County Borough Council (WCBC) for the proposed redevelopment of the site for replacement over-55's accommodation.
- 1.5 Accordingly, the purpose of this supporting statement is to:
- *Provide some introductory background to the application; a descriptive appraisal of the site, its location, setting and surroundings; to present a detailed description of the proposal; and identifying any key issues that will assist the reader;*
 - *Identify the key local and national planning policy framework applicable to the proposed development and interpreting these in order to present the detailed case in support of the proposals;*
 - *Summarise the reasons why permission should be granted, referring to the scheme deliverables, benefits and net gains this development proposal will offer.*
- 1.6 We consider that this approach will serve to provide the Council with a clear basis for interpretation and decision making. In summary, this statement, along with all the other supporting documentation and plans, demonstrate that the proposed development, subject of this application, is fully compliant with national policy guidance and with the adopted and emerging development plan framework, so as to be acceptable.

The Application Pack

1.7 This Planning Statement (**J10 Planning**) should be read in conjunction with the following plans and documents, which are enclosed as separate items in the associated submission package:

- *Draft Heads of Terms (pursuant to s106 of the Act) : **J10 Planning***
- *Planning Statement : **J10 Planning***
- *Pre-Application Consultation Report (PAC) : **J10 Planning***
- *Architectural drawings : **Munro Associates***
- *Design & Access Statement : **Munro Associates***
- *Landscape Masterplan & Planting Schedule : **Above Zero***
- *Ecological Assessment : **Antony Nickson Ecology***
- *Arboricultural Impact & Method Assessment : **Tree Solutions***
- *Utility Study : **UCML***
- *Drainage Strategy & SABS drawing : **Coopers***
- *Nutrient Assessment : **Brookbanks***
- *Mining Risk Assessment : **Betts Geo***
- *Transport Assessment : **Focus***

1.8 This list is important as it comprises all the items considered relevant to a scheme of this scale and nature. It also reflects the pre-application guidance dated 30 March 2022 (see **APPENDIX A**) provided by Matthew Phillips at WCBC; no other items were and have been requested. These documents and drawings are all provided with the enclosed application and itemised in greater detail on a separate Planning Application submission schedule spreadsheet.

Site Description

- 1.9 The application site is well documented in other statements which provide enough adequate descriptions of the site with regards its specific locational, physical appearance, and general characteristics to avoid warranting any repetition here.
- 1.10 Suffice to say that the land associated with this proposal comprises an area of previously developed land that has a large set of 2-storey linked blocks of retirement flats upon it that were built in 1975 on a site of .47 ha ((1.16 acres).
- 1.11 It is a design very much of its time that has sadly dated badly and no longer keeps up with housing association regulations or requirements. Indeed, the service charge applied to residents is prohibitively expensive due to its poor thermal quality and poor construction.
- 1.12 Whilst a re-modelling / refurbishment / improvement scheme could have been considered this would have not addressed some fundamental building issues with the property and would not have been viable.



- 1.13 The current accommodation provided for 30 no. 1-bed apartments and a single 2-bed warden flat (31 no. units in total) which extends to include 1,737 sqm GIA floorspace, with 21 no. parking spaces.
- 1.14 The site is generally level but sits beneath Eighth Avenue, so presents the perception from street level of being almost single storey. It is located in an established post-war residential community with a mixture of managed tenures and private sector housing.

- 1.15 It is considered as being in a highly accessible and sustainable location with bus services and local community services and facilities within easy walking distance and it benefits from an existing vehicular access off Eighth Avenue



- 1.16 The opportunity now exists to secure the delivery of a new residential neighbourhood that delivers additional benefits; namely affordable housing, public access, greenspace, biodiversity, excellent standards of build and use of renewable energy sources for new residents.

The Proposed Development

- 1.18 The application now submitted is made for Detailed planning permission; the description of the development is as follows:

Proposed erection of a replacement Over 55s Affordable Housing Scheme involving a three-storey apartment block comprising 17 no.1-bed dwellings and 8 no. 1-bed bungalows; retaining existing means of vehicular access and landscaping.

- 1.17 The site accommodation schedule comprises the following:

Total area of site	0.47 ha (1.16 acres)
Number of dwellings	25 dwellings (reduction from 31 dwellings)
Amount of floorspace	1,481 sqm (reduction from 1,737 sqm)
Affordable tenure %	100%
Mix	17 no. 1 bed apartments 8 no. 1-bed bungalows
Number of beds	25 beds (Reduction from 32 beds)
Scale	1 and 3 storey
Density	53 dph
Parking spaces	26 spaces (increase from 21 spaces)
Greenspace	2,371 sqm (.23 ha) : equivalent to 49% of the site

- 1.18 The singular vehicular access into the site is proposed to be retained off Eighth Avenue using the existing route that exists with only minor modifications needed to ensure visibility standards, servicing and pedestrian movement can meet standards.
- 1.19 The applicant has drawn up some Heads of Terms (see **APPENDIX B**) that can be used pursuant to a s106 legal agreement that addresses any contributions that might be deemed necessary. Although it is considered that the Greenspace that is being provided exceeds local UDP and emerging LDP policy standards and that by its very nature the proposal involves a 100% affordable housing scheme proposed by a Registered Provider so again it would be unnecessary to have this written into a s106 agreement as the description and any planning condition would be deemed sufficient control.

1.20 The applicants' vision is that the development will be guided by a simple and robust set of parameters and comprise:

- *Creating a high quality, attractive, new residential scheme; sensitive to adjacent uses and complementary to the existing residential neighbourhoods; offering a mix of older persons designed housing types to meet the needs of local people;*
- *Provide a landscape-led residential development that has been carefully designed with the local community in mind, offering greenspace, opportunity for pedestrian linkages;*
- *The "community dividend" that will provide existing residents with access to managed affordable that will make the community more sustainable and resilient;*
- *Offering 252 (100%) affordable homes which will help to secure a safe and stable home;*
- *Offer a sustainable residential development that capitalises on the site's proximity to local shops and services by promoting pedestrian, cycle and public transport links;*
- *Provide a sustainable development that utilises renewable energy sources (Ground source heating, PV's) as well as low-carbon construction materials and methods;*
- *Create around 20 jobs during construction, including opportunities for apprenticeships, and a further 30+ via the local supply chain and provide additional local expenditure into the local economy and delivering additional council tax revenue into the public purse that the Authority can spend on local services.*

1.21 The guidance conferred by the Council during the informal pre-application discussions and from the more formal WG DMO consultation stage has allowed the applicant to develop a design solution that has sought to embrace the aspirations, concerns, feedback and guidance from Council officials, statutory consultees and members of the public.

1.22 The Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 means that from 1 August 2016 a far greater emphasis upon pre-application consultation with key stakeholders was introduced and a formal DMO process was activated. This now places a responsibility upon applicants to undertake and follow a pre-application procedure of formal consultation and engagement with key statutory consultees (e.g. NRW, DCWW, etc), the Local Authority, Town/Community Councils, local Ward Councillors and local residents.

1.23 It applies to all Major applications (outline or detailed) where the project involves over 1,000 sqm of non-residential space and/or the site exceeds 1.0 ha or where the site involves 10+ residential dwellings and/or a site over 0.5 ha. This process requires applicants to produce a Pre-Application Consultation Report (**PAC**) and it is this document that serves to address the policy requirement as set out in the legislation.

- 1.24 The proposals have been developed around a design solution that has embraced and been influenced by all the various technical and professional disciplines employed by the applicant (in particular drainage, highways, trees and landscape) and the applicant is confident that the proposals represent a scheme of the highest quality and sustainability credentials with community placemaking at its heart.

2.0 PLANNING POLICY CONTEXT

Planning Legislation

- 2.1 The purpose of this section of the statement is to set out the sequence of planning policy that is considered relevant to the consideration of this application; these are separately examined in detail by assessing and interpreting the merits of the proposals against them. The legal test for all planning decisions is to determine the application in accordance with the statutory legislative duties; the key ones are set out below.
- 2.2 **Section 70(2)** of the Town and Country Planning Act 1990 states that:
“In dealing with an application for planning permission or permission in principle the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(c) any other material considerations”
- 2.3 **Section 38(5)** of the Planning and Compulsory Purchase Act 2004 states that:
“If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan”
- 2.4 **Section 38(6)** of the Planning and Compulsory Purchase Act 2004 states that:
“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 2.5 The approach should therefore be to identify the provisions of the development plan and determine if the application proposals are in general accordance or in conflict. If in compliance (as we believe is the case here) the starting point will be to approve proposals by granting planning permission as the decision is in accordance with the plan and that those policies in the latest plan will be considered the most up-to-date.
- 2.6 A material consideration is a matter that should be taken into account in deciding a planning application or planning application and will not simply involve government policy, development plan policy or issues of highway safety, design or effects upon a heritage asset; they can involve positive benefits and deliverables associated with a scheme, such as employment, economic development investment, public access, biodiversity net gain and amenity betterment.

