

PLANNING STATEMENT

Erection of 92 Dwellings including provision of
Roundabout on Llay New Road, Internal Access Roads,
Public Open Space, Wildlife Area, Play Area and
Retention of Existing Footpath Route

Land off Llay New Road, Rhosrobin, Wrexham LL11 4RB

Prepared by
Nigel Thorns BSc(Hons) DipTP MRTPI

NigelThornsPlanningConsultancyLtd
CharteredConsultantTown&CountryPlanning

Watton, 22 Kingsland Road,
Shrewsbury, Shropshire, SY3 7LD
Tel 01743 343660
Mobile 07791316173
Email nigel@nigelthorns.co.uk

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Document 1

Wrexham County Borough Council pre application response dated 2nd June 2021

Document 2

Development Programme Timetable

1. Introduction

This report considers the planning issues associated with the planning application on Land off Llay New Road, Rhosrobin, Wrexham LL11 4RB.

The application proposes:

Erection of 92 Dwellings including provision of Roundabout on Llay New Road, Internal Access Roads, Public Open Space, Wildlife Area, Play Area and Retention of Existing Footpath Route

The application is submitted on behalf of the SG Estates Ltd.

2. Site and Context Analysis

The site lies within the settlement of Rhosrobin around 1½ mile to the north west of the centre of Wrexham.



The site is irregular in shape with a wide frontage onto Llay New Road which tapers to the east. The land is split into 4 parcels of land as shown on the aerial photograph above, and is predominantly semi improved grassland which are separated by a combination of hedgelines and post and wire fencing.

The land is generally flat and is bisected by a public footpath running from Llay New Road (opposite Rhosrobin Road) to Plas Acton Road (adjacent to The Mews) shown with the orange dashed line.

The site has clear and defensible boundaries and the following uses/features surround the site

- Llay New Road runs along the western boundary, with Rhosrobin beyond
- A rectangular paddock to the north west
- Wrexham Cemetery to the north with Plas Acton Road beyond this
- Pandy Business Park and Car Sales Garages to north of Plas Acton Road
- Pandy Farm and The Mews in the north eastern corner of the site
- Railway line along the south eastern boundary with fields beyond
- Church Lea to the south a private cul-de-sac of 6 houses

3. Planning Policy

3.1 Unitary Development Plan 1996 – 2011

The Development Plan for the area is the Wrexham County Borough Unitary Development Plan 1996 – 2011 which was adopted in February 2005. The following policies are relevant:

- PS1 Strategic Policy
- PS2 Strategic Policy
- PS3 Strategic Policy
- PS4 Strategic Policy
- GDP1 Development Objectives
- GDP2 Infrastructure
- CLF5 POS
- EC1 Green Barrier
- EC2 Agricultural Land
- EC4 Trees and Development
- EC6 Biodiversity Conservation
- EC13 Surface Water Management
- H5 Housing in the Countryside
- H7 Affordable Housing
- CLF5 POS
- T8 Parking
- T9 Access
- MW9 Mineral Resources

The UDP shows the whole of the application site situated outside of the settlement limits and within the Green Barrier.

However the site lies adjacent to the built up edge of Rhosrobin to the west (Inset Map 5), the development boundary of Wrexham to the south (Inset Map 1 Rhosddu) and the development boundary of Wrexham to the north east (Inset Map 1 Pandy)

The following Local Planning Guidance Notes are also relevant

- LPG 10 Public Open Space (POS)
- LPG 16 Parking
- LPG 17 Trees and Development
- LPG 21 Space around Dwellings
- LPG 27 Contributions to Schools
- LPGN 28 Affordable Housing
- LPG 32 Ecology

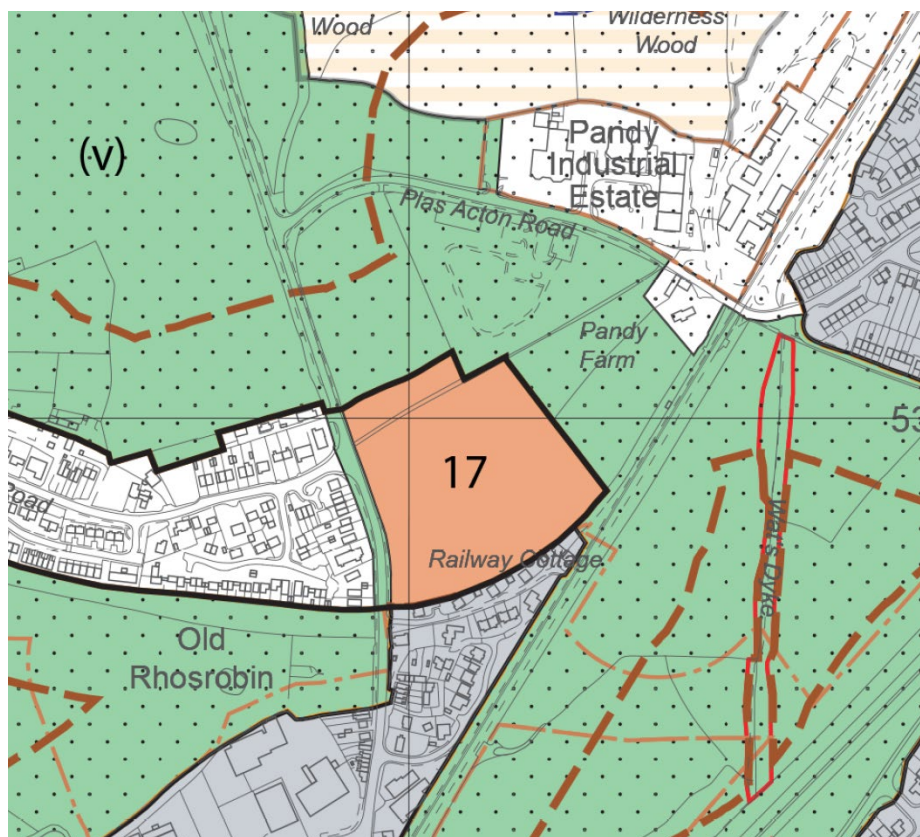
3.2 Emerging Local Development Plan (LDP2)

