



Llywodraeth Cymru
Welsh Government

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By email: lawrence.isted@wrexham.gov.uk and Matthew.Phillips@wrexham.gov.uk

Ein Cyf/Our ref: qA1505566
Eich Cyf/Your ref: P/2021/0680
Dyddiad/Date: 24 February 2022

Dear Mr Isted,

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77 CALL-IN REQUEST.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (WALES) ORDER 2012 – DIRECTION UNDER ARTICLE 18(1).
OUTLINE APPLICATION FOR A PRIMARY SCHOOL AT LAND OFF
WESTMINSTER DRIVE, CHESTER ROAD, WREXHAM, LL12 7AU –
APPLICATION NO. P/2021/0680**

Issue

1. The Welsh Ministers have been asked to call in the above application for their own determination. I am authorised by the Minister for Climate Change to consider whether the application should be called in for determination by the Welsh Ministers.

Policy

2. The Welsh Government's policy on calling in planning applications is set out in Planning Policy Wales Edition 11, February 2021 ("PPW"). The Welsh Government considers Local Planning Authorities ("LPAs"), as elected bodies, should be left to make decisions about development proposals wherever possible. The Welsh Ministers do not, in practice, call in many planning applications and will only do so where the proposal raises issues of more than local importance. The consideration of a request to call in an application is not about the acceptability of the development and whether planning permission should be granted; it is concerned with who should make the decision.

Application

3. The application being considered is an outline application for a primary school at land off Westminster Drive, Chester Road Wrexham, LL12 7AU.
4. The request for the application to be called in included a series of concerns which have been summarised as:
 - **The proposal conflicts with local and national planning policy for the protection of recreational open space;**
 - **Potential detrimental impact on local highways; and**
 - **Potential flood risk.**

Consideration

5. Consideration has been given to the concerns expressed in the call-in request and the contents of the Planning Officer's report to the Planning Committee ("the officer's report") and any other relevant information. I have considered all of the representations made and have summarised my assessment of them below.
 - **The proposal conflicts with local and national planning policy for the protection of recreational open space;**
6. The existing land use is for a private sports pitch, and the land was previously in use by Wrexham Association Football Club ("AFC") for team practice. Wrexham AFC's lease for the land has now expired and not been renewed, and the pitch is no longer in use. The pitch is not accessible by the public.
7. The officer's report assesses the application against policies for the protection of recreational open space set out in Para 4.5.4 of PPW as well as Technical Advice Note ("TAN") 16, "Sport, recreation and open space". The LPA has also assessed the application against policy CLF4 of the Wrexham Unitary Development Plan ("UDP"), which was adopted in February 2005. Although the UDP is time expired and significantly aged, it remains the extant development plan for the area.
8. Annex B of TAN 16 sets out a typology of open space which should be used for analysis of its relative value, which should inform consideration for any proposed disposal. The officer's report has assessed the existing open space and considers it falls within typology iv – "outdoor sports facilities". It notes that use of the land for this purpose has now ceased.
9. Sport Wales, a statutory consultee on planning applications for the disposal of playing fields, has objected to the application. Sport Wales notes that PPW para 4.5.4 does not specify that open space must be accessible to the public in order to be protected. Sport Wales claims that a "significant proportion" of the site is to be developed, which it interprets as contradicting PPW's guidance. The officer's report contends, rather, that on the basis of floor-space, a minority of the site would be subject to development.

10. The officer's report considers the potential development of the site against the Wrexham Open Space Audit and Assessment of Need Report, dated March 2016 ("the OSA"). The OSA has no account of demand for playing fields within it, concluding appropriate levels should be determined by demand. The officer's report is otherwise silent on the issue of demand for playing fields.
11. The site was excluded from consideration as public open space within the OSA because it was not publicly accessible. The OSA identified a shortfall of both 1.71 hectares of amenity greenspace and 0.11 hectares for provision for children and young people, in the ward where the application is proposed.
12. The officer's report also notes that the site was discounted from use as a gypsy and traveller site by Inspectors during the examination of the draft Wrexham Local Development Plan ("LDP") in 2016, on the basis it should be retained for "educational purposes". The officer's report notes the proposed development is in accordance with the outcome of the LDP examination.
13. The officer's report observes that as the site is currently not accessible by the public, and the development will result in an area of 1.1 hectares which will be accessible by the public, the development would result in an overall net gain of 1.1 hectares of public open space. It concludes that the proposal is therefore in accordance with PPW para 4.5.4, UDP policy CLF4, and the emerging draft LDP.
14. The LPA has carried out an assessment of this issue and comes to a reasonable conclusion.