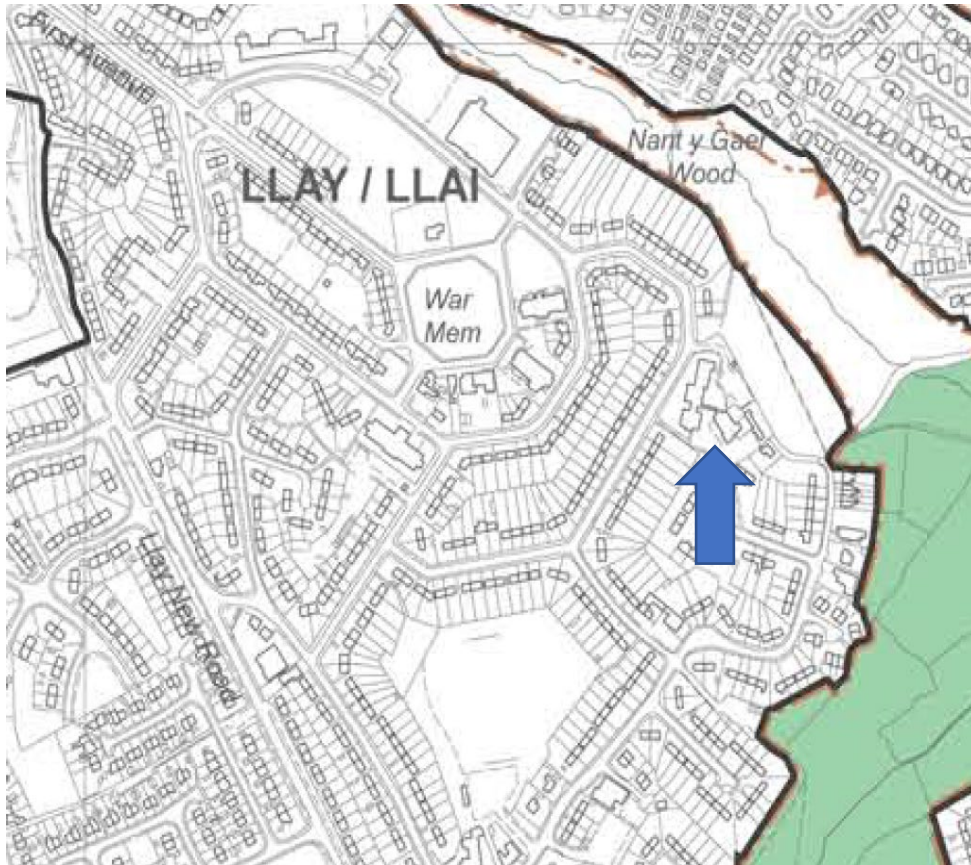
- 2.7 Furthermore, when applying development plan policies precedent case law (such as *R. Cummins v Camden LBC* 2001) has established that for a proposal to be in accordance with the Development Plan it is not necessary for it to accord with each and every policy, rather it should conform with the plan as a whole. So, whilst there may be key important policies there may also be other relevant ones too.
- 2.8 Additionally, another judgement (*BDW Trading Ltd. (T/A David Wilson Homes (Central, Mercia and West Midlands)* 27 May 2016)) involved Lord Justice Lindblom offering clarification on how the approach to planning decisions is not and should not be rigid and the person making the decision has some discretionary scope and autonomy in how they approach the policy position.

The Local Development Plan Framework

- 2.9 In accordance with **S38(6)** the starting point of any planning policy assessment is the Development Plan. The key material consideration will be whether the development plan is up to date. We have adduced that, in this instance, the development plan (for the purposes of **Sections 38(5)** and **38(6)** of the Planning and Compulsory Purchase Act 2004) comprises the policies of the:

“Wrexham Unitary Development Plan” (WUDP) that was adopted in February 2005 and whose plan policies are used for Development Control purposes and covers a plan period of 1996 to 2011.

- 2.10 Evidently, the WUDP is a document that pre-dates NDP and PPW11. Clearly, any presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, because where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 2.11 However, local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations indicate that the plan should not be followed.
- 2.12 The site presently lies entirely within the WUDP settlement boundary for Llay; an extract of the UDP Proposals Map is provided below.



2.13 The proposed development has been assessed against the relevant UDP policies and a detailed appraisal is provided in the table below.

UDP POLICY	APPLICATION CONFORMITY
PS1 Broad Location of Development	Development ought to be directed to within defined settlement boundaries. The site is located inside the settlement boundary of Llay so is policy compliant.
PS3 Broad Location of Development	This policy seeks to ensure that development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible. The site involves PDL and use of a brownfield site.
PS4 Broad Location of Development	Development should maintain the existing settlement pattern and character and be integrated with the existing transport network to reduce the need to travel by private car and offer alternatives. The proposal demonstrates that the integrity of the existing settlement will remain and that this site is located in a highly accessible and sustainable location to take advantage of the available public transport modes and existing pedestrian linkages.
PS8 Transport	We have shown that the site is located in a position that enables maximum use of travel options in a highly sustainable manner and will encourage walking, cycling and public transport connections.
GDP1 Development Objectives	This policy seeks to ensure that all new development meet the following criteria: a) Character, appearance, design and layout b) Personal and community safety c) Design techniques to conserve energy and water resources d) Ensure safe/convenient pedestrian and vehicular access and making connections/links e) Convenient access to public transport f) Ensure amenity of environment are safeguarded from odour and noise effects g) Secure public services. h) Safeguard nature conservation habitats. i) Ensure that development is not subject to flooding, contamination, etc on or off site. j) Have regard to any Welsh linguistic identity. k) Secure the development of sustainable communities through economic, social and environmental wellbeing. The applicant considers that the Policy is met by the proposal and the submission, and its supporting statements demonstrate this.

GDP2 Capacity of Infrastructure & Community Facilities	There is no evidence that the proposal would result in any local infrastructure (highway, drainage, etc) or community facilities (education, health, open space) becoming deficient as a result of this development being implemented. Any need to provide for additional capacity must therefore be demonstrated by the Authority and if any gaps in provision can be proven to exist then the applicant will consider whether any such requirement can be provided; such requirements must be fairly and reasonably related in scale and kind and not be disproportionate to the development proposed.
EC4 Hedgerows, Trees & Woodland	This policy seeks to protect and conserve such features in order to enhance the character of the local landscape. The scheme submitted has been very careful to ensure that any loss is minimised to access visibility only. Existing features shall be maintained and managed and the illustrative layout has integrated them, with opportunities available through condition to ensure new and extensive planting mitigation/compensation. Moreover, the root protection zones of all trees have been shown to be protected.
EC6 Biodiversity Conservation	The ecological investigations have demonstrated that whilst there are habitats; these can be retained, protected and mitigated for through reasonable avoidance and compensatory measures with a view that there are opportunities for existing habitat enhancement.
EC12 Development & Flood Risk	The Drainage Strategy report provided does not suggest that there will be any risk of site flooding on or off site and that measures to prevent pollution of habitats are avoided.
EC13 Surface Water Run-off	The Drainage Strategy report provided does not suggest that there will be any unacceptable adverse impact as a result of surface water run-off and that sustainable drainage solutions do exist, which avoid any impacts.
H1 Housing Allocations	This policy states that sufficient land will be allocated for housing between 1996 and 2011. This term has now expired and the policy is silent on providing beyond this date. The lack of a housing trajectory is a significant material consideration that must be afforded the maximum weight in favour of supporting this development.
H7 Affordable Housing	This policy seeks a contribution on sites over 25 dwellings; and this site proposes 25 units, so the policy applies. SPG28 recommends a provision of 25%. The applicants' proposal involves a 100% scheme that not only reflects Policy H7, but exceeds it. The SPG can only be afforded limited weight, but its ambitions are, in any case, met.