The LDP2 was submitted to the Welsh Government and PINS on 30th November 2018 and the Examination took place in 2019.

The site is shown as an allocated site within 'Policy H1: Housing Allocations' within the LDP2 Deposit Plan.

The site lies within a Tier 4: Minor Village and is identified as Housing Allocation No17 with the potential for 79 units to be provided within the LDP2 period of 2013 to 2028.

The site is shown on Inset Plan 5 and an extract is shown below:



Background Paper 08 was presented to the Examination in 2019 to provide a health check of the Housing Trajectory which takes account of evidence that had come to light since January 2018. Site 17 was included as an available housing allocation which the Council support.

The proposal fits within the sustainable principles, preferred strategy and the wider policies of LDP2.

The LDP2 post examination process is ongoing and it is anticipated that the Plan will be adopted in 2022.

3.3 Other Material Considerations

Other material considerations will include:

- Planning Policy Wales (PPW) Edition 11 February 2021
- Technical Advice Notes (TANs):
 - TAN 2 Planning and Affordable Housing
 - TAN 5 Nature Conservation and Planning
 - TAN 12 Design
 - TAN 18 Transport

4. Planning Issues

4.1 Pre-Application Discussions

The applicant has engaged with Wrexham County Borough Council to seek advice on the acceptability of a planning application on the site. The response dated 2nd June 2021 is attached as Document 1 and sets out the Council's view towards the development of the site. Importantly the summary reads:

"Whilst representing a clear departure from the policies of the adopted UDP, the development of the site is justified in this instance due to the lack of housing land supply in Wrexham and the sustainable location of the site"

The content of the planning application responds to the issues raised within the pre application decision letter.

4.2 Local Plan Position

The scheme is contrary to the policies within the Wrexham Unitary Development Plan (UDP) 1996 to 2006. The site lies outside any recognised settlement boundary and lies within a Green Barrier.

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

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

It is clear that the existing UDP is not up to date, and there are also significant material considerations which weigh in favour of granting planning permission which can be listed as:

- the need to increase housing supply due to a shortage of land genuinely available for housing (see 4.3 below)
- the presumption in favour of sustainable development
- the key Green Barrier break between the settlements Rhosrobin and Pandy is maintained by the proposed open space/wildlife area
- the land does not project into wider countryside
- the land is divorced from useable agricultural land
- the site is allocated housing site 17 within the emerging LDP2

- given that the LDP2 has been through the Examination process and is now close to adoption, the LDP2 (and the associated site allocation 17) should be attached significant weight

Whilst representing a clear departure from the policies of the adopted and out of date UDP, the development of the site is justified in this instance due to the specific reasons noted above

4.3 Housing Land Supply

In March 2020 TAN 1 Joint Housing Land Availability Studies was revoked and the 5 year housing land supply section of PPW replaced by an interim policy statement. This effectively removed the 5 year housing supply policy and replaced it with a new method of monitoring housing delivery based upon trajectories set out in the LDP. These changes to PPW and revocation of TAN 1 have not reduced the importance of delivering new housing, just the way delivery is planned, measured and monitored. In fact PPW as revised stated that "Under delivery against the trajectory may require a specific early review of the development plan." This is a clear indication that Welsh government is committed to ensuring that the planning system delivers the housing we need and that under delivery is a material consideration.

Recent appeal decisions most notably Vicarage Lane in Gresford would indicate that until the LDP is found sound then it cannot be concluded that the Council is taking reasonable and timely steps to remedy the lack of housing delivery. This weighs heavily in support of this application. Whilst the weight to be given to the under delivery of housing is now a matter for the decision maker and will depend on the circumstances of each case, the fact that there remains a significant shortfall in Wrexham and the length of time there has been one weighs heavily in favour of bringing this proposed allocation forward.

In this case the shortfall is significant both in terms of quantum and the amount of time that the housing land supply has been inadequate. The evidence would indicate that there has been a persistent under delivery in the supply of housing over the last decade and this is likely to continue given the trends in completion rates in comparison with LDP trajectories.

Whilst Wrexham LDP has yet to be adopted, the UDP remains the operational development plan for the County Borough. This Plan however expired in 2011 with much of the evidence underpinning it now at least 20 years old. The UDP strategy including settlement limits and green barriers are therefore fundamentally out of date and although being a starting point for the consideration of planning applications can no longer be afforded full weight. Paragraph 9.4.9 of the Development Management Manual does however acknowledge that the evidence underpinning an emerging LDP could be used as material consideration when making planning decisions.

