

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

7 February 2022

APPLICATION NO:
P/2021 /0110

LOCATION:
LAND TO THE NORTH AND SOUTH
OF LANE FARM ROSSETT ROAD
TREVALYN ROSSETT WREXHAM
LL12 0DS

DATE RECEIVED:
02/02/2021

COMMUNITY:
Rossett

CASE OFFICER:
MP

WARD:
Rossett

DESCRIPTION:
MATERION CADARNHAU YN
BRIODOL I CAIS AMLINELLOL
P/2018/0560 / RESERVED MATTERS
PURSUANT TO OUTLINE
APPLICATION P/2018/0560

AGENT NAME:

APPLICANT(S) NAME:
MATT CHRISTIE

THE SITE



PROPOSAL

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The application seeks approval for the matters reserved for subsequent approval by outline planning permissions P/2018/0560 (appeal reference APP/H6955/A/19/3231048), namely appearance, landscaping, layout and scale.

HISTORY

ROS 17649 Residential development and construction of new vehicular and pedestrian access. Refused 17649

P/2018/0560 OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF TWO PARCELS OF LAND (NORTHERN PARCEL FOR UP TO 61 NO. DWELLINGS, SOUTHERN PARCEL FOR UP TO 71 NO. DWELLINGS), EXTENSION TO COMMUNITY PARKING FACILITY (IN ASSOCIATION WITH NORTHERN PARCEL) WITH ASSOCIATED MEANS OF ACCESS AND ALL OTHER MATTERS RESERVED WITH INDICATIVE PROVISION MADE FOR PEDESTRIAN CROSSING, PEDESTRIAN LINKAGES, PUBLIC OPEN SPACE AND AFFORDABLE HOUSING. Refused 7 January 2019. Allowed on appeal 14.2.2020

P/2019/0460 OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF TWO PARCELS OF LAND (NORTHERN PARCEL FOR UP TO 61 NO. DWELLINGS, SOUTHERN PARCEL FOR UP TO 71 NO. DWELLINGS), EXTENSION TO COMMUNITY PARKING FACILITY (IN ASSOCIATION WITH NORTHERN PARCEL) WITH ASSOCIATED MEANS OF ACCESS AND OFF-SITE HIGHWAY IMPROVEMENTS WITH ALL OTHER MATTERS RESERVED BUT INDICATIVE PROVISION MADE FOR PEDESTRIAN CROSSING, PEDESTRIAN LINKAGES, PUBLIC OPEN SPACE, LANDSCAPING AND AFFORDABLE HOUSING (RE-SUBMISSION OF PLANNING APPLICATION REFERENCE NO. P/2018/0560). Withdrawn.

P/2021/0111 DISCHARGE OF CONDITIONS 6 (ARBORICULTURAL METHOD STATEMENT), 7 (DRAINAGE), 8 (HIGHWAYS), 9, (HIGHWAYS) 10 (CONSTRUCTION METHOD STATEMENT) , 14 (TRAVEL PLAN) AND 15 (LIGHTING) OF PLANNING PERMISSION P/2018/0560. Pending.

DEVELOPMENT PLAN

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The site lies outside of the settlement limit and within a Green Barrier and Special Landscape Area. Policies PS1, GDP1, EC1, EC2, EC4, EC5, EC6, EC11, EC12, EC13, H5, H7, CLF5 and T8 apply.

CONSULTATIONS

- Community Council: Rossett Community Council object for the following reasons:
- This application will change the character of the village, overload public services and result in further traffic congestion, creating more dangers for pedestrians and marginalises historical flooding in the area.
 - The scale of the building heights, all are in excess of those that were included in the Landscape Visual Impact Assessment with standard 150mm of ground floors above external ground levels, (ie too tall for the existing area and will be visible for greater distances for which approval was given).
 - The location of a number of proposed properties are too close or create overlooking to existing properties located close to the site boundaries.
 - The layout and types of property clearly identify the affordable terraced houses which should be visually integrated into a development in terms of design and site layout.
 - The suggested footway improvements to the south side of Holt Road have resulted in the Equality Commission advising WCBC that they will be potentially in breach of their duty of care under the Equality Act if built out as it takes no account of the problems of disabled or other protected persons i.e wheelchair users, or parents pushing a push chair with/without a small child it is more likely to bring such people into an area of accident risk and should be left alone;
 - The developers do not have the right to break through private land in Trevalyn Way;
 - The developers are showing access adjacent to 1 Trevalyn Hall View on land they do not own;
 - The scheme fails to accord with the developers Ecology Report and does not show all the trees recommended to support the local Bat population nor does it protect hedgerows identified as key wildlife highways. In addition,

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the report is out of date and does not record protected species badger activity in the Trevalyn Way area. Neither does it protect the tree in the middle of the northern field.

- The developers are suggesting that they build properties up to 350mm above ground level to reduce the flood risk to the new properties in addition to suggesting the levels of the sites are regraded to ensure that run-off is away from the new development. The proposal to regrade the site and build higher from ground level will increase the ridge heights even more than above.
- The existing fields already create run-off into the existing adjacent houses and bungalows arising either from surface water or river flooding and will be increased by proposals above;
- A drainage scheme has not yet been approved and the Flood Consequences Assessment fails to recognise the protection required for the aquifer located under the development site. (Valuable water source);
- NRW have recently announced new flooding maps for this area and they (NRW) now regards the development site as a Zone 2 undefended flood area with a peak flood level estimated higher than the levels of the surrounding fields. The flood risk has seen increased re-assessment since the Minister allowed the development. The Site is no longer identified by NRW to be low risk;
- The Drainage Plan suggests that all surface water be directed to a suitable local watercourse but no such suitable or available watercourse exists in this area.
- The number of parking spaces for such an extensive development is some 20% under provided when compared with WCBC parking standards needed for the 132 varying house types.
- The hedge on Trevalyn way where Castle Green are looking to locate an access point has been under the control of the Community Council for at least 23 years. Bellis Brothers allowed the post and wire fence on their site to fall into disrepair but there is evidence of this post and wire fence at the back edge of the

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hedge. This hedge was planted on Reid Homes Ltd side of the boundary and is therefore solely on private land. The Community Council would not consent to Castle Green crossing their land to reach Trevalyn Way.