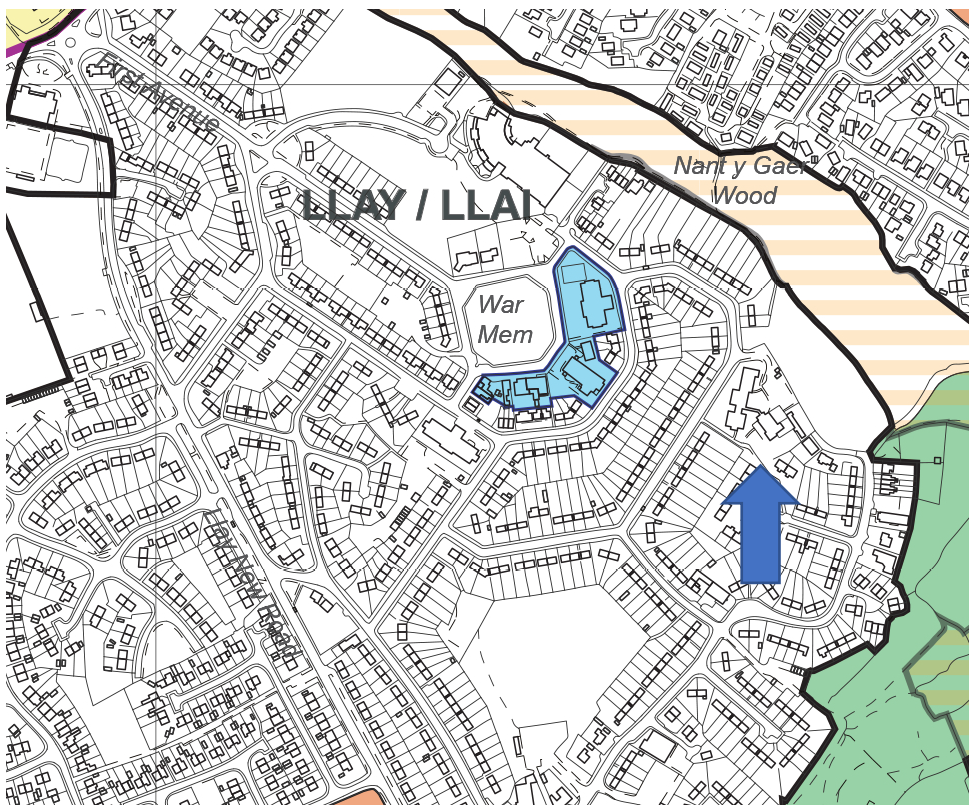
CLF5 Open Space Requirements from new Residential Developments	This policy seeks 0.4 ha per 50 dwellings; thus, reflecting SPG10 and this equates to 80 sqm per dwelling. For a 25-unit scheme this equates to 2,000 sqm. The applicant has presented a scheme with an illustrative layout which indicates a quantum of 2,371 sqm of Greenspace. Thus, the illustrative layout is actually over-providing at 95 sqm per dwelling and delivering more than the policy expects. The proposed route of maintenance and managing POS will be through the Registered Provider who will manage not only greenspace, but all communal areas and the buildings themselves.
T8 Parking	In conformity with SPG16 adequate parking provision can be made to satisfy standards based upon the layout submitted.
T9 Walking, Cycling and horse-riding Routes	The proposals are looking to ensure opportunities for pedestrian and cycling access routes are integrated, with linkages and connectivity through, into and out of the site.

- 2.14 The applicant's view is that the proposed development does, on the whole, accord and comply with the policies in the WUDP and is entirely consistent with its policies.
- 2.15 Guidance within Planning Policy Wales 11 applies (i.e. paragraphs 4.2.10-4.2.11) regarding Housing Delivery and this is a significant material consideration, as we will demonstrate.
- 2.16 Under the new housing monitoring process as set out in the Development Plans Manual (DPM), housing delivery is assessed against the housing trajectory contained in an adopted Local Development Plan.
- 2.17 The housing requirement (against which there is presently a clear under-delivery of housing) is simply not being met. Wrexham have continually under-delivered and the draft housing trajectory for the eLDP is now under what can only be described as intense pressure due to the significant slippage in the programme for plan adoption.
- 2.18 The WUDP is significantly out-of-date, having been adopted in 2005 (17 years ago) and its policies are derived from an evidence base that is out-of-date to such a significant extent that it bears no relation to the current development needs of Wrexham. The WUDP is scheduled to be replaced by the Wrexham Local Development Plan. However, in accordance with DPM3 Para 7.5 and DMM Para 9.4.8 the weight attached to an emerging LDP does not simply increase as the plan progresses to adoption and only full weight can be afforded so, for this reason, it has not been assessed. Given its primacy, adopted status and the fact (most of) its policies are considered to be (generally) up to date, a degree of weight can

still be attached to the relevant policies therein. However, this must be tempered by the fact that the plan has technically expired and in the light of emerging LDP policy that is supported by non-contested evidence base that must, in the applicant's opinion, be afforded significant weight.

- 2.19 As has been mentioned above, the Authority is now embarking upon a replacement for the UDP in the shape of a Local Development Plan (LDP) which will cover the plan period 2013 to 2028. The emerging LDP (eLDP) has an April 2019 base date for housing and it seeks to deliver 8,525 houses over the plan period at an annualised rate of 568 per annum.
- 2.20 The eLDP Examination commenced in September 2019, but then paused (due to issues associated with Gypsy & Traveller Accommodation and questions raised about housing provision and supply). It re-opened in February 2020 to consider the G&T issue but the Inspectors then suspended the Examination in June 2020 because this matter had still not been satisfactorily addressed.
- 2.21 In the meantime, the Covid pandemic took hold from March 2020 with a series of lockdowns and social distancing restrictions in place in Wales through to the end of March 2022.
- 2.22 By the time January 2021 was reached the Council considered that much of what they had been asked to consider had been done and they were ready to consult on the Matters Arising Changes (MAC's); the Inspectors provided some guidance on this but within a week (in early February 2021) of this they then asked the Council to consider the implications for the plan in the light of NRW's published interim planning advice on the potential increase of phosphate levels in river Special Areas of Conservation (SACs).
- 2.23 The whole eLDP process stalled for an entire year until, in February 2022, the Inspectors considered that the MAC's consultation could proceed. Elections in May 2022 resulted in a further pause and at the time of writing whilst the MAC's consultation commenced in May 2022 and concluded in July 2022 the very latest news is that the Inspectors Report is unlikely to be published until the end of November 2022, which suggests that should the plan be found sound the Council won't manage to seek adoption until around March 2023.
- 2.24 Assuming an adoption in 2023 this will leave the plan just a 5-years in which to deliver its housing trajectory. There is concern that this continued delay will make it very challenging for the planned trajectory to be met and could result in a significant shortfall of around 2,500+ units below where completions ought to be right now.

- 2.25 However, the Phosphates issue has yet to be resolved and this will exacerbate and place the housing trajectory and its delivery under even greater pressure. The development industry is concerned that the current moratorium on development is not only harmful and disproportionate, but will severely undermine the ability of the Council to deliver its housing trajectory unless sensible transitional arrangements and certainty over a practical solution can be agreed.
- 2.26 Clearly, the planning system now places great emphasis on a deliverable housing trajectory and national policy recognises that the AMR is a “material consideration” and must be afforded great weight. This means that sites like this that are located within existing UDP settlement boundaries, are free of constraint and involve no net increase in dwellings (thus not being caught by the Phosphates issue) must be approved without any delay so as to assist the Council in delivering its trajectory and maintain a housing supply.
- 2.27 The eLDP Proposals Map extract for the site is shown below; Llay’s community and retail centre is now shown and confirms that the application site is within very close proximity to such services and facilities.



- 2.28 The site will, importantly, deliver a significant quantum of new affordable housing to address the acute needs facing the community that simply cannot be resolved and addressed by any other windfall sites within the settlement. The delivery of affordable housing is considered to be material to the positive determination of this proposal.

- 2.29 In the meantime, the approach has been to not only identify the provisions of the existing UDP (see above) but also to consider the emerging LDP policies. The applicant has, in both instances, considered whether the application is in accordance or in conflict with policy. If in compliance (as is considered the case here) the starting point will be to approve proposals by granting planning permission as the decision is in accordance with the plans and within the context of the national planning policy and guidance framework.
- 2.30 The proposed development has been assessed against the relevant eLDP policies and a detailed appraisal is provided in the table below.

eLDP POLICY	APPLICATION CONFORMITY
SP1 Housing Provision	Policy also seeks to “maximise” the delivery of affordable housing where a need is identified, recognising the varying levels of development viability across the County Borough and also seeks to achieve a minimum density of 30 dph, whilst having regard to the context of the site. The layout achieves a gross density of 53 dph hereby demonstrating compliance with this policy.
SP2 Location of Development	Llay is rightly identified as a Tier 2 location in the settlement hierarchy and as such given its location, function, high level of sustainability and available services/facilities this site will serve to enhance this role.
SP6 Planning Obligations	This policy sets out a shopping list of items that could be sought from developments. This must be read in the context of recognising a viability mechanism to ensure that schemes are not “over-loaded” with challenging obligations and moreover that some prioritisation is given so developers can be clear on what items are most important. A host of deliverables are already being presented and these are considered appropriate and reasonable; to “load” more obligations on a scheme would harm viability and deliverability, but they must also comply with CIL regulation 122. Draft s106 Heads of Terms are provided in meeting this policy.
SP12 Transport and Accessibility	Wrexham’s transport network will be developed in a safe, efficient and sustainable manner and this policy sets out a number of measures for the achievement of this; the TS demonstrates that this policy is met.
SP13 Design Principles and Masterplanning Framework	The DAS has demonstrated that best practice that goes beyond and fits with this policy is achieved; the principle of high-quality design, sustainable place-making and creating locally distinctive places are considered to have been achieved and the landscaping plan supplements and demonstrates this further.
SP14 Health and Wellbeing	Presently there is believed to be sufficient access to healthcare facilities for existing and new residents. Access to sports and recreational facilities are enabled along with active travel measures and high levels of greenspace.
SP15 Natural Environment	The proposal and its supporting statements demonstrate that it will protect, conserve and enhance the natural environment; in safeguarding assets and delivering