The deposit LDP identifies a requirement for 7750 homes to be built over the 2013-28 Plan period. No indication has been provided by the Inspectors that this is too high. They actually sought clarification and justification as to why this figure had been reduced from the 10650 set out in the Preferred Strategy. It therefore appears extremely unlikely the LDP inspectors will seek to impose a lower housing requirement of 7750.

The need to deliver 7750 homes by 2028 equates to an annual average requirement for 517 dwellings over the whole of the Plan period. The actual rate of completions over the 2013 - 2021 period has been less than half this as shown below:

Number of Homes Completed Annually					
Year	Large Sites	Small Sites	Total Completions	Total Affordable Housing Completions	AH Secured through S106 Only
2007	750	198	948		
2008	490	116	606		
2009	296	157	453		
2010	138	105	243		
2011	210	95	305		
2012	356	77	433		
Wrexham LDP 2013 -2028 Plan Period					
2013	175	64	239	11	11
2014	151	64	215	64	42
2015	160	75	235	30	10
2016	132	67	199	42	0
2017	232	96	328	50	20
2018	119	103	222	17	15
2019	291	71	362	119	53
2020	130	68	198	14	10
2021	140	62	202	58	58

This amounts to a persistent and considerable under supply of housing in every one of the past 8 years. This can only be addressed by additional land being brought forward for development and it is clear this requires a considerable release of land outside settlement limits.

The applicants are committed to developing this site as soon as possible and have provided a timescale illustrating its delivery. This is attached as Document 2 and demonstrates the developer's commitment to bringing the site forward which will make a significant contribution towards addressing the current under supply of housing in Wrexham.

Following the grant of planning permission a number of matters will require finalising prior to commencement, including the discharge of conditions and legal agreements. Our intention is to submit the application now to receive an early determination following the adoption of the LDP.'

4.4 Sustainability of the Settlement

The site lies within the settlement of Rhosrobin and close to the centre of Gwersyllt. Within a short walking distance of the site are the following services and facilities:

Retail Uses

Rhosrobin Stores lies around 150m from the site entrance. This provides general provisions and newsagents.

The wider area includes a wide range retail uses within easy walking distance including a Lidl supermarket, Tesco supermarket, Iceland supermarket, Newsagents, Inspire Hair & Beauty Station, Fish Bar, (along with many other retail uses in the centre)

Services and Facilities

Gwersyllt Dental Practice

Pen Y Maes Health Centre, Gwersyllt

Daleside Veterinary Group, Rhosrobin (opposite the site)

Schools

The following schools lie nearby:

Ysgol Bryn Alyn (Secondary),

Gwersyllt Junior C.P. School (Primary),

Ysgol y Gaer Infants School (Primary),

Ysgol Heulfan CP (Primary),

Ymlaen (Special Education),

Gwersyllt Support Centre (Special Education)

Employment Uses

There are a wide range of employment uses in the vicinity of the application site which include

Rhosddu Industrial Estate, Rhosrobin LL11 4YL (200m south)

Plas Acton Road Car Showrooms, Pandy, LL11 2UA (50m north)

Pandy Business Park, Plas Acton Road, Wrexham, LL11 2UD (20m east)

The nearby services and facilities ensure that the site is in a highly sustainable location

4.5 Extent of the Site and Defensible Boundaries

The site is contained by the following natural/built features:

- **North**
mature hedgeline with neighbouring agricultural land and the Cemetery and Plas Acton Road beyond

- **North East**
mature hedgeline, residential properties of The Mews and Pandy Farm and Plas Acton Road beyond
- **East**
mature hedge line and the Railway Line
- **South**
residential development of Church Lea
- **West**
mature hedgeline fronting Llay New Road with properties within Rhosrobin beyond

Critically the site does not project into an area of unbounded open countryside and is contained by clear physical/built features which form clear and defensible boundaries.

The site does not project into open countryside and would form a natural rounding off of the settlement in this location.

4.6 Visual Impact

There are no longer distant views of the site due to the topography, high and mature hedgelines and the existing development surrounding the site.

Views of the site tend to be close ranging in key locations around the site. However even these have limited views into the site due to the high and mature hedgeline around the perimeter of the site.

The scale of change is limited and the adverse effect of the development to the landscape is low/slight.

The opening up and landscaping around the site entrance along with the open space within the site would create a far more open vista into and through the site. This would create a low/slight beneficial impact.

On this basis the proposed development will not have a detrimental impact upon the landscape setting of the site and the scheme meets to relevant policies of the Development Plan and Planning Policy Wales.

4.7 Open Space

The requirement for open space is set out within 'Local Planning Guidance Note No 10 - Public Open Space' and is set at a rate of 0.4ha per 50 dwellings.

The Proposed Site Plan demonstrates that an appropriate level of open space can be provided in line with the guidance within LPGN 10 - Public Open Space in New Housing Developments.

The 92 dwellings require a provision of 0.7452ha (0.4ha/50 dwellings = 81sqm/dwelling = 81sqm x 92 dwellings).

The scheme shows a variety of open space areas throughout the site as follows:

Public Open Space	1.062ha
Play Area	0.040ha
Footpath	0.085ha
Wildlife Area	0.487ha
Pond	0.093ha
	1.767ha

The scheme provides 237% of the required open space across the site. Particularly the scheme provides significant areas of open space:

- On the eastern area providing open space, a play equipped area, pond (infiltration basin), woodland and mitigation and wildlife areas
- along the key vehicular route through the site in order to create a sense of space within the development
- along and adjacent to the public footpath through the site in order to ensure the route remains an attractive feature within the site
- on the western boundary of the site with Llay New Road

Overall the scheme meets the standards of the LPGN 10 requirement by providing significantly more than the necessary open space across the site.