- Rossett Community Council would draw your attention to the wording of Condition 9.2 which relates to Trevalyn Way. It is drawn in the negative indicating that development shall not be commenced until a scheme detailing inter alia Pedestrian footway links to Holt Road and Trevalyn Way has been submitted to and approved in writing by the Local Planning Authority. The entrances to the sites at the Holt/Rossett Road have been submitted with construction details. No such scheme has been submitted for the access point in Trevalyn Way accordingly paragraph 9.2 cannot be complied with. The fact that the Minister has indicated where the entrance point should be does not give yourself, the PINs Inspector or the Minister power to grant permission to cross private land. If and when Castle Green come up with a scheme, then from what you have been advised in both our representations with respect, can only approve such scheme up to the back edge of the holly hedge as we have shown the holly hedge is totally on private land under our control and we do not give our permission to interfere with a hedge which we have been cultivating for over 23 years and local Residents before that for 18 years (a total of 41 years). The applicants cannot get to the highway to comply with this condition without crossing our land. Accordingly this condition cannot be satisfied. A similar position will relate on the Northern Site to Condition 8.2. Accordingly we ask you to record our objection as previously registered, and when this matter is determined indicate that the Applicant has been unable to discharge Condition 9.2.

Local Member:

I would add my full support for the objections raised which highlight the significant deficiencies of the submissions, both in terms of flooding and highway safety.

There is massive concern in the local community that to date their valid concerns around highway safety have been completely ignored as have the

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well-established policies contained in a number of manuals and policies adopted by WCBC.

If it came to a judicial review I would again support this as approval of the application would be contrary to established policies and would place the residents of Rossett at risk from both unsafe highways and flooding.

Highways:

Have the following comments:

Parking

- An amended site layout has been submitted. It is now clear that the proposed parking provision is within the limit set out in the Parking Standards.

Site Layout

- The amended site layout shows that the length of some of the private driveways has been reduced, although others have been extended. The swept path diagram shows that an 11.2m refuse vehicle can access all parts of the site except for private driveways. The tracking still shows substantial overhanging of footways and verges. The turn adjacent to plot 30 will not be possible should there be any overhanging of vehicles from the driveway or vehicles parked in the turning head.
- The concerns previously raised over the long shared driveways and tight turning provision for larger vehicles remain, but this issue is not of sufficient severity to prevent the development from proceeding.

Conclusion

- After reviewing the revised site layout I no longer have concerns over the proposed parking provision.
- Concerns relating to the site layout remain but are not of sufficient severity to prevent the development from proceeding if you are mindful to grant planning consent.

Public Protection:

The recommendations of report "Land at Rossett Road, Rossett, Construction Method Statement | 28 June 2021" by Castle Green are accepted and I recommend condition 10 of P/2018/0560 can therefore be discharged.

Contaminated Land:
Housing:

No comments

Confirmed agreement to the house type mix and commented that the 8 x 1 bedroom units are ideal from an affordable housing perspective.

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Arboricultural Officer:

No arboricultural comments.

Ecology Officer:

Accepts submitted report.

NRW:

NRW have submitted a single letter covering both applications P/2021/0110 and P/2021/0111. The comments below are those directly relevant to this application.

Flood Risk

The application site is located in Zone A and partially in Zone B of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning identifies the application site to be at partially within Flood Zone 2.

We have reviewed the letter submitted by Betts Associates dated 22nd October 2021 as well as the associated updated model outputs. This letter has been submitted to address our outstanding concern which relates to the impact of the proposal on increased fluvial flood risk elsewhere.

The letter explains that an updated hydraulic modelling exercise has been undertaken, involving a sensitivity test on the grid size of the hydraulic model. The NRW model supplied to Betts is based on a model grid size of 3 metres (m). The sensitivity test has refined the model grid and has used a 2 m grid size.

The results presented by Betts show that the change to the model grid size has a material impact on the flood risk posed to the site in the 0.1% Annual Exceedance Probability (AEP) event with a 25% blockage, which is the design event that should be considered when assessing the impacts of the proposal on flood risk elsewhere. The model run using the 3 m model grid size shows the site to be at risk of flooding in this event; however, when using a 2 m model grid size, the site is not expected to be at risk of flooding.

The letter explains that the cause of flooding at the site in the 3 m grid model is a flow route that flows eastwards from a spill point on Gun Lane. The letter goes on to state that the refined 2 m grid results in a better representation of floodplain topography and results in the removal of the spill route along Gun Lane. The flood flow route towards the site therefore no longer occurs. This is

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a result of a lower water level at this point in the 2 m grid model.

We have reviewed the 2 m grid model used by Betts to produce these outputs and advise that the model has been set up correctly and we are satisfied with the outputs shown on the 2 m grid runs, based on an interrogation of the results. This confirmed that the increases resolution results in less water travelling eastwards and reaching the previously identified spill point, resulting in less water flowing towards the site.

The updated modelling submitted by Betts has demonstrated that the site is expected to remain flood free in the 0.1% AEP event with a 25% blockage. The proposal is therefore not expected to result in any increased flood risk elsewhere for the River Alyn in up to the 0.1% AEP event with a 25% blockage. We are satisfied that the proposal demonstrates compliance with A1.12 of TAN15.

We are therefore satisfied that the flood risk matters have been satisfactorily addressed, subject to the measures recommended within the FCA being implemented

Welsh Water:

No objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission.

