PLANNING APPEAL STATEMENT

Prepared on behalf of ASC Real Estate Investments Ltd

in support of a

Written Representation Planning Appeal

against the refusal of hybrid (detailed and outline) planning permission for the

Proposed demolition of vacant buildings; the (Detailed) erection of a 54 no. bedroom low secure unit with associated access, parking and landscaping; and the (Outline with all matters reserved) erection of 6 no. detached and 24 no. residential apartments

by Wrexham County Borough Council at

land off Mold Road (A550), Gwersyllt, Wrexham, LL11 4AE

July 2017

PINS Ref. APP/H6955/A/18/3207621

LPA Ref. GWE P/2017/0927

Appellant Ref. J10-PAS-ASC-RevA

J10 Planning Limited
1-3 Upper Eastgate Row Chester CH1 1LQ
01244 349400 (T) 01244 349402 (F)
www.j10planning.com

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1.0 INTRODUCTION, BACKGROUND & GROUNDS OF APPEAL

1.1 This Planning Appeal Statement (PAS) has been submitted by J10 Planning Ltd (the Agent) acting on behalf of the appellants, ASC Real Estate Investments Ltd following the lodging of a planning appeal to PINS Wales on 20 July 2018 (see **APPENDIX B**) to follow a written representation route.

1.2 It relates to a planning application (**ASC 3 to ASC 20**) that was submitted to Wrexham County Borough Council (WCBC) on 13 November 2017 and determined by the Council's Planning Committee (**ASC 22 to 24**) on 5 March 2018; resulting in a decision notice (**ASC 25**) being issued on 5 March 2018.

1.3 The appeal relates to redundant brownfield previously developed site comprising the former Council Depot site located upon the Westminster Industrial Estate, Mold Road (A550), Gwersyllt, Wrexham, LL11 4AE.

1.4 The appellants Grounds of Appeal are set out below:

- ***That the proposal is consistent with Wales Spatial Strategy***
- ***The proposal is consistent with Planning Policy Wales***
- ***The proposal is considered to be consistent with TAN guidance; specifically, TAN1, TAN2, TAN5, TAN11, TAN12, TAN15, TAN18, TAN22 and TAN23***
- ***The proposal is compliant and consistent with current Wrexham Unitary Development Plan and Supplementary Planning Guidance Notes.***
- ***There are mutually supportive economic, social and environmental benefits that will be delivered by this proposal***
- ***Officers pre-application and post-submission guidance led the appellant to believe that the proposals would be acceptable and be approved and indeed Officers recommended approval in their committee report to Members***
- ***For Members to then refuse permission contrary to the Officer recommendation is considered to have been unreasonable and contrary to policy***
- ***Material planning considerations were not granted sufficient weight in reaching this decision***
- ***The committee minutes did not specifically refer to the policy later referred to and used in the decision notice***

1.5 A full copy of all the relevant drawings and documents associated with the appeal have been collated and are included in a spreadsheet schedule (see **APPENDIX A**), where each item has been given an "**ASC**" reference number.

1.6 In addressing the specific reasons for refusal this statement sets out the appellant's case in the following manner:

Section 2 – Policy Review

- *A review of the local development plan policies used in the decision notice to refuse permission; identifying how the proposal conforms and complies with these policies*
- *A review of the National Planning Policy framework and any other pertinent policy guidance; identifying where it supports the proposal*

Section 3 – Key Issues : Other Material Planning Considerations

- *A review of some key issues and other material planning considerations considered by the appellant as having merit with a view they ought to be afforded great weight*
- *A costs application is provided*

Section 4 – Conclusion

- *A summation of the appellant's case requesting the appeal be allowed*

1.7 The appellant is of the belief that he has proven, beyond any reasonable doubt that the proposals are acceptable in all respects and this statement will serve to demonstrate that the reasons for refusal were unfounded, unreasonable and not based upon any substantiated evidence or reasoned justification.

1.8 The appellant considers that the action of refusing planning permission was unreasonable, inconsistent and unfair. It was determined by Members contrary to Officer's recommendation of approval and contrary to what is clearly a policy compliant proposal.

2.0 PLANNING POLICY APPRAISAL

2.1 The legal test for all planning decisions is to determine whether the appeal (or application) is in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 whereby "any determination must be made in accordance with the development plan unless material considerations indicated otherwise". In this instance, the development plan comprises the **Wrexham Unitary Development Plan** which was adopted in February 2005.

2.2 It is worth drawing attention to case law (such as R. Cummins v Camden LBC 2001), which has established that for a proposal to be in accordance with the Development Plan it is not necessary for it to accord with each and every policy, rather it should conform with the plan as a whole.

2.3 Moreover, a more recent judgement (BDW Trading Ltd. (T/A David Wilson Homes (Central, Mercia and West Midlands) 27 May 2016)) involved the judgment of Lord Justice Lindblom which offers yet another example of Section 38(6) duty being examined and scrutinised in the Court of Appeal. The appeal was brought about when questions were raised as to whether or not an Inspector, deciding an appeal against a refusal of planning permission on a residential scheme of 114 dwellings, failed to discharge the duty, under Section 38(6) of the Planning and Compulsory Purchase Act 2004, to make the decision in accordance with the development plan unless material considerations indicated otherwise. Lord Justice Lindblom offers some much-needed clarification on the law and the judgment clearly reiterates that the approach to planning decisions is not and should not be rigid and the person making the decision has some scope and autonomy in how they approach the policy position.

2.4 The appellant is of the opinion that the Authority has, by refusing permission and providing a single reason for refusal based upon UDP Policy GCP1(a) has acted without any due care and attention to the advice provided by their professional officers and run contrary to the professional opinion and guidance given to them.

2.5 We do not see how Officers can now defend an appeal that in their professional opinion was acceptable in every regard and indeed if they were required to write an appeal statement defending Members position it would be contrary to the RTPI Professional Code of Conduct.

2.6 In promoting this proposal, the appellant (the applicant as was) took the following iterative "3 step approach", which has again been employed here.

2.7 Firstly, he sought to identify the provisions of the development plan and determine if the application was in accordance or in conflict. He has been guided by Officers from the outset (from the pre-application stage) that the proposals were, in principle acceptable and as such if in general compliance (as is the case here and is set out here in this section) the starting point would be for the proposals to be approved by granting planning permission as the decision would be in accordance with the development plan.

2.8 The next step was to consider whether any "other material considerations" indicate otherwise. This started with assessing whether the proposals are in conformity and accordance with national policy. This exercise was done and adduced that national considerations also supported his proposals. (as is the case here and is set out under this section).

2.9 The final step was to identify any other material planning considerations that might exist to run contrary to the support predicated by the development plan and national policy. This too was undertaken and again is set out in Section 3 of this statement.

2.10 The appellant considers that the ensuing assessment concisely and thoroughly reflects the applications' compliance with policy, which clearly underpins a fundamental support for this proposal on a number of grounds and that there exist a range of material planning considerations which provides depth and a strategic fit with policy.

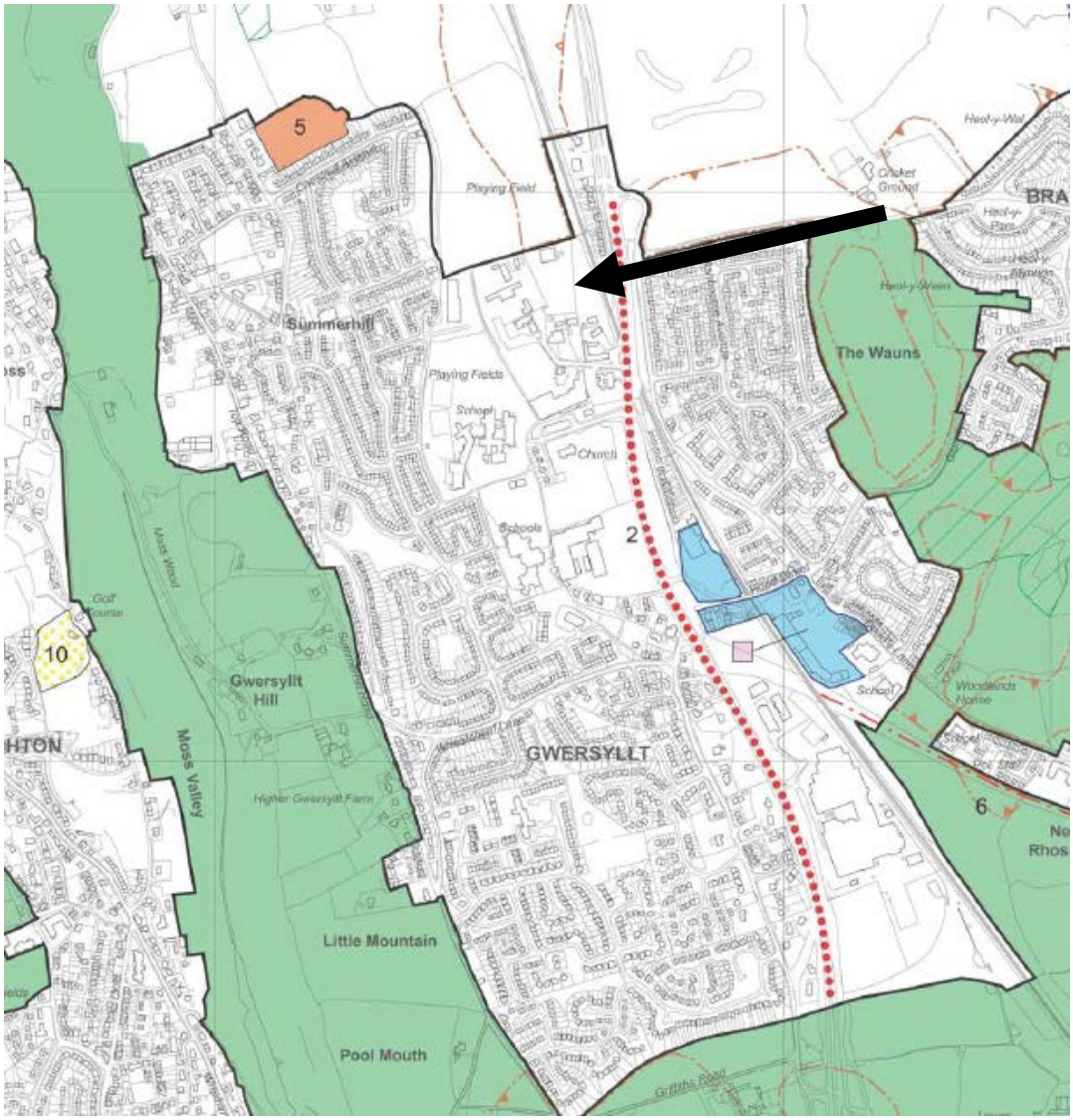
Local Policy

2.11 The starting point of any local planning policy assessment must be the Development Plan. The principle Development Plan for the site comprises the "**Wrexham Unitary Development Plan**", which was adopted in February 2005 and whose plan policies are currently used for Development Control purposes. The plan period runs from 1996 to 2011, so has technically expired.

2.12 Given its primacy, adopted status and the fact most of its policies are considered to be (generally) up to date, a degree of weight can be attached to the relevant polices therein; however, this must be tempered by the fact the plan has effectively expired and in the light of TAN1 guidance the Authority can no longer demonstrate a 5-year housing land supply and moreover, there are National policies that have come on-stream since that must be afforded significant weight.

2.13 The Authority is now embarking upon a replacement for the UDP in the shape of a Local Development Plan (LDP) which will cover the plan period 2013 to 2028, but the plan has not been through Examination and been adopted and until it has been then PPW9 Para 2.14 must apply. At the time of writing the LDP has reached the Deposit Plan stage with a full suite of evidence base and draft policies and allocations; so, we consider that no weight can be attributed.

2.14 The existing UDP Proposals Map extract shows that the site lies within the Gwersyllt settlement boundary.



Extract of Adopted UDP Proposals Map

2.15 The challenge facing the Authority is that it has no 5-year housing land supply and the latest available figures published in 2016 suggest that only 1.14 years supply exist; a drop from 3.1 years back in 2014.

2.16 The position of the Authority is dire and regardless of what the latest WG Ministerial statement (published on 18 July 2018) about dis-applying Para 6.2 of TAN1 suggests about "considerable" weight no longer applying where Authorities fail to have an up-to-date plan and 5-year supply we are of the opinion that "substantial" weight must still apply and moreover eh development still complies with the development plan in all other respects and those national policies.

2.17 In the meantime, the approach should be to identify the provisions of the adopted development plan and determine if the application is in accordance or in conflict. If in compliance (as is the case here) the starting point will be to approve proposals by granting planning permission as the decision is in accordance with the plan.

2.18 The reason for refusal provided in the committee minutes (see **APPENDIX H**) provides some background narrative to why a refusal was sanctioned. Yet, the policy used to back this up in the pursuant Decision Notice (see **APPENDIX I**) bears little relationship to those reasons.

"The Local Member (Councillor Barrie Warburton) and the adjoining Local Member (Councillor Gwenfair Jones) indicated their objection to the application as, in their opinion, the proposed development would have an adverse impact on the social fabric of the village. In particular, local concerns on the compatibility of placing a Low Secure Unit within a built up residential area and in close proximity to two local schools had not been adequately considered within the Committee report. Concern was also expressed on the scale of the proposed development and the lack of information on the future management arrangements for the Low Secure Unit. During consideration of the application, clarification was sought on the need for this type of facility within Wrexham and the relationship, if any, between the operation of the Low Secure Unit and the planned housing development. Following further discussion, several Members suggested that planning permission be refused as the proposed development, by virtue of its scale and use would involve an over-intensive use of the site." **: COMMITTEE MINUTES**

"The proposed development, by virtue of its scale and use would involve an over-intensive use of the site. To allow the development would be contrary to Policy GDP1 (a) of the adopted Wrexham Unitary Development Plan.**: DECISION NOTICE**

2.19 The fact is that **Policy GDP1(a)** states that :

"All new development should :- a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality."

2.20 It does not discuss "over-intensification" and is about scale, design and layout and about making a positive contribution to the appearance of the nearby locality whilst according with the character of the site; yet none of these issues were mentioned during the debate and none are reflected in the minutes.

2.21 We would respectfully request the Inspector view the committee webcast (**ASC 23**) which can be accessed at https://wrexham.public-i.tv/core/portal/webcast_interactive/339591.

2.22 The appellant is of the opinion that the reason for refusal on the decision notice does not accurately reflect the views expressed by Members of the Planning Committee and that the resultant decision has been fabricated.

2.23 This is curious because at no time during the debate did Officers or Members mention over-intensification; indeed, Officers, to the contrary in their report and during the committee were clear with regards the acceptability of the proposals, which again suggest they cannot possibly now defend this appeal and keep their professional integrity intact.

2.24 For ease the UDP policy GDP1 used as the reason for refusal in the decision notice (see **APPENDIX I**) is provided in full (see **APPENDIX C**) together with all those policies adjudged by Officers to be relevant to the proposal (as set out in both the pre-app guidance letter of 18 May 2017 and the Committee report of 5 March 2018).

2.25 Indeed, whilst the Decision Notice refers to just one UDP Policy (GDP1(a)), the Committee Report regularly and specifically confirms that the proposal is in compliance with this policy.

2.26 This makes the reason this policy has been used even more curious, bewildering and inconsistent; it would appear that the decision to refuse permission was "manufactured and contrived" to justify the prejudiced reasons that were presented by certain Members seeking a refusal at Planning Committee; as can be seen when reviewing the Committee Webcast (**ASC 23**).

2.27 The fact is that in all respects Officers actually considered the development met and complied with all relevant policies and the Committee Report (see **APPENDIX G**) has essentially done this job and done it very well; it was a very well-balanced report and considered all aspects of concerns raised.

2.28 Nonetheless, we have assessed and tested the proposals against all relevant policies from the Adopted UDP and consider the principal policies listed in the table below to be the most relevant and appropriate in this instance.

2.29 Rather than simply reiterating what each policy seeks to achieve in great detail, since the Council will be entirely familiar with this, we will spend time emphasising and providing reasons why the proposal and the principle of the proposed development meets and conforms with these policies as set out in the table the follows below; these policies are included in full (see **APPENDIX C**) for the Inspector's ease.

POLICY	APPLICATION CONFORMITY
GDP1 Development Objectives	This policy seeks to ensure that all new development meet the following criteria: a) Character, appearance, design and layout b) Personal and community safety c) Design techniques to conserve energy and water resources d) Ensure safe/convenient pedestrian and vehicular access and making connections/links e) Convenient access to public transport f) Ensure amenity of environment are safeguarded from odour and noise effects g) Secure public services. h) Safeguard nature conservation habitats. i) Ensure that development is not subject to flooding, contamination, etc on or off site. j) Have regard to any Welsh linguistic identity. k) Secure the development of sustainable communities through economic, social and environmental wellbeing. The Council must accept that because the proposals are outline at this stage it is too early to specifically judge the merits of detail, but this statement (and others) illustrate that the applicant is acutely aware of the need to address each of these at the Reserved Matters stage in more specific detail where it is necessary and applicable. Moreover, the applicant considers that the Policy is met by the proposal and the submission demonstrates this.
GDP2 Capacity of Infrastructure & Community Facilities	There is no evidence that the proposal would result in any local infrastructure (highway, drainage, etc) or community facilities (education, health, open space) becoming deficient as a result of this development being implemented. Officers were asked during the pre-application process and they did not identify any deficiencies. Any need to provide for additional capacity must therefore be demonstrated by the Authority and if any gaps in provision can be proven to exist then the applicant will consider whether any such requirement can be provided … such requirements must be fairly and reasonably related in scale and kind and not be disproportionate to the development proposed.

EC4 **Hedgerows, Trees & Woodland**	This policy seeks to protect and conserve such features in order to enhance the character of the local landscape. The detailed landscape scheme submitted has been very careful to ensure that the existing robust landscape buffer along the eastern and northern perimeters are maintained and enhanced; thus demonstrating compliance with the policy.
EC6 **Biodiversity Conservation**	Our ecological investigations have demonstrated that there are no special biodiversity habitats of special importance in existence across the site but despite this the retained boundary landscaping features will serve to enhance the opportunities for existing habitats.
EC12 **Development & Flood Risk**	The FCA report provided does not suggest that there will be any unacceptable risk of site flooding on or off site.
EC13 **Surface Water Run-off**	The Drainage Strategy report provided does not suggest that there will be any unacceptable adverse impact as a result of surface water run-off.
H1 **Housing Allocations**	This policy states that sufficient land will be allocated for housing between 1996 and 2011. This term has now expired and the policy is silent on providing beyond this date. As it is, the Council are unable to demonstrate a 5-year housing land supply (less than the previously published 3.1 years in 2014 – which apparently is now down to 1.14 years in 2016) and moreover in the light of TAN1 (Jan 2015) this has been effectively "zeroed" because the Authority has an expired plan. Thus, the lack of a sufficient supply is a significant material consideration that must be afforded the maximum weight in favour of supporting this development.
H2 **Residential Development (of Un-annotated Land) within Settlements**	Outline Permission was previously granted (P/2014/0931 dated 10 March 2016) for 65 dwellings so this confirms and establishes precedent for the acceptability of the site for residential use. Subject to compliance with GDP1 then support will be forthcoming.
H7 **Affordable Housing**	This policy seeks a contribution on sites over 25 dwellings. The proposals involve 30 no. units and SPG28 recommends a provision of 25% and the applicant accepts this.
H11 **Residential and Nursing Homes**	Such provision will be supported where it accords with GDP1 (which it does), adequate external amenity can be provided for residents (which it is) and the facility is accessible to other community facilities (which it is).
CLF5 **Open Space Requirements from new Residential Developments**	This policy seeks 0.4 ha per 50 dwellings; thus, reflecting SPG10 and this equates to 80 sqm per dwelling. The applicant has presented an Outline scheme for eth residential element and considers that using the Council's calculation of 80 sqm / dwelling this would mean that 30 units x 80 = 2,400 sqm. Thus, the applicant is confident this can be achieved n site. The proposed route of maintenance and managing POS will be through a resident's management agreement (annual service charge), which will remove the need and responsibility from the public purse.