4.8 Ecology

In order to assess the site and determine the possible impacts upon biodiversity, a Phase I Habitat Survey Report has been prepared by Ecological Design Consultant of The Cottage, Bodrhyddan Hall, Rhuddlan, Denbigshire LL18 5SB.

The Report forms part of the planning application submission and the conclusions and recommendations of the report will guide the construction process and timings on site.

The conclusion reads:

It is therefore the surveyor's opinion that the proposed development proposals are considered to be negligible, but with a good landscaping showing increased species diversity this could show slight beneficial gain through appropriate management and is likely to have no long-term

impact on the favorable conservation status of locally recorded protected species, or their ecological functionality if the works are carried out in accordance with the recommendations given within this report

The scheme will meet the guidance within Technical Advice Note 5 Nature Conservation and Planning (2009)

4.9 Trees

Local Planning Guidance Notes No 17 - Trees and Development relates to the protection of trees and highlights the benefits of trees as an integral part of development design.

An Arboricultural Impact Assessment has been provided by Tree Solutions (Arboricultural Consultants) of 5 Orchard Close, Chester, Cheshire, CH2 2JD and this is submitted as part of the planning application documentation.

The submitted scheme reflects the recommendations of the Arboricultural Impact Assessment and the layout demonstrates that the scheme can be accommodated on the land whilst retaining all significant trees and hedges within the site.

The retention of the key trees and hedgelines will assist in biodiversity and wildlife promotion and also to help in the assimilation of the scheme into the existing landscape.

4.10 Landscaping

As a requirement of Planning Policy Wales – Edition 11 – 2021 any loss of biodiversity habitats or species is to be offset by enhancement as a material requirement

The principles of the landscape scheme are shown on the Proposed Site Plan Drawing SGE1.TMJ-05 with new hedgerows, trees and grassed areas.

It is anticipated that the landscaping details (planting species and schedules) would be required by way of a planning condition along with the necessary landscape management plan.

4.11 Impact Upon Neighbouring Properties

The scheme has been designed to comply with the requirements within the guidance contained within LPGN 21 'Space around Dwellings' with regards to separation distances to secure a good standard of amenity for both the existing residents around the site and the future occupiers of the development.

The application site is bounded by existing dwellings on 3 sides and the impact upon these is considered below:

Pandy Farm and The Mews to the East

Between these properties and the proposed dwellings is a large area of open space.

Church Lea to the South

The properties along Church Lea face east/west parallel with the access driveway. This means that these houses do not look directly over the land, but look along its southern boundary, parallel with it. The new properties along this southern boundary have been positioned to avoid any direct overlooking.

Properties along New Llay Road

These properties are on the western side of New Llay Road and face across towards the site. However given the intervening highway, the closest relationship (existing house to proposed house) is around 28/30m with most being around 35m+.

The dwellings have been positioned and orientated to ensure that there is no material impact upon the existing residential properties around the site.

In addition the site has been designed to ensure the internal arrangements of buildings and spaces meet the requirements of LPGN 21.

The scheme has followed guidance within LPGN 21 - Space around Dwellings, provides a good solution to the site constraints and will not materially impact upon any neighbouring property.

4.12 Drainage

The Drainage Strategy has been prepared by Waterco of Eden Court Lon Parcwr Business Park, Ruthin, Denbighshire, North Wales, LL15 1NJ.

The surface water will be dealt with via infiltration and a cellular soakaway system as specified within Drawing 21148/100/1 prepared by REFA Consultant Engineers of 45 Bridgeman Terrace, Wigan WN1 1TT.

There is a foul main sewer which runs alongside and through the application site. A hydraulic modelling assessment has been provided to inform the specification of the additional foul drainage infrastructure required to enable the development to proceed which has been agreed with Welsh Water. Foul water from the properties will therefore drain to this foul main sewer with the point(s) of connection agreed with Welsh Water.

4.13 Flood Risk

A floodplain is the area that would naturally be affected by flooding if a river rises above its banks, or high tides and stormy seas cause flooding in coastal areas.

The site is shown to be outside the Natural Resources Wales Indicative Floodplain which shows the risk of less than 0.1% annual probability flooding and an extract of the mapping is shown below.



There will be no detrimental impact upon any future occupiers of the development through flood risk and the development of the site will not result in the loss of flood storage capacity

The development fulfils the criteria within Technical Advice Note 15 Development and Flood Risk.

4.14 Affordable Housing

Policy H7 of the UDP requires an element of affordable housing to be provided on developments of 25 or more dwellings.

The Council will normally expect that 25% of the total site capacity to be provided as affordable housing and the Local Planning Guidance Note 28 Affordable Housing amplifies the UDP policy.

As the scheme proposes 92 dwellings, the UDP policy requires the provision of 23 affordable dwellings within the site and these would be secured by a Planning Obligation.