Neighbours:

The owners/occupiers of 51 nearby properties and the Head Teacher of Darland High School notified initially on 2.3.2021 and in respect of amended plans on 29.6.21. The owners/occupiers of nearby 14 properties notified regarding amended plans on 24.8.2021. The owners of 3 nearby properties notified in respect of submitted plans on 13.09.2021

102 representations objecting to the application received following the issue of the initial notification letters. A further 74 representations received following the submission of amended plans. The representations identify the following as matters of concern:

- Visual impact - building heights are in excess of those included in the Landscape Visual Impact Assessment

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- No attempt to integrate the development to its immediately neighbourhood
- Proposed properties are out of character with the area/will change the character of the area
- The layout and types of property clearly identify the affordable houses
- Too close to existing dwellings
- Provision of a substation in front of 1 and 2 Trevalyn Hall View
- Overlooking/loss of privacy
- Loss of light
- Overbearing
- Not in accordance with LPGN21
- Pollution from vehicles
- Additional traffic
- Traffic congestion
- Highway safety
- Pollution from traffic
- Risk to pedestrians and cyclists
- Errors in travel plan regarding local facilities
- Pedestrian access points cannot be provided
- Travel Plan is flawed due to inaccessible links and unsatisfactory footway south of Holt Road
- Access points are not in approved positions
- Parking provision does not accord with LPGN16
- Footway improvements to the south side of Holt Road do not comply with the Equality Act. It takes no account of disabled or other protected persons
- The developers do not have the right/consent to provide footway links onto Trevalyn Way, Trevalyn Hall View, Darland View or Darland High School
- No consent given for the developer to provide a parking area adjacent to Trevalyn Hall View
- Red line includes land not owned by the applicants
- Plans show access onto land not owned by the applicants
- Hedge within red line not owned by the applicants
- Overload public services
- Capacity of healthcare
- Education provision
- Increasing pupils at St Peter's school will have an adverse effect on the quality of education

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- Green belt land
- Building on green fields
- Removal of trees/hedgerows fails to accord with Ecology Report
- Ecology reports out of date and do not record protected species activity
- Detrimental impact on wildlife
- No Habitat Regulations Assessment has been undertaken to demonstrate that this and other sites can be accommodated at the Welsh Water Lavister Treatment Works. WCBC should not be granting new development approvals, either reserved matters or discharge of conditions until an appropriate HRA is in position agreed by NRW and Welsh Water
- No arboricultural method statement submitted
- Developer cannot do not work to trees outside of the site other than trim overhanging branches
- Developers have no right to interfere with the hedge along Trevalyn Way
- Position of sewage pumping station – risk of sewage contaminated
- Flood risk
- Flood plain adjoins the southern boundary of the site
- Increased flood risk to adjacent land and properties
- The conclusions of the FCA are incorrect
- FCA takes no account of evidence presented by the local community
- Discrepancies between the FCA and what those who have lived in the area for many years have indicated regarding the 200 floods and 1976 floods
- Raising of ground levels to ensure houses are not subject to flooding
- Conflict with TAN15
- FCA does not demonstrated compliance with Condition 07
- Surface water drainage scheme has not been approved
- Applicants have requested condition 07 only be partially discharged. The condition does not provide for partial consideration

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- Not demonstrated compliance with SuDS standards for Wales/no adequate SuDS strategy
- SuDs ponds will become breeding grounds for insects – health risks to those living nearby
- Flood Consequences Assessment fails to recognise the protection required for the aquifer located under the development site
- NRW have announced new flood maps for this area – the site is no longer identified to be low risk
- The Drainage Plan suggests that all surface water be directed to a suitable local watercourse but no such suitable or available watercourse exists in this area
- Impact upon aquifer
- More strangers in the area – worry for crime
- No phasing plan submitted
- Zero contribution to the well-being of the village
- Failure to comply with PPW11
- Failure to comply with Section 6 Duty of Environment (Wales) Act 2016
- Conditions 2, 6, 7 have not been complied with/should not be discharged
- Conditions 5, 8, 9, 10 and 14 cannot be complied with
- Question the validity of the original consent
- Conditions 3 and 4 can only be complied with if the reserved matters is capable of being implemented. That is not the case
- Validity of the decision on P/2018/0560
- Viability of the scheme must be called into question. The site was purchased by the developments for 5.6 time more than land values quoted in the DVS Report on Viability in Wrexham. It should be anticipate that immediately after approval of Reserved Matters and Discharge of Conditions the development will make a bit to overturn the provision of any affordable housing.
- P/2021/0110 and P/2021/0111 are free standing applications as until the LDP is decided the adopted Plan is the UDP and any decisions will be made on the same or National Policy
- In the event the approvals are forced through we will take steps to secure revocation of the Outline Planning Consent

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- Case officer cannot be relied upon to make an unbiased and objective decision
- Planning Case Officer at the meeting held on the 23rd January 2019 renders that Officer and other members of the WCBC Planning Department incapable of making a balanced decision in compliance with WCBC Constitution and the Nolan Principles in Public Life
- Decision cannot be made until the validity of the original consent has been determined by agreement or High court Action

SPECIAL CONSIDERATIONS

Principle of development: The principle of development was established in February 2020 when Outline Planning permission for the erection of up to 132 dwellings was granted (appeal reference APP/H6955/A/19/3231048).

The Outline Planning permission is subject to a Planning Obligation that secures affordable housing, financial contributions to schools and the management of on-site open space.

Members are reminded that this is not an application for Planning permission, but rather an application for approval of Reserved Matters. Whilst I am fully aware of the continued and considerable local opposition to the development, as indicated by the number of representations received, the principle of development (i.e. whether the site should or should not be developed) cannot be revisited.

The vehicular and pedestrian accesses were approved at outline planning permission stage and therefore these matters cannot be revisited. In dealing with this application the Council is limited to considering the merits of the matters for which Reserved Matters approval is sought, namely appearance, landscaping, layout and scale.

Dealing with this application does not present the Council with an opportunity to review or to overturn the appeal decision. The site will continue to benefit from Outline Planning permission regardless of the outcome of this application.

Planning Conditions: The representations received to this application also make comments on submissions made with application P/2021/0111 which seeks approval for details required by conditions 06, 07, 08, 09, 10, 14 and 15 of the Outline permission. Whether or not the details submitted in respect of those conditions are acceptable is not material to the consideration of this application.

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Approval of Reserved Matters cannot be withheld or refused on the grounds that a development must also meet the requirements of other conditions imposed upon an Outline Planning permission where, as is the case with the conditions referred to above, the conditions require submissions to be submitted and approved either before development commences, prior to first occupation or, in the case of condition 15, prior to specific works being carried out on site.

In light of the above, in dealing with this application I have taken into account the comments made in representations where they deal with matters that are directly relevant to the Reserved Matters submissions.