	Officers have expressed a preference for good quality design and are comfortable with the level indicated; this can however be better addressed at any Reserved Matters stage.
T8 **Parking**	In conformity with SPG16 adequate parking provision can be made to satisfy standards based upon the illustrative layout submitted.

2.30 The emerging LDP has reached Deposit stage but little weight can be attributed to its policies so in the meantime, we must conclude that the appeal proposals clearly comply with the existing UDP.

2.31 At the time of writing we must reserve our right to make further comment should such emerging policy gather greater weight during the course of this appeal being determined.

Supplementary Planning Policy

2.32 There are some relevant approved/adopted non-statutory supplementary planning guidance documents that exist which have been considered by the applicant team in preparing this proposal; these comprise the following:

- SPG6 – Access to and use of Buildings
- SPG7 – Landscape and Development
- SPG10 – Public Open Space on New Housing Development
- SPG15 – Cycling
- SPG16 – Parking Standards
- SPG17 – Trees & Development
- SPG21 – Space Around Dwellings
- SPG24 – Designing Out Crime
- SPG27 – Developer Contributions to Schools
- SPG28 – Affordable Housing
- SPG30 – Design Guide for Developers & Architects when Designing Residential Development
- SPG32 – Biodiversity & Development

2.33 Notwithstanding the fact that the applicant considers the proposal complies with each and every one of these documents the applicant must question what weight that can be realistically afforded them, not least because the relevant Planning Acts (2004 and 2012) are clear as to the Regulations under which such guidance is published and the fact is that unless a document has been through "examination" its weight is tempered and diluted. In view of this, very limited weight can be given to such documents.

National Policy

2.34 Having addressed the development plan (in the previous section) the next step is to consider whether any "other material considerations" exist which might have a bearing upon the decision.

2.35 The overarching policy framework in Wales comprises the **Wales Spatial Plan (WSP)** which provides the operational strategic framework for planning policy in the Principality, but is not spatially specific. WSP was updated in **July 2008**. Its 5 core aims and objectives are to:

- Build sustainable communities;
- Promote a sustainable economy;
- Value the environment;
- Achieve sustainable accessibility and;
- Respect distinctiveness.

2.36 **Planning Policy Wales (PPW) (Edition 9 November 2016)** provides more detailed strategic guidance on planning policy and sets out land use policy, which is supplemented by the **Technical Advice Notes (TAN's)** and by draft Ministerial Interim Planning Policy Statements (MIPPS).

2.37 Chapter 7 to PPW is of particular importance as it deals with Economic Development; this is a rehearsal of what TAN 23 explores in more detail. Indeed, Para 7.2.2 states that : *"Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations"*.

2.38 PPW Para 7.6.1 goes further by stating : *"Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence."*

2.39 PPW cannot, therefore, be any clearer in its support for a proposal such as this.

2.40 The Welsh Government published "**Planning for Sustainability**" in **March 2012** as a Consultation Document. It sets out the "direction of travel" for emerging planning policy in Wales and effectively indicates that the WG will be looking to introduce a "presumption in favour of sustainable development", where developments enhance the economic, social and environmental well-being of people and communities now and over the long term and that weight is given to national policy in determining individual applications where policy in adopted or approved development plans is outdated or superseded.

2.41 More recently the **Planning (Wales) Act** was published and granted royal assent in July 2015. It covered the following areas and makes statutory provision for (amongst others including a need to place greater emphasis on the Welsh Language) :

- sustainable development to be at the core of all planning decisions and development planning policy
- the provision for a National Development Framework for Wales; the designation of strategic planning areas, the establishment of strategic planning panels and preparation of strategic development plans; on the status of development plans; with joint planning boards and their functions;
- standards of pre-application consultation by both applicants and the services to be provided by LPA's to facilitate engagement
- development management matters relating to application requirements, decision notices, duration of permissions
- revised appeal and enforcement procedures and costs awards

2.42 Secondary legislation is expected, but the general direction of travel appears that the emphasis will be to reflect the English system more closely with a view to supporting the delivery of new homes, jobs and infrastructure.

2.43 Procedural advice is then set out in Circulars and Ministerial clarification letters.

2.44 As such, these documents may be used as material planning considerations to the determination of individual planning applications.

2.45 The most relevant TAN's in this instance comprise:

- TAN1 : Joint Housing Land Availability Studies (2015)
- TAN2 : Planning & Affordable Housing (2006)
- TAN5 : Nature Conservation & Planning (2009)
- TAN11 : Noise (1997)
- TAN12 : Design (2016)
- TAN15 : Development & Floodrisk (2004)
- TAN18 : Transport (2007)
- TAN22 : Sustainable Buildings (2010)
- TAN23 : Economic Development (2014)

2.46 We consider that the proposals comply with each of these documents. The Decision Notice does not rely upon any element of TAN or national guidance so we must assume that the Authority is not (and cannot) rely upon any of them in support of their decision to refuse permission.

2.47 We would remark that the Officer's pre-application guidance letter referred to PPW, TAN 5, TAN 11, TAN 12 and TAN 18; yet the committee report did not refer to TAN's or PPW at all.

2.48 Given the expired status of the adopted UDP we are of the opinion that significant weight must be attributed to such policy.

2.49 We do not consider it appropriate to slavishly cover each of them in exacting detail but instead we will summarise the key and salient and pertinent points from those key TAN's. As a general comment we consider that the proposals comply with them all.

	COMMENTARY
TAN1	This presented a marked "step change" in policy direction. This must also be read in the context of the Council's current development plan status. The Council released its last Joint Housing Land Availability Study (JHLAS 2014) in March 2015; this is a document that every Authority must publish on an annual basis and it identifies what housing land supply they consider is present. PPW (Para 9.2.3) states that it is a requirement of all Authorities to provide a 5-year housing land supply. However, the last published figures (JHLAS 2014) show that Wrexham had just 3.1 years supply (down from 3.4 years in 2013, 3.5 years in 2012, 3.9 years in 2011, 5.35 years in 2010); thus, the trajectory is that it is decreasing every year and with no adopted LDP to identify future sources of supply the situation is forecast to only get worse. We are aware that more recent figures from 2016 suggest the supply has plummeted to just 1.14 years supply. TAN1 however provides even greater guidance and clarity and Paras 6.2. 8.1 and 8.2 are of particular pertinence; for they state that where a current study shows less than 5 years the need to increase supply (by approving more development) should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national policy. However, where there is an expired UDP and/or no adopted LDP in place the Authority will effectively be considered not to have any supply (a zeroed position). This places Wrexham in a very difficult position, particularly since they have at least another 2 years before they expect their LDP to become adopted. This is set against a backdrop of their first LDP1 attempt failing and having to be withdrawn and already a two-year slippage in their LDP2 programme from the original Delivery Agreement date. This is rather a woeful position to be in and a step change is needed if the position of being able to provide "deliverable" (i.e. available, free of constraints and viably developable) sites that might positively contribute to housing land supply can be arrested. **Additional narrative on the dis-application of Para 6.2 is provided below.**
TAN2	This scheme is for an open market development but it does offer a significant level of new affordable housing (7.5 no. units) and the proposed type and mix of units illustrated reflect the known local affordable housing need as directed by Officers. The local target is 25% provision and we consider that it is achievable subject to viability (all other factors considered). We have worked collaboratively with the Authority in understanding the need and this scheme seeks to deliver that heed which would otherwise not be met. Affordable Housing can be secured through Condition and/or S106 legal agreement and the applicant is happy to consider either.

TAN5	Protected species and habitats have been assessed and examined; with an extended Phase 1 Ecological Assessment undertaken. New areas of biodiversity are proposed and a "dark corridor" and buffer is identified along the northern/eastern perimeter of the site for bats.
TAN11	An environment al noise survey has undertaken and suitable mitigation measures are proposed to ensure internal noise levels do not exceed recommended limits and external noise limits will not be exceeded.
TAN12	As **Para 2.5** states : Good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation – embracing sustainability, architecture, place making, public realm, landscape, and infrastructure. The design solution arrived at (as expressed in the DAS) and the Landscape Design statement demonstrates that TAN12 has been followed and has taken a sensitive and sympathetic approach and response to the local natural and built environment assets. **Para 5.12.2** is particularly relevant and states that : *Large new employment buildings can often make a bold statement of their purpose. Recognising the functionality of business premises is important to ensure they contribute to the economic success of the occupier. However, robust design, high quality materials, flexibility of exterior and interior layout and appropriate landscape treatment such as earth form or planting, can help to integrate new business premises into their surroundings, minimise the need to artificially cool buildings and allow for easier conversion by successive occupiers. Service and utility features, exposed and imaginatively detailed, may in many cases provide elements of interest in otherwise plain facades. The need to consider the building and landscape maintenance processes once the development is completed is also essential to ensure that the development remains integrated.* The applicant considers that this guidance has been met and issues of scale, appearance and materials have all been successfully resolved.
TAN15	The site does lies with in a Flood Zone A (low risk category). Nonetheless an FCA has been undertaken along with Infiltration testing to prove that a sustainable method of surface water drainage can be achieved. Connections to the mains drainage facility is possible.
TAN18	A full Transport Statement has been submitted. The highway accesses have been proven and agreed with the Highway Authority and the layout has been proofed to accept service vehicles and the quantum of trips rates generated by the scheme. We believe this shows that the site is located in a highly sustainable location and accessible.

TAN22	The standard Code will be meet and building Regulations will serve to ensure buildings meet current standards of sustainability.
TAN23	This is of significant material weight given that PPW defines economic development broadly so that it can include any form of development that generates wealth, jobs and income (including residential). It follows therefore, that the economic impact of these proposals must be given serious weight; the nature and extent of the benefits are provided in the summary section to this statement. Para 1.15 recognises that economic land uses include construction and include house building. And the PPW references on a number of occasions the need to align housing and jobs and the delivery of meeting affordable housing need in a sustainable travel to work area. The most relevant and pertinent Paragraphs in TAN23 comprise the following: ***Para 1.2.1*** *As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development.* ***Para 1.2.2*** *PPW advises that planning for economic land uses should aim to provide the land that the market requires, unless there are good reasons to the contrary* ***Para 1.2.5*** *Local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development.* Key factors in determining the weight and benefits of supporting schemes will be to ask the questions (posed under Section 2) of what are the alternatives, how many jobs will be directly provided and what other special merit might exist. This scheme will deliver and generate many construction and supply chain jobs and the new housing will serve to support enhanced local services and facilities once occupied. Section 3 discusses supporting strong rural economies; recognising that sustainable development is essential to building strong and vibrant rural economic communities; and it is important in aligning existing and future homes and jobs.

2.50 The Officer's report confirms that the scheme is sustainable and yet Members decided to run contrary to these principles. This sort of decision will place Wrexham in a very difficult position particularly if its emerging LDP suffer from further slippage and its housing land supply position dwindles further.

2.51 The recent **dis-application of Para 6.2 of TAN1** is something that we feel we ought to address, in the event the Inspector deems it ought to be considered in this case.

2.52 TAN 1 is about how Authorities must show they have a rolling 5-year housing land supply and provides guidance on the methodology in calculating this. Para 2.2 states that:

"The Welsh Government considers that having complete coverage of adopted LDPs across Wales is critical in ensuring that the homes which are needed are delivered. Consequently, housing land availability needs to be soundly based on meeting the housing requirements identified by local planning authorities, which requires an adopted LDP to be in place".

2.53 Removing Para 6.2 does not mean that Authorities can take their foot off the gas and slow-down their plan process; it means that the emphasis is still on having an adopted LDP; the critical need to deliver housing has not suddenly disappeared; the need to have an adopted plan remains an urgent action. Para 6.2 states that:

"The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the Technical Advice Note 1: Joint Housing Land Availability Studies current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies."

2.54 So, if an Authority cannot demonstrate a 5-year supply Para 6.2 places a degree of pressure upon them to approve applications. However, such applications must still comply with the development plan and National policies in all other respects; it simply means that not having a 5-year supply adds another element of weight in favour of such proposals.

2.55 Para 6.2 of TAN1 is just one paragraph and must not be read in isolation and taken out of context from a whole swathe of arguably more important policy guidance such as TAN 2 (delivering affordable housing) and TAN 23 (in delivering economic development) and, in particular, PPW9 (Chapter 4 on Sustainability and the presumption in favour of sustainable development : Para 4.2.2) and its Chapter 2 on Local Development Plans; in states that :

2.14.2 *Where an LDP is in preparation, questions of prematurity may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Where there is a phasing policy in the plan that is critical to the plan structure there may be circumstances in which it is necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. The stage which a plan has reached will also be an important factor and a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.*

2.14.3 *Whether planning permission should be refused on grounds of prematurity requires careful judgement and the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.*

2.56 The highlighted text above is incredibly important and we believe in this instance the Authority must be careful not to deviate from this key guidance; whereby significant material weight must be attributed to such policies. Furthermore, one cannot forget that it is Chapter 9 of PPW9 which is the main source of Housing guidance not Para 6.2 of TAN1.

2.57 The WG Consultation Paper of 10 May 2018 suggested that the removal of Para 6.2 could alleviate some of the pressures upon LPA's when dealing with "speculative development" and give them greater capacity to focus on LDP preparation and review. It also clearly stated that the determination of applications should continue to be made in accordance with the development plan and national policies and that the principle of sustainable development and creation of cohesive communities will continue to be applicable.

2.58 Indeed, the WG Ministerial letter of 18 July 2018 reinforces the need to increase the delivery of new homes in sustainable locations and invites evidence to explore ways in which the planning system can do this. We consider that the (temporary) dis-application of Para 6.2 is therefore unsound, challengeable and counter-intuitive and will serve to reduce house building in sustainable locations and harm the economy of Wales by deterring investment in what is still a very fragile and increasingly challenging market place.

2.59 The suggestion made by WG is that no longer can "considerable weight" be applied to not having a 5-year housing land supply; however, the Ministerial letter clearly confirms that it is up to decision makers (be these Officers, Members or the Planning Inspectorate) what amount of weight is afforded and in our opinion, we would suggest that "substantial weight" can and should be still be applied. However, as we have suggested above the temporary dis-application of Para 6.2 is not, in any event, the sole determining factor; it is just one area.

2.60 In any instance, this proposal is not speculative. It is a site that has been previously approved for residential, has been supported and recommended for approval by Officers and is also included as a site counting towards housing supply in the emerging LDP. The site is located in a highly sustainable location and meets all the criteria for placemaking, accessibility and sustainability tests. It has been demonstrated that all technical aspects of the site present no conflicts or constraint to this site being brought forward for development and that it is technically deliverable in all respects. We have proven that the site complies with the existing UDP, the emerging LDP and all other material aspects of National guidance (PPW and TAN's) as set out above.

2.61 Moreover, the application has also demonstrated that:

- The necessary infrastructure is available; consultation with the appropriate public and private statutory undertakers and infrastructure providers confirms this;
- There are no legal or ownership problems needing to be resolved; the site is in single ownership and the landowners are willing; the land is free from any possible encumbrances no easements or covenants exist and there are no tenancies needing to be extinguished or notice period it is free of any such constraint;
- The owners are keen to dispose of the site to a suitable housebuilder; indeed, the evidence presented shows that there is considerable interest; thus, illustrating that there is little doubt it will be sold and brought forward for development.

And, in all other respects, the site has been proven to be deliverable, suitable, available and viable.

2.62 From this assessment, the appellant has adduced that national policy considerations also support the proposals and carry significant weight in supporting the proposals.

3.0 OTHER MATERIAL PLANNING CONSIDERATIONS

3.1 Having assessed policy compliance and concluded that the proposal is inherently compliant with Local and National policy it is the appellant's opinion that this proposal must be approved.

3.2 However, the final step taken in the appellants assessment is to determine whether there happen to be any **other material planning considerations** (some of which may be associated with the interpretation of policy) that provide the decision maker with additional evidence that might:

- *either so significantly counteract and reduce/outweigh the weight of policy to make the proposal unacceptable; although the chances are that because of policy precedence (**as the case is here**) this would be difficult*

- *or perhaps where the policy case is not "clear cut" such additional material planning considerations may provide greater balance and weight in favour of support or refusal*

- *or indeed (**as the case is here**) provide even greater reasoned justification and additional weight for supporting the proposal; this may include very special circumstances and moreover these considerations are likely to confirm the soundness of the policy case and/or even potentially outweigh the policy case*

3.3 This section therefore identifies some of the key issues pertaining to other material planning considerations that were highlighted in the appellants' grounds of appeal and are now presented under the headings below.

Issue 1 : PLANNING HISTORY

3.4 It is worth drawing attention to the Outline planning approval for 65 no. residential dwellings (ref. P/2014/0931) that was granted on subject to a s106 legal agreement on 10 March 2016.

3.5 A copy of the decision notice, draft layout and committee report ae provided (see **APPENDIX L**).

3.6 It demonstrates a clear precedent for the redevelopment and loss of a former employment generating site for residential purposes.

3.7 However, in this instance the proposals will lead to a continued employment use of the site and generate some 61 FTE care related jobs, besides providing for and meeting a known need for new C2 specialist residential accommodation along with C3 open market, and affordable housing tenures.

3.8 The Local Planning Authority have, in taking the decision to refuse, delayed development from proceeding which could have otherwise been permitted subject to acceptable and appropriate planning conditions in accordance with Welsh Government Circular 16/2014.

Issue 2 : DMO PROCESS

3.9 Despite the best efforts of the Welsh Government to introduce a pre-application consultation procedure through the Town and Country Planning (Development Management Procedure) (Wales) Order 2016, whereupon the obligation is placed upon the applicant to undertake consultations before submitting a scheme for determination the process does not appear to have worked as local Ward Members failed to engage and nor did residents. This is disappointing.

3.10 The applicant's PAC (doc. ref. **ASC17**) provides the full narrative of who responded, the applicant's response and how the proposals were amended to reflect any views expressed during the DMO pre-submission engagement phase.

3.11 The idea is that the process followed by the applicant ought to serve to speed up decision making and ensure all interested parties make their opinions known at the earliest stage possible, thus allowing conflicts and concerns to be addressed/ironed out.

3.12 However, it would appear that this statutory process has been undermined and bypassed by some 3rd party interests including the local Ward Member (and adjoining Ward Member) neither whom are or were members of the Planning Committee. The Ward Member, despite being contacted prior to submission, made no comments prior to the application being submitted and only turned up to planning committee to voice non-material planning consideration concerns.