	biodiversity habitat creation and betterment, with suitable measures advocated for mitigation and compensation for any loss.
SP20 Green Infrastructure	Significant levels of multi-functional green infrastructure are being provided.
NE3 Trees, Woodland and Trees	The submitted Tree Survey and Arboricultural Implications Assessment demonstrates that the development can be delivered without unacceptable harm to trees, woodlands or hedgerows.
NE6 Waste Water Treatment and River Water Quality	The Cooper and Brookbanks reports confirm that satisfactory foul and surface water drainage solutions exist. Development will only be supported where there is no adverse impact on the integrity of the River Dee and Bala Lake SAC and its conservation objectives, in particular through the treatment of wastewater. Developments should, in the first instance, seek to connect to the existing mains wastewater infrastructure network. Where this would result in nutrient levels exceeding conservation objectives targets within the SAC, then proposals will need to fully mitigate the adverse effects caused by the proposed development. This is an ongoing issue that has yet to be strategically resolved but given the scheme involves a net reduction in units the NRW have confirmed that they will not object to the scheme coming forward. The proposed development will be served by extensive drainage infrastructure, connecting to the existing network. The applicant considers there to be no planning impediment to this arrangement from being achieved and a SABS application is being progressed in parallel.
H2 Affordable Housing	This policy seeks contributions on all sites above 10+ units in line with area-based target quotas. The DVS evidence base released during September 2019 recommended different area-specific target levels of affordable for various areas of the County Borough (as set out in the MAC's) and the target percentage is 30% for this area. The scheme involves a1005 affordable tenure so this policy has been met and exceeded.
DM1 Development Management Considerations	Like its UDP predecessor (GDP1) this is an over-arching general development management policy and we can confirm full compliance with it through the material submitted on all the various technical aspects of the submission.
T1 Managing Transport Impacts	The TS sets out how the site will be accessed, serviced and shows how sustainable it is whilst not serving to harm the existing network by providing there is capacity and off-site improvements that can be introduced.
T2 Active Travel	The location of the application site serves to maximise active travel options to employment, education, healthcare and other essential services.
CF2 Provision of New Open Space	This policy seeks to have new public open space provided on all residential schemes over 10+ units at a rate of 0.25 ha per 50 dwellings (or 50 sqm per dwelling). For a site of 25 dwellings this would equate to 50 sqm per dwelling and a total of 1,250 sqm. The proposal is delivering over double this at 2,371 sqm or 95 sqm per dwelling.

- 2.31 The applicant concludes that the application proposals clearly comply with the spirit of the emerging LDP that is heading towards an adoption stage, subject to the Inspector's finding the plan to be "sound" and considers that substantial weight must be afforded to the evidence base and those policies not subject of any contention or dispute.

Supplementary Planning Policy

- 2.32 There are a series of approved/adopted non-statutory supplementary planning guidance documents that exist. These have been considered by the applicant team in preparing this proposal and comprise the following:
- *SPG7 : Landscape and Development*
 - *SPG10 : Public Open Space on New Housing Development*
 - *SPG15 : Cycling*
 - *SPG16 : Parking Standards*
 - *SPG17 : Trees & Development*
 - *SPG21 : Space Around Dwellings*
 - *SPG24 : Designing Out Crime*
 - *SPG28 : Affordable Housing*
 - *SPG30 : Design Guide for Developers & Architects when Designing Residential Development*
 - *SPG32 : Biodiversity & Development*
- 2.33 None have been through any formal examination. The applicant must therefore question what weight can realistically be afforded SPD, not least because the relevant Planning Acts (2004 and 2012) and DPM3 (Para 9.1) are clear as to the Regulations under which such guidance is published and the fact is that unless a document has been through “examination” its weight is tempered and diluted. In view of this, the applicant considers that only limited weight can be given to SPD.
- 2.34 In the light of this, the only natural measure to be taken by the decision maker in this instance is to grant permission. The applicant’s view is that, looked at in totality, the proposed development accords with the development plan.

3.0 OTHER MATERIAL PLANNING CONSIDERATIONS

3.1 I now turn to address other material planning considerations, which the applicant considers must be given significant weight. These can be identified as follows:

- NDP Future Wales
- Welsh Government Ministerial publications
- PPW11
- TANS
- DPM3 and DMM2
- The Benefits of the Proposed Development

The National Planning Policy Framework

3.2 The overarching policy framework in Wales comprises the **National Development Plan (NDP) Future Wales 2040** which was first published in February 2021; it replaces the Wales Spatial Strategy.

3.3 **Planning Policy Wales (PPW11)** was also published in February 2021 and provides more detailed planning policy direction.

3.4 Ministerial Papers **“Building Better Places”** was published in July 2020 in response to the Covid-19 pandemic and follows on from the earlier **“Prosperity for Wales”** published in September 2017; both are considered material to the proposal and their messages support the economic development and employment proposals.

3.5 Welsh Government Policy for placemaking and sustainable development is shaped by its ambition for development to achieve and meet the 7 well-being goals enshrined within the Well-being of Future Generations (Wales) Act of 2015.



- 3.6 The applicant considers that the proposal and the location of the site effortlessly demonstrates that it is a sustainable place and will engender well-being and a sense of place by being attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. The proposal will create and sustain communities by delivering a housing need; make the best use of resources; maximise environmental protection and limit impact by providing integrate green infrastructure, being resilient to climate change and providing net gains; and facilitate an accessible and healthy environment by minimising the need to travel, being well connected and offering active travel means and being safe and inclusive.
- 3.7 The table below provides an assessment and appraisal of these national policy tools and how the proposal reflects and responds to these messages.

PLANNING POLICY FRAMEWORK : Conformity and Consistency Checklist		
NDP : FUTURE WALES 2040 (February 2021)	What the policy document says	J10 Comment
Outcome 1	<i>Emphasis placed upon development being well located in relation to jobs, services and accessible green and open spaces</i>	This proposal is in an established location within easy reach and close proximity to the major employment destination of Wrexham WIE.
Forward by Minister for Housing and Local Government (p5)	<i>As Minister for Housing and Local Government I am determined to deliver social and affordable housing and town centre regeneration.</i>	This scheme will deliver much needed affordable housing tenure.
Planning Policy and the Development Plan (p15)	<i>we believe affordable housing is currently a critically important issue in all parts of Wales</i>	Affordable housing is considered a national priority and without significant open market housing allocations the affordable housing ambitions of the WG will not be met.
An Overview : Housing (p50)	<i>Good quality affordable homes are the bedrock of communities and form the basis for individuals and families to flourish in all aspects of their lives. Future Wales provides evidence of the need for housing across Wales at both a national and regional level. This evidence demonstrates the need for a focus on increasing the delivery of social and affordable homes. The Welsh Government is targeting its housing and planning interventions towards achieving this aim within the broader context of increasing supply and responding to different needs, including our ageing society and climate change.</i>	This repeats what the 2017 Prosperity For All document mentioned. But it is clear that the need to deliver affordable housing is a key priority and significant material consideration in decision making processes.
Policy 1 : where Wales will grow	Wrexham is designated as a National Growth Area	This proposal promotes the continued growth and regeneration of Wrexham. The designation of Wrexham as a National Growth Area cannot be underestimated and this site will play a role in the future prosperity and economic development of Wrexham.
Policy 2 : shaping urban growth and regeneration : strategic placemaking	<i>The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure.</i>	This proposal provides significant levels of quality on-site greenspace that will be managed and offer biodiversity benefits
Policy 7 : delivering affordable homes	<i>The Welsh Government will increase delivery of affordable homes by ensuring that funding for these homes is effectively allocated and utilised. Through their Strategic and Local Development Plans planning authorities should develop strong evidence-based policy</i>	The housing need estimates for Wrexham indicate that the provision of affordable homes should become a key focus for housing delivery and this proposal will serve to make a valuable contribution towards this aim.

	<i>frameworks to deliver affordable housing, including setting development plan targets based on regional estimates of housing need and local assessments. In response to local and regional needs, planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.</i>	The Welsh Government is committed to increasing the delivery of affordable housing, with a focus on social housing,
Policy 20 : national growth area	<i>Wrexham and Deeside will be the main focus for growth and investment in the North region.</i>	Wrexham is a National Growth Area, a location for key strategic economic growth. The housing site will assist in delivering this ambition by providing for housing growth needs.
BUILDING BETTER PLACES (July 2020)	What the policy document says	J10 Comment
On Development Management	<i>PPW and the NDF can be used directly in the decision-making process, particularly where an LDP is silent or out-of-date on an issue. The Welsh Government will support decisions taken in this context, particularly in the short-term until an LDP is adopted.</i> <i>Decision makers should consider widely what is material to a particular application and apply this to their considerations, particularly where the outcome will be a benefit to creating better places</i>	Whilst the adopted UDP supports the proposal the emerging LDP has yet to be adopted and as such NDP and PPW11 can assist in the taking of decisions. The decision-maker is invited to reach their own conclusions with respect the placemaking credentials and sustainability of this proposal in the context if it is meeting a known identified housing need or not.
On Staying Local : creating neighbourhoods	<i>Through the Covid-19 crisis we have all been spending more time at home and within our local neighbourhoods which has highlighted the importance of where we live and the quality of the environment around us. The crisis has also placed additional emphasis on the importance of well located, secure and affordable homes for people's health and well-being. We have also seen the importance of local services and infrastructure with people spending more time in their local neighbourhoods. The continuation of people working from home and more locally is expected to be a long-term trend. We need to plan for these trends and, even more than before, ensure we are building homes and neighbourhoods that are great places to live, with easy access to services and appropriate infrastructure and greenspace the NDF will provide evidence of the need for housing at both a national and regional level and it will demonstrate the necessity for a focus on increasing the delivery of affordable homes.</i>	Affordable housing is recognised as a priority for the Welsh Government and a site like this will seek to deliver on the known need that exists and upon this ambition. Spatially and sustainably this proposal is exactly what will enable better, more cohesive and sustainable neighbourhoods. The focus of the NDP is on the delivery of affordable homes.