The affordable units are shown on the schedule attached to the Proposed Site Plan Drawing SGE1.TMJ-05 as follows:

- 6no 1 bed ground floor apartment @473sqft

- 6no 1 bed first floor apartment @576sqft
- 11no 2 bed terraced house @711sqft

In addition the pre application response from Wrexham County Borough Council dated 2nd June 2021 (attached as Document 1) states that:

“The submitted plans show 24 affordable dwellings which equates to 25% of the total number of dwellings to be built, therefore the proposals accord with the requirements of policy H7 and LPG28. The affordable housing provision will be secured by Planning Obligation. The majority of the affordable houses will be grouped together rather than being distributed throughout the development as advised by LPG28. Nevertheless the affordable houses are an integral part of the development rather than being distinctly separate and are of the same standard of design as the market houses. As such the fact that they are not more widely distributed will not result in future occupiers being physically or socially excluded”

The scheme meets the requirements of Policy H7 of the UDP, Local Planning Guidance Note 28 Affordable Housing and TAN 2 – Planning and Affordable Housing.

4.15 Vehicular Access

A Transport Assessment along with a Travel Plan has been prepared by Cameron Rose Associates of 10 King Street, Newcastle Under Lyme ST5 1EL which deal with the issues of access and accessibility and these are submitted as part of the planning application documentation.

The access proposals including the roundabout are specified and discussed within the reports. The Travel Plan seeks to encourage and maximise travel to the site by alternative travel modes to the private car.

The Transport Assessment and Travel Plan demonstrate that the access to the site along with the surrounding highway network is capable of accommodating the traffic associated with the proposed 92 dwellings and that the development is sustainable.

4.16 Parking

The scheme proposes a mix of 1, 2, 3 and 4 bedroom houses and LPGN 16 sets out the necessary parking standards. The issue of parking is considered within the Transport Plan at section 3.3. In particular the report states at paragraph 3.3.3 that:

“As stated in the previous section, it is evident that the development is accessible to pedestrians, cyclists and users of public transport. Bus stops are located on the B5425 Llay New Road within 400 metres of the site

and there are numerous local facilities located with an acceptable walking and cycling distance of the site. It is therefore considered that providing parking below the maximum parking standards stated below is justified”

Along with the parking spaces and garages (where appropriate) allocated to each property, there are also 14 visitor parking spaces across the site to assist with on site parking.

4.17 Existing Footpath

The existing footpath within the site which links Llay New Road with Plas Acton Road would be retained within the development.

The route of the footpath would remain as existing and the landscaping would ensure that the route remained an attractive walkway through the site.

In addition the new dwellings along the footpath will provide surveillance and security to the route making it more attractive and safe for users.

4.18 Agricultural Land Classification

Soil Environmental Services Limited provided an ‘Agricultural Land Classification’ and the document is submitted as part of the planning application documentation. The report explains that the land has an Agricultural Land Classification of 3a and 3b (with 1 being excellent quality and 5 being poor quality). The report concludes that:

Given that a large proportion of the site is not of the ‘Best Most Versatile’ agricultural land, and the restricted access currently available, it is unlikely that this site would be used in arable production.

In addition the pre application response from Wrexham County Borough Council dated 2nd June 2021 (attached as Document 1) states that:

“PPW advises that high quality agricultural land (Grades 1, 2 and 3a) should only be developed if there is an overriding need for the development. In this particular case there is an overriding need for additional housing land in the County Borough. The land is also physically divorced from other agricultural land in the locality therefore its development will not prevent or compromise the continued use of any other land for agricultural purposes”

4.19 Archaeology

Previous discussions with Officers of Wrexham Council regarding the issue of Archaeology determined that there were no features of interest recorded within

the local area and so no archaeological investigation was considered necessary.

However the recent pre application consultation, Clwyd-Powys Archaeological Trust (CPAT) of Welshpool and CADW of Cardiff specified that any planning application would need to be accompanied by an assessment of the impact of the proposed development on the setting of the scheduled monument DE151 Wat's Dyke that will need to be prepared by a competent and qualified historic environment expert in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Historic Assets in Wales (2017).

A Report has been prepared by TigerGeo - Environmental Geophysics, Survey and Research Consultancy and is submitted as part of the planning application submission.

4.20 Minerals

The site lies within an area for the 'Protection of Mineral Resources' covered by Policy MW9 of the Wrexham County Borough Unitary Development Plan 1996 – 2011 adopted in February 2005. However, due to the size of the site area there are no commercially viable minerals that could be won by surface extraction methods from within the site. The deposit of sand and gravel is too small to warrant commercial extraction and the surrounding uses (cemetery, railway line and dwellings) ensure that the working of minerals would be unfeasible.

Whilst part of the land is allocated as Policy MW9 land within the Wrexham County Borough Unitary Development there are no viable minerals within the site.

In addition the pre application response from Wrexham County Borough Council dated 2nd June 2021 (attached as Document 1) states that:

"The north-eastern quarter of the site is subject to policy MW9. The policy applies to areas where there are potentially exploitable mineral reserves and states that non-mineral development will not be permitted unless it has been demonstrated that no exploitable mineral reserves existing within the site. Alternatively a development must make provision for the removal of the mineral resources.

In this particular case only a relatively small part of the site is covered by policy MW9. Furthermore the land in question is bounded by Plas Acton Cemetery, the Wrexham to Chester Railway line and residential properties The Mews and Pandy Farm. Accordingly it would not be feasible to work those minerals even if the site were not to be developed, and I would not consider it necessary to require compliance with the requirements of policy MW9 in any future planning application"

4.21 Noise

The pre application letter from the Council dated 2nd June 2021 indicated that there were a number of plots close to the boundary with the Wrexham to Chester railway line which could be exposed to higher levels of noise. Therefore the submission of a noise assessment together with details of any mitigation that may be needed would be required.