3.13 This is worrying and if all it takes is for objectors to remain silent during this pre-application consultation process it rather defeats the object of introducing the process, particularly given the cost and time resource implications for applicants.

Issue 3 : PRE and POST APPLICATION ADMINISTRATION

3.14 Officers have been consistent in their professional position from the very outset and during pre-application stages provided helpful guidance and positive encouragement to the client team, raising no concerns.

3.15 Their letters of 3 and 18 May 2017 (see **APPENDIX D**) illustrate the very professional approach that agents and developers have come to expect of Wrexham Planners.

3.16 The very issue that local Members raised about security was addressed under the Officer's "Secure by Design" section in their letter of 18 May 2017 where they recommended that the landscape buffer did not enable unrestricted access in or out of the site and the applicants followed this guidance by proposing appropriate site perimeter boundary definition. Indeed, the letter, under the section on "Safety and Amenity" went on to recommend that full details should be provided to address any safeguarding concerns the community might have about the location of the facility adjacent to the Ysgol Bryn Alyn High School.

3.17 Knowing that this might be an issue the applicant, during the determination period was asked for a statement on how the applicant (who is also the care operator with vast experience in this specialist sector) felt the site might operate.

3.18 Some consultees responded in raising concerns about the unit and questioned whether it was meeting a need greater than that required by the Borough (see **APPENDIX F**), but ultimately their concerns are not considered material to the determination of this proposal and the applicant sought to address such matters by submitting a Statement (see **APPENDIX E**) to assist Officers, statutory consultees, Members and the wider community understand how this facility would function.

3.19 Officers supportive position was subsequently conferred in their comprehensive Committee Report (see **APPENDIX G**) which made it quite clear that they believed the proposals to be acceptable in all respects and would not involve the over development of the site.

3.20 Evidently, the decision made by Members runs contrary to the views and recommendations of Officers and it is difficult and awkward to see how Officers can now realistically compose an appeal statement defending the Member decision that is so polarised from their own professional judgement.

3.21 The appellant would like to draw attention to the Officer's committee report (see **APPENDIX G**) as it essentially provides the tablet which summarises the professional and independent position taken by Officer's and presents a balanced and thoughtful representation of events and recommendation.

3.22 The subsequent published Committee Minutes (see **APPENDIX H**) and the Committee Webcast confirm the general nature of the debate and the decision taken by Members.

3.23 The Local Ward Member and his adjoining Ward colleague (neither of whom sit on the Planning Committee) took up their right to speak against the proposal and pulled the debate into the direction of non-material planning consideration rhetoric, leading Members to refuse planning on grounds that did not have a thread of rationale or connection to the eventual Policy GDP1(a) used in the Decision Notice.

3.24 Such misunderstanding and failure to consider the weight of evidence available to Members is regrettable and it would appear the decision was driven not by policy or other material planning considerations but motivated by some other preconceived opinion about the low secure unit.

3.25 Accordingly, the appellant considers Members acted unreasonably, without any basis of evidence or assessment as proof to substantiate their decision.

3.26 Having been refused permission the applicant (through) his agent requested Officers provide some guidance as to a s106 unilateral undertaking given that one would be needed for an Inspector should he/she determine that the appeal be allowed. The process of producing a draft that was acceptable to Officers commenced soon after the 5 March committee decision on 29 March 2018 and concluded with the issue of a final draft s106 on 27 June 2018.

3.27 The appellant needed to ensure this item was concluded prior to an appeal being made because of the time such agreements tended to take.

3.28 The correspondence associated with this exercise and the final draft s106 are provided (see **APPENDICES J** and **K**).

Issue 4 : SCHEME DELIVERABLES

3.29 In the appellants opinion there are a large number of **considerable community and public benefits** that this proposal addresses and provides. which cumulatively present a compelling case as to why this scheme should be supported and granted planning permission. These benefits will go beyond simply delivering new housing and can be summarised as **scheme deliverables** with **roles** in the following manner:

ECONOMIC DELIVERABLES & ROLE

- The total project contract value for this project is in the region of **£8 M** and this will help to secure existing construction jobs based locally and create new ones.
- In what are still tough economic times; skilled jobs in the locality that will help maintain employment and provide and contribute towards the ongoing economic investment in the locality is a significant bonus and the unit would provide some **61 FTE** care, service and management jobs on the site.
- It is estimated that the development would need a constant **35 direct operative jobs (FTE)** a day to sustain an 18-month construction programme with another **25 supply chain jobs** indirectly supported.
- Significant **local spend and economic output** during the construction period of the development will represent a big boost to existing businesses. Indeed, construction industry bodies have found that for every £1 spent in the construction industry this generates £3 in the local economy so with a £8 M project this is an investment worth up to **£24 M** over the build period, spend that will lead to new services being offered locally.
- These figures relate solely to the low secure unit and exclude the proposed housing. Advanced discussed with an affordable housing provider for 30+ units on the Outline area of the site have taken place and such a scheme would therefore significant add to this build investment.
- Post-completion, the **spending power of another 30 households** into the local economy can also be expected to be significant; not only in first occupation expenditure (to make a house "feel like a home") of around **£234,000** (based upon £7,800/home) but ongoing local expenditure in sustaining local services and facilities beyond just the construction cycle to the tune of **£825,060** per annum (based upon the average annual household expenditure of £27,502); this will serve to sustain around another **10 local jobs**.
- The completed development will also generate **Council Tax revenue** for the Authority and with an average £1,300 bill per Band C household this will generate up to **£39,000 per annum** in supporting and enhancing existing public services.
- With a local **Community Council precept** seeing new income being devoted to local initiatives to address any local expenditure needs at grass roots.
- This proposal seeks to deliver jobs, economic growth and prosperity into the local economy.

SOCIAL DELIVERABLES

- The low secure unit will meet a known specialist C2 residential care need that is not presently being offered and provided locally.
- This scheme will deliver a positive number and meaningful contribution of up to **8 no. affordable housing** units that are specifically targeted at meeting the known latent need and demand in this locality through the delivery of up to **25% affordable housing**.
- Provision of new **Public Open Space (POS)** on site that exceeds standards.
- Where there is a proven need to make a **commuted sum payment towards any Educational Supplement** this will be made.
- Providing a safe and secure environment with appropriate connective access for all public transport, cycle and pedestrian users; taking advantage of public transport interfaces (bus routes); thus, promoting sustainable travel choices and **reducing the need to travel** using private modes of transport
- Providing access for all sectors of the community, particularly those with mobility difficulties – the design incorporates **DDA compliant** grade access into the buildings and across the sites.
- The development of the site for a use that meets Highway safety needs and will provide for sufficient off-street parking spaces, turning and access for all refuse, emergency and delivery vehicles.

ENVIRONMENTAL DELIVERABLES & ROLE

- Resulting in the **comprehensive development** of the site with a sympathetic and sensitive design taking account of the neighbouring rural and urban grain and its landscape setting and character.
- Delivering a mix and range of housing types and sizes in a way that reflects the existing urban grain of the settlement and at density that is appropriate and delivers **"place-making"**.
- The site is enclosed by natural features and the design layout and landscape treatment proposed will safeguard adjacent uses and users.
- The proposed layout and detail of the scheme in design terms offers the highest **quality design solution** that could be expected for this site and the applicant has invested heavily in this to get it right and it will serve to significantly enhance the design quality of the area; thus, benefiting the special character and appearance of the site in its rural / urban fringe setting.

3.30 We consider these scheme deliverables should be afforded **full weight as material planning considerations**. They are significant enough to justify and demonstrate that the proposals are acceptable and the Appellant considers they would serve to outweigh any perceived or apparent concerns (or harms) that this proposal could be considered to have upon the locality in terms of "overdevelopment".

Issue 5 : COSTS APPLICATION

3.31 It is with regret that Members sought to overturn the well balanced and informed Officers recommendation.

3.32 The decision has unnecessarily delayed the project and the additional expense caused by having to appeal the refusal has resulted in the applicant having to incur additional professional fees (solely associated with this appeal).

3.33 The applicant did consider making a swift re-submission but on account of the committee debate and following Officer advice he decided such a route would result in further abortive time, resource and costs being incurred and instead he decided to simply pursue an appeal as there was no faith in Members reaching a different conclusion a second time around.

3.34 The appellant has decided that he must seek some form of compensation for the additional expenditure caused through what he sees as the unreasonable behaviour of Members and so this Costs Application is made.

3.35 Due regard has been made to the relevant Welsh Government Development Management Manual "Section 12 Annex : Award of Costs" (Version 1 May 2017) and Section 322C of the Town & Country Planning Act 1990.

3.36 The appellant considers that the Authority has behaved unreasonably and that this has caused him to incur unnecessary and wasted expense in having to appeal the decision which has necessitated engaging specialist advice in making this appeal.

3.37 We can confirm that the type of behaviour and cost award sought are both **procedural** and **substantive** in nature.

3.38 We are not claiming for costs incurred during the application determination period but we are wishing the Inspector to take onto account the behaviour of Members in their determination of the proposal during their Planning Committee deliberations on 5 March 2018.

3.39 The appellant is seeking a full award of costs starting from the date when the decision was issued and the appellant engaged specialist assistance in preparing and making this appeal.

3.40 The Appellant considers the alleged **Unreasonable Behaviour** comprises the following:

3.41 The failure of the Ward Member to engage as part of the pre-submission DMO process and instead leave it to the day of committee to voice his concerns;

3.42 The procedural way the planning committee is arranged prevents applicants responding to issues raised after they have spoken to the Committee; thus, Members are allowed to make comment in the knowledge the applicant is unable to respond

3.43 Whilst the Committee Minutes may loosely provide a reasonably accurate record of the debate the Committee Webcast recording is a more accurate record and the fact is that the debate raised few issues of material planning consideration and instead the emotive tone presented by visiting Members overtook any logical and rational assessment of planning matters by Committee Members who were seduced by the rhetoric and prejudice displayed. This in turn meant that instead of seeking to refuse permission on planing grounds the ultimate reason for refusal had nothing to do with the debate or concerns expressed and the reason is considered flawed and not relevant to the proposal.

3.44 Planning Committee Members failed in their duty to step back from such emotion and rather than review and assess the proposal on planning grounds decided to refuse permission contrary to their own adopted development plan and national planning policy. This is despite having the benefit of a full suite of evidence and being advised by their Officers that they would be a risk of a costs award at appeal.

3.45 No reasonable planning grounds were used to refuse permission, let alone construct a reason for refusal; the matter of which had clearly no relation to the debate or the fact it had already been complied with and confirmed as such by the Officers committee report.

3.46 Members, by refusing permission have prevented and delayed development that should clearly be permitted, having regard to its full accordance with the development plan, national policy and other material considerations – as set out and proven in this statement.

3.47 The reason for refusal fails to produce any evidence to substantiate the impact of the proposal and this is compounded by the fact that it was taken contrary

to the professional and technical advice provided to them by their Officers and statutory consultees.

3.48 Members, by refusing permission, have done so without any consistency in their decision-making process; they had previously granted permission for the redevelopment of the site and yet despite tis precedent now decided to concoct and contrive to refuse permission on grounds that bore no relation to the debate they had undertook.

3.49 We would therefore respectfully request that the Inspector adjudicate on this application and find in favour of the appellant by awarding a full award of costs on both procedural and substantive grounds.

4.0 CONCLUSIONS

4.1 The appellant considers that Members of the Local Planning Authorities planning committee were wrong to overturn their Officer's recommendation and refuse permission and that in doing so the Authority have acted unreasonably.

4.2 Pre-application discussions held with the Council confirmed that the proposal was acceptable in principle and the appellant considers that he has unequivocally proven beyond any reasonable doubt that the proposals are shown to be wholly compliant with local development plan policies and National planning policy guidance.

4.3 Furthermore, he has also shown that there are a series of important material planning considerations that carry significant and enough weight that endorse and support the positive policy position advocated by Officers in overcoming and addressing any concerns expressed by Members to make this proposal wholly acceptable.

4.4 This clearly demonstrates that the proposals have shown to be entirely acceptable through reasoned justification and proper evidence.

4.5 In contrast to the "sound" approach employed by Officers in producing their Committee Report, Members sought to rely upon a reason for refusal that bore no relation to their debate or an accurate or evidence based assessment of the proposal.

4.6 The reason for refusal is considered to be defective and flawed; moreover, it is deficient in that it is not full or explicit in its reasoning.

4.7 In summation and contrary to the views of Members, the appellant considers that this is a proposal which strategically fits with planning policy and material planning considerations in supporting sustainable development and economic growth. Besides which, the scheme will deliver an enhanced level of amenity to the local community and neighbourhood with economic, environmental and social benefits to boot.

4.8 The appellant respectfully requests that the Inspector recommends allowing this appeal, subject to conditions that can be applied in accordance with Welsh Government Circular 016/2014 and Circular 13/97 with respect planning obligations.

4.9 My conclusion is that there is nothing to prejudice a positive determination and indeed it is my opinion that suggests the exact opposite. What has been revealed by consultee responses, technical supporting studies/statements, pre-application consultation, post-application correspondence and the quality design solution achieved through negotiation and in full compliance with all policy guidance demonstrates that this proposal should be supported and encouraged to come forward.

4.10 The principle of developing this land has already been established in that the Local Plan policies provide for the site to be redeveloped for the purposes proposed by this application, which is supported by the national planning policy guidance.

4.11 I feel that all these matters add even greater compelling weight to the fact this proposal should be approved.

4.12 The development will achieve sustainable development in accordance with the emerging emphasis upon providing a series of **economic, social and environmental net gains**.

4.13 We have, cumulatively, presented a compelling case as to why this scheme should be supported and granted planning permission; the alternative of a refusal will simply relegate this site to a future of decline and life as a pervasive eyesore and attract anti-social behaviour through vacancy, dereliction and non-use.

4.14 We consider the scheme deliverables should be afforded **full weight as material planning considerations**. They are significant enough to justify and demonstrate that the proposals are acceptable and would, we consider, serve to outweigh any perceived or apparent concerns (or harms) that this proposal could be considered to have upon the locality.

4.15 This is a scheme of high quality and advanced sustainability; which strategically fits with planning policy and other material planning considerations.

4.16 On this basis, and from the assessment of the relevant material planning considerations, we genuinely consider that the proposed development should be granted Detailed Planning Permission.

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

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

4.18 The draft s106 Unilateral Undertaking (see APPENDIX K) has been prepared and agreed with Officers at the Council (see APPENDIX J) and we consider it follows the guidance included in Circular 13/97 and meets the 5 tests in being:

- *Necessary;*
- *Relevant to planning;*
- *Directly related to the proposed development;*
- *Fairly and reasonably related in scale and kind to the proposed development and;*
- *Reasonable in all other respects.*

4.19 This appeal is technically robust and it has been demonstrated that there are no negative impacts that would result. The overall planning balance is weighted strongly in favour of granting permission as per Section 38(6) of the Planning & Compulsory Purchase Act 2004. The proposals must be supported and permission approved without any delay in accordance with the policy framework because we have demonstrated that no adverse impacts are evident in impeding such a positive determination being reached and any impacts which might be judged to occur would have to significantly and demonstrably outweigh the benefits when assessed against the policy framework taken as a whole and, in our opinion, none exist.

4.20 Accordingly, we commend these proposals to the Inspector and respectfully request that the appeal be allowed and permission granted and that a full aware of costs is made against the Council by virtue of its unreasonable behaviour. We naturally reserve the right to comment further on any third-party comments, the Council's statement and any proposed planning conditions.

APPENDIX A :

Application (Appeal) Document Spreadsheet Schedule

SCHEDULE of APPEAL DRAWINGS & DOCUMENTATION : dated 20 July 2018

SITE : land off Mold Road (A550), Gwersyllt, Wrexham, LL11 4AE

APPELLANT : ASC Real Estate Investments Ltd

PROPOSAL : Proposed demolition of vacant buildings; the (Detailed) erection of a 54 no. bedroom low secure unit with associated access, parking and landscaping; and the (Outline with all matters reserved) erection of 6 no. detached and 24 no. residential apartments

LPA Ref. GWE P/2017/0927

PINS Ref. APP/H6955/A/18/3207621

DESCRIPTION	AUTHOR	CONTACT	FORMAT	DOCUMENT / DRAWING REF.	SCALE	DATE	APPELLANT DOCUMENT REFERENCE
PRE-APPLICATION MATERIAL							
Pre-app letter(incl. form, site plan, layout plan and photos)	CLA	Robert Patkai	A4	Letter	NTS	13 April 2017	**ASC 1**
Council guidance	Wrexham CBC	Matthew Phillips	A4	Letter	NTS	3 May 2017	**ASC 2**
Council guidance	Wrexham CBC	Matthew Phillips	A4	Letter	NTS	18 May 2017	**ASC 2**
PLANNING APPLICATION SUBMISSION MATERIAL							
PA Forms	CLA	Robert Patkai	A4	Document	NTS	3 November 2017	**ASC 3**
PA Submission Schedule	CLA	Robert Patkai	A4	Document : Issue 1	NTS	8 November 2017	**ASC 4**
Design & Access Statement	CLA	Robert Patkai	A4	Document : Issue 1	NTS	8 November 2017	**ASC 5**
Pre-Application Consultation (PAC) Report	CLA	Robert Patkai	A4	Document : Issue 1	NTS	3 November 2017	**ASC 6**
Topographical Survey (two sheets)	Formby Surveys	Nick Touhey	A0	9963_T:200	1:200	June 2017	**ASC 7**
Site Location Plan	CLA	Robert Patkai	A3	17-032-100 Rev C	1:1250	8 November 2017	**ASC 7**
Photos 1 of 3	CLA	Robert Patkai	A3	17-032-101 Rev B	NTS	3 November 2017	**ASC 7**
Photos 2 of 3	CLA	Robert Patkai	A3	17-032-102 Rev A	NTS	3 November 2017	**ASC 7**
Photos 3 of 3	CLA	Robert Patkai	A3	17-032-103 Rev A	NTS	3 November 2017	**ASC 7**
Proposed site plan	CLA	Robert Patkai	A3	17-032-110	1:500	3 November 2017	**ASC 7**
Proposed boundary treatments	CLA	Robert Patkai	A3	17-032-111	1:100 / 1:1000	3 November 2017	**ASC 7**
Proposed site sections	CLA	Robert Patkai	A3	17-032-112	1:250	3 November 2017	**ASC 7**
Proposed Ground floor	CLA	Robert Patkai	A3	17-032-120	1:200	3 November 2017	**ASC 7**
Proposed First Floor	CLA	Robert Patkai	A3	17-032-121	1:200	3 November 2017	**ASC 7**
Proposed Roof Plan	CLA	Robert Patkai	A3	17-032-123	1:200	3 November 2017	**ASC 7**
Elevations 1	CLA	Robert Patkai	A3	17-032-150	1:100	3 November 2017	**ASC 7**
Elevations 2	CLA	Robert Patkai	A3	17-032-151	1:100	3 November 2017	**ASC 7**
Elevations 3	CLA	Robert Patkai	A3	17-032-152	1:100	3 November 2017	**ASC 7**
Indicative 3D views - 1	CLA	Robert Patkai	A3	17-032-155	NTS	3 November 2017	**ASC 7**
Indicative 3D views - 1	CLA	Robert Patkai	A3	17-032-156	NTS	3 November 2017	**ASC 7**
Landscape Proposals plan (secure unit only)	Ascerta	Alistair McLeod	A0	Drawing : P.883.17.03	1:200	20 July 2017	**ASC 8**
Geo-environmental Appraisal	Clancy	Leanne Cooney		Document : 10/1014/001	NTS	November 2017	**ASC 9**
Flood Consequence Assessment & Drainage Strategy	Clancy	Jack Cozens		Document : 8/1547 Rev A	NTS	3 September 2017	**ASC 10**
Preliminary Bat Roost Assessment & Badger Scoping Survey	Ascerta	Tom Kenwright		Document : P.9883.17	NTS	4 August 2017	**ASC 11**
Bat Report	Ascerta	Neil Everett		Document : P.9883.17	NTS	8 September 2017	**ASC 11**
Noise Report	Red Acoustics	Jack Rostron		Document : R1375-REP01B-JR	NTS	31 October 2017	**ASC 12**
Arboricultural Impact Assessment	Ascerta	Rob Armitage		Document : no ref	NTS	July 2017	**ASC 13**
Transport Statement	DTPC	Alan Davies		Document : J838/TS	NTS	November 2017	**ASC 14**
Interim Travel Plan	DTPC	Alan Davies		Document : J838/ITP	NTS	November 2017	**ASC 15**