Design: Condition 02 of the outline Planning permission requires the first reserved matters application to be accompanied by a phasing plan. The condition also requires that the total number of affordable houses should be 25% of the total number of dwellings to be built. The application is accompanied by a phasing plan which identifies the land to the north of Rossett Road as Phase 1. This will have 61 dwellings of which 15 (25%) will be affordable. The land the south of Rossett Road is identified as Phase 2 and will have 71 dwellings of which 18 (25%) will be affordable. Taken together both phases will deliver 132 dwellings of which 33 (25%) will be affordable.

The proposed site layout provides for dwellings facing outwards from the site onto Rossett Road and towards existing development to the west and north-west and towards the south-eastern boundary of Phase 1 and the eastern boundary of Phase 2.

The application includes three areas of open space that cumulatively satisfy the requirements of policy CLF5. Phase 1 will have one area of open space within the development and a second located adjacent to the northern boundary. Phase 2 will have an area of open space adjoining the boundary with Harwoods Lane. The northern area of open space within Phase 1 and the southern area of open space in Phase 2 provide opportunities for informal recreation. All areas of open space are overlooked by dwellings and provide for attractive soft landscaped areas to the benefit of the overall appearance of the development.

Through a use of a variety of house types and materials material, a degree of variation in the distance dwellings are set back from the highway, the siting of dwellings to create focal points at key road junctions within the site as well as the provision of open space, the proposals will deliver an attractive form of development.

In respect of the impact the development will have on the character of the village, whilst the dwellings will be of a different architectural style to the properties adjacent to the site in Darland View, Trevalyn Hall View and Trevalyn Way, the appearance of the dwellings in each of those streets differs from those in the other. Furthermore, whilst there are areas within the village

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with a distinctive character, notably particular buildings within the Conservation Area, the wider village lacks a uniform or cohesive character. Indeed the wider village is made up of housing developments that have been built incrementally over time resulting variety of architectural styles. Viewed in this context, the development is broadly reflective of the character of the village.

The houses vary in height from 8.3 up to 9 metres. Whilst it is noted that objectors have commented that the Landscape and Visual Impact Assessment (LVIA) submitted with the outline planning application assumed that dwellings to be 7.3m to the ridge, had the appeal Inspector or the Minister for Housing and Local Government considered it necessary to specify the maximum heights of dwellings they would have imposed a condition on the outline permission. Paragraph 5.9 of Circular 16-2014: The Use of Planning Conditions for Development Management advises that where certain aspects of the development are crucial to the decision, local planning authorities will wish to consider imposing relevant conditions when outline permission is granted. No such conditions were imposed. The applicants are therefore not bound by the heights referred to in the LVIA.

In addition to the overall height of the dwellings, objectors have also expressed concerns about the difference between the existing ground levels and the proposed finished floor levels. It is acknowledged that the finished floor levels for nearly all of the plots will exceed existing ground levels. On average the finished floor levels of plots on Phases 1 and 2 will be 0.84m and 0.44m above existing ground levels respectively. It is however important to note that there are also variations in existing ground levels within both parts of the site as set out in the table below:

Part of site	Difference between lowest and highest parts of the site
Phase 1	2.75m
Phase 2	1.75m

The finished floor levels of the proposed dwellings in each phase do not exceed the highest existing ground levels in their respect parts of the site. The most sensitive parts of the site in respect of landscape impact is the south-east boundary of Phase 1 and the eastern boundary of Phase 2, which are visible when approaching Rossett from the east. The finished floor levels of the dwellings proposed adjacent to those boundaries is, on average, 0.35m and 0.6m above existing ground levels respectively.

The LVIA accompanying the Outline application concluded that the development would not harm any historically significant landscapes or landscape features. It also concluded that the visual impact of the development will be largely limited to the site and its immediate surroundings. The overall height or the relative height of the dwellings (taking into account finished floor levels) will not make the development materially more prominent in the landscape than dwellings of 7.3 metres in height and as such it does not

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put the proposals at odds with the conclusions of the LIVA. It will also not unacceptably impact upon the standard of amenity afforded to occupiers of existing properties. This matter will be discussed in more detail below.

Local Planning Guidance Note 28 requires new affordable housing to:

- be visually integrated into a development in terms of design and site layout;
- be distributed throughout a development and not result in all of the affordable housing being concentrated in one part of the site;

The market houses comprise a mix of 3 bedroom semi-detached and 3 and 4 bedroom detached properties. The affordable units consist of:

- 8 x 1 bedroom flats (social rent)
- 16 x 2 bedroom dwellings (intermediate rent)
- 9 x 3 bedroom dwellings (intermediate rent)

The flats are situated in separate blocks containing 4 flats each, with the dwellings either being semi-detached or in terraces of 3 or 4.

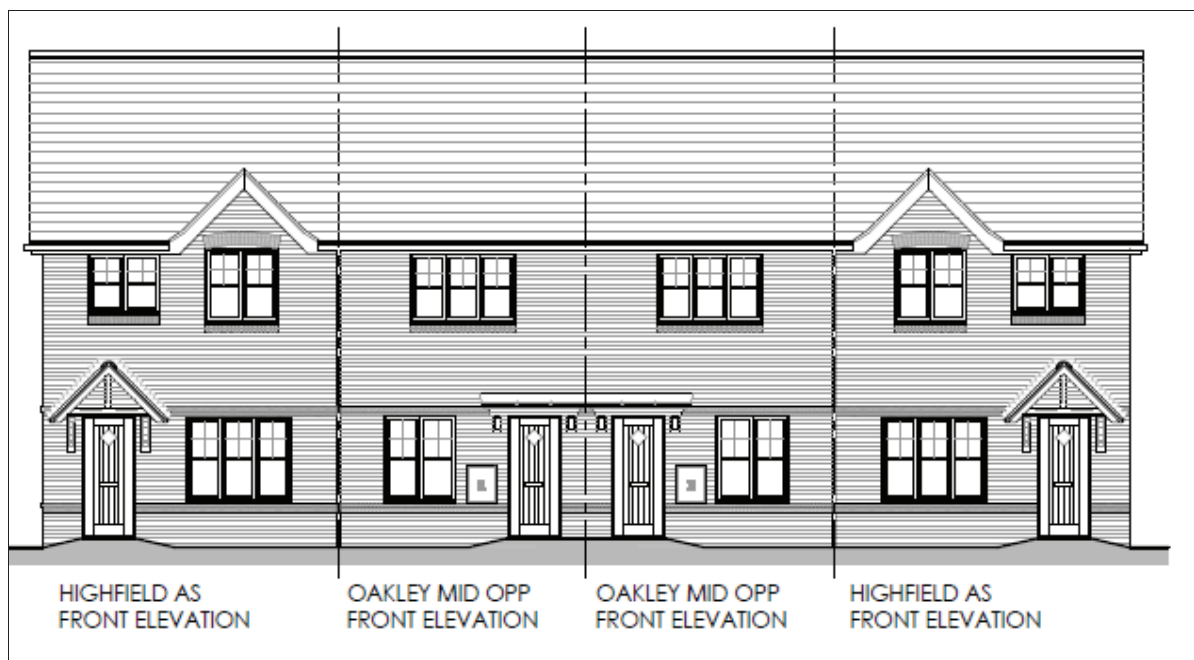
The front elevations of the affordable house types and one of the market house types are provided below:

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Affordable House Type - Flats



Affordable House Type - Terrace

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Market House Type - Detached

The affordable houses are of the same standard of design as the market houses and are integral to streets that also include market houses. The affordable houses are therefore visually integrated into the development. The affordable houses not located in one part of the site but instead are located in small clusters on different parts of both phases. The proposals therefore accord with LPGN28 advice.

Whilst noting comments made by the objectors regarding viability, there is no indication that the applicants intend to renegotiate the requirements of condition 02 of the Outline Planning permission or the Planning Obligation. Indeed on the contrary, submissions have been made which demonstrates that the applicants have been in discussions with Adra, a housing association, regarding the purchase of the affordable units. In any case, concerns that the applicants may seek to amend the requirements of the extant Planning Permission are not material to the determination of this application. It would be entirely unreasonable to withhold Reserved Matters approval on the grounds that the applicants made seek to amend requirements of the Outline Permission at a later date.

There are no trees subject to a Tree Preservation Order on site. The proposed layout does result in the loss of an Alder tree and two Sycamore trees from the northern part of the site. The application is accompanied by an Arboriculture Impact Assessment which categorises the trees as follows:

AIA Reference	Species	Grading
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T3	Common Alder	Moderate/Low quality
T4	Sycamore	Low Quality
T5	Sycamore	Low Quality

The development will result in the loss of the hedgerows fronting Rossett Road in order to provide vehicular access and associated visibility splays but these works have already been approved given that access has already been approved subject to conditions requiring the provision of visibility splays. The plans also show removal of short sections of other hedgerows enclosing the site in order to provide pedestrian access.

The loss of the trees and hedgerows discussed above whilst regrettable are not valid grounds for refusal. The site layout has been designed to enable the retention and protection of the highest quality trees both within and outside of but close to the boundary. The impact of the removal of trees and hedgerows is also off-set by replacement planting provided through the landscaping scheme. Hedgerows will be planted along the site frontages with Rossett Road and a native species hedgerow will also be planted along the full length of the eastern boundary (approximately 190m long). The Arboricultural Officer has no comments.

The landscaping scheme is acceptable and will serve to enhance the overall appearance of the development, assist integrate it into locality.

Amenity: The impact of the development upon exiting properties has been considered in light of guidance in Local Planning Guidance Note 21. This advises that minimum separation distances should be maintained between houses. Where two habitable rooms face each other that direct overlooking is physically possible, LPGN21 advises that windows should be 22 metres apart. Where a window serving a habitable room in a habitable room faces a blank all that exceeds the height of that window, LPGN21 advises the distance between the window and the wall should be 13 metres. Where there are ground level differences between sites, LPGN21 advises that for every half metre difference in height, the separation distance should be increased by one metre.

The relationship between proposed dwelling in Phase 1 and dwellings in Trevalyn Hall View is shown below:

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There are 9 properties in Trevalyn Hall View that face towards the application site, including one property (no.12) with a garden physically adjoining the site boundary. In addition 8 flats in Darland View (nos 3-10) are also situated adjacent to the site boundary.

The development accords with the separation distances recommend in LPGN21 in respect of 5 out of the 9 properties in Trevalyn Hall View and all of the properties in Darland View.

The impact upon the 4 properties in Trevalyn Hall View (nos. 3, 4, 5 and 9) where distances do not fully comply with LGN21 advice are discussed below.

The front elevations of proposed dwellings will face towards the front elevations of nos. 3-5 Trevalyn Hall View and towards the side elevation of no.9 Trevalyn Hall View. The latter is a dual aspect property and has windows in the side elevation facing towards the application side.

The gardens of all of the properties in Trevalyn Hall View are bounded by a footpath. The gardens are enclosed by hedges varying in height, with the lowest being approximately 1 metre in height and the highest approximately 1.8 metres. The front garden of 1 property is closed by a fence of around 1 metre in height. Even where higher hedges are maintained, views into the frontages of all of the properties are possible through gaps where gates are provided and/or over the front gardens of adjoining properties with lower means of enclosure. As such, the frontages of the properties are already subject to a degree of overlooking, particularly at ground floor level. The

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roadways, footways and driveways that will be provided to serve the proposed dwellings will also result in a degree of overlooking of existing dwellings irrespective of the position or orientation of the proposed dwellings.

The separation distances between nos. 3-5 Trevalyn Way and plots 9-12 ranges from 21m to 21.75m. Whilst this is marginally below what LPGN21 advises it will not, in this instance, result in any material increase overlooking at either ground or first floor level than if the proposed dwellings were fully compliant with LPGN21 and as such will not adversely impact upon the occupiers of 3-5 Trevalyn Way by way of loss of privacy.

The separation distances between the side elevations of no.9 Trevalyn Way to plots 25-26 are 22.5m and 21.5m respectively first floor to first floor and 22m and 21m respectively when measured ground floor to ground floor. The differences between the first floor and ground floor distances is due to no.9 having a ground floor bay window that projects outwards by approximately 0.5m. The proposed dwellings will have floor levels around 1m above those of no.9 and as a result LPGN21 advises that the separation distance should be 24 metres.