Hepworth Acoustics of 21 Little Peter Street, Manchester M15 4PS have provided a Noise Assessment and this is submitted as part of the planning application documentation.

This concludes by stating that railway noise levels are fairly modest and the garden areas to each of the new dwellings would not be impacted.

However due to the elevated peaks of noise during the passage of trains at night, some modest sound insulation measures are warranted for the most exposed dwellings. Based on the noise survey results, standard thermal double glazing (4mm glass – 4mm glass) will be adequate for living rooms and bedrooms for all dwellings on the site. However, due to short-term peaks of noise from passing trains at night, it would be necessary to install specialist acoustic vents instead of standard window frame trickle vents in the bedrooms of a small number of plots shown in the report.

Subject to the recommendations within the report there would be no noise issues for future occupiers.

DANIEL ANDREWS

By email: dan.andrews@sgestates.co.uk

Your Ref/Eich Cyf

Our Ref/Ein Cyf

Date/Dyddiad

Ask for/Gofynner am

Direct Dial/Rhif Union

E-mail/E-bost

ENQ/2021 /0103

02/06/2021

Sharon Holman

01978 298779

sharon.holman@wrexham.gov.uk

Dear Sir/Madam,

Town and Country Planning Act 1990

RESIDENTIAL DEVELOPMENT FOR 96 UNITS

LAND OPPOSITE ST PETERS CLOSE OFF LLAY NEW ROAD , RHOSROBIN, WREXHAM.

National Planning Policy:

Planning Policy Wales (PPW) Edition 11

Technical Advice Notes (TANs):

- TAN 2
- TAN 5
- TAN12
- TAN18

Development Plan Policies:

Wrexham Unitary Development Plan (UDP) - Outside of settlement limit, within Green Barrier.

- PS1 Strategic Policy
- PS2 Strategic Policy
- PS3 Strategic Policy
- PS4 Strategic Policy
- GDP1 Development Objectives
- GDP2 Infrastructure
- CLF5 POS

*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.*

- EC1 Green Barrier
- EC2 Agricultural Land
- EC4 Trees and Development
- EC6 Biodiversity Conservation
- EC13 Surface Water Management
- H5 Housing in the Countryside
- H7 Affordable Housing
- CLF5 POS
- T8 Parking
- T9 Access
- MW9 Mineral Resources

Local Planning Guidance Notes:

- LPG10 Public Open Space (POS)
- LPG16 Parking
- LPG17 Trees and Development
- LPG21 Space around Dwellings
- LPG27 Contributions to Schools
- LPGN28 Affordable Housing
- LPG32 Ecology

Relevant Planning History

P/2014/0480 Erection of 117 Dwellings – Refused on 03/11/2014
Appeal Dismissed – APP/H6955/A/14/2229480

P/2014/0870 Erection of 111 Dwellings – Refused 02/02/2015
Appeal Withdrawn on 13th August 2015. – APP/H6955/A/14/2229480

UDP Policy

PS1, PS2, PS3, PS4, H5 – General Development Principles

The proposals do not accord with any of the circumstances set out in policy H5 that permit small scale residential development on sites outside of settlement limits. In addition to lying outside of the settlement boundary the site lies within a Green Barrier and the development will lead to the irreversible loss of land that has an Agricultural Land Classification of Grade 3a (75% is classified as Grade 3a with the remainder Grade 3b), thus the proposals conflict with both policies EC1 and EC2.

Ordinarily I would recommend planning permission be refused for proposals that represent such a clear and (given the number of dwellings proposed) significant departure from UDP policies however the Council is only required to determine planning applications in accordance with an adopted development plan ***unless material considerations indicate otherwise.***

*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.*

Planning permission for residential development on this site has twice been refused on the grounds that it is outside of the settlement limit and within the Green Barrier as defined by previous development plans. Whilst the previous site history is a material consideration it does not automatically mean that a new application cannot be supported. Any future application will be considered in light of current local and national planning policies and the current circumstances. The Council will consider whether the need to increase the supply of housing land and the merits of an individual proposal justify departing from the provisions of an adopted development plan.

There must be exceptional circumstances to justify the release of Green Barrier land for development. There is a considerable shortage of land genuinely available for housing in the County Borough. Indeed the need to provide additional land for housing is now greater than when the previous applications were refused. This is, in my opinion, a valid reason for a favourable consideration to the release this land for residential development.

As noted above PPW includes a presumption in favour of sustainable development. The site is in a broadly sustainable location in that it is passed by regular bus services between Wrexham and Llay via Gwersyllt. It is also 1km from Gwersyllt district shopping centre and 1.2km from Gwersyllt railway station – both capable of being accessed by the bus services passing the site.

Many of the settlements/areas in the County Borough that can be considered sustainable are either partially or wholly bounded by Green Barriers. It will therefore be extremely difficult to significantly increase the supply of housing unless some exceptions to the current UDP policies are made in appropriate cases.