POST SUBMISSION MATERIAL							
Submission Schedule - revised	CLA	Robert Patkai	A4	Document : Issue 5	NTS	21 December 2017	**ASC 16**
Pre-Application Consultation (PAC) Report	CLA	Robert Patkai	A4	Document : Issue 2	NTS	12 December 2017	**ASC 17**
Design & Access Statement	CLA	Robert Patkai	A4	Document : Issue 3	NTS	12 December 2017	**ASC 18**
Site Plan - full and outline application extents	CLA	Robert Patkai		Drawing : 17-032-104		22 November 2017	**ASC 19**
Proposed site plan	CLA	Robert Patkai		Drawing : 17-032-110 Rev B	1:500	21 December 2017	**ASC 19**
Proposed boundary treatments	CLA	Robert Patkai		Drawing : 17-032-111 Rev A	1:100 / 1:1000	21 December 2017	**ASC 19**
Outline Housing Scheme - schedule of indicative scale of proposals	CLA	Robert Patkai		Document : Issue 2		21 December 2017	**ASC 19**
Planning Support Statement : low secure unit	CLA	Robert Patkai	A4	Document : Issue 1	NTS	12 February 2018	**ASC 20**
CONSULTATION RESPONSES							
Consultee Response : Housing 1	Wrexham CBC	Ceri Postle	A4	consultation response	NTS	7 December 2017	**ASC 21**
Consultee Response : Housing 2	Wrexham CBC	Ceri Postle	A4	consultation response	NTS	14 December 2017	**ASC 21**
Consultee Response : Education	Wrexham CBC	Denise Garland	A4	consultation response	NTS	10 January 2018	**ASC 21**
Consultee Response : Environmental Health	Wrexham CBC	Ian Jones	A4	consultation response	NTS	29 November 2017	**ASC 21**
Consultee Response : Adult Social Care	Wrexham CBC	Mark Jones	A4	consultation response	NTS	20 February 2018	**ASC 21**
Consultee Response : Children & Young People	Wrexham CBC	Audrey Somerton-Edwards	A4	consultation response	NTS	10 January 2018	**ASC 21**
Consultee Response : Highways	Wrexham CBC	Pete Douthwaite	A4	consultation response	NTS	6 December 2017	**ASC 21**
Consultee Response : Police	Police	Mark Williams	A4	consultation response	NTS	22 February 2018	**ASC 21**
Consultee Response : NRW	NRW	Holly Tomlinson	A4	consultation response	NTS	6 December 2017	**ASC 21**
Consultee Response : DCWW 1	DCWW	Henry Jones-Hughes	A4	consultation response	NTS	21 November 2017	**ASC 21**
Consultee Response : DCWW 2	DCWW	Henry Jones-Hughes	A4	consultation response	NTS	29 November 2017	**ASC 21**
Consultee Response : Network Rail	Network Rail	Barbara Morgan	A4	consultation response	NTS	12 December 2017	**ASC 21**
DETERMINATION MATERIAL							
Committee Report	Wrexham CBC	Matthew Phillips	A4	Report	NTS	5 March 2018	**ASC 22**
Committee Addendum	Wrexham CBC	Matthew Phillips	A4	Addendum	NTS	5 March 2018	**ASC 22**
Planning Committee Webcast : https://wrexham.public-i.tv/core/portal/webcast_interactive/339591	Wrexham CBC	Ken Bickerton	N/A	WEBCAST	NTS	5 March 2018	**ASC 23**
Committee Minutes	Wrexham CBC	Matthew Phillips	A4	Minutes	NTS	5 March 2018	**ASC 24**
Decision Notice	Wrexham CBC	Matthew Phillips	A4	Decision	NTS	5 March 2018	**ASC 25**
POST-DETERMINATION MATERIAL							
Email Correspondence with Wrexham CBC regarding S106 UU ; 29 March to 27 June 2018	J10 Planning	Justin Paul	A4	Email correspondence	NTS	29 March 2018	**ASC 26**
Final Draft UU	Inhouselegal	Nick Turner	A4	Draft UU	NTS	27 June 2018	**ASC 27**

APPENDIX B :

Appeal Form

For official use only (date received): 20/07/2018 13:21:03

The Planning Inspectorate

PLANNING APPEAL FORM WALES (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/H6955/A/18/3207621

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr Shokat Dalal
Company/Group Name	ASC Real Estate Investments Ltd

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes ☑ No ☐

Name	Mr Justin Paul
Company/Group Name	J10 Planning Ltd
Your reference	ASC Gwersyllt

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Wrexham County Borough Council
LPA reference number	GWE P/2017/0927
Date of the application	03/11/2017

Did the LPA issue a decision? Yes ☑ No ☐

Date of LPA's decision	05/03/2018

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes ☐ No ☑

Does the appeal relate to an existing property? Yes ☑ No ☐

Address	Land Off Mold Road WREXHAM LL11 4AE

Is the appeal site within a Green Belt?	Yes	☐ No	☑
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes	☐ No	☑

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form? Yes ☐ No ☑

Please enter details of the proposed development. This should normally be taken from the planning application form.

Proposed demolition of vacant buildings; the (Detailed) erection of a 54 no. bedroom low secure unit with associated access, parking and landscaping; and the (Outline with all matters reserved) erection of 6 no. detached and 24 no. residential apartments

Area (in hectares) of the whole appeal site [e.g. 1234.56]	1.68 hectare(s)
Area of floor space of proposed development (in square metres)	3037 sq metre(s)

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission. ☑
2. Granted planning permission for the development subject to the conditions to which you object. ☐
3. Refused approval of the matters reserved under an outline planning permission. ☐
4. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐
5. Refused to approve any matters required by a condition on a previous planning permission. ☐
6. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐

G. PREFERRED PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☑

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?	Yes	☐ No	☑
(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?	Yes	☑ No	☐

Please explain.

Site is presently not publicly accessible

2. Hearing ☐

3. Inquiry ☐

H. GROUNDS OF APPEAL

The grounds are set out in

☐ the box below
☑ see 'Appeal Documents' section

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes ☑ No ☐

I. COSTS

Do you intend to submit a costs application with this appeal? Yes ☑ No ☐

Details of the costs application are set out in

☐ the box below
☑ see 'Appeal Documents' section

J. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates; ☑

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below: ☐

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below. ☐

J. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding. ☑

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant. ☐

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below. ☐

K. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA. ☑

02. A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form). ☑

03. A copy of the LPA's decision notice (if issued). ☑

04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled ☑

by the appellant (if any) edged or shaded blue.

05. A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given to those sent to the LPA.	☑
06. A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g drawings for illustrative purposes).	☑
07. A copy of the design and access statement.	☑
08. Additional plans or drawings relating to the application but not previously seen by the LPA.	☑
09. Any relevant correspondence with the LPA.	☑
10. (a) If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, enclose the relevant outline application.	☐
10. (b) If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, enclose all plans sent at outline application stage.	☐
10. (c) If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, enclose the original outline planning permission.	☐
11. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.	☐
12. If the appeal is against the LPA's failure to decide an application, please supply a copy of the letter registering your application.	☐
13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	☐

L. ADDITIONAL INFORMATION

Is flooding an issue?	Yes	☐ No	☑
Does the development affect the setting of a listed building?	Yes	☐ No	☑
Is the appeal site within an Area of Outstanding Natural Beauty (AONB)?	Yes	☐ No	☑
Does the site lie within a Conservation Area?	Yes	☐ No	☑
Does the site lie within green wedge?	Yes	☐ No	☑

M. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?	Yes	☐ No	☑

N. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form, personal details form and any supporting documents not previously sent as part of the application to the LPA. If you do not send them a copy of these forms and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal and personal details form
- locating your local planning authority's email address:

http://gov.wales/topics/planning/appeals/make-an-appeal/sending-a-copy-to-the-council/?lang=en

- attaching the saved forms including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your forms, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

O. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below are to follow by post:

Relates to Section: GROUNDS OF APPEAL
Document Description: A copy of the grounds of appeal.

Relates to Section: COSTS
Document Description: Details of costs application relating to the appeal.

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. A copy of the original application form sent to the LPA.

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 02. A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form).

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 03. A copy of the LPA's decision notice (if issued).

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 05. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 06. Any other relevant plans, drawings and documents sent to the LPA, but which did not form part of the application (eg drawings for illustrative purposes).

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 07. A copy of the design and access statement.

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 08. Additional plans or drawings relating to the application but not previously seen by the LPA.

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 09. Any relevant correspondence with the LPA.

Completed by MR JUSTIN PAUL

Date 20/07/2018 13:22:47

For official use only (date received): 20/07/2018 13:21:03

The Planning Inspectorate

PERSONAL DETAILS FORM (Online Version)

Personal details given in this document will not be publicly available.

Appeal Reference: APP/H6955/A/18/3207621

APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr Shokat Dalal
Company/Group Name	ASC Real Estate Investments Ltd
Address	Breightmet Centre for Autism Milnthorpe Road BOLTON BL2 6PD
Email	shokatd@gmail.com

Preferred contact method — Email ☑ Post ☐

AGENT DETAILS

Do you have an Agent acting on your behalf? — Yes ☑ No ☐

Name	Mr Justin Paul
Company/Group Name	J10 Planning Ltd
Address	J10 Planning 1-3 Upper Eastgate Row, Eastgate Row North CHESTER CHESHIRE CH1 1LQ
Phone number	01244 349400
Fax number	01244 349402
Email	justin@j10planning.com
Your reference	ASC Gwersyllt

Preferred contact method — Email ☑ Post ☐

CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledege.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature	Mr Justin Paul
Date	20/07/2018 13:22:48
Name	Mr Justin Paul
On behalf of	Mr Shokat Dalal

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form, personal details form and any supporting documents not previously sent as part of the application to the LPA. If you do not send them a copy of these forms and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal and personal details form
- locating your local planning authority's email address:

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- attaching the saved forms including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your forms, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

APPENDIX C :

Adopted UDP Policy









Wrexham

Unitary Development Plan 1996 - 2011

Adopted February 2005

wrexham COUNTY BOROUGH
BWRDEISTREF SIROL wrecsam

4. General Development Principles

Development Objectives

Policy GDP1 All new development should:-

a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.

b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.

c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.

d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.

e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.

f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.

g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.

h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.

i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.

j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.

k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

4.1 In addition to the specific land use or locational policies of the Plan, all development proposals must satisfy certain general requirements, the regulation of which is a key function of the planning system (e.g. drainage/liability to flood, stability, natural hazard, energy efficiency, materials and design, etc.). Many of these matters are the responsibility of statutory organisations that are automatically consulted on development proposals. Quality development can only be achieved through the application of flexible but sensitive standards relating to the visual and operational quality of new development and its impact on people and the surrounding environment. Good design often costs no more than bad. The Council, will, from time to time issue supplementary planning guidance with the aim of encouraging high standards of development and design. Development proposals will be determined in accordance with the Unitary Development Plan, unless material considerations indicate otherwise. The Council will also make reference to non-statutory Supplementary Planning Guidance in their consideration and determination of development proposals, as appropriate. The Council will make full use of obligations under section 106 of the Town and Country Planning Act and of planning conditions to ensure that all new development accords with detailed Plan policies and that the aims of the Plan are fully implemented. The Council will also prepare Development Briefs for allocated sites where it is appropriate to do so. A development brief has been prepared, for example, for the major development site at Ruthin Road, Wrexham, where land is allocated for housing, employment, and education.



4.2 Wrexham County Borough contains a number of installations designated as notifiable to the Health and Safety Executive by virtue of the quantities of hazardous substances stored and used. Whilst they are subject to stringent controls under existing health and safety legislation, it is considered prudent to control the development of land in their vicinity. The siting of new installations will be subject to planning controls aimed at keeping them separated from houses and other land with which they might be incompatible from a safety viewpoint.

4.3 The unique character of parts of the County Borough is derived from its Welsh culture and landscape. The Welsh language is an important part of the daily lives of many local inhabitants and a key determinant of the social fabric of the communities of, for example, the Ceiriog Valley, Rhos/Johnstown, Penycae, Coedpoeth and Minera. The safeguarding and nurturing of this cultural and linguistic identity cannot occur in isolation from the development of the local economy and conservation of the landscape.

4.4 Crime prevention can be a material consideration when considering planning applications, and local authorities are under an obligation to consider the need to prevent crime in all decisions they take. There has to be a balanced approach to design which attempts to reconcile the visual and other qualities of a development with the need to prevent crime, the fear of crime, and disorder.

Capacity of Infrastructure and Community Facilities

Policy GDP2 Where the capacity of infrastructure, including community facilities, is likely to be deficient as a consequence of new development, a planning agreement/obligation will be negotiated whereby the developer provides the additional capacity either on or off-site, and/or provides funding for the Council to provide the additional capacity itself. Requirements will be fairly and reasonably related in scale and kind to the proposed development.

4.5 Community benefits, related to proposed development and necessary for the grant of planning permission, can reasonably be sought providing they are fairly and reasonably related in scale and kind to the proposed development. A developer may reasonably be expected to pay for, provide in kind, or contribute to, the provision of infrastructure or community facilities which would not have been necessary but for this development, or which would otherwise have created a consequential and significant planning loss to the community (e.g. reduction in local transport standards, exceeding the capacity of local schools, etc.). It is not only large scale developments which can adversely impinge on existing infrastructure or community facilities. All new development will, in some way, affect the existing situation and cumulatively over a period of time the impact can be significant, particularly at a time of severe public sector financial constraint. This policy will be particularly relevant to securing the implementation of proposals within the Ruthin Road Development Area.





4.6 Changes in population resulting from new housing can exert pressure on the availability of school places. Locally, there is an increasing mismatch of education demand and supply. Generally, school capacity surpluses exist in both rural and urban villages where development is severely constrained by environmental, topographical, infrastructure, or marketing constraints. However, many schools are full. The Council intends to rectify this imbalance by reducing surplus places through the conversion of surplus premises to community use, the adjustment of feeder schools to secondary to more efficiently match capacity to roll, and possible mergers and/or closures. This will be balanced by the improvement and/or replacement of older schools, the provision of new schools in areas of significant population growth and requirement, and the continued development of adult, further, and higher education.

Agricultural Land

Policy EC2 Development on agricultural land of grades 1, 2 or 3a will only be permitted if it does not lead to the irreversible loss of that land.

5.3 The County Borough contains large tracts of high quality agricultural land generally concentrated around Wrexham, Gresford/Marford, Rossett/Burton, Holt and along the River Dee flood plain. Generally, the incidence of high quality agricultural land coincides with locations where development pressures are greatest. High quality agricultural land cannot readily be replaced and should not be irreversibly built upon unless there is no other lower quality site available. In the local context, grade 3a quality land is considered to be amongst the best and most versatile land and is given the same protection as higher grade land. In considering development affecting agricultural land, the agricultural implications will be considered together with environmental and economic aspects. In exceptional circumstances, where high quality agricultural land has to be taken, development should if possible avoid using the best managed land and land which has been improved through capital investment. Development proposals on land of Grades 1, 2 and 3a quality will require a specialist evaluation of the economic and environmental impact of the permanent loss of the land. Policy MW8, which deals with the restoration of Mineral Working Sites, states that if a restoration scheme entails the return to agriculture of land which is classified as Grades 1, 2, or 3a, the site should be restored as closely as practicable to its original grade.

Agricultural Buildings

Policy EC3 The construction of new agricultural buildings will be permitted unless the development is materially detrimental in terms of its impact on the environment or surrounding landscape. The development should form part of an existing farm complex and take advantage of topography and other landscape features for screening. Isolated buildings will only be permitted in exceptional circumstances where there is an essential agricultural need, and no reasonable alternative location for the development.

5.4 The Council is aware of the need for continuing investment in modern farm buildings, slurry stores and equipment. Farm businesses need to change and grow in response to market forces and legislation if they are to survive. Problems can arise due to proposals which are unusually large or in sensitive locations. Where this is the case then planning conditions may be necessary to lessen the impact, although consideration will be given to functional requirements and cost implications. The farm complex is defined as the curtilage of the usable farm buildings usually centred around the farmhouse.

Hedgerows, Trees and Woodland

Policy EC4 Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.

5.5 Much of the landscape's quality stems from the pattern of hedgerows, trees and woodland and other natural features such as ponds. The conservation, planting and proper management of such features must be encouraged in order to maintain and enhance the landscape, to conserve wildlife habitats, and to reverse some changes made to the rural landscape by modern agriculture. Developments and land use changes may therefore be resisted if they adversely affect, directly or indirectly, the integrity or continuity of landscape features which are designated as of major importance for wild flora and fauna. A development may be acceptable if mitigating measures can be provided for within the control of the developer which would reinstate the integrity or continuity of these features. Management of these features will generally be encouraged and, where appropriate, conditions will be imposed on planning permission. Planning obligations may be entered into with landowners or developers to secure long term management. TPO's will be used to prevent loss, destruction or damage to trees which form notable features of the landscape or townscape. Certain hedgerows are protected by the Hedgerow Regulations, and the Council will use its powers under this legislation to exercise control over important hedgerows. Where damage to woodland is unavoidable, appropriate mitigation measures will be required.

Special Landscape Areas

Policy EC5 Within Special Landscape Areas, priority will be given to the conservation and enhancement of the landscape. Development, other than for agriculture, small-scale farm-based and other rural enterprises, and essential operational development by utility service providers, will be strictly controlled. Development will be required to conform to a high standard of design and landscaping, and special attention will be paid to minimising its visual impact both from nearby and distant viewpoints.