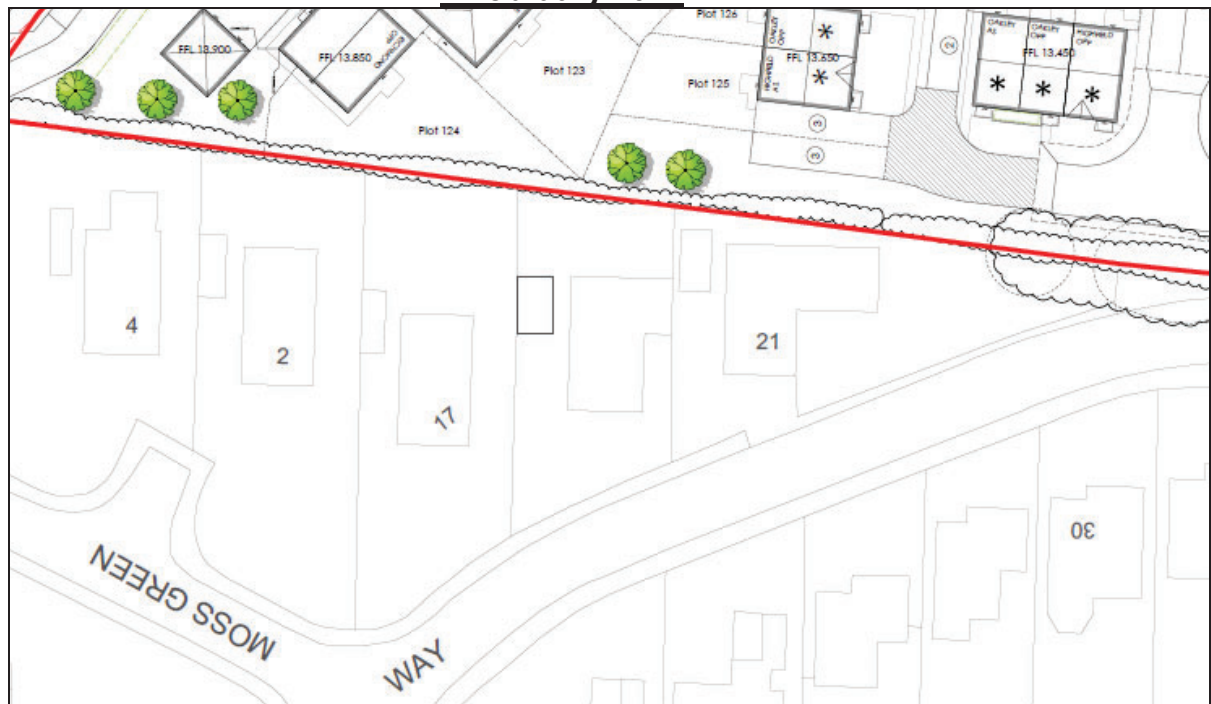
Whilst it is acknowledged that the separation distances are below LPGN21 advice, in this particularly case the windows serving habitable rooms in the front elevations of plots 25 and 26 will not afford any additional views of or into either the ground or first floor windows in the side elevation of no.9 than if both plots were situated 24 metres away. Accordingly, despite not fully according with LPGN21 advice, the development will not adversely impact upon the standard of privacy afforded to the occupiers of no.9 Trevalyn Hall View.

The plans show the provision of a substation 9.5m from the frontage of nos. 1 and 2 Trevelyan Hall View. The small size of this building is such that it will not adversely impact upon the standard of amenity afforded to the occupiers of those properties by way of loss of light or by being overbearing.

In respect of Phase 2 the relationship between existing and proposed dwellings is shown below:

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There are 2 properties in Moss Green and 3 properties in Trevalyn Way with gardens that physically adjoin the site. There are also a further 10 properties that face towards the application site but are separated from it by the road and footway of Trevalyn Way.

With 1 exception the distances between existing dwellings and proposed plots accords with LPGN21 advice. No.17 Trevalyn Way will be 21.5m from plot 124, however the rear elevation of the proposed dwelling is orientated at 48 degrees relative to the rear elevation the existing properties. The windows in

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the proposed dwelling will not be directly facing those in the existing and as such will not adversely impact upon the standard of privacy afforded to their occupiers.

In addition to the relationship between windows service habitable rooms, relative orientation of plot 124 also means it will not unacceptably impact upon the standard of privacy afforded to the rear garden no.17 Trevalyn Way.

The separation distance between 21 Trevalyn Way and plot 125 will be 13 metres which is consistent with LPGN21 advice so will not prove overbearing or give rise to unacceptable loss of light. The orientation of plot 125 relative to 21 Trevalyn Way is such that it will not give rise to any direct overlooking of windows in habitable rooms or to significant overlooking of the garden of no.21. Whilst 3 other plots face towards the garden of 21 Trevalyn Way, the distances are such the degree of overlooking of the garden will not be significant provided the existing hedge along the boundary of no.21 or an equivalent means of enclosure is maintained.

The proposals will result in the eastern boundary of no.21 being situated close to the estate road serving 5 plots as well as the parking area to 2 plot. The existing boundary hedge is of sufficient height to provide screening to maintain privacy and given the number of dwellings served, the volume of traffic using the estate road will be relatively low so as not to prove harmful to amenity by way of noise or generate levels of vehicle emissions so as to adversely impact upon the occupiers of the existing property.

Flood Risk: The application must be considered in light of the extant version of Technical Advice Note (TAN) 15: Development and Flood and the associated Development Advice Maps. Whilst a new version of TAN15 accompanied by new Flood Maps for Planning have been prepared by Welsh Government they will not now come into force until 1 June 2023, as confirmed by the Minister for Climate Change on 23 November 2021.

Paragraph 6.2 of TAN 15 advises that new development should be directed away from Zone C (which is subdivided into Zones C1 and C2) and towards suitable land in Zone A or otherwise Zone B. It also goes on to advise that highly vulnerable development should not be permitted in zone C2.

Whilst the southern boundary of phase 1 adjoins a section of Hardwoods Lane that lies within Zone C2, no part of the development is located within Zones C1 or C2 on NRW's Development Advice Maps. The majority of Phase 1 lies in Zone A and a minority in Zone B. Phase 2 lies entirely within Zone A. The southern boundary of Phase 2 adjoins Harwoods Lane which is lies partially within Zone C2. There have been no change in circumstances or to TAN15 since Outline Planning permission was granted and such there is no conflict with paragraph 6.2 of TAN15.