PROSPERITY FOR ALL (September 2017)	What the policy document says	J10 Comment
Key themes	1. <i>Prosperous & Secure : in supporting people and businesses to drive prosperity and tackling regional inequality and promote fair work; and drive sustainable growth</i> 2. <i>Health & Active : building healthier communities and better environments</i> 3. <i>Ambitious & Learning : equip everyone with the right skills for a changing world</i> 4. <i>United & Connected : build resilient communities and deliver modern and connected infrastructure</i>	This proposal will serve to meet these objectives and through new affordable housing being created will provide prosperity and well-being; whilst recognising that prosperity is not just about material wealth, but living in a strong, safe and sustainable community.
Priority Areas	Housing: <i>the bedrock of living well is a good quality, affordable home which brings a wide range of benefits to health, learning and prosperity.</i>	One of 5 priority areas, affordable housing delivery is a key priority that has subsequently fed through into PPW11 and NDP.
Cross-cutting Priorities	Affordable Housing <i>The housing market in Wales, like that across the UK, is under extreme pressure. There is a complex picture of provision, and the challenges that people face vary significantly, depending on income and where they live in Wales. Government intervention, therefore, needs to be specifically targeted, using all the levers at our disposal, and working with housing associations, local authorities, private housebuilders and the private rented sector to maximise supply and respond to different needs.</i>	The proposal is looking to meet an identified need and deliver new affordable homes. A national target of 20,000 affordable homes by 2021 was set, but this has not been met; it has been repeated for the period to 2026 and this site will look to deliver an important number of affordable homes.
PPW11 (February 2021)	What the policy document says	J10 Comment
Para 1.18 Sustainable development	<i>Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise</i>	There is a clear presumption in favour of sustainable development and the key aim is to achieve sustainable development using a plan-led approach which this proposal represents.
Para 2.15 National sustainable placemaking outcomes	<i>The national sustainable placemaking outcomes (see Figure 5) should be used to inform the preparation of development plans and the assessment of development proposals.</i>	Placemaking is considered core to creating sustainable development and the proposal serves to meet the 5 principles of: 1. creating and sustaining communities (by enabling the Welsh language to thrive, achieving appropriate densities, delivering housing need); 2. growing our economy in a sustainable manner (by embracing technology, enabling easy communication and being vibrant and dynamic); 3. making the best use of resources (by being high quality and built to last and making the best use of resources);

		4. maximising environmental protection and limiting environmental impact (by securing and enhancing resilient biodiversity, safeguarding special landscape, integrating green infrastructure, reducing environmental risk, protecting historic assets and managing waste and water resources); and 5. facilitating accessible and healthy environments (by adopting an accessible and high-quality greenspace strategy, being accessible to active travel and public transport, reducing car dependency and minimising the need to travel, being safe and inclusive ; being well connected and benefiting from convenient access to services and facilities and promoting well-being through design)
Para 3.5 Design	<i>Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.</i>	The DAS and other technical and design/landscape supporting material illustrates that the proposal has embraced design and placemaking at its core.
Para 3.55 Previously Developed Land	<i>Previously developed (also referred to as brownfield) land (see definition overleaf) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated.</i>	The Site comprises PDL and is free of any constraint.
Para 4.1.29 Active Travel	<i>The planning system has an important role to play in promoting and supporting the delivery of the Active Travel Act and creating the right environments and infrastructure to make it easier for people to walk and cycle, including new and improved routes and related facilities.</i>	The proposal supports active travel.
Para 4.1.36 Public Transport	<i>The availability of public transport is an important part of ensuring a place is sustainable. It enables people to undertake medium and long journeys</i>	This proposal is highly accessible to public transport modes

	<i>without being dependent on having access to a car. The planning system should facilitate this by locating development where there is, or can be, good access by public transport. The design, layout, density and mix of uses of a place are also fundamental to sustaining public transport services, and encouraging and enabling people to use them.</i>	
Para 4.2.10 Housing Delivery	<i>The supply of land to meet the housing requirement proposed in a development plan must be deliverable. To achieve this, development plans must include a supply of land which delivers the identified housing requirement figure and makes a locally appropriate additional flexibility allowance for sites not coming forward during the plan period. The ability to deliver requirements must be demonstrated through a housing trajectory. The trajectory should be prepared as part of the development plan process and form part of the plan. The trajectory will illustrate the expected rate of housing delivery for both market and affordable housing for the plan period. To be 'deliverable', sites must be free, or readily freed, from planning, physical and ownership constraints and be economically viable at the point in the trajectory when they are due to come forward for development, in order to support the creation of sustainable communities.</i>	The site is key to Wrexham achieving (and maintaining) its housing trajectory.
Para 4.2.11 Housing Delivery	<i>Planning authorities must use their housing trajectory as the basis for monitoring the delivery of their housing requirement. Accurate information on housing delivery assessed against the trajectory is necessary to form part of the evidence base for development plan Annual Monitoring Reports (AMRs) and for subsequent plan review. Under-delivery against the trajectory can itself be a reason to review a development plan. The monitoring of housing delivery for AMRs must be undertaken by planning authorities in accordance with the guidance set out in the Development Plans Manual.</i>	The under-delivery of housing being achieved in Wrexham is considered a significant material consideration and the Council must fast-track positive decision-making for sites like this that will assist in addressing this housing performance indicator.
Para 4.2.17 Housing Delivery	<i>Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.</i>	This site involves PDL.
Para 4.2.20 Housing Delivery	<i>Where new housing is to be proposed, development plans must include policies to make clear that developers</i>	The eLDP has taken into account the need to deliver infrastructure but also

	<i>will be expected to provide community benefits which are reasonably related in scale and location to the development. In doing so, such policies should also take account of the economic viability of sites and ensure that the provision of community benefits would not be unrealistic or unreasonably impact on a site's delivery.</i>	recognises that viability cannot be over-stretched.
Para 4.2.25 Affordable Housing	<i>A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.</i>	This proposal involves provision for 100% affordable housing and its delivery is considered to be of significant material weight.
Para 4.4.2 Community Facilities	<i>When considering development proposals planning authorities should consider the needs of the communities and ensure that community facilities continue to address the requirements of residents in the area.</i>	The level of community infrastructure must be determined based upon need.
Para 5.9.1 Renewable and Low Carbon Energy	<i>Local authorities should facilitate all forms of renewable and low carbon energy development and should seek cross-department co-operation to achieve this. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved. Planning authorities should seek to maximise the potential of renewable energy by linking the development plan with other local authority strategies, including Local Well-being plans and Economic/Regeneration strategies.</i>	The applicant is proposing to maximise the potential for renewable energy sources and is proposing the use of ground source heating and PV solar energy creation; which will serve to minimise tenant service charges and allow the scheme to be less reliant upon fossil fuel energy resources.
Para 5.9.11 Local Energy Generation	<i>The Welsh Government encourages the use of local renewable and low carbon energy as part of the imperative to reduce carbon emissions. Renewable and low carbon energy developments offer significant potential for communities and small businesses to develop their own projects for local benefit.</i>	This is exactly what the applicant is seeking to achieve.
Para 6.4.24 Par 6.4.25 Trees	<i>Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation.</i> <i>Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function.</i>	The Tree report shows that no loss results and enhancement will be maximised by the proposal involving significant new planting.