The site lies within a Green Barrier that separates Old Rhosrobin, New Rhosrobin and Pandy and is bounded by:

- Llay New Road to the west. New Rhosrobin lies on the opposite site of the road;
- by Plas Acton cemetery to the north;
- by the residential properties of 1-4 The Mews and Pandy Farm to the north-east;
- by the Wrexham to Chester railway line to the south-east; and
- by Old Rhosrobin to the south (including the comparatively recent development of Church Lea).

The existing development and transport infrastructure bounding the site mean that the proposed development will not project into the wider rural landscape. Furthermore the site does not extend further northwards into the Green Barrier than existing built development in New Rhosrobin directly opposite. As such the site can be considered a logical extension to the existing built up area.

PPW advises that high quality agricultural land (Grades 1, 2 and 3a) should only be developed if there is an overriding need for the development. In this particular case there is an overriding need for additional housing land in the County Borough. The land is also physically divorced from other agricultural land in the locality therefore its development will not prevent or compromise the continued use of any other land for agricultural purposes.

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GDP1 – General Layout

The development will provide 1, 2, 3 and 4 bedroom dwellings. There is a sufficient mix of house types to give design interest and variation in appearance whilst also providing strong built frontages within the site.

The layout of the development ensures that there will be high levels of natural surveillance of highways, pedestrian footpaths, parking areas and areas of public open space. Where rear garden areas adjoin the highway or areas of public open space the boundaries will be enclosed by walls and/or hedges to deter unwanted access. I am therefore satisfied the development complies with the principles of secure by design.

A number of plots adjoin or are close to the boundary with the Wrexham to Chester railway line and therefore could be exposed to higher levels of noise. The submission of a noise assessment together with details of any mitigation that may be needed will be required by condition should a formal application be supported.

Any proposed site layout should accord with the guidance contained within LPGN 21 'Space around Dwellings' with regards to separation distances to secure a good standard of amenity for the future occupiers of the development in terms of private outdoor space and natural daylight and privacy to these areas, and to habitable rooms. The submitted site layout at broadly consisted with these requirements.

Care should be taken when considering the planting and boundary treatment scheme for the site to ensure that tree planting does not deprive habitable rooms of natural daylight or restrict outlook from these rooms. Boundary treatments will also be key to the integration of the development, and scale and design should be appropriate for the area to make a positive contribution to the character and appearance of the area.

I have yet to see any proposed house types, but would advise at this stage that blank side elevations should be avoided and a good level of detailing is required to reduce expanses of brickwork. A variety in the materials of construction is also required.

H7 – Affordable Housing

As the scheme is for more than 25 units, current advice in LPG 28 sets a requirement of 25%. I would advise that you contact the Housing Department at WCBC to discuss the proposed type, location and bedroom numbers. The relevant officer is Mr Andrew Harradine, who can be contacted by email at: Andrew.harradine@wrexham.gov.uk I refer you also to LPGN 28.

The submitted plans show 24 affordable dwellings which equates to 25% of the total number of dwellings to be built, therefore the proposals accord with the requirements of policy H7 and LPG28. The affordable housing provision will be secured by Planning Obligation.

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The majority of the affordable houses will be grouped together rather than being distributed throughout the development as advised by LPG28. Nevertheless the affordable houses are an integral part of the development rather than being distinctly separate and are of the same standard of design as the market houses. As such the fact that they are not more widely distributed will not result in future occupiers being physically or socially excluded.

GDP2 – Contributions to Schools

The education department were consulted as part of the 2014 planning applications, and we were advised that no contributions to schools were required at that time. Due to the passage of time, they may be a requirement now to make contributions, and I advise that you contact Paula Parry, Acting and School Places Lead, to establish what contributions may be required, at: paula.parry@wrexham.gov.uk I refer you also to LPGN 27. Any school contributions will be secured by Planning Obligation.

CLF5 – Public Open Space (POS)

POS will need to be provided at a rate of 0.4ha per 50 dwellings. I refer you to LPGN 10 and advise any application is supported by a full assessment as to how these requirements have been met within the application site. Details are required of the proposed Local Equipped Area of Play (LEAP). The open space provision shown on the submitted plan strikes an appropriate balance between areas of formal and informal recreation whilst also contributing significantly towards the appearance of the development.

The following advice was provided by the Parks, Countryside, Rights of Way Manager, as part of the 2014 planning applications.

- Keen to avoid high fences next to Gwersyllt Footpath 30;
- Open space adjacent to the footpath will provide a more open feel to the route. Keen to avoid high fences adjacent;
- No trees or hedges should be planted within 3 metres of the footpath as it creates a maintenance responsibility for the landowner that is not always carried out and can lead to problems for Rights of Way enforcing this responsibility;
- Plas Acton Cemetery adjacent to the site by its nature is a sensitive site. It is important the housing development provides some space between the cemetery and houses;
- There is a lack of play areas in this neighbourhood. A new play area is needed for such a large development and this needs to site within a large area of public open space to allow children freedom to play. This large area of open space needs to be in a central location, be landscaped with trees, with some wildflower meadow sowing in some areas and be flexible enough for a variety of recreational uses.

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T8 and T9 – Parking and Access

Parking is required in accordance with the Council's current standards set out in LPG 16. PPW sets out Welsh Government policy which requires the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of private motor vehicles (para 4.1.11 PPW10). This is a key principle in considering and determining planning applications (para 4.1.13). Furthermore, the application should show how the scheme accounts for the sustainable transport hierarchy (para 4.1.17). I have consulted with the highway authority but have yet to receive a response. I will forward this to you, once I receive it.