The application is accompanied by a Flood Consequences Assessment which assesses the impact of extreme 1 in 1000 year plus 30% for climate change

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events and 1 in 100 year plus 80% blockage of the Chester Road Bridge over the River Alyn. Parts of the site are at risk of flood depths of 10mm to 80mm in these two scenarios.

The FCA proposes measures to mitigate for the risk discussed above, including building the properties at the proposed finished floor levels to ensure they remain flood free and the provision of a basin located within the open space of Phase 2. Based on the details already submitted the basin will have a large footprint and be relatively shallow (between 0.6m and 1m deep). It will not adversely impact upon the overall appearance of the open space area or the implementation of the proposed landscape scheme. In addition to providing adequate mitigation for flood risk on site these measures, nor the development itself, will not increase the risk of flooding to adjoining land or properties.

NRW have confirmed the FCA demonstrates compliance with TAN15 and that flood risk matters have been satisfactorily addressed subject to the measures in the FCA. Whilst noting the concerns expressed by objectors no compelling evidence in the form of an FCA that challenges the conclusions of the applicant's FCA has been submitted. Accordingly there are no valid grounds to dispute the findings of the FCA or NRW's advice.

The surface water drainage arrangements for the site are not subject to this application. Nevertheless there are adequate controls in place to ensure that surface water drainage systems are put in place.

Condition 07 of the Outline Permission requires the submission and approval of the foul and surface water drainage arrangements for the site before development commences on site. It is not necessary for the applicants to have discharged condition 07 in order for Reserved Matters to be approved. Indeed, as already mentioned above, approval of Reserved Matters cannot be withheld or refused on the grounds that a development must also meet the requirements of other conditions imposed on the Outline Planning permission.

In addition, approval for the surface water drainage arrangements for the site will also need approval separately from the Council as Sustainable Drainage Systems Approval Body (SAB) before development commences on site. This is a statutory requirement. There is no requirement for SAB approval to be obtained before Reserved Matters are approved.

Highways: The location of the vehicular and pedestrian access points to the site were approved at Outline Planning permission stage and therefore fall entirely outside of the scope of this application.

Local Planning Guidance Note 16 sets out guidance on parking provision and contains the following advice:

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The **car parking** standards set out below **are maximum** standards for each land use category. In accordance with national policy the Council has no minimum parking requirements. In cases where the amount of parking provided is below the maximum the Council will need to be satisfied that this is appropriate for the likely level of demand, without undermining requirements for inclusive access. The following points should be taken into account:

i) New development



Where developments are close to local services and facilities and/or are in areas where people are able to walk or cycle to them or travel to them easily by public transport, it may be appropriate for less on site parking to be provided than for developments in remoter areas. When determining the amount of parking required for each development consideration will also be given to how close a site is to public car parks, whether those car parks can cater for additional demand, as well as whether there are any existing parking problems in the locality.

Some on-site parking is likely to be required for most new developments. Developers should clearly demonstrate that the amount of parking provided will be sufficient to meet likely demand and show they have taken account of how close a site is to employment, local facilities such as shops and frequency of public transport.

The development comprises of 8 x 1 bedroom flats, 16 x 2 bedroom dwellings, 39 x 3 bedroom dwellings and 69 x 4 bedroom. The LPGN16 maximum parking provision is as follows:

- 1 bedroom dwellings – 1.5 spaces per dwelling
- 2 bedroom dwellings – 2 spaces per dwelling
- 3 bedroom dwellings – 3 spaces per dwelling
- 4 bedroom dwellings – 3 spaces per dwelling.

The flats are provided in 2 x blocks of 4, one each on Phases 1 and 2. The LPGN16 maximum for each block is 6 spaces. The parking area for the block

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of flats on phase 1 has 5 spaces and the block on phase 2 has 4 spaces, therefore 1 space and 2 spaces below the LPGN16 maximum respectively.

Parking provision for the 2 bedroom dwellings accords with LPGN16. Of the 3 and 4 bedroom dwellings proposed, 80% will have 2 spaces or 1 less than the maximum, with the remaining 20% having 3 spaces in accordance with the LPGN16 maximum.

The 2011 census data for the availability of cars/vans per household in the Rossett ward are set out below. The data provided is for houses which 8 rooms, which corresponds to the number of rooms proposed in the 3 and 4 bedroom dwellings proposed and flats with 4 rooms, which corresponds to the number of rooms in the 1 bedroom flats proposed.

No. of cars or vans per household – Rossett Ward, 2011 census (Houses)					
	Total	0	1	2	3 +
Houses with 8+ rooms	100%	2%	19%	56%	23%

No. of cars or vans per household – Rossett Ward, 2011 census (Flats)					
	Total	0	1	2	3 +
Flats with 4 rooms	100%	31%	63%	6%	0%

The above demonstrates that:

- only a minority of households living in dwellings of a comparable size to the proposed 3 and 4 bedroom dwellings have access to more than 2 vehicles.
- only a minority of households living in flats of a comparable size to the ones proposed have access to more than one vehicle.

On-site parking provision broadly accords with the above census data. Furthermore, Rossett has a number of facilities within walking distance of the site and benefits from a regular bus service to Wrexham and Chester. Occupiers of the site would not be wholly dependant upon private cars for all journeys. No evidence has been submitted to demonstrate that vehicle ownership rates amongst the occupiers of the development will be significantly at odds with the data presented for the wider ward, nor has any compelling evidence been submitted to demonstrate that the proposed on-site parking provision will give rise to highway safety issues either within the development or on any adjoin roads.

It is noted that Highways have concerns about the overhang of a refuge vehicle on some parts of the site when it is undertaking a turning manoeuvre but that these concerns are not severe enough to present the development

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proceeding. Having considered the limited number of locations where this will occur, that in all but one location the overhang affects entries to private driveways and therefore where vehicular traffic is to be expected in any case, as well as the limited number of visits per week that will be made by a refuse vehicle, there is no reason to dispute the advice from Highways.

Ecology: Objectors have expressed concerns that the proposals are at odds with the recommendations of the Ecology report submitted with the outline application and that the previous report is also now out of date so can no longer be relied upon.