	<i>Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.</i>	
TAN 2 PLANNING & AFFORDABLE HOUSING (June 2006)	What the policy document says	J10 Comment
Para 10.4 Thresholds and site-specific targets	<i>When setting site-capacity thresholds and site-specific targets local planning authorities should balance the need for affordable housing against site viability. This may involve making informed assumptions about the levels of finance available for affordable housing and the type of affordable housing to be provided. Local planning authorities should also take into account the impact on the delivery of the affordable housing target and the objective of creating sustainable communities across the plan area and in the individual parts of the plan area.</i>	A site-specific target of 30% subject to viability has been set in the eLDP Policy H2; ye this is being exceeded and the proposal involves a 100% affordable tenure.
TAN 12 DESIGN (March 2016)	What the policy document says	J10 Comment
Para 2.5	<i>Good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation – embracing sustainability, architecture, place making, public realm, landscape, and infrastructure.</i>	The design solution arrived at (as expressed in the DAS) demonstrates that TAN12 has been followed and has taken a sensitive and sympathetic approach and response to the local natural and built environment assets. The applicant considers that this guidance has been met and the application documents establish parameters to ensure a positive design solution whereby all residents The HAPPI principle has been followed by the design team that will mean the health and wellbeing of residents has been considered from day one.
TAN 15 DEVELOPMENT & FLOODRISK (December 2021)	What the policy document says	J10 Comment
	<i>An FCA and Drainage Strategy are required for schemes of this scale and nature.</i>	The site does lies entirely within Flood Zone 1 (low risk category). Nonetheless a Drainage Strategy have been undertaken along with Infiltration testing to prove that a sustainable

		method of surface water drainage can be achieved. A feasible and suitable connection to the public sewer has been identified for foul water.
TAN 18 TRANSPORT (March 2007)	What the policy document says	J10 Comment
	<i>A TA and Travel Plan are required for schemes of this scale and nature.</i>	A Transport Statement has been submitted. This demonstrates that safe and appropriate access to the site can be achieved and also addresses active travel and sustainable connectivity.
TAN 23 ECONOMIC DEVELOPMENT (February 2014)	What the policy document says	J10 Comment
Para 1.1.5	<i>Economic land uses also include construction, including house building, but housing once built is not an economic land use because it does not directly generate wealth, jobs and income. It is the final use of land which is the important issue.</i>	TAN24 recognises the positive economic impact of housing development and construction. The applicant is of the opinion that the economic benefits of housing must therefore be treated as a material consideration.
Para 2.1.1	<i>It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.</i>	In weighing up economic benefit the proposal offers a "win-win" outcome for the social, environment and economic dimensions of sustainability.
DPM 3 DEVELOPMENT PLANS MANUAL (March 2020)	What the policy document says	J10 Comment
Para 1.1	<i>The Development Plans Manual, 'The Manual', is an online reference document for practitioners who are responsible for, or contribute to, the preparation and implementation of development plans. It contains practical guidance on how to prepare, monitor and revise a development plan, underpinned by robust evidence to ensure that plans are effective and deliverable and contribute to placemaking, as defined in national policy set out in Planning Policy Wales (PPW).</i>	The applicant considers that the evidence base supporting the eLDP has been robust to provide confidence that the emerging policies and the plan overall is effective, deliverable and will contribute to placemaking.
Paras 2.3 to 2.5	<i>The NDF will be a development plan, setting out the policies of the Welsh Ministers and will comprise part of the statutory development plan to be used in decision making, when published.</i>	The NDP carries weight. The NDP was published in February 2021 so will be updated by February 2026.

	<i>The NDF will be reviewed on a 5-year cycle, reflecting an Assembly term.</i> <i>All SDPs and LDPs prepared in Wales will have to be in general conformity with the NDF, when published. LPAs will need to consider the implications for any LDP when the NDF is published. The Planning (Wales) Act 2015 (section 68A) states that following publication of the NDF an LPA must consider whether to carry out a review of an LDP.</i>	The eLDP must generally conform with NDP, which takes precedence.
Para 3.36	<i>The evidence must enable the LPA to assess the following:</i> <i>• Is the site in a sustainable location and can it be freed from all constraints?</i> <i>• Is the site capable of being delivered?</i> <i>• Is the site viable?</i>	These core principles have been followed regarding the key principles behind evidence to prove and justify allocations
Para 7.5	<i>Certainty regarding the content of the plan will only be achieved when the Inspector delivers their binding report. Thus, in considering what weight to give the specific policies in an emerging LDP that apply to a particular proposal, LPAs will need to consider carefully the underlying evidence and background to the policies. National policy can also be a material consideration in these circumstances.</i>	The emerging policies and its supporting evidence base are considered to have material weight.
Para 8.1	<i>an LPA must publish and submit to Welsh Government an Annual Monitoring Report (AMR) setting out how the objectives of the plan are being achieved, or not (by 31 October each year).</i> <i>an LPA must review its LDP no longer than 4 years from the date of adoption.</i>	Notwithstanding the date of the anticipated adoption of the eLDP the Council must look to undertake an AMR annually to demonstrate where it is in its housing trajectory obligations (by presenting figures for both open market and affordable housing tenures against the anticipated annual build rate (AABR)) and must look to undertake a full LDP Review no later than 4 years from the date of adoption.
Para 8.16	<i>Where there is a shortfall of cumulative housing completions against the Anticipated Annual Build Rate (AABR) or Annual Average Requirement (AAR) for 2 consecutive years (annual completions, not number of AMRs published) the LPA must consider the scale of any deficiency and set out its conclusion/monitoring action in terms of implications for delivering the requirement level homes/strategy. Failure to deliver against the AABR/AAR can itself be a reason to trigger an early review of the plan.</i>	Wrexham are at risk of failing to deliver against their AABR and as such desperately need sites like this to come forward and deliver.
DMM 2 DEVELOPMENT MANAGEMENT MANUAL (May 2017)	What the policy document says	J10 Comment

Para 1.1. 1	<i>Development Management (DM) is a positive and proactive approach to shaping, considering, determining and delivering development proposals. It is led by the local planning authority (LPA), working collaboratively with those proposing developments and other stakeholders. It is undertaken in the spirit of partnership and inclusiveness, and supports the delivery of key priorities and outcomes.</i>	The applicant has been keen to collaborate and engage with the Council on this proposal.
Para 9.4.7	<i>Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies. An LPA should be able to determine through monitoring and review whether policies in the adopted development plan are outdated for the purposes of determining a planning application.</i>	The emerging policies are considered to have material weight.
Para 9.4.8	<i>In making development management decisions, the weight to be attached to an emerging draft Local Development Plan (LDP) will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. Following the submission of a LDP to the Welsh Ministers for examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Policies could be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. In considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, LPAs will need to consider carefully the underlying evidence and background to the policies. National planning policy would be a material consideration in these circumstances.</i>	The applicant considers that whilst no binding report has yet to be published the advanced stage and nature of the eLDP and its supporting evidence base does provide a credible level of weight; especially when considered in the context of national policy that requires an up-to-date housing trajectory and the plain fact that Wrexham appear to be some 2,500+ units behind their completion target.
Para 9.4.9	<i>During the period between submission of a draft LDP for examination and its adoption, the existing development plan remains the extant development plan for the purposes of decision making. However, the evidence to support the policies in an emerging LDP could be used as a material consideration when making decisions.</i>	The emerging LDP evidence base is considered to have material weight.
Para 9.6.17	<i>Where necessary, planning committees should defer applications by using a 'cooling off period' to the next committee meeting when minded to determine an application</i>	The track record of Wrexham planning committee has often ignored this protocol and the applicant would like

	<i>contrary to an officer recommendation. This is in order to allow time to reconsider, manage the risk associated with this action, and ensure officers can provide additional reports and draft robust reasons for refusal or necessary conditions for approval.</i>	to remind decision makers of this direction for the avoidance of doubt.
Para 10.3.1	<i>Developers may be asked to provide contributions for infrastructure in several ways. This may be through the Community Infrastructure Levy (CIL) or planning obligations in the form of an agreement under section 106 of the 1990 Act. LPAs should ensure that the combined total impact of such requests does not threaten the viability of the proposal and scale of development identified in the LDP.</i>	Viability is recognised as an important issue and over-loading a site with obligations should be avoided.

- 3.8 The applicant has followed and embraced this guidance and is of the opinion the development proposals are supported and adhere to this guidance and should be afforded full weight in favour of supporting the positive determination of this proposal.

The Benefits of the Proposed Development

- 3.9 In the applicants view the proposed development will together deliver very substantial and significant public interest and community benefits that should be given considerable weight in favour of the grant of planning permission when it comes to judging planning balance. These can be summarised as scheme deliverables providing a series of **economic, social environmental net gains** which serve to secure the mutually supportive sustainability and placemaking objectives in the following manner:

ECONOMIC DELIVERABLES	
Construction jobs	20 no. direct and 50 no. supply chain jobs
Contract value	£4 M
Construction spend locally	£12 M <i>N.B. based upon construction industry body research that has found for every £1 spent £3 is generated in the local economy</i>
New householder expenditure	£225,000 local spend investment <i>N.B. based upon £9,000 per home average spend to “make a house a home”; although we do recognise this will be less given the tenure</i>
Ongoing new household expenditure	£750,000 per annum spent locally by new householders on local services <i>N.B. based upon £30,000 spending power per household per annum; although we recognise this will be less given the tenure</i>
Council Tax revenue : enhancing the local Town/Community Council precept dividend	£38,350 per annum into supporting existing and new Wrexham Borough Council services Which could also deliver a local community precept <i>N.B. based upon average Tax Band C of £1,534</i>
General	This proposal seeks to deliver jobs, economic growth and prosperity into the local economy.
SOCIAL DELIVERABLES	
New jobs	Jobs will deliver social and economic wellbeing to residents of Wrexham Borough by creating wealth and underpinning investment in the local economy and supporting new infrastructure.
Affordable Housing	100% of all housing will be affordable : targeted at providing new homes for Wrexham residents in need of a roof over their head.
Housing Mix	The illustrative layout shows that the proposal can deliver a mixed range of new housing including apartments and bungalows.
Locational sustainability	The site is located in an established residential area of Llay and is supported by its existing framework of services where it is logical to locate new housing, which will serve to safeguard, enhance and sustain new and existing local services and facilities.
Wellbeing & Design standards	The design has used the HAPPi principles of ensuring: • Space and flexibility • Daylight in the home and in shared spaces • Balconies and outdoor space • Adaptability and 'care ready' design • Positive use of circulation space • Shared facilities and 'hubs'