5.6 Within the County Borough there are a number of areas which are considered to be of particularly high landscape value. These include the upper slopes of Ruabon Mountain, the Ffrith Valley, parts of the Dee Valley, and the Ceiriog Valley. In addition, there are pockets of high value landscape which contribute to the setting, amenity, and character of local settlements, or views along main communication routes, and comprise attractive and sensitive environments in their own right. Examples include parkland and garden landscapes in the CADW register of Parks and Gardens of Special Historic Interest (all of which lie within special Landscape Areas), Landscapes of Historic Interest, village greens, open areas within or adjacent to built up areas, river valleys, and farmland. Development is often inappropriate in such sensitive locations and the maintenance and enhancement of the landscape quality is particularly important.

Area of Outstanding Natural Beauty

5.7 During the plan period the existing Clwydian Range Area of Outstanding Natural Beauty may be extended to include sections of Ruabon Mountain, and the Berwyn Mountain Range, which includes much of the Ceiriog Valley, may be designated as an Area of Outstanding Natural Beauty. The Council supports such a proposal. Such designation would recognise the national importance of that landscape and the need to protect, manage, and enhance it. Landscape conservation would be the primary consideration and development which detracts from the character and appearance of the landscape would be resisted. Any development permitted must be of the highest standard of design, and use materials appropriate to the locality.

Biodiversity Conservation

Policy EC6 Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum, and compensatory measures should be provided. Measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality including the establishment of local nature reserves, will be supported.

5.8 Sites of biodiversity interest in the County Borough require protection by virtue of their special and exceptional flora, fauna, geological and physiographical features. These sensitive nature conservation sites are often subject to pressures for change and can be affected or even destroyed by operations which are harmful to a protected site, such as changes in farming techniques, which may not be subject to planning control. The continuous survey and assessment of nature conservation sites could bring statutory protection for other hitherto unscheduled sites. This policy applies to, in order of importance: nature conservation sites of international importance comprising Special Protection Areas, Special Areas of Conservation, and Ramsar Sites; nationally important Sites of Special Scientific Interest; regionally important Geological Sites; locally important Wildlife Sites; and other protected species and their habitats. The Council will require a survey to be undertaken in order to evaluate the impact of development on the intrinsic qualities of these sites. Local nature reserves comprising habitats of local

5.14 An archeological evaluation can help to define the character and extent of the archeological remains in the area of a proposed development, and can indicate the weight that should be attached to their preservation. It also helps to identify options for minimising or avoiding damage. Such an evaluation should be carried out by a professionally qualified archeological organisation or archaeologist, working to a brief supplied by the Council, and should be carried out before any decision on the planning application is taken.

Development and Flood Risk

Policy EC12 Development (including the raising of land) within defined flood plains will only be permitted if it:-

a) would not be subject to an unacceptable risk of flooding on-site; and/or

b) does not result in an unacceptable risk of flooding on or off-site; and/or

c) does not adversely affect flood management or maintenance schemes

5.15 Development proposals within areas of flood risk are not only at risk of flooding, but may also exacerbate existing or create new flooding problems on other land or property through reductions in floodplain storage capacity or by impeding flood flows. Flood alleviation measures can only reduce the risk of flooding and can never eliminate the risk. For these reasons, development within land at an unacceptable risk of flooding will not be permitted. Where detailed information in respect of flood risk is not available, developers will be required to carry out detailed technical investigations to evaluate the extent of the flood risk and ensure that no unacceptable development, including the raising of land, occurs within the flood risk area identified.

5.16 In exceptional circumstances, where the Council considers a development essential for the economic viability of the area, and it has been confirmed that there are no other sites capable of providing the necessary stimulus, the development will still only be permitted where the developer can conclusively demonstrate that appropriate and environmentally sympathetic flood protection and mitigation measures can be implemented. The Council will require developers to carry out and provide details of hydraulic investigations to properly determine the implications of the proposed development. Developers should be aware that the responsibility for, and costs of, carrying out of any investigation/mitigation works rests with themselves. Development will not be permitted to commence until any mitigation works required have been implemented to the satisfaction of the Council, and a formal agreement regarding the future maintenance of any flood protection/mitigation structures is in place.

5.17 The extent of the indicative flood plain within the County Borough, based on information provided by Environment Agency Wales, is shown on the proposals maps. It must be stressed that this is indicative information (i.e. not definitive), and as such may be subject to review and refinement during the plan period.

Surface Water Run-off

Policy EC13 Development which would result in an unacceptable adverse impact on the water environment due to additional surface water run-off will not be permitted.

5.18 Development on green field sites usually results in an increase in the amount of impermeable land. This can alter the natural water cycle as rates and volumes of surface water reaching a surface watercourse generally increase. Drains and sewers generally convey surface water from impermeable areas directly, or via a sewerage system, to a watercourse. Such arrangements not only reduce the natural recharge of groundwater, which wastes a valuable resource and increases pollution risk (for example from contaminated urban run-off and combined sewage overflows) but can also increase river flows. Increased river flows can cause physical damage to the banks and bed of a watercourse, and increase the risk of flooding.

5.19 Wherever practicable surface water should be disposed of as close to the source as possible. Where potential risks are identified appropriate flow attenuation facilities or mitigation measures may be a pre-requisite for development. Consideration should be given to the use of softer engineering structures referred to as Sustainable Urban Drainage Systems (SUDS). SUDS is a concept that focuses decisions about drainage design, construction and maintenance on the quality of the receiving environment and people. SUDS are physical structures built to receive surface water runoff. They typically include swales, ponds, infiltration basins and porous surfaces and should be considered as alternatives to conventional drainage where appropriate. The Environment Agency Wales can provide guidance on the design of SUDS and have produced a document entitled "Protecting the Quality of Our Environment, Sustainable Urban Drainage Systems - An Introduction". The Council will require the developer to demonstrate, both financially and practically, how the long term maintenance of any attenuation facilities or mitigation measures will be achieved.

Protection of Controlled Waters

Policy EC14 Development which would have an unacceptable adverse impact upon the capacity, flow, quality or availability of controlled waters and associated land will not be permitted.



6. Housing

Background

6.1 Housing is a major land user in the County Borough. Between 1971 and 1991 the number of households increased by 26.0% even though the population rose by only 7.0%. This is primarily a result of a decrease in the average household size from 3.16 persons in 1971 to 2.52 persons in 1991, which has resulted in a proportionately higher demand for new homes. Approximately 4.0% of the housing stock is vacant; very few homes are second or holiday homes and most vacancies are temporary and due to normal market turnover and improvement activities.

6.2 The level of private house building has declined significantly since the early 1970's but demand for housing is still fairly buoyant. Housing completions (including conversions) 1981-1996 inclusive averaged 470 homes per annum.

6.3 Planning policy has, over the last twenty five years, given priority to new housing development in the urban villages located to the west and south of Wrexham in order to stem population decline, maintain community services, encourage redevelopment of disused sites, and generally to improve confidence in those villages. At the same time, a reasonable level of housing provision, appropriate to the general development strategy and set within the prevailing framework of environmental constraints, has been achieved in Wrexham town and, to a lesser extent, the rural villages.

6.4 Attention is drawn to the following recent housing distribution trends:

- between 1984 and 1997 inclusive, the erection of 3,019 new homes in the urban villages, 1,677 new homes in Wrexham town and 1400 new homes in the rural villages.·
- from the mid-1970's a consistent and relatively high level of housing development in Broughton, Rhos, and Gwersyllt supplemented by large developments in Coedpoeth and Chirk during the 1970's in particular and, over the last few years, Penycae and Rhostyllen. An annual average of 232 homes has been completed over the last ten years.
- very rapid increases in the number of homes in Wrexham town during the mid 1960's and 1970's but with the rate of development having slowed over the last ten years to an annual average of 123 homes.
- limited growth in the rural villages excepting phases of rapid expansion during the late 1960's and early 1970's in Bangor-is-y-Coed and Marchwiel, and, during the 1970's in Gresford/Marford. The last ten years witnessed an annual average of 115 homes.



Housing Allocations

Policy H1 Sufficient land will be allocated for housing development between 2001 and 2011 as follows:-

URBAN VILLAGES

Ref. Number	Location	Area (ha)	Units
1.	Acrefair: Llangollen Road	2.40	60
2.	Broughton : Former Gatewen Colliery Site	8.57	214
3.	Broughton: Southsea Road/New Road	3.28	77
4.	Chirk : Lodgevale Park	0.70	18
5.	Gwersyllt: Bottom Road	1.33	33
6.	Llay : Llay Road	1.31	31
7.	Penycae: Afoneitha Road	0.53	12
8.	Pentre Broughton : High Street	0.70	18
9.	Rhos : High Street/Hall Street	0.25	9
10.	Rhostyllen : Wrexham Road	7.57	160
11.	Ruabon : Station Road	1.17	23
12.	Ruabon: New Hall Road	3.50	80
13.	Tanyfron: Bryn Gwenfro	2.33	56
14.	Trevor: Former Brickworks, Llangollen Road	1.40	40
	Urban Villages Sub Total	**35.04**	**831**

WREXHAM TOWN

Ref. Number	Location	Area(ha)	Units
15.	Rhosrobin: Pontrobin Farm	1.22	36
16.	Bridge Street/Cambrian Yard	4.73	260
17.	Former Brewery, Central Road	2.80	100
18.	Former Depot, Crescent Road	0.54	13
19.	Salop Road / Greenbank Road	1.06	30
20.	Stansty Road/Garden Road	2.05	60
21.	Ruthin Road	11.00	327
22.	Watery Road	1.23	37
	Wrexham Town Sub Total	**24.63**	**863**

RURAL VILLAGES

Ref. Number	Location	Area (ha)	Units
23.	Bronington : Former Garden Centre, New Hall Lane	0.63	12
24.	Dolywern : Adjacent to Y Wern	0.30	5
25.	Gresford : Bryn y Groes	2.87	43
26.	Holt : Wrexham Road	0.67	12
27.	Lavister : Waterways Garden Centre	0.94	12
28.	Minera : Adjacent to Eversley Court	0.25	6
29.	Penley : Polish Hospital	4.05	66
	Rural Villages Sub Total	**9.71**	**156**
	TOTAL	**69.38**	**1850**

6.5 The Plan's projected population and household/dwelling requirements are informed by a migration-led projection using migration trends agreed with the National Assembly for 1996 based projections and proxy detailed household formation data which includes some provision for the locality's student population. The population of Wrexham County Borough in 1996 was 125,110. This figure is expected to grow by 1,198 to a 2011 population of 126,308. This is considerably lower than the rate of population increase seen in the recent past, due to reduced inward investment, natural change, and in-migration. Consequently a slower rate of new household formation is projected. The resulting dwelling requirement is expected to increase from 52,470 in 1996 to 58,113 in 2011, an increase of 5,643 new dwellings or 376 new dwellings per annum over the Plan period. A slippage allowance, to



cover unforeseen circumstances (e.g. land ownership or infrastructure constraints, etc.) which may delay the development of the Plan's committed and allocated housing sites, of 10% of the total requirement (i.e. 564 new homes) has been added. Policy PS5 therefore makes provision for the development of 5775 dwellings between 1996 and 2011. It is acknowledged that the population forecast is only one of several factors that influence the Plan's housing requirement. Other factors such as recent housing completion rates, the physical and environmental capacity of settlements to absorb growth, and the extent of existing commitments have also been fully considered as part of the planning strategy.

6.6 The Plan identifies sufficient land to meet this future new housing requirement as follows:-

Total Dwelling Provision 1996-2011	**5775**
a) Dwellings completed 1996-2001 = 2075, leaving a dwelling requirement for 2001-2011	3700
b) Land with planning permission for new homes as at 1st April 2000 and contributing to the five years supply or likely to start within the five years and contributing beyond	1070
c) Unidentified small sites (9 dwellings or fewer)	1000
d) Residual dwelling requirement from allocations	1630

The residual requirement of 1630 will be increased by 10% (163 dwellings) to allow for possible slippage in the implementation of the allocated sites, and by 107 to allow for slippage in the implementation of the sites with planning permission. The sites allocated under Policy H1 seek to reflect this requirement for 1900 dwellings.

6.7 The Wrexham Housing Needs Study (1999) found a requirement for an additional 1950 dwellings (of which 164 are social sector dwellings) over the 5 year period 1998 to 2003. Most of the additional housing required is in the Wrexham Town (45%), North West (36%) and South West (17%) areas of the County Borough. In addition, the model, based on the continuation of existing trends has projected a total net shortfall of up to about 4,150 dwellings (averaging 320 dwellings per annum) over the period 1998 to

2011. Again, this figure is the result of combining shortages and surpluses of properties of different size and across different tenures. The survey does suggest that generally there is a reasonable balance of accommodation in the County Borough and that there is adequate provision for future allocation within the Unitary Development Plan.

6.8 The housing land allocations identified in Policy H1, in number, range of site types, and variety of location, are considered reasonable and adequate to cater for the County Borough's future housing requirements to 2011. The proportion of new housing allocations on brownfield land is 53%. The proportion of new housing permissions (as at April 2001) on brownfield land is 67%. The combined figure (allocations and permissions) on brownfield land is 59%. Full account has been taken of the constraints of marketing, servicing, phasing, and ownership in defining genuinely available land. Development densities on each site are approximate and vary according to the location, topography, and physical constraints of the allocated sites, and the general character of its surroundings. Allocated sites are well-related in scale and location to existing development and are well integrated within the existing pattern of settlement and surrounding land uses. Further residential land releases could unnecessarily and unreasonably extend development, contrary to the strategy of consolidation/urban regeneration and the protection of countryside, and will be resisted.

Residential Development (of Unannotated Land) within Settlements

Policy H2 Residential development on unannotated land within settlement limits will be permitted subject to compliance with Policy GDP1.

6.9 Although the Plan provides an adequate supply of undeveloped sites, consideration will be given to proposals for the development of unannotated land within settlement limits compatible with the character and form of the built up area. Such development contributes to the economic use of land, avoids pressure on the countryside, and serves to remove the detrimental effect of neglected land in residential areas. However, development should not prejudice either the existing amenity enjoyed by adjacent residents or potential opportunities for redevelopment. Attractive tree-lined, and/or low density residential areas (e.g. the Chester Road/Maes-y-Dre Road/Penymaes Avenue/Park Avenue neighbourhood in Wrexham, or the Wynnstay Lane/Stancliffe Avenue/Pistyll Hill/Hoseley Lane locality in Marford), must not be spoilt by insensitive developments which increase densities; constitute over-development; result in the loss of private or public open space; or detract from the general character of the area.



conditions restricting occupancy which have outlived their usefulness. Applications to discharge agricultural or forestry occupancy conditions will be considered realistically in relation to evidence that the long term need for such dwellings is no longer warranted and that unsuccessful attempts have been made over a reasonable period, and at a price reflecting the existence of the occupancy condition, to sell or rent the dwelling.

Affordable Housing

Policy H7 Where there is a proven lack of affordable housing to meet local needs, the Council will negotiate with developers to provide an element of affordable housing in new proposals of 25 or more homes. The initial benefit of discounted prices will be retained for subsequent and future occupants through the scheme's management by a suitable local housing body with the aid of legal agreements.

Policy H8 In exceptional circumstances, where a proven need from persons unable to compete in the local housing market cannot be met within rural settlement limits, consideration will be given to other limited affordable housing proposals on the edge of settlements where:-

a) no more than 5 dwellings can be accommodated on a site which forms a logical extension to the settlement limit and the development reflects the surrounding townscape and landscape in form, bulk, design and materials; and

b) the initial benefit of discounted prices will be retained for subsequent and future occupants through the scheme's management by a suitable local housing body with the aid of legal agreements.

6.16 Increasingly in some parts of the County Borough, there are genuine difficulties in securing an adequate supply of affordable housing for local people. The term "affordable housing" refers to both low cost market and subsidised housing, irrespective of tenure, ownership, or financial arrangements, that will be available to people who cannot afford to occupy houses generally available on the open market. The problem is caused by a combination of a significant decline in the supply of Council and other affordable rented housing, and the inward migration of commuters and retired people. These pressures raise property values and effectively squeeze out local people in the housing market. The problems are particularly acute for those on below average earnings or not earning at all.

6.17 An assessment of the level and distribution of demand for affordable housing, tempered by an evaluation of existing opportunities for such facilities, is critical to the application of this policy. Proposals for low cost housing will be directed to sites within settlement limits and the Council will negotiate with developers to provide an element of low cost housing in proposals of 25 or more homes. Due consideration will be given to the size, character and location of the site, particularly with regard to its convenient proximity on foot or cycle to local services and public transport. Proposals will be assessed in relation to the Wrexham Housing Needs Survey (1999). This identified a shortfall of just over 1000 social sector dwellings and nearly 600 private rented sector limits; this demand varies dramatically between local settlements. However, the areas where demand is being generated may not necessarily be the locations where future needs and demands should be, or can be met given the many and varied local planning constraints. The findings of any surveys commissioned by the Council into Local

Replacement Dwellings in the Countryside

Policy H10 Replacement dwellings may be permitted in the countryside only where:-

a) the existing dwelling is habitable or capable of being made habitable without substantial reconstruction or substantial increases in floor area.

b) the existing dwelling is not of architectural or historic interest, or is a prefabricated or temporary structure.

c) the proposed dwelling:

i) is located on the site of the original dwelling; or

ii) is exceptionally, where a planning constraint can be overcome, located within the curtilage of the existing building; and

iii) reflects the floor area, form, bulk, and character of the original dwelling; and

iv) satisfies Policy GDP1.

Extensions will not be permitted and conditions may be attached to restrict permitted development rights. Any permission will be conditioned to require the demolition of the existing property prior to/upon occupation of the replacement dwelling.

6.20 An existing dwelling may prove inadequate for modern living standards (e.g. by virtue of poor siting) or its physical condition makes renovation impossible. To be properly considered for replacement an existing dwelling will either be habitable in its present state or capable of being made habitable according to reasonable modern standards without recourse to works amounting to substantial reconstruction or substantial increase in floor area. Replacement is generally unacceptable in the case of buildings of architectural or historic interest and the policy criteria exclude prefabricated and temporary structures (e.g. caravans, chalets). Proposals for replacement dwellings will not be supported where the new dwelling adversely affects the character of the local landscape. The Council will aim to ensure that the replacement dwelling reflects the form, bulk, height, and character of the existing building and that it will lead to an improvement in the rural environment. Permission for a replacement dwelling will include a condition requiring the demolition of the existing property prior to/upon occupation of the new dwelling. Outline planning permission will not normally be granted for replacement dwellings as the design and siting of the new dwelling is integral to the proposal's consideration.

Residential and Nursing Homes

Policy H11 Proposals for elderly persons residential care homes, nursing homes, and development for specialist health care services will normally be allowed where:-

a) the development accords with Policy GDP1; and

b) adequate garden area for the amenity of residents can be provided; and

c) in the case of change of use, the existing building is of an adequate size for the use proposed without substantial extension; and

d) the facility is accessible to community facilities (e.g. shops, post office, doctor's surgery, etc.).

6.21 The proportion of elderly persons in the population is increasing and their special housing needs must be catered for. Much of this demand is met through the new build of, or changes of use of dwellings to, elderly persons' residential care and nursing homes. In order to protect the amenity of residents with generally diminished mobility and visitors, and in the interests of highway safety, it is necessary to ensure that only suitable buildings in adequate grounds and at suitable locations, close to community services, are used. Proposals for new build residential care and nursing homes must accord with the Plan's locational and environmental policies. The Council will ensure that any extension(s) to residential and nursing homes will not result in an over development of the site and will not detrimentally affect the integrity of the original building, or the local landscape and/or townscape character.