GDP1 and EC13 Drainage

As part of any formal application, there is a need to demonstrate a scheme of drainage can be achieved that will comply with the Welsh Ministers Statutory Standards for SuDS. Full consideration should be given to this requirement at the earliest stage within the design process. Additional advice can be obtained via the WCBC SAB pages at: <https://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>

The application site is within the catchment of the River Dee and Llyn Tegid SAC. On 21 January 2021, NRW published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, NRW issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC.

Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. NRW also issued Interim Planning Advice, which gives specific advice in respect of foul drainage arrangements for new developments.

This development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site. As such, I refer you to NRW's Interim Planning Advice - <https://cdn.cyfoethnaturiol.cymru/media/693022/interim-planning-advice-following-river-sac-compliance-report.pdf?mode=pad&rnd=132557132220000000>

The carriageway realignment required to form the site entrance roundabout may impact upon Dee Valley Water mains in the existing highway. I recommend that you contact Dee Valley to discuss the need for any water mains details.

Welsh Water initially objected to the previous applications on the grounds that the development would overload the existing sewerage system. A hydraulic modelling assessment was submitted to inform the specification of the additional foul drainage infrastructure required to enable the development to proceed.

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Accordingly Welsh Water withdrew their objection and recommended that a 'Grampian' style condition be imposed to prevent development commencing until a scheme for the provision of foul drainage infrastructure has been agreed. The condition will likely be attached to any planning permission which will prevent any dwelling being occupied until an approved foul drainage infrastructure scheme has been implemented in full. .

EC4 – Trees and Landscaping

In terms of trees and planting, in general the layout is acceptable and potentially provides some good landscape features, POS and green connectivity across the site. There are existing trees and hedgerow features across the site and these would need to be assessed in accordance with BS5837:2012. A full arboricultural survey – including an impact assessment – undertaken by a qualified arborist in accordance with BS5837:2012, is required as part of any formal submission. This would assist in identifying all trees suitable for retention and any potential issues of conflict or nuisance which may arise in the future due to the provision of inadequate clearances between structures and retained trees.

The scheme will need to provide a net gain in biodiversity and a minimum increase in canopy cover of 20% in accordance with WCBC Tree & Woodland Strategy. Any loss of hedgerow would require mitigation across the site.

The existing public footpath/cycleway running from east to west should be enhanced further through increasing the proposed width from 3.0m to a minimum of 5.0m allowing then for the allocation of space for landscaping and screening to provide a more pleasant pedestrianised route across the whole site.

Consideration should be given to providing a functional and appropriate landscaping scheme for the proposed roundabout.

Sufficient verge width is shown parallel to the primary access road through the site providing good visual and pedestrian linkage to the POS/Mitigation Land. However, to provide pedestrian traffic with suitable screening from vehicles and emissions, would be advisable to provide a landscape buffer, consisting of a native hedgerow for example, separating the footpath as shown from the vehicular highway. Additional tree planting could then be located between the footpath and residential boundaries.

A landscape management plan will be required.

MW9 – Minerals

The north-eastern quarter of the site is subject to policy MW9. The policy applies to areas where there are potentially exploitable mineral reserves and states that non-mineral development will not be permitted unless it has been demonstrated that no exploitable mineral reserves existing within the site. Alternatively a development must make provision for the removal of the mineral resources.

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In this particular case only a relatively small part of the site is covered by policy MW9. Furthermore the land in question is bounded by Plas Acton Cemetery, the Wrexham to Chester Railway line and residential properties The Mews and Pandy Farm. Accordingly it would not be feasible to work those minerals even if the site were not to be developed, and I would not consider it necessary to require compliance with the requirements of policy MW9 in any future planning application.

EC6 – Ecology

The Council's ecologist has been consulted and I will forward any response to you, once received. You can alternately contact Emma Broad directly by email at: emma.broad@wrexham.gov.uk

I note at this that the proposed development site is a proposed LDP allocation for 79 units, and that the additional 17 units now proposed utilises some of the land previously shown as newt mitigation as POS. The proposed POS/mitigation/SUDs land is within the proposed LDP Green Wedge which is acceptable in principle, and to some extent it secures the Green Wedge in perpetuity. Whether the newt mitigation area proposed is sufficient in size is something that requires the advice of the Council's ecologist.

Summary

Whilst representing a clear departure from the policies of the adopted UDP, the development of the site is justified in this instance due to the lack of housing land supply in Wrexham and the sustainable location of the site. Whilst the proposed layout plan appears to show an acceptable form of development, the advice of the Council's ecologist and of the highway authority are required before I can confirm if such an application can be supported.

I trust the above is of assistance however please note that my comments are made without prejudice to the determination of any formal application that may be submitted.

Yours faithfully,



Prif Swyddog Cynllunio a Rheoleiddio/Chief Officer Planning and Regulatory

Development Programme Timetable

see left column for timescales between
commencement in April 2022 and completion in 2024
(all dates subject to planning permission)



Llay New Road
Rhosrobin

Development Program

[illegible]

NigelThornsPlanningConsultancyLtd
CharteredConsultantTown&CountryPlanning

Watton, 22 Kingsland Road,
Shrewsbury, Shropshire, SY3 7LD
Tel 01743 343660
Mobile 07791316173
Email nigel@nigelthorns.co.uk