	- Plants, trees, and the natural environment - Energy efficiency and sustainable design - Storage for belongings and bicycles - External shared surfaces and 'home zones' These will all serve to enhance health and wellbeing of residents and offer exemplar living. In addition, all dwellings will be built to DWR, Lifetime Homes and Secured by Design Gold standard to create properties which will cater for all Needs.
Bus Services	New residents will be served by existing public transport infrastructure that run between Llay and Wrexham.
Public Access, Open Space and Recreation Wellbeing	POS provision of 2,137 sqm of new high-quality open space that is expected to exceed standards, complemented by good safe pedestrian links, provision for mobility users (lifts, buggy stores) and cycle use. The landscape design has been given real thought and provides a quality solution.
ENVIRONMENTAL DELIVERABLES	
Design Quality	The design solution is embedded in not only low energy renewables, but HAPPI principles of design and ensures a sense of place is achieved and protecting and enhancing the quality, distinctiveness, character and sensitivity of the locality and its setting.
Energy Efficient Homes	New homes with high levels of insulation and non-fossil-fuel heating and hot water solutions designed to "EPC A" rating and will use ground source heat pumps and PV Solar for energy use and generation.
Active Travel	Connective, permeable and safe pedestrian links, designed to meet latest standards; DDA compliant housing and site access.
Landscape enhancement	New and enhanced landscape planting with opportunities for feature trees within the site are provided for by the illustrative layout.
Residential amenity	Ensuring the residential amenity of existing local residents is protected the layout shows that offset/interface distances can be achieved and that new and existing residents benefit likewise from a scheme that enhances amenity and quality of life / wellbeing through a placemaking design emphasis on greenspace and quality landscape solutions.
Public Access and Accessibility	The proposal will offer new public access opportunities where they are compatible with the environmental management regime and that is connective, permeable and safe.
Public Open Space	The masterplan design has been developed through the prism of achieving a high-quality landscape and plenty of accessible and usable greenspace at its core.
Highway safety	Safe means of access can be achieved.
SUDS	A SAB's compliant scheme has been developed and is being progressed.

3.10 The development proposals therefore generate significant and mutually supportive economic, social and environmental benefits and net gains which collectively constitute sustainable development and as such these are material planning considerations that must carry substantial weight and cannot be underestimated. The reality here is that this proposal will deliver jobs, economic growth, prosperity and investment. It shall also secure the environmental (built and natural) betterment benefits and associated public / community benefits, which in the view of the applicant must be given considerable weight.

4.0 DECISION MAKING : PLANNING BALANCE

Planning Conditions

4.1 Any conditions that are to be attached should follow the guidance set out in Welsh Government Planning Circular 016/2014 and meet the following 6 tests in being:

- *Necessary;*
- *Relevant to planning;*
- *Relevant to the development to be permitted;*
- *Enforceable;*
- *Precise and;*
- *Reasonable in all other respects.*

4.2 We would request that in the event a draft decision notice and conditions are prepared, that we are fully involved in the process in order to ensure that the wording of such conditions meet the above tests and enable the swift commencement of development through any subsequent Discharge of Conditions application.

Planning Obligation

4.3 A set of Heads of Terms (HOT's) has been drafted (see **APPENDIX B**) which is intended to provide the narrative and basis for a s106 legal agreement to provide surety with respect issues such as affordable housing and POS/greenspace its future management and maintenance.

4.4 The HOT's may not even be required given the scheme involves 10% affordable housing and exceeds POS standards, but they represent a clear sign of intent and the applicant is keen to work in partnership with WCBC and any other stakeholders so that where an agreement is required it can be agreed in a form that the Councils lawyers can proceed to formal drafting without any delay.

4.5 The applicant is committed to a positive partnership between all stakeholders. Ultimately, any obligation needs to meet the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development*

4.6 The tests have statutory weight and in executing the need for a legal agreement pursuant to s106 of the Planning Act and with CIL Regulation 122 such obligations must follow the procedural guidance set out in the Welsh Office Circular 13/97.

Conclusions : Section 38(6) of the 2004 Act

- 4.7 The Planning & Compulsory Purchase Act 2004 requires an appraisal of whether, overall, the proposed development accords with the development plan, unless material considerations indicate otherwise as set out in S38(6).
- 4.8 This statement has shown that this proposal is fully compliant with and in accordance with all the most relevant and important development plan policies identified in the WUDP and the eLDP along with a host of other relevant (yet less important) policies and that appropriate weight must be afforded those policies and the evidence base supporting the eLDP. It has also shown that this proposal is compliant and consistent with the NDP, PPW11, TAN's, DPM3, DMM2 and SPD. The applicant is of the view that the proposed development does accord with the development plan and as such the proposal must be approved.
- 4.9 Furthermore, there are also a host of material planning considerations (including a range of benefits) that all point in favour of the development being approved and which must be given significant weight. Indeed, any material considerations that might be considered (by the decision maker) to weigh against the grant of planning permission are not, in the applicant's opinion, sufficient to outweigh the strong support of the considerations in favour of granting permission.
- 4.10 This is a scheme of high-quality and advanced sustainability; which strategically fits with the statutory planning legislative framework. This application is technically robust, and it has been demonstrated that there are few, if any, negative impacts that would result. The overall planning balance is, in my opinion, weighted strongly in favour of granting permission as per Section 38(6) of the Planning & Compulsory Purchase Act 2004.
- 4.11 The proposals must be supported, and permission approved without any delay in accordance with the Framework, because we have demonstrated that no adverse impacts are evident in impeding a positive determination being reached. The approval of this proposal would make a valuable and significant contribution towards securing the sustainable future of Wrexham and delivering much needed affordable housing.
- 4.12 **In the applicant's view, the only reasonable conclusion is that the Officers of Wrexham County Borough Council must now recommend and/or approve this scheme. Accordingly, the applicant commends these proposals to the decision maker and respectfully requests that permission is granted for Outline planning permission. The applicant reserves the right to comment further on any third-party comments, any proposed planning conditions and any planning policy that might emerge between now and the application determination.**

APPENDIX A

Pre-application guidance

PHILIP OLIVER
MUNRO ASSOCIATES

By Email

Your Ref/Eich Cyf
Our Ref/Ein Cyf
Date/Dyddiad
Ask for/Gofynner am
Direct Dial/Rhif Union
E-mail/E-bost

ENQ/2022 /0072
30/03/2022
Matthew Phillips
01978 298780
matthew.phillips@wrexham.gov.uk

Dear Sir,

Town and Country Planning Act 1990

**ERECTION OF 32 NO. AFFORDABLE DWELLINGS, LANDSCAPING AND CAR PARKING
CWRT PENTWMPATH EIGHTH AVENUE, LLAY, WREXHAM.**

I refer to your recent enquiry in respect of the above.

National Policy:

Planning Policy Wales 11

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

Development Plan policies:

Wrexham Unitary Development Plan

Strategic Policies

Policy PS1 Strategic Policy
Policy PS2 Strategic Policy

Specific Policies

Policy GDP1 Development Objectives
Policy EC4 Hedgerow, Trees and Woodland
Policy EC6 Biodiversity Conservation.

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.*

*We welcome correspondence in Welsh.
We will respond to any correspondence in Welsh and this will not lead to any delay.*

Policy H2 Residential Development (of Unannotated Land) within Settlements
Policy CLF5 Open Space Requirements from new Residential Developments
Policy T8 Parking

LOCAL PLANNING GUIDANCE NOTES (LPGN)

LPGN16 Parking Standards
LPGN17 Trees and Development
LPGN21 Space around Dwellings

VALIDATION INFORMATION

Application forms

Site Location Plan

Block Plan – existing and proposed

Elevation and floor plans – existing and proposed

Ecology Report (bats) in respect of the demolition of the existing buildings

Arboricultural Impact Assessment

Pre-application Consultation Report.

Application fee.

VIEWS OF OFFICER

Policy: The site is situated within the settlement limit of the Llay, the existing buildings are not located within a conservation area nor are they of any particular historic or architectural merit. In accordance with UDP policy H2, redevelopment of the site is acceptable in principle subject to compliance with other relevant Unitary Development Plan (UDP) policies. I will discuss matters relevant to those below.

Amenity: The proposed site layout would appear to accord with the separation distances recommended in LPGN21 in respect of the spacing between the proposed apartments and bungalows. This assumes the finished floor levels of the proposed apartments and bungalows will be the same.

