

Application No.	Application Type	Date Valid	Expiry Date	Extension of Time Date
P/2022/0002	Full Planning Application	04/01/2022	01/03/2022	14/04/2022

Applicant	Agent Name and Address
GURJIT MAHAL C / O HAFOD PLANNING CONSULTANTS	MR PAUL REES HARPER SPERRING ARCHITECTS THE OLD SCHOOL ST JOHNS ROAD DUDLEY DY2 7JT
Description of Development	Location of Development
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Relevant History	P/2017/0290 9 dwellings refused 12/3/2018 P/2015/0555 14 dwellings Refused 17/12/2015 P/2007/0493 5 dwellings Granted 30/11/2007 subject to s106 P/2006/0962 Outline for 5 dwellings Granted 6/12/2006
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Constraints	Applicable	Acceptable	Not Acceptable
Outside settlement			
Inside settlement	✓		✓
Conservation Area			
Listed Building/ setting			
Green Barrier			
Special Landscape Area			
Flood Risk			
Within Buffer Zone or affecting SAC*	✓		✓
World Heritage Site			
AONB			
Phosphates			
Other			

Local Planning Guidance	Acceptable	Not Acceptable
16 parking	✓	
17 trees	✓	

21 space around dwellings	✓	
30 design	✓	
32 biodiversity		✓
27 Schools contributions	✓	

Key Issues	Acceptable	Not acceptable	Observations Below	N/A
Residential Amenity	✓			
Design	✓			
Highway safety		✓	✓	
Parking	✓			
Conservation/LB				✓
Ecology		✓	✓	
Trees	✓			
Drainage		✓	✓	

KEY PLANS AND PHOTOGRAPHS (All plans and photos on Civica file)

None – see Civica for details	
Yes – see below	✓



APPLICANTS SUPPORTING STATEMENT

CONSULTATION RESPONSES	Consulted	Supports	Comments	Objects	No objection/ no comments	No response
Community Council	✓					✓
Local member(s)	✓		✓			
Highways	✓			✓		
Public Protection	✓		✓			
Natural Resources Wales	✓		✓			
Severn Trent Water	✓		✓			
Contaminated Land	✓				✓	
Education	✓					✓
Neighbours	✓			Many		

KEY COMMENTS MADE IF APPLICABLE

Community Council and Local Member: LM requests committee decision if approval recommended

Consultees: as above

Neighbours: Objections refer in detail to drainage, flooding, ecology, highways, sustainability and amenity issues,

Others: Ecology officer objects and recommends refusal

OFFICERS OBSERVATIONS

The application is for full permission for 4 dwellings, access road and sewage treatment plant. Additional information was requested on receipt of the application, including a planning statement referred to in the documents.

Additional drainage, highways and ecology information has now been received.

MAIN ISSUES

Principle of the development

The site is within settlement limits as set out in the Wrexham Unitary Development Plan, adopted 2005. Permission was granted for a similar development of 5 detached dwellings in 2006/7.

However permission has been subsequently refused on ecology and drainage grounds, and there are significant concerns raised by NRW and Highways over these issues. The village is not suitable for further residential development based on the lack of a mains drainage system and the unsustainable location.

Residential amenity

Separation distances with regard to existing dwellings are met.

Design

No particular issues arise.

Highways issues

The highway authority has identified significant issues with the application in terms of:

- Access visibility to the County Road
- The need for a TRO to reduce speed limit to 30mph
- Internal road layout, road widths, turning heads and footway provision
- Parking provision
- Highway surface water drainage
- Lack of public transport and unsustainable location

Revised information has been received including a proposal for a build-out on the road to allow for visibility from the junction.

The highway authority has considered the revised information but maintains their objection on grounds of visibility, layout, drainage and location.

Ecology

NRW have concerns that a significant effect from the proposed development on the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) Special Area of Conservation (SAC) and the Midland Meres & Mosses Phase 2 (Wales) Ramsar site cannot be ruled out. The application is located within 900m of the above sites.

NRW advise that further information should be submitted to carry out a Habitats Regulations Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application. The HRA should demonstrate that there will be no adverse effect on site integrity.

Based on the information submitted, the proposal is for four dwellings within an area not served by mains sewers, but insufficient information has been submitted in relation to how foul drainage from the development is to be managed. It is noted that the application form states foul drainage will be via septic tank. NRW note that information has already been submitted to confirm that the foul waste is to be dealt with via individual cesspits serving each of the proposed 4 dwellings as detailed in drawing ref 1549/01 Rev P2. However, it is important that residents take responsibility to ensure the sludge/greywater exported from the cesspits is being managed appropriately by others.

The impact of sludge/greywater from private and public wastewater treatment systems may need to be considered in appropriate assessments for developments, which will be dependent on the details of each case. Therefore, NRW advise to seek

further information with regards to the location/s of the disposal site/s for the sludge/greywater. The agent has confirmed that this would be to Whitchurch WTW, which discharges to the River Dee (although this is outside NRW's area of control).

NRW note that the ecology report submitted in support of the above application (Bodnar, S. (2021), Phase 1 Preliminary Ecological Appraisal: Land at Bettisfield, Whitchurch. Stefan Bodnar) has identified that Great Crested Newts (*Triturus cristatus*) are present at the application site. From the information submitted, the overall proposal has the potential to cause disturbance to Great Crested Newts and/or loss or damage to their resting places. Great Crested Newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

There is insufficient information on long-term management of the mitigation site to conclude that the great crested newt population on site will maintain favourable conservation status in the future. As those conditions suggested by NRW are ones that according to PPW should be sorted prior to approval and not conditioned.

There is also insufficient survey work has been completed for reptiles.

Welsh Government Planning Policy Wales and subsequent letter to LPAs requires development to provide a net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped. Failing to provide such a benefit is a valid reason for refusal.

Crucially, the site is hydrologically connected the Fenns, Whixall and Bettisfield Mosses SSSI and SAC. The site is adversely impacted by excess nutrients in connected aquatic habitats. The use of septic tanks is therefore considered to be detrimental to features of interest in the SAC. A Habitats Regulations Assessment will be required should the application be supported.

Drainage

Further information has been supplied with the aim of demonstrating that the proposal will not pose an unacceptable risk to the water environment and protected sites located to the east of the development site.

The development is not served by the public foul sewer and foul drainage is to be dealt with via 'septic tank' as detailed within the accompanying application form. In these circumstances Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage. Information has now been provided in relation to the location or number of septic tanks proposed or associated drainage fields.

The drainage information is noted, and the intention is for greywater/sludge from the tank to be disposed of to a WTW in Shropshire (see above).

As the area already has a large number of private sewage treatment systems, NRW are also concerned about the cumulative impact of the additional discharge on the water environment.

Education

Comments have been requested from Education but no response received.

Conclusion

The proposed development represents unsustainable development.

RECOMMENDATION	
GRANT	
REFUSE	✓
S106 Required	no
Cadw/ WG Referral Required	no
Is application EIA Development?	no

REASONS

Conditions and reasons							
Number	Initials	Monitor?	Met?	Condition	Reason	Short condition text	Short
1	SJG	No	No	NON-STD	NON-STD	Ecology	Lack of
2	SJG	No	No	NON-STD	NON-STD	drainage	Risk of
3	SJG	No	No	NON-STD	NON-STD	sustainability	Susta
4	SJG	No	No	NON-STD	NON-STD	Highways	Highw

INFORMATIVES

Planning Manager	Date Signed
SF	6.6.22