The ecology report accompanying the outline application recommended that the development should avoid impacting upon hedgerow and 3 mature trees, namely an Alder centrally located in Phase 1, an Ash tree located adjacent to the eastern boundary of Phase 1 and an Oak in the south-west corner of the southern part Phase 2, however it does not state that no tree or hedgerow removal should take place.

Only the Oak and the Ash were identified as having bat roost potential, whereas the Alder was not. The submitted plans show the retention of both the Oak and the Ash tree. The Alder is to be removed as well hedgerows along the site frontage to provide for the site access.

The applicants have submitted a further ecology report to accompany this application. This confirms that the Oak and Ash as having high and moderate bat roost potential but that the Alder as having low bat roost potential, thus confirming the conclusions of the ecology report that accompanied the outline application. The loss of the Alder would therefore not be a valid grounds for refusal.

The removal of trees and hedgerows be compensated for via the landscaping scheme, including the planting of 4 Black Alders trees, 3 English Oak and 11 Sessile Oak trees. In addition, areas of open space will be with planted with species rich grass and wildflower seed mixed.

The site has been assessed for badgers which identified and outlier sett and a mitigation strategy has been submitted. Reasonable avoidance measures have been proposed in respect of Great Crested Newts. These form part of the Construction Method Statement submitted in respect of condition 10. NRW have confirmed that they are satisfied with the level of detail submitted. The recommendations of the ecology report have also been accepted by the Council's Ecologist.

In light of the above, proposals will not adversely impact upon statutorily protected species. Furthermore, once the landscaping and tree planting measures are taken into account, on balance the development will deliver net biodiversity benefits. As such there is no conflict with Policy EC6.

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Phosphorous: The implications for the River Dee and Bala Lake Special Area of Conservation (SAC) that may arise from approving this application need to be considered.

Foul water from the site will be disposed of via the mains sewerage system which connects to the Lavister wastewater treatment works (WwTW). This has provision to remove a percentage of phosphorous from wastewater and consents to discharge treated water into adjacent watercourses (and therefore directly or indirectly into the River Dee), subject to specific limits on the amount of phosphorous within the treated water.

Whilst the WwTW is currently operating within its consented limits, the existing discharge consent is around 10 years old and pre-date recent case law, and as such need to be reviewed using new data and specially developed models. Whilst the existing provisions in place at the WwTW remove the vast majority of phosphorous from waste water, a residual amount remains. Development which increases foul water flows to the WwTW will therefore also result in an increase of phosphorous discharges into the SAC.

There are sufficient provisions in place to ensure that development cannot start until sufficient information has been submitted to demonstrate that the proposed foul water drainage scheme will not give rise to an increase in phosphorous entering the SAC via condition 07 of the Outline Planning permission. Given that condition 07 requires that a foul drainage scheme be approved before development commences, the approval of this application for Reserved Matters will not, by itself, permit the implementation of the Planning permission and will therefore not give rise to an increase of phosphorous discharges into the SAC.

Other Matters: The application site includes an area of land not owned by the applicants but by the Council. The land in question is currently used as a parking area and is situated adjacent to no.1 Trevalyn Hall View. When Outline Planning permission was sought the then applicants correctly served notice on the Council. There is no suggestion in the details submitted that either the previous or current applicants were or are claiming the land as their own. The area of land in question is shown on the plan below as forming part of parking area:

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Approximately half of the land occupied by the proposed parking area is owned by the Council with the remaining half owned by the applicants.

The Council owned land is already used as a parking area and in its existing configuration is capable of accommodating no more than 4-5 vehicles. The above plan would allow the parking area to be extended onto land owned by the applicants to make provision for a total 13 parking spaces, a net increase of 8-9 spaces. The parking area would offer a number of benefits to the residents of Trevalyn Hall View. It could be utilised by parents picking/dropping off children attending at the nearby St Peter's Primary School thus reducing the potential for vehicles to park on roads in the vicinity of the school. It would also provide additional parking for residents of or visitors to the properties in Trevalyn Hall View.

The Outline Planning permission does not include any conditions to require the proposed parking area to be provided therefore the applicants are under no obligation to undertake the above works. The provision of the parking area would be subject to a separate agreement between the applicants and the Council, as landowner. There is no requirement for the applicant to demonstrate an agreement is in place in order for this application be approved. Notwithstanding the potential benefits outlined above, should approval to undertake the works not be forthcoming, any subsequent

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amendments to the layout of the site in Phase 1 would need to the subject to separate application.

CONCLUSION

The plans submitted with this Reserved Matters application will ensure an appropriate form of development is undertaken on site in terms of layout, form, open space provision and landscaping. The open space and landscaping will provide areas for informal recreation whilst also enhancing the biodiversity value of the site. Appropriate provision is also made for replacement tree and hedgerow planting, whilst ensuring the highest quality existing trees are retained. The development also accords with policies EC12 and TAN15 in respect of flood risk.

RECOMMENDATION: That the Reserved Matters be APPROVED

CONDITION(S)

1. The development shall be carried out in strict accordance with the following:
 - i. Drawing no. ROSSRD-SL.01 revision H
 - ii. Drawing no. ROSSRD-PP.01
 - iii. Drawing no. P.1416.20.01 Revision E Sheets 1-5.
 - iv. Drawing no. P.1416.20.02 Revision D Sheets 1-5
 - v. Schedule Reference ROSSRD-MS-01 Revision B
 - vi. Rossett Housetype Pack Revision A
2. Development shall not commence until details a scheme of flood attenuation basin in phase 2, including a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented as approved.
3. Within three months of the date of commencement of development a Landscape Management Plan, including long term management objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved in writing by the local planning authority. The landscaping shall be managed and maintained in strict accordance with the approved details.
4. No dwelling shall be occupied until it has been provided with a parking area in accordance with details down on drawing no. ROSSRD-SL.01 revision H. The parking area for each dwelling shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and of vehicles at all times.

REASON(S)

1. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

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2. To protect the development from flooding and to ensure that the increase in off-site flooding does not increase in accordance with policy EC12 of the Wrexham Unitary Development Plan.
 3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
 4. To provide for the parking of vehicles clear of the highway in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
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