There would appear to be no issue regarding LPGN21 recommended distances to existing dwellings on Eighth Avenue and to no.11 Eleventh Avenue.

The relative position of the proposed bungalows to both no.12 Eleventh Avenue and Glan Alyn is such that I do not anticipate significant concerns in respect of the impact upon the existing dwellings by way of overlooking, loss of daylight or visual dominance. This assumes no significant changes to existing ground levels as well as the provision of suitable boundary treatment.

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.*

*We welcome correspondence in Welsh.
We will respond to any correspondence in Welsh and this will not lead to any delay.*

I do have concerns about the impact of the proposals upon the property The Forge. This is situated directly adjacent to the proposed plot 27. The property has a ground floor and first floor window facing directly onto the site. The position of plot 27, the path to the side of it the proposed boundary fence will result in loss of privacy, loss of light and will create a rather oppressive outlook, particularly from the ground floor window. In addition, the first floor window will face directly into the rear garden of plot 27, thus meaning that the property will not be afforded an appropriate level of privacy.

Public Open Space: In accordance with policy CLF5 there should be on-site provision of public open space or contributions towards off-site provision. I do however recognise that the proposals replace an existing residential use. Furthermore, the site is close to an existing area of public open space and is likely to result in only a modest increase in occupancy due to the provision of 32 units of accommodation as opposed to the existing 31. Taking these factors into account, refusal of permission would not be justified on the grounds of no on-site open space provision nor would it be justified to require contributions towards off-site provision in this instance. It should be noted that this advice is given on the assumption that the existing buildings would be extant and in a habitable condition at the time of a planning application being considered.

Trees: Following a site visit I am aware that a number of trees, including trees that appear to have been quite substantial, have recently been felled. Whilst the trees were not protected, it is nevertheless extremely disappointing that these works have taken place. It would appear that has been done to avoid potential objections to the proposals on the grounds of loss of trees.

A formal application will need to be accompanied by an Arbocultural Impact Assessment to demonstrate that the development will not adversely impact upon existing trees within the site and trees close to the site boundary.

Based on the plan submitted it would appear that the proposed apartment building may encroach into the root protection area of a tree within the garden of no.48 Eighth Avenue. This could potentially result in damage to the tree.

I also have some concerns about the relationship between plot 26 and the trees adjacent to the rear boundary of the property. Whilst it would appear possible for the development to take place without significant damage to the trees, both are likely to overshadow the garden of the property and give rise to pressure for their removal or for significant crown reductions in future.

New tree planting within the site should be proposed as part of any formal planning application.

Ecology: The buildings will need to be assessed for the presence of bats. If any evidence is found that the buildings are used by bats or have the potential to provide bat habitat then the proposed development will need to incorporate mitigation measures.

Paragraph 6.4.5 of Planning Policy Wales 11 requires development to provide net benefit to biodiversity. The proposals will therefore need to include provisions that demonstrate that this requirement will be met. I would expect proposals for net biodiversity gain to take into account the recent removal of trees discussed above.

Access and parking: Based on the existing floor plans, there would appear to be 30 flats plus 1 warden's house resulting in 31 units of accommodation in total. There is also a communal area, although it is unclear whether other staff would have regularly been on site in addition to the warden. It would be of assistance if this was clarified in a supporting statement accompanying any future planning application.

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.*

*We welcome correspondence in Welsh.
We will respond to any correspondence in Welsh and this will not lead to any delay.*

The proposals are for 32 new 1 bedroom units of accommodation. Even if there were no staff members regularly on site other than the warden, the proposals are unlikely to give rise to a significant increase in traffic using the site access or to highway safety issues in the locality.

The LPGN16 maximum parking provision for the proposed development is 48 spaces. The proposed plan shows 33 spaces. It will be necessary to demonstrate via a supporting statement that this level of parking is appropriate for the development.

Drainage: Development that is likely to increase the amount of phosphate entering the River Dee and Bala Lake Special Area of Conservation (SAC) has the potential to have damaging effects on the SAC.

I have assumed that the site will connect to the local foul water sewer network which drains to the Gresford Wastewater Treatment Works (WwTW). This has provision to remove a percentage of phosphates from wastewater and consents to discharge treated water that flows into the SAC, subject to specific limits on the amount of phosphate within the treated water. Whilst Five Fords is currently operating well within its consented limits, the existing discharge consent is over 10 years old and can no longer be relied upon to conclude no adverse effects on the SAC.

Based on the details submitted it would appear that the development is likely to increase increase foul water flows to the WwTW and in turn the amount of phosphorous entering the River Dee SAC and therefore is likely to adversely impact upon the SAC. Mitigation is likely to be needed to ensure that the proposals do not increase phosphorous levels in the SAC.

The surface water drainage arrangements for the site will need approval separately from the Council as Sustainable Drainage Systems Approval Body (SAB) before development commences on site. This is a statutory requirement. Whilst there is no requirement for SAB approval to be obtained before planning permission is granted it would be advisable to ensure that the scheme is designed from the outside with SAB requirements in mind. You may also wish to consider seeking advice separately on this matter.

CONCLUSION

Whilst there would be no objection in principle to the redevelopment, I do have the following concerns:

- i. Adverse impact upon the standard of amenity afforded to the occupiers of adjoining properties;
- ii. Plot 27 being provided with inadequate privacy;
- iii. Potential for pressure to remove trees close to the site boundary to due overshadowing of the garden of plot 26.
- iv. Adverse impact upon the River Dee SAC as a result of increase phosphorous levels.

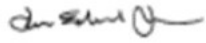
In light of the above, I would not be prepared to support a formal application based on the plans subject to this enquiry.

I trust the above is of assistance. Please note my comments are the informal views of an Officer of the Council and do not commit the Council in the determination of any formal application that may be submitted.

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.*

*We welcome correspondence in Welsh.
We will respond to any correspondence in Welsh and this will not lead to any delay.*

Yours faithfully,



Ian Jones

Prif Swyddog Cynllunio a Rheoleiddio Dros Dro

Interim Chief Officer Planning & Regulatory

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.*

*We welcome correspondence in Welsh.
We will respond to any correspondence in Welsh and this will not lead to any delay.*

APPENDIX B

S106 Heads of Terms

Cwrt Pentwmpath, Eighth Avenue, Llay, Wrexham, LL12 0TT

DRAFT s106 Heads of Terms

21 October 2022

Introduction

These draft s106 Heads of Terms have been prepared on behalf of Wales & West Housing to support a detailed planning application at Cwrt Pentwmpath, Eighth Avenue, Llay, Wrexham, LL12 0TT for:

Proposed erection of a replacement Over 55s Affordable Housing Scheme involving a three-storey apartment block comprising 17 no. 1-bed dwellings and 8 no. 1-bed bungalows; retaining existing means of vehicular access and landscaping.

It is anticipated that the following matters will be addressed through a section 106 Agreement, where it meets the tests of Regulation 122 of the CIL Regulations 2010.

The contributions below are in draft and will be established and agreed upon with the Local Planning Authority during the determination of the application.

In the event that, during the course of the planning application, evidence is presented that suggests that there is a need for additional physical infrastructure or commuted sum contributions to mitigate against the impacts arising from the proposed development, and it can be shown that this would comply with Regulation 122 of the CIL Regulations 2010, then obligations will also be secured (subject to viability) in this respect via the s106 legal agreement.

Affordable Housing

The proposals include for the provision of a 100% affordable housing scheme for 25 no. dwellings (17 no. apartments and 8 no. bungalows).

This is in accordance with adopted UDP Policy H7 and LPG28 and emerging Local Development Plan Policy H2.

The method by which affordable housing is to be delivered and the precise mix and tenure split of affordable housing deemed appropriate is to be agreed with the Council. This may allow this to be controlled and enabled by way of a planning condition, thus avoiding any need for a 106 agreement.

Public Open Space

The layout shows approximately 2,371 sqm (0.23 ha) of amenity/greenspace provided on site. This provision is in excess of the required standards set out in the adopted UDP Policy CLF5 and LPG10, and in the emerging Local Development Plan Policy CF2.

The entire site (grounds, landscaping, buildings, parking, access road, parking court, etc) will be managed by the applicant.

Drainage

Development will only be supported where there is no adverse impact on the integrity of the River Dee and Bala Lake SAC and its conservation objectives, in particular through the treatment of wastewater. Developments should, in the first instance, seek to connect to the existing mains wastewater infrastructure network. Where this would result in nutrient levels exceeding conservation objectives targets within the SAC, then proposals will need to fully mitigate the adverse effects caused by the proposed development.

This is an ongoing issue that has yet to be strategically resolved, so it would be premature to consider what the implications might be for this application.

It is recognised that either on-site works and/or mitigation and/or off-site compensatory works/provision may be required or found to address this issue. It may also result in a commuted sum financial contribution.

However, given the net reduction in habitable dwellings from 30+2 down to 25 units the applicant considers that there will be a net decrease and nutrient neutrality has been satisfactorily addressed; as has been confirmed by NRW in their letter of 27 September 2022.