- **Potential detrimental impact on local highways.**

15. The officer's report refers to para 4.1.10 of PPW, which sets out the need for the planning system to promote sustainable modes of travel, and para 4.1.13, which requires a sustainable transport hierarchy to be applied to new developments.
16. The officer's report identifies aspects of the proposal seeking to improve pedestrian accessibility from the nearby area and the proposed provision of on-site parking for coaches.
17. The officer's report confirms the application is accompanied by a Transport Assessment ("TA"). The TA claims appropriate consideration has been given to traffic generation arising from the proposal, safe routes to school, on-site parking and proposed local parking restrictions.
18. The officer's report notes third party objections to the TA, undertaken during the COVID pandemic, who have claimed the findings of the TA were not fully reflective of ordinary traffic. The officer's report confirms that observed highway flows in the TA during the COVID pandemic were doubled to account for normalised levels of traffic, and a supplementary traffic survey was undertaken in October 2021, at a time where the minimal COVID controls were unlikely to impact traffic numbers. The officer's report notes the supplementary traffic survey found lower levels of traffic than those identified in the TA.

19. The Local Highway Authority has also considered the findings of the TA, including the claim that existing highway access points to the site would operate within capacity in the event that permission was granted, and has raised no objections. The officer's report concludes the traffic survey in the TA is robust.
20. The LPA has carried out a thorough assessment of this issue and comes to a reasonable conclusion.
- **Potential flood risk.**
21. The officer's report states that the site lies within flood zone A, although the development proposes an extensive area of hard surfacing which has the potential to increase surface run-off, unless mitigation measures are introduced. NRW was consulted on the application and did not raise any concerns in relation to flooding.
22. The officer's report notes that surface run-off mitigation measures will be subject to a separate Sustainable Drainage System consent.
23. The LPA has carried out a reasonable assessment of this issue and comes to a balanced conclusion.

Decision

24. Given the above, and taking into account all other relevant considerations, I have concluded the proposal does not conflict with national or local policies relevant to the application. It is unlikely to have wide effects beyond the immediate locality and, whilst there has been some opposition to the application, it is local in nature and is not likely to cause substantial controversy beyond the immediate locality. The application does not raise issues of national security, nor does it raise novel planning issues.
25. In view of this, **I do not consider the application should be called in** for determination by the Welsh Ministers and it is now for your LPA to determine the application as it sees fit.
26. In reaching this conclusion the planning merits of the planning application were not taken into account and the decision not to call in the application should not in any way be taken as a reflection on the planning merits of the development.
27. I have considered the duty under section 2 of the Planning (Wales) Act 2015 to ensure the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales. As part of this consideration the Welsh Ministers have taken into account the ways of working set out at section 5(2) of the Well-Being of Future Generations (Wales) Act 2015 ("WFG Act"), which is supported by Part 4 of 'Shared Purpose Shared Future 1: Core Guidance: Statutory Guidance on the WFG Act'.

28. I consider this decision is in accordance with the requirement to carry out the sustainable development principle, as set out in section 3 of the WFG Act. The decision takes reasonable steps to achieve the Welsh Government's well-being objectives, as required by section 5(2)(b) of the WFG Act by positively contributing towards the objective of 'Make our cities, towns and villages even better places in which to live and work' through allowing the application to continue to be positively determined by the LPA.

29. In exercise of my powers under Article 31 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 ("DMPWO"), the direction issued by Welsh Ministers under Article 18(1) of the DMPWO on 6 January 2022 for planning application P/2021/0680 is hereby cancelled.

30. It would assist us if a copy of the planning decision relating to this application could be sent to my colleague, Ceri Litherland (e-mail: Ceri.litherland@gov.wales)

31. A copy of this letter has been sent to Lawray Architects, agents for the applicant.

Yours sincerely,



Lewis Thomas
Pennaeth Penderfyniadau Cynllunio / Head of Planning Decisions
Llywodraeth Cymru / Welsh Government

Arwyddwyd o dan awdurdod Y Gweinidog Newid Hinsawdd; un o Weinidogion Cymru.

Signed under authority of the Minister Climate Change; one of the Welsh Ministers.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.