Housing Rehabilitation

Policy H12 The renewal and improvement in the quality of older housing areas will be encouraged. Unfit housing, excepting listed buildings of special architectural or historic interest and that in conservation areas, which is incapable of repair at reasonable expense will be cleared.

6.22 While the quality, type and location of new dwellings is important, new build could prove an unending process if the quality of the existing housing stock is not substantially improved. The County Borough has a large legacy of pre-1920's industrial housing, much of it in poor condition: there are an estimated 3,200 unfit dwellings which amounts to 7.5% of the total private sector stock. This compares favourably with the national average unfitness of 13.3% substandard private sector dwellings. The gradual renewal of older housing stock and adjacent open spaces is necessary to stabilise older neighbourhoods, both physically and socially, to prevent further decline, to provide a more efficient use of existing resources, and to supplement conservation policies. There is a general presumption against the demolition of listed buildings of special architectural or historic interest or housing in conservation areas. Any materials generated from the demolition of unfit housing will, wherever possible, be reused for repair of other local buildings or in the construction of the replacement building(s), thereby promoting a more sustainable use of scarce traditional natural building resources.



Playing Fields, Children's Play Areas and Open Space

Policy CLF 4 The redevelopment of sports grounds, playing fields, children's play areas and informal open spaces and allotment gardens for uses other than sport and recreation will not be permitted unless:-

a) redevelopment of only a small part of the site would allow the retention and enhancement of that existing facility; or

b) the long term requirement for the facility has ceased and it would not lead to, or increase an existing shortfall of that facility in the immediate locality; or

c) the loss can be replaced with an equivalent or greater provision in the immediate locality. Alternative sites should be within settlement limits or, in exceptional circumstances, adjacent to settlement limits provided that associated buildings, lighting, and parking facilities are not intrusive in the landscape and user accessibility is not reduced.

9.5 Over 70% of local communities exhibit deficits in playing fields provision; deficits are particularly severe in Wrexham, Cefn Mawr, Broughton, Coedpoeth, and Penycae. Approximately 90% of local communities also exhibit deficits in the provision of children's play areas. Significant emphasis will be placed on the protection of existing playing fields, which will be safeguarded from development and retained for recreational use. Increasing importance is placed on the contribution to the character of the local landscape and townscape and residents' quality of life made by open space through both its active recreational and visual contribution. The National Playing Field Association standards of provision for playing fields and public open space (i.e. a minimum of 2.4 hectares of outdoor playing space per 1000 population) will be used in assessing the level of existing provision. The provision of facilities with synthetic or other surfaces capable of intensive use does not justify the release of grass facilities.

Open Space Requirements from new Residential Developments

Policy CLF5 New development of ten dwellings or more must provide informal public open space within the site at a minimum level of 0.4 hectare per 50 dwellings, be conveniently located for users, and usable for playing field(s) and/or equipped children's play area(s) and open amenity area(s). In exceptional circumstances, the application of these standards may be varied, in the case of small urban infill housing development, where the developer enters into a legal agreement for financial contributions towards the cost of public open space provision where:-

a) the site is unsuitable for public open space provision; or

b) the development would not place significant additional pressure on public open space facilities in the vicinity of the site.

9.6 New housing can place additional pressure upon existing local public open space and other informal recreation facilities unless increased provision is made as an integral part of the development. It is necessary, therefore, to ensure that significant new housing developments of 10 or more dwellings should incorporate an adequate amount of informal public open

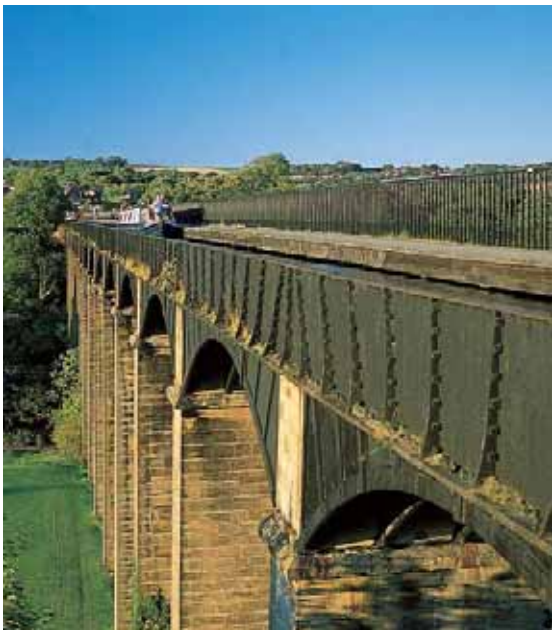
space. Provision should be made at a minimum level of 0.4 hectare per 50 dwellings and include an equipped children's play area (s), and / or informal open space(s), and, where the necessary open space requirements is 0.6 hectare or more, a playing field(s). The policy recognises that in the case of small urban infill sites, it may not be practical to provide public open space in accordance with the required standards, and allows a developer to enter into a legal agreement for financial contributions towards the costs of public open space. Furthermore, developers should provide commuted sums to aid the Council in its adoption and long term maintenance of public open space. The off-site public open space provision should be directly relevant to the proposed development, meeting the standard requirements of planning obligations as given in Welsh Office Circular 13/97 (i.e. necessary, relevant, related, reasonable).

Informal Recreation

Policy CLF6 The existing pattern of public rights of way will be protected, maintained and improved and any potential new routes will be identified and safeguarded.

Policy CLF7 The development of countryside and water resources for informal recreation will be permitted provided that it does not harm visual amenity or nature conservation interests. Built development (e.g. information centres, toilets and car parking) should be small scale and directly related to the use of the resource.

9.7 Shorter working hours, early retirement, and a longer life expectancy have increased people's leisure time and created an increased demand for leisure facilities. Both the public and private sectors have invested in improved and new largely informal rural visitor facilities which have secured increased job opportunities, local incomes, and the range of leisure facilities available to local residents. Most people do not take part in organised recreation activities. Informal outdoor recreation such as picnicking, nature study, or visiting places of interest is becoming increasingly important. Opportunities exist to develop informal facilities in the existing Country Parks at Alyn Waters and Ty Mawr (including a new visitor centre with adjacent facilities); at Fenns Moss; at various privately owned countryside sites; and along the extensive network of public rights of way, including the Maelor Way recreation footpath, Offa's Dyke Long Distance Path and the Clywedog Trail. The Llangollen Canal, Pontcysyllte Aqueduct, and Trevor Wharf are valuable local water recreation attractions that could be enhanced by small-scale developments directly related to the recreational use of the canal. Where rights of way are illegally obstructed the Borough will take the necessary action to remove the obstruction immediately.



10.9 Narrow sections of roads used by through traffic, local traffic and delivery vehicles cause congestion and hazards, particularly when combined with street parking, inadequate service arrangements and pavements which are either sub standard or non existent. Particularly affected are Wrexham town centre and Rhos and Coedpoeth district shopping centres. Within Wrexham town centre, pedestrianisation of shopping streets, together with the provision of rear servicing, has created safe and attractive shopping conditions and considerably improved the appearance of the area. The construction of the St. Giles Link road has enabled further traffic management schemes to be implemented. Opportunities for traffic management schemes in existing and future shopping and residential areas of the County Borough may also arise during the plan period. The introduction of traffic management measures can make a positive contribution towards environmental improvement, provide opportunities to maximise the use of existing roads, assist in the operation of bus services, and create safer, more accessible, and more attractive shopping centres and residential areas for pedestrians and cyclists. The B5245 (New Road/Rhosddu Road, Wrexham) suffers from congestion and hazards, and on-street parking, that make it unsuitable for additional traffic flows. Proposed traffic management schemes will ensure that essential service access is safeguarded.

Parking

Policy T8 Development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards. Special regard will be paid to the following factors, as appropriate:-

a) the availability of public transport nearby,

b) proximity to public car parking,

c) proximity to local services and facilities,

d) road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site.

Where implementation difficulties arise in making parking provision on-site or nearby, the Council will require a developer to make financial contributions for measures to assist public transport, or walking and cycling as appropriate.





10.10 The Council's guidance on parking standards, which is updated from time to time, ensures that development does not adversely affect road safety or local amenity. Occasionally, however, full compliance with these standards may neither be practicable nor appropriate (e.g. where there may be insurmountable access, amenity, space or layout constraints) particularly where key urban regeneration or building conservation objectives are denied. Such circumstances are likely to apply in Wrexham town centre and the larger district shopping centres. If there is no space available on the site, suitable parking provision will need to be made elsewhere in the area. The Council operates a policy of allowing a developer to buy parking spaces for non-operational parking or to finance public transport improvements or measures for walking and cycling in lieu of on site provision. Such arrangements can be advantageous to both developer, in saving valuable space on site, and to the general public, which in the long term will benefit from increased public car parking provision, particularly targeted at short stay spaces to protect the vitality and viability of the Wrexham town centre, or improved public transport facilities and services. Supplementary policies on car parking are set out in the Parking Strategy contained in the Council's Local Transport Plan 2001-2006 (see Appendix III). The Council recognises that the management of car parking may be used in the future as a means to encourage the use of public transport, footpaths and cycleways, where this is appropriate.

Walking, Cycling and Horse Riding Routes

Policy T9 Development proposals will be required to provide walking and cycling routes, where feasible and appropriate, that link with existing or proposed walking and cycling routes, and integrate with the public transport system. Opportunities for horse riding along these routes will be secured where appropriate.

10.11 Road improvements, traffic management measures, and pedestrian schemes will create safer and more pleasant areas for pedestrians, cyclists, and horse riders. The County Borough contains many

APPENDIX D:

Pre-application guidance from WCBC

Head of Environment and Planning
Pennaeth yr Amgylchedd a Chynllunio
Lawrence Isted

16 Lord Street, Wrexham, LL11 1LG
16 Stryt yr Arglwydd, Wrecsam, LL11 1LG
Tel/Ffon: 01978 292016 Minicom: 01978 292067
www.wrexham.gov.uk www.wrecsam.gov.uk

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

CLA
UNIT 17
CONNECT BUSINESS VILLAGE
24 DERBY ROAD
LIVERPOOL
L5 9PR

Sent by email: rpatkai@condylofthouse.co.uk

Your Ref/Eich Cyf	
Our Ref/Ein Cyf	ENQ/2017 /0076
Date/Dyddiad	03/05/2017
Ask for/Gofynner am	Matthew Phillips
Direct Dial/Rhif Union	01978 298780
E-mail/E-bost	matthew.phillips@wrexham.gov.uk

Dear Sir,

Town and Country Planning Act 1990

NEW BUILD LOW SECURE UNIT AND HOUSING DEVELOPMENT
LAND AT WESTMINSTER ROAD / MOLD ROAD GWERSYLLT, WREXHAM, .

I refer to your enquiry in connection with the above.

I will comment on other relevant matters separately however you have requested the validation requirements for a planning application. These are set out below:

Validation Requirement - Plans

- Application forms
- Site location plan
- Block plan

For the Full planning application part the following will be needed:

- Proposed floor plans and elevations

For the Outline planning application part, the following will be needed:

- If layout is reserved, details of the approximate position of the buildings, routes and open spaces;
- If scale is reserved, the upper and lower limit for the height, width and length (in metres) of each building must be shown/specified;
- If access is reserved, a plan showing the access point to the development.

Validation Requirement - Reports

- An ecology report (bat survey and updated badger survey).

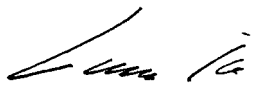
Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.

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

- A pre-application consultation report.

The above sets out the minimum requirements for the validation of a planning application. Please note that further plans or reports may be required to assist consideration of the proposals, should a formal application be submitted.

Yours faithfully,



Pennaeth yr Amgylchedd a Chynllunio/Head of Environment and Planning

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

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Head of Environment and Planning
Pennaeth yr Amgylchedd a Chynllunio
Lawrence Isted

16 Lord Street, Wrexham, LL11 1LG
16 Stryt yr Arglwydd, Wrecsam, LL11 1LG
Tel/Ffon: 01978 292016 Minicom: 01978 292067
www.wrexham.gov.uk www.wrecsam.gov.uk

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

CLA
UNIT 17
CONNECT BUSINESS VILLAGE
24 DERBY ROAD
LIVERPOOL
L5 9PR

Your Ref/Eich Cyf	
Our Ref/Ein Cyf	ENQ/2017 /0076
Date/Dyddiad	18/5/2017
Ask for/Gofynner am	Matthew Phillips
Direct Dial/Rhif Union	01978 298780
E-mail/E-bost	matthew.phillips@wrexham.gov.uk

Dear Sir/Madam,

Town and Country Planning Act 1990

NEW BUILD LOW SECURE UNIT AND HOUSING DEVELOPMENT
LAND AT WESTMINSTER ROAD / MOLD ROAD GWERSYLLT, WREXHAM, .

I refer to your enquiry for the above proposal.

National Policy:

Planning Policy Wales

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 11: Noise

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

Development Plan policies:

Wrexham Unitary Development Plan policies:

GDP1: Development Objectives

GDP2: Capacity of Infrastructure and Community Facilities

EC4: Hedgerows, Trees and Woodland

EC6: Biodiversity Conservation

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

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H2: Residential Development (of Unannotated Land) within Settlements

H7: Affordable Housing

H11 Residential and Nursing Homes

CLF5: Open Space Requirements from new Residential Developments

T8: Parking

Local Planning Guidance Notes:

Local Planning Guidance Note 10: Public Open Space on New Housing Developments

Local Planning Guidance Note 16: Parking

Local Planning Guidance Note 27: Developer Contributions to Schools

Local Planning Guidance Note 28: Affordable Housing

Relevant Planning History

P/2014/0931 Outline application for residential development (up to 65 dwellings) with all detailed matters reserved except access. Granted 10.3.2016

Validation information:

This information has been provided separately.

Developer Contribution Requirements:

- On-site public open space may be required if the number of general houses to be built is 10 or more;
- Financial contributions to schools may be needed in respect of the general houses;
- If the number of general houses to be built is 25 or more, then in 25% of them would ordinarily be required to be affordable.

Other Relevant Considerations:

The development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 as being a development including more than 1 hectare of urban development which is not dwellinghouse development (Column 1 paragraph 10 of Schedule 2). It will therefore be necessary for the proposals to be screened to determine if Environmental Impact Assessment is required.

The following information must accompany a request for a Screening Opinion:

(a) a plan sufficient to identify the land;

(b) a description of the development, including in particular—

i. a description of the physical characteristics of the development and, where relevant, of demolition works;
ii. a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;

(c) a description of the aspects of the environment likely to be significantly affected by the development;

(d) a description of any likely significant effects, to the extent of the information available on those effects, of the proposed development on the environment resulting from—

i. the expected residues and emissions and the production of waste, where relevant; and
ii. the use of natural resources, in particular soil, land, water and biodiversity; and

(e) such other information or representations as the person making the request may wish to provide or make including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

If a formal planning application is submitted without a Screening Opinion having previously been adopted by the Council, the above information would need to be submitted to allow a Screening Opinion to be adopted at that stage.

Views of officer:

Policy

The development lies within the settlement limit of Gwersyllt, is previously developed land and is not allocated for a specific use in the Wrexham Unitary Development Plan (UDP). There would be no objection in principle to the redevelopment of the site.

There are no UDP policies that deal specifically with deals with proposals for secure residential institutions. However policy H11 deals with residential care homes, nursing homes and specialist care services and is therefore applicable to this proposal in my opinion. The policy states that proposals will normally be allowed where:

a) the development accords with policy GDP1; and

b) adequate garden area for amenity of residents can be provided;

c) in the case of change of use, the existing building is of an adequate size for the use proposed without substantial extension; and

d) the facility is accessible to community facilities.

Based on the details submitted the proposals broadly accord with the b) and d), with c) not being applicable to this case. I will comment on the proposals in light of matters relevant to policy GDP1 in more detail below.

The proposals for general housing on part of the site are acceptable in principle and generally accord with policy H2 of the Wrexham Unitary Development Plan.

Layout and Design

I assume the layout of the low secure unit will largely be determined by the requirements of the proposed use. Nevertheless, the development still presents an opportunity to enhance the appearance of the site and this should be taken into account when the scale, form and appearance of the buildings is finalised.

The layout of the general housing part of the scheme appears to be broadly acceptable however I am unable to comment further at this stage in the absence of further detailed plans. The number of general houses has not been confirming in the submissions, however if 10 or more dwellings are proposed, an element on-site public open space may be required.

Secure by design

I am concerned that the plans imply that there would be unrestricted access to the landscape buffer around the exterior of the low secure unit. This are may be vulnerable to unwanted access or anti-social behaviour as a result.

Access and parking

Please find attached the response from Highways to the previous proposals for a residential development on the site. The comments regarding the existing vehicular movements, the road connecting the site to the A541 Mold Road and the improvements needed to resolve highway issues will be equally applicable to this proposal.

A formal planning application should be accompanied by a detailed assessment of the parking requirements of the low secure unit in order to demonstrate that what is provided on site is adequate for staff and visitors.

The on-site parking provision for the general housing should accord with Local Planning Guidance Note 16.

Safety and Amenity: Based on the indicative plan, the proposals appear unlikely to have a significant or adverse impact upon the occupiers of existing neighbouring dwellings.

The proximity of the general housing to an operational railway line will need to be taken into account. Noise attenuation measures may need to be incorporated into the development to ensure future occupiers are provided with an acceptable standard of amenity.

The site adjoins the Ysgol Bryn Alyn High School. I would anticipate the local community council, local members and local residents having concerns about the possible safety of school children as well as local residents generally. Full details of the security measures that are to be put in place at the site should therefore be submitted with any formal planning application.

Drainage

It would be advisable to include details of how it is planned to drain surface water from the site, as well as any porosity tests if soakaway drains are proposed.

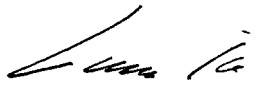
Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.

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

Conclusion

There would be no objection in principle to the development of the site for the proposed uses. However I am sure you will appreciate that being able to support a formal application will depend upon the plans and details accompany it. Nevertheless I hope the above is of assistance. Please also note that this response provided the informal views of an Officer of the Council and does not commit the Council in the determination of any formal application that may be submitted.

Yours faithfully,



Pennaeth yr Amgylchedd a Chynllunio/Head of Environment and Planning

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

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

APPENDIX E :

Planning Support Statement

Proposed 54No Bed Low Secure Unit & Housing
Land off Mold Road, Gwersyllt,
Wrexham LL11 4AF

PLANNING SUPPORT STATEMENT
LOW SECURE UNIT

PREPARED FOR A HYBRID PLANNING APPLICATION
(INCLUDES FULL & OUTLINE APPLICATIONS)



Main Entrance Visual

Job 17-032
12.02.2018
ISSUE 01

CLA Architects, Unit 17, Connect Business Village, 24 Derby Road, Liverpool L5 9PR Tel: 0151 207 4371

1.0 INTRODUCTION

This Support Statement addresses the type of service and need for the Low Secure Unit, and is written in response to the Gwersyllt Community Council's written objection to the Low Secure Unit Planning application, which is for a Hospital to serve the local and wider North Wales community. The objection was sent to the Planning Department on 29th January 2018, the principal objections being:

a. *"Security implications that have not been fully considered for the low secure unit (in particular regarding the clients of the unit)"*

b. *"The development is in close proximity to education establishments and adjacent to Ysgol Bryn Alyn (with again the security implications for local school children)".*

c. *"There is a lack of information regarding the future management of the site"*

d. *"The development will contribute to added traffic flow exiting onto Mold Road. We consider that this is already a busy junction where turning right is a particular problem".*

The applicant considers that the above issues have been addressed in responses to specific questions raised by both the Community Council and Planning Department, however it is useful to collate all of the information in one document, and to add additional information, where this may assist an understanding of the case.

This Statement therefore seeks to clarify the nature of a Low Secure Unit, including the local need, under the following headings:

2. The nature of a Low Secure Unit/Hospital
3. How and who are referred
4. The case of need
5. Operation
6. Security – Operational
7. Security – Physical
8. Conclusion

The development application site of 2.58 Hectares (Red line plot, including access road) is located to the west of Mold Road on disused industrial land.

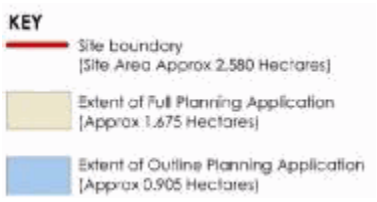




Fig 1: Site Location Plan [NTS] indicating Full & Outline Planning application extents

2.0 The Nature of a Low Secure Unit

2.1 Definitions of High, Medium and Low Secure Hospital services

The definitions of High, Medium and Low Secure Units are defined by the government, including the levels of security that apply in each case.

High Secure	Services are provided for people who "require treatment under conditions of high security on account of their dangerous, violent or criminal propensities" (as defined under the NHS Act 2006).
Medium Secure	Services have a fixed level of security and standards with which they must comply.
Low Secure	There is less around what constitutes 'low secure' (compared to high or medium secure services) the Department of Health have stated that: *"low secure services are for people aged 18 years and over detained under the Mental Health Act who cannot be treated in other mental health settings because of the level of risk or challenge they present. Patients will not require the level of physical security provided by medium secure services"*

The proposed Low Secure Unit at Wrexham is designed to provide accommodation for adults aged 18 and over. This service will provide care and treatment for people with mental health problems.

The Low Secure Unit will provide a home for 40 No residents, accommodated in a modern purpose built environment, in a landscaped setting, conducive to wellbeing and recovery. In addition, the unit will have a 14 bed assessment treatment unit (ATU), to cater for those in crisis, who can be brought in for assessment and recovery.

3.0 How and who are referred

3.1 Commissioning of Services

Commissioners in Wales are responsible for commissioning Low Secure Hospitals

3.2 Referrals to the Low Secure Hospital

Patients admitted to this service will be detained under one of the sections of The Mental Health Act 1983, as amended in 2007, and will be referred by Local NHS health boards, from across North Wales and areas covered by the Health Inspectorate Wales (HIW)

Patients will usually suffer from a Mental disorder such as schizophrenia, depression, bipolar disorder, post-traumatic stress disorder, anxiety, phobias. This group of patients will usually need psychological and pharmacology intervention in order to stabilise their mental state, prior to re-integrating them back into the community.

The service will have some exemptions from admission, which will include patients with a history of sexual offenses, arsonist and patients with substance abuse/addiction.

4.0 The case of need

4.1 In 2016-17, there were 8,723 admissions to Mental health facilities in Wales, of which a proportion has been placed out of Wales, due to limited bed availability within Wales. There is therefore a need for low secure placements within North Wales.

The importance of having facilities within the local area is that residents can be treated within, or close to, their communities, which assists the maintaining of family ties, visiting and later with in re-integration into the community, once their treatment is completed. The community would also benefit from new employment opportunities.

5.0 Operation

5.1 Low Secure Hospital Management

The Unit will be operated and funded by a private company, ASC Healthcare with ongoing service fees payed by the NHS. ASC Healthcare:

- runs two independent hospitals and has experience in delivering outcomes under NHS Contracts
- has a good track record on safety and has had no absconsions since inception.

5.2 Clinical assessment and treatment

Individuals admitted to the low secure unit will be assessed on a highly intensive and personalised basis by a dedicated team of clinical professionals. The low secure unit is an intensively staffed environment which provides services that work to ensure that individual's needs are assessed and treated effectively with the aim to manage risks posed to reduce further offending/challenging behaviour and support recovery throughout the person's stay.

The multi-disciplinary clinical team includes clinical psychologists and assistants, forensic psychologists, consultant psychiatrists, nurses and support workers that can provide inputs and treatment around the following elements:
•Individually tailored recovery and rehabilitation pathways keeping length of stay to a minimum.
•Robust risk assessment and management
•Treatment delivered following My Shared Pathway
•Positive risk taking
•Strengths based approach
•Positive behaviour management strategies
•Care planned psychological therapies
•Access to at least 30 hours of meaningful activity 7 days a week
•Developing independent living skills and community engagement
•A strong emphasis on safeguarding
•Robust clinical governance
•Access to independent advocacy
•Strong multiagency and family partnerships to ensure a holistic package of care and pathway

Ultimately, the low secure services aim to deliver the following outcomes:
•Improvements in mental health and patient symptoms
•Effective management of behaviour
•Reduction of risk
•Preparation for successful step down
•Good physical health
•Improved self-esteem and self-worth
•Social inclusion

5.3 Assessment Treatment Unit

Assessment Treatment Unit is exclusively for adults aged 18 and over who have experienced a crisis/complex needs. The service will provide a combined programme of enhanced therapeutic and clinical support which incorporates flexible and creative care pathway solutions for individuals who have likely experienced varying degrees of difficulty or crisis in previous care and support settings, or for those who may have suffered a crisis at home.

5.4 The unit nurse in charge at any time will check all patients on general observation every hour to confirm each individual's whereabouts. Further to this, any patient deemed at risk of absconding will have an enhanced level of observation i.e. staff monitoring 24/7.

5.5 Any 'at risk' patient will also be accompanied to all external hospital appointments and will be transported in a secure van with adequate staff numbers (dependent on individual risk assessments) to manage any attempts to abscond.

6.0 Security – Operational

6.1 The physical management of security for patients will be achieved by the following:
- A swipe/key system will ensure that patients will not be able to leave the building without authorised leave.
- A nominated person, in charge of the physical security of the whole premises, will make sure that regular audits/interval checks are carried out both within and outside the physical building.
- All staff will be fully inducted to ensure that all security protocols are fully adhered to.

7.0 Security – Physical

7.1 The building is designed to meet and comply with all of the security standards relating to Low Secure Hospitals, which includes security to prevent escape, as well as design features to keep residents secure in terms of health and wellbeing, which also involves managing and minimising the risk of self-harm.

7.2 The security strategy of the building includes:

- 1 No main personnel entrance, with 'air-lock' security control lobby through which all residents, staff and visitors have to pass when entering and leaving the building
- A second external entrance for deliveries and services, comprising an external secure compound, which works on the 'air-lock' principal. This allows servicing vehicles to back into a secure service area, where the building doors can only be opened once the vehicular access gate is locked down
- The individual residential accommodation units are accessed by further dedicated secure 'air-lock' lobbies, ensuring that residents are contained within their units
- Access to resident facilities outside accommodation units, still within the 'secure' hospital environment, is on an individual risk assessed basis
- The Low Secure accommodation units have further internal subdivisions, to allow residents to be segregated into smaller groups, to best assist harmony and recovery, as well as security
- External amenity areas are protected by 3m high anti-climb security fencing
- A further enclosed maintenance and landscaping perimeter zone wraps round the secure unit from the south west to the east, providing a visual screen to the development

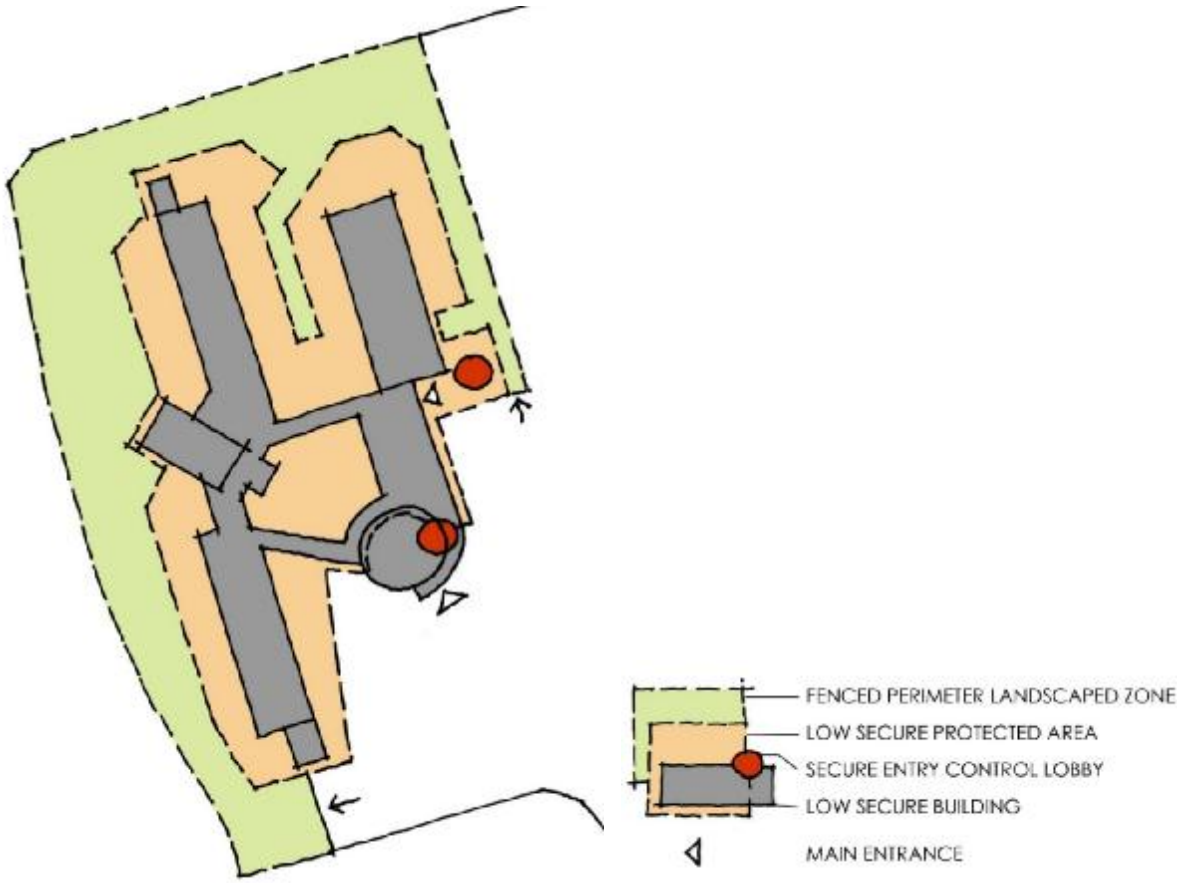


Fig 2: Security Strategy, illustrating dual air-lock entry points

8.0 Conclusion

The provision of a Low Secure Hospital, in Wrexham, is intended to address a clinical need for Wales, where there is currently a shortage of places, resulting in a number of patients being sent out of area.

This Statement addresses the 3 No objections to the Secure Unit as follows:

a. The Security implications have been fully considered, and meet the government and NHS guidelines for the hospital.

   The nature and level of security at a Low Secure Hospital is defined by the government, and is designed to address the nature of risks posed by the resident's mental health needs.

b. The abovementioned security measures are designed specifically to keep the community safe, as well as ensuring the safety of residents, who may have issues with self harming, amongst other things.

   The local community is protected by the abovementioned security provisions, and it is not at risk from those being treated in the hospital. Furthermore, this Statement clarifies the admissions exemptions which will apply to the service.

c. The operation of the Hospital has also been clarified. This is defined and governed/NHS standards and care provision guidance, with which the operator, or any operator for that matter, would need to comply to receive referrals
   The proposed operating company, ASC Healthcare, has a good track record in running secure hospitals, and meeting NHS care outcomes for patients referred to their hospitals.

In addition to the above, extensive local consultations took place prior to the application being submitted, in compliance with Planning legislation, and whilst some concerns were raised about a few issues, mainly concerning traffic, there were no concerns raised about the Low Secure Hospital itself.

Given the above, the applicant hopes that the Hospital would be welcomed by the local community, Wrexham and North Wales as a whole.

It is hoped that the Gwersyllt Community Council, and the Planning Authority, will be able to support the scheme, so that it can be recommended for approval, and supported at the Planning committee.

APPENDIX F :

Statutory Consultation Responses

Housing Development Team

Affordable Housing Feedback Form

	Proposed Number And Type Of Total Dwellings/Affordable Dwellings **(Information Provided by Planning Case Officer)**				
Planning Application Reference	P/2017/0927				
Address of Development	Land West Off Mold Road, Gwersyllt, LL11 4AE				
Total Number of Dwellings and type	**Houses:**				
	1 Bed	**2 Bed**	**3Bed**	**4 Bed +**	**Total number of dwellings**
			2	7	
	Flats:				
	1 Bed	**2 Bed**	**3Bed**	**4 Bed**	
	9	18			**36**
Number and Type of Affordable Housing	**Houses:**				
	1 Bed	**2 Bed**	**3Bed**	**4 Bed**	
	Flats:				
	1 Bed	**2 Bed**	**3Bed**	**4 Bed**	
	9				

	Feedback from Housing Department (Housing Development Team)				
WCBC Housing Waiting List Information	**Number on waiting list**	**Number of applications for 1 bed properties**	**Number of applications for 2 bed properties**	**Number of applications for 3 bed properties**	**Number of applications for 4 bed properties**
	78	49	21	N/A	N/A
Affordable Housing Register Information	**Number of applications**		**Number of applications to buy**		**Number of applications for intermediate rent**
	17		17		0
Comments on the Affordable Housing provision (type and number) from Housing Development Team	Affordable Housing policy is met with 9 properties provided equalling 25%. High demand for 1 bed and 2 bed properties				
Comments on the Affordable Housing provision (type and number) From Local Councillor/s	No comments received from Local Cllr to date				
Comments on the Affordable Housing provision (type and number) From Housing Estate Office	Demand in Gwersyllt for 1 & 2 bedroom properties				
Sustainability of the Housing Development (public transport routes/local amenities/recreational facilities/education provision)	Education provision (Welsh & English) in Gwersyllt Access to well served daily bus route Amenities/recreational facilities in Gwersyllt Health facilities within Gwersyllt				

Date: 7/12/17	**Prepared by:** Ceri Postle

AnnS Jones

From: Matthew Phillips
Sent: 15 December 2017 09:02
To: planning_admin
Subject: FW: Afordable Housing Consultation Response

Please add email to P/2017/0651 and P/2017/0927 as housing response

---

From: Ceri Postle
Sent: 14 December 2017 16:32
To: Matthew Phillips
Cc: Maureen Lee
Subject: RE: Afordable Housing Consultation Response

Hi Matthew,
Please see below for indications as to the likely tenure split requirements between social rent, intermediate rent and shared ownership. I hope this information is helpful, please let me know if you need anything else.

P/2017/0927-Gwerysllt
90 in total on waiting list for housing
17 shared ownership
0 for intermediate rent

P/2017/0651- Summerhill
90 in total on waiting list for housing
72 on waiting list for social housing
10 for shared ownership
8 for intermediate rent

Thanks
Ceri

From: Matthew Phillips
Sent: 11 December 2017 15:31
To: Ceri Postle
Cc: Maureen Lee
Subject: RE: Afordable Housing Consultation Response

Ceri,

Many thanks for these. Are you able to provide indications as to the likely tenure split requirements between social rent, intermediate rent and shared ownership?

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Ceri Postle
Sent: 07 December 2017 16:13
To: Matthew Phillips
Cc: Maureen Lee
Subject: Afordable Housing Consultation Response

Hi Matthew,

Please disregard my first email, I attached the wrong documents, apologies.

Please find attached the correct responses in respect of:

P/2017/0927
P/2017/0651

Thanks
Ceri

Kind Regards/Cofion Cynnes,

Ceri Postle

Rheolwr Prosiect- Ailfodelu
Project Manager- Remodelling

Adran Tai a'r Economi - Housing and Economy Department

01978 315527/07753771809
Adran Tai a'r Economi, Ffordd Ruthun, Wrecsam LL13 7TU
Housing and Economy Department, Ruthin Road, Wrexham LL13 7TU
wrecsam.gov.uk | wrexham.gov.uk
twitter.com/cbswrecsam | twitter.com/wrexhamcbc
facebook.com/cyngorwrecsam | facebook.com/wrexhamcouncil

Rhent yn Gyntaf – Os ydych chi'n hawlio'r credyd cynhwysol, fe fydd eich budd-dal tai yn dod i stop. Fe fydd eich costau tai yn cael eu talu'n uniongyrchol i chi yn eich taliad misol sengl a bydd angen i chi dalu eich rhent i'r cyngor, yn hytrach na'i dalu'n uniongyrchol i ni. Os ydych chi'n hawlio'r credyd cynhwysol, cysylltwch â'ch swyddfa ystadau agosaf i drafod eich taliadau rhent.

Put Rent First – If you claim universal credit your housing benefit will stop. Your housing costs will be paid directly to you in your single monthly payment and you will need to pay your rent to the council, instead of it being paid directly to us. If you claim universal credit please contact your local estate office to discuss your rent payments.

SECTION 106 - DEVELOPER CONTRIBUTION ENQUIRY FORM

Name of Planning Officer Matthew Phillips **Date** 10/01/2018

Planning Application Reference **P/2017/0927**

O.S. Reference

Address of Proposed Development

Land Off
Mold Road
Gwersyllt
Wrexham
LL11 4AE

Type of Dwellings

Number of Houses 2 – 3 Bedrooms 20 Number of Houses 4 + Bedrooms 7

Number of Flats 2 – 3 Bedrooms Number of Flats 4 + Bedrooms

Property Planning Response **Enquiry Reference** Enq00339

Decision contribution required for Gwersyllt High School

Reason for Decision

Calculation of the amount of contribution due

Primary

No of dwellings 2 – 3 bedrooms		x	1960	=
No of dwellings 4+ bedrooms		x	2352	=
Total Primary Contribution				
Secondary				
No of dwellings 2 – 3 bedrooms	20	x	2000	= £40000
No of dwellings 4+ bedrooms	7	x	2400	= £16800
Total Secondary Contribution				**£56800**

TOTAL CONTRIBUTION DUE **£56800**

SECTION 106 - DEVELOPER CONTRIBUTION ENQUIRY FORM

Please use the Enquiry Reference number for any future correspondence in relation to this matter.

The information provided above is based on the most current information held by this department.

Where the type of dwelling is unknown it has been assumed that they will be 4+ bedroom type dwellings. This will allow an indication of the contribution required and can be recalculated when more detailed information becomes available.

The decision made is assessed in relation to other planning applications already consulted on, or developments under construction that have an incremental affect on the number of pupils anticipated.

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

MEMORANDUM

From: Ian Jones Public Protection Service Manager

To: David Williams Planning Control Manager

Our Ref:

Your Ref: P/2017/0927

Date: 29-11-2017

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2017/0927, LAND OFF MOLD ROAD GWERSYLLT WREXHAM

HYBRID PLANNING APPLICATION COMPRISING: FULL PERMISSION TO DEMOLISH VACANT BUILDINGS AND ERECT 54 BEDROOM LOW SECURE UNIT WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING. OUTLINE PERMISSION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) TO DEMOLISH EXISTING BUILDINGS AND ERECT HOUSING DEVELOPMENT (9 NO. DETACHED AND SEMI-DETACHED HOUSES, 27 NO. APARTMENTS)

Environmental Protection - No Comments

In order to protect the amenity of future occupants, the noise mitigation measures detailed in Section 6 of the Red Acoustics Noise Report dated 31st October 2017 should be required by Planning Condition in any permission that may be granted.

ZP11 - DUST MANAGEMENT SCHEME REQUIRED BY CONDITION

No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.

ZP06 - PROTECTION OF AMENITY FROM NUISANCE

All works in relation to the implementation of this permission, including deliveries to and/or leaving the site, shall be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.

A22N - Construction Noise

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974,Section 60, Notice where deemed necessary. Failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Environment and Planning Department on 01978 298989.

A21N - EPA 1990 NOISE NUISANCE ADVICE

The applicant is advised that compliance with condition no. @@ does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

A23N - BURNING OF WASTE ADVICE

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;

- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of such a notice can result in prosecution;

- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environment and Planning Department on 01978 298989 for further advice and information.

A24N - DUST MANAGEMENT SCHEME (SCHEME REQUIRED BY CONDITION)

Applicants are advised that compliance with condition no. @@ does not provide an exemption from the statutory nuisance provisions of the Environmental Protection Act 1990. Under the Act dust from any type of activity can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that the dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environment and Planning Department on 01978 298989 for further advice and information.

ZP01B - Contaminated Land - Phased Investigation

Itis noted that the proposed development is located on land where several formeruses were present that had the potential to cause contamination, e.g. formerGwersyllt Colliery, a depot, mining of coal and lignite, road haulage, railwaysidings and the manufacture of concrete. In addition our records indicate thatinfilled ground/tip may be present on or adjacent to the site. In light ofthis, it will be necessary to condition any future consent so as to ensure thatany potential contamination migration issues are adequately dealt with. I wouldrecommend that the following conditions and note to applicant be applied to anyfuture consent that may be granted.

Condition

No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the local planning authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

ZP02A - Verification Report - Contaminated Land

Each part of the site subject to the remediation under the scheme(s) approved as part of condition @@ shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

A11NA - SITE CONTAMINATION

Further advice on compliance with condition no. @@ may be obtained by contacting the Council's Environment and Planning section on 01978 298989 or contaminatedland@wrexham.gov.uk. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Council's Environment and Planning section prior to commencement of works on site.

.....

Head of Planning and Environment

Susan Davies

From: Matthew Phillips
Sent: 20 February 2018 08:53
To: planning_admin
Subject: FW: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Please add as consultation response to the above.

From: Mark2 Jones
Sent: 19 February 2018 18:08
To: Matthew Phillips
Cc: Charlotte Walton
Subject: RE: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Hello Matthew

Apologies for the delay. Thank you for the information you provided earlier.

The comments I would make regarding the implications from Adult Social Care perspective are as follows.

Regarding the specific use described for the planned development, this would be a low secure unit for persons detained under the Mental Health Act, possibly under s.2 for assessment, but most likely for s.3 for treatment that could include medium to long term care.

The stated intention of the low secure unit is to take referrals from the Local Health Board and areas covered by Health Inspectorate Wales. The Local Health Board (i. e. the Betsi Cadwaldr University Health Board) covers the whole of N. Wales and the area of the Health Inspectorate Wales that covers the whole of Wales.

Regarding the clarification provided in email dated 27.9.16 from Robert Patki to Gwersyllt Community Council that - "a) Residents will be from the local and wider community; the Low Secure Unit is designed to address such a need, as people requiring this service currently being sent to units outside the are due to a shortage of local facilities.
b) The intended outcome the Low Secure services is to rehabilitate residents, allowing them to move onto supported living or open rehab units, again in the local area."

The above would be a serious concern for Wrexham Adult Social Care. The size of this facility would be much larger than is required to meet the level of need from Wrexham alone and would take referrals from the whole of Wales. Following their treatment at the low secure unit they would be discharged to the local area, i. e. Wrexham.

The funding available to Wrexham Adult Social Care is based on a generic formula that does not take into account higher levels of complex needs that might arise in any given local authority. Ordinarily this is not an issue as complex needs normally arise in an even way across local authorities. However, in this situation the presence of such a specialist provision of this size would bring into Wrexham a large number of persons with challenging and complex needs. The ability of Wrexham Adult Social Care to provide this level of care and support would be severely compromised and place the provision of care and support services in Wrexham as whole at risk.

The same concerns would also arise with the demand for housing suitable for persons with complex mental health or ASD conditions that is already at a premium for demand for local residents.

I note that the Betsi Cadwaldr University Health Board has no objections to this application and has demand for low secure accommodation. However, the expectation of the Betsi Cadwaldr University Health Board would be that Adult Social Care would commission and meet the cost of any care and support subsequent to discharge from the low secure unit. The Betsi Cadwaldr University Health Board would not therefore have fully considered the implications on Wrexham Adult Social Care's ability to deliver that care and support after discharge or the implications for the provision of care and support generally.

Yours sincerely / Yn gywir
Mark Jones

Service Manager Initial Response & Mental Health
Rheolwr Gwasanaeth Ymateb Cychwynnol ac Iechyd Meddwl

01978 298015

From: Matthew Phillips
Sent: 12 February 2018 16:28
To: Mark2 Jones
Cc: Charlotte Walton
Subject: FW: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Mark,

Further to my previous email please find attached a supporting statement from the applicants. This has been submitted primarily in response to comments from the Community Council, but you may find it useful.

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Matthew Phillips
Sent: 08 February 2018 13:44
To: Mark2 Jones
Cc: Charlotte Walton
Subject: FW: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Mark,

Sorry to chase this again – I need to complete my committee report early next week. Would it be possible to have some comments by the end of the week?

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Matthew Phillips
Sent: 05 February 2018 10:17

To: Mark2 Jones
Subject: FW: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Mark,

Sorry so chase on this, any idea when you will be providing a response?

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Matthew Phillips
Sent: 12 January 2018 11:22
To: Mark2 Jones
Subject: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Mark,

Please see attached. This includes the response from the Health Board.

The plans for the unit can be viewed on the Council's website.

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

Cerys Jones

From: Matthew Phillips
Sent: 11 January 2018 08:48
To: planning_admin
Subject: FW: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Please add as general consultation response to the above.

From: Audrey Somerton-Edwards
Sent: 10 January 2018 22:47
To: Matthew Phillips
Subject: RE: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Dear Matthew

I am very concerned regarding the sheer size of this operation.

The proposed provision has the potential to have a profound impact on local services.

I am unclear whether this is adult provision or aimed at children and young people.

My main concern is the proximity of the site to a residential area and the schools. I would also be interested in the capability of the service to manage people/young people who have been in the criminal justice system i.e. Registered Sex Offenders.

I am aware of the provider Commissioning this work and would say that their track record has not always been exemplary.

Do not hesitate to contact me if you need further discussion.

Regards

Audrey

From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Date: Tuesday, 09 Jan 2018, 10:57 am
To: Audrey Somerton-Edwards <Audrey.Somerton-Edwards@wrexham.gov.uk>
Subject: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Audrey,

I am currently dealing with a planning application for a low secure mental health unit in Gwersyllt – a copy of the design and access statement is attached along with some other details I have obtained from the applicant's agents. I also attach a copy of a consultation response received from the Health Board.

Can you confirm whether you have any comments about this proposals?

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

MEMORANDUM

wrexham COUNCIL CYNGOR wrecsam

From:	Service Manager Environment	**To:**	Head of Community Well-being and Development
Our Ref:	P/2017/0927	**Your Ref:**	P/2017/0927
Date:	6 December 2017		

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

Location: O. S Grid Ref: 3158 5381 Land off Mold Road, Gwersyllt
Development: Hybrid planning application comprising:
Full permission to demolish vacant buildings and erect 54 bedroom low secure unit with associated access, parking and landscaping.
Outline planning permission (with all matters reserved except for access) to demolish existing buildings and erect housing development (9 no. detached and semi detached houses, 27 no. apartments)

I refer to your revised consultation dated 20 November 2017 in respect of the above.

There are a number of currently unoccupied buildings standing on the site which were formerly used by the Council Environment department. If these buildings were occupied again under a B2/B8 use they could potentially generate approximately 200 vehicle movements per day.

An outline planning permission was granted on this site in 2015 to erect up to 85 dwellings. The outline permission fully considered the impact the additional traffic generation would have at the T junction with the A541 Mold Road. As the net impact was so minimal it was considered that the existing T junction with the A541 Mold Road could cater for the additional traffic without any requirement to upgrade the junction.

The proposed development of 36 dwellings and a secure unit would generate far less traffic than the already approved scheme of 85 dwellings; whereas the approved permission was generating approximately 59 two way movements in the AM peak hour, the proposed scheme will only generate 34. Similarly the PM peak reduces from 64 two way movements to just 29.

The overall net impact on the existing situation is so minimal that it would have very little detrimental impact on the highway network.

The road from the A541 Mold Road leading up to the site is not adopted highway. To the northern edge of the road there is an intermittent 1m wide footway reducing gradually down in width to nothing outside the working means club. To the southern edge there is intermittent footway again of substandard width. There is no street lighting on the road. Evidence would suggest that the

road is inadequately drained as there is regularly a large pool of water where it meets the adopted highway.
There are a number of HGVs / forklift trucks from the Kent supplies site which regularly reverse or park on the unadopted road as they load and unload supplies.

It is proposed to resolve the unadopted highway issues by undertaking a scheme of highway improvements to bring the road up to a standard suitable for adoption.
Pedestrian provision will be significantly improved by introducing a footway to both sides of the access road. Street lighting, drainage and road construction will all be upgraded to ensure the access is suitable for both residential and industrial use.

A scheme of double yellow road markings will ensure that vehicles are not parked on the highway in the vicinity of the bend near Kent Supplies.

The proposals do not appear to show pedestrian routes from the site which link to existing PROWs to the east and towards Bryn Alyn school. This will need to be addressed as part of any reserved matters application.

Adequate off road parking and turning facilities will be required as part of any reserved matters submission.

A Grampian condition should be attached to ensure that no development takes place until the access road is brought up to a standard suitable for adoption and a traffic regulation order imposed to prevent on street parking.

I recommend that any permission include the following conditions:

CONDITIONS

NONSTDC 026R **WESTMINSTER INDUSTRIAL ESTATE ACCESS ROAD**
No development shall take place on the application site until such time as the highways and footways of the Industrial Estate access road have been improved to a standard suitable for adoption.

ZJ37 026R E06N E07N **SUBMISSION OF FURTHER DETAILS (INTERNAL ESTATE)**
No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:
1) Detailed layout, design, drainage and construction of the proposed new footway / carriageway,

The scheme as is approved shall be fully implemented prior to first use of the development.

NONSTDC 026R E06N E07N **SUBMISSION OF FURTHER DETAILS (WESTMINSTER INDUSTRIAL ESTATE ACCESS ROAD)**
No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:
1) Detailed layout, design, drainage and construction for the proposed adoption of Westminster Industrial estate Access road
2) A traffic regulation order scheme of double yellow road markings to prevent on street parking.

The scheme as is approved shall be fully implemented prior to any development on site

ZJ46 026R **NO PRIVATE SURFACE WATER RUN OFF**
No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

ZJ43 055R **TRAVEL PLAN**
Prior to first use of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of an annual monitoring which shall be submitted to the Local Planning Authority for written approval following the anniversary of first use of the development, and every year after up to and including the fifth anniversary.

ZJ23 035R **(PRE-COMMENCEMENT) PARKING AND MANOEUVRING TO BE KEPT CLEAR**
No part of the development shall commence until further details of the proposed vehicular parking and turning facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities as are approved shall be fully laid out, surfaced and drained prior to first use of the development, and shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.

ZJ45 026R **CONSTRUCTION TRAFFIC MANAGEMENT PLAN**
No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.

NOTES

E03N WORKS WITHIN THE HIGHWAY
The separate written consent of the Local Highway Authority must be obtained before any work is carried out within the confines of the highway.

E06N CONSTRUCTION OF ACCESS AND ESTATE ROADS ETC
This planning permission requires that development be carried out in accordance with the approved plans, including the construction of an estate road intended for adoption by the Council under the Highways Act 1980. It is essential therefore that the detailed proposals are submitted to the Highway Authority and confirmed as acceptable BEFORE development commences. Please contact the Highway Authority on telephone no. 01978 729696 for further guidance.

peterbonthwaite

Service Manager Environment

Cerys Jones

From: Matthew Phillips
Sent: 23 February 2018 15:41
To: planning_admin
Subject: FW: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Please add attached as Consultation Response

From: Williams, Mark L (Ch Insp 2202) [mailto:Mark.Williams5@nthwales.pnn.police.uk]
Sent: 22 February 2018 16:37
To: Matthew Phillips
Cc: NPCC ACC Richard Debicki; Pierce, Mark (Supt 1430)
Subject: RE: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Matthew

Sorry for the delay in my response.

I have discussed the plans with ACC Richard Debicki and Eastern Area Superintendent Mark Pierce and we have decided it is not appropriate for us to object to the planning application per se but would like our concerns recorded regarding the future effective management of the facility and the potential impact this would have on the demands on NWP and our partners. If these concerns could be discussed and considered by the planning committee we would be grateful:

- Requirement for effective checks, balances and safeguards by the provider – to minimise risk to patients and wider community, and the risk of absconders
- An understanding of the intended use of the housing development – will this be sold off for development into private housing or will sections of it be utilised by the facility as a stepping stone back into community living?
- The planning application refers to patients coming from North Wales and 'wider community' – What does this refer to? Is this the north west region? Liverpool, Manchester etc… What will be the plans to re-house patients on completion of their treatment?
- We would like the developer to apply for the 'Secure by design' accreditation during the design and build of the facility. This seeks to engineer out criminality and minimise the impact on the community and demand on professional services.

Finally, if the application is successful, NWP would like to meet with the developer and the operator to build a working relationship from the outset. Open communication and strong working relationships will assist in the smooth running of the development and the ongoing management of the facility.

I hope this is in order.

Kind regards

Mark

Mark Williams,
Prif Arolygydd Sir Wrexham / Wrexham County Chief Inspector
Estyniad / Extension : 48646
Llinell Union / Direct Line : 01978 348646
E-bost / E-mail : mark.williams5@nthwales.pnn.police.uk

Rydym yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg - byddwn yn ymateb yn gyfartal i'r ddau ac yn ateb yn eich dewis iaith heb oedi.

We welcome correspondence in Welsh and English - we will respond equally to both and will reply in your language of choice without delay.

HEDDLU GOGLEDD CYMRU
Gogledd Cymru **diogelach**

NORTH WALES POLICE
A **safer** North Wales

From: Matthew Phillips [mailto:Matthew.Phillips@wrexham.gov.uk]
Sent: 20 February 2018 11:00
To: Williams, Mark L (Ch Insp 2202)
Subject: FW: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Mark,

I am in the process of completing my committee report for this development. Can you confirm the comments that you'd like me to report to Members?

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Matthew Phillips
Sent: 12 February 2018 09:01
To: 'Williams, Mark L (Ch Insp 2202)'
Subject: RE: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Mark,

The operating model is outside of our control, as is the number of staff and whether the doors are locked or not. We are only considering the plans as proposed and the use of the land. The operation of the site would, in the first instance, be the responsibility of the site operator. It would also be for the Health Board and the Health Inspectorate to ensure that the site operator was suitable for the job and operated the site in an appropriate manner.

We have no control over who the applicants sell or let the houses to. However there is nothing in the application to suggest that the houses would be used by residents leaving the unit. The application proposes 25% affordable housing, with the remainder being market housing. The former would be secured by a planning obligation that would specify they would need to go to local people in housing need – ie.e. people needing low cost rental or owner occupied housing. The latter would be sold by the developer as they see fit.

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Williams, Mark L (Ch Insp 2202) [mailto:Mark.Williams5@nthwales.pnn.police.uk]
Sent: 10 February 2018 14:17
To: Matthew Phillips
Subject: RE: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Thanks Matthew.

In terms of the operating model, is this something that affects the permission? For example if they decided to have far fewer staff members and didn't lock the 'air-lock' doors would it be a breach of planning? Also if they utilised the housing development as 'halfway housing' for residents leaving the unit, would this require a further application.

I'm just trying to work out what additional demand it might cause if any.

Regards

Mark

Mark Williams,
Prif Arolygydd Sir Wrexham / Wrexham County Chief Inspector
Estyniad / Extension : 48646
Llinell Union / Direct Line : 01978 348646
E-bost / E-mail : mark.williams5@nthwales.pnn.police.uk

Rydym yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg - byddwn yn ymateb yn gyfartal i'r ddau ac yn ateb yn eich dewis iaith heb oedi.

We welcome correspondence in Welsh and English - we will respond equally to both and will reply in your language of choice without delay.

HEDDLU GOGLEDD CYMRU
Gogledd Cymru **diogelach**
NORTH WALES POLICE
A **safer** North Wales

From: Matthew Phillips [mailto:Matthew.Phillips@wrexham.gov.uk]
Sent: 08 February 2018 13:24
To: Williams, Mark L (Ch Insp 2202)
Subject: RE: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Mark,

The development makes provision for access improvements – these are shown on the attached plan. My colleagues in Highways are generally happy with the proposals, subject to conditions. The access improvements would be secured by condition, although it'd probably be prior to occupation rather than prior to commencement.

In terms of the site operator, it isn't information we need from a planning perspective because it isn't a material planning consideration. Planning permission runs with the land so we are not judging the operator in terms of any past performance elsewhere, indeed even if we had the details of who the operator was, it would have no impact upon the outcome of the application. From a planning perspective, the site could be operated by anyone – we cannot impose any control over that, so even if the applicants indicated that Operator A was likely to run the site, once built there would be nothing to stop them using Operator B instead. The suitability of the operators would be a matter for the Health Board to assessment (a copy of their comments is attached) as well as the Health Inspectorate for Wales.

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Williams, Mark L (Ch Insp 2202) [mailto:Mark.Williams5@nthwales.pnn.police.uk]
Sent: 07 February 2018 13:56
To: Matthew Phillips
Subject: FW: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Matthew

I am happy to comment but it might be worth us having a chat about this beforehand.

I think we will struggle to evidence any increased demand but there may be a requirement to improve the entrance and exit. This will primarily sit with highways but we may be able to assist them with evidence of the problems we already have with the main road at this point. There may need to be a 106 application around road improvements.

There is no mention on the application who the operators will be. This seems odd to me that the only name on the application is the architect. I cannot assess their suitability and what impact they may cause without knowing who they are.

Regards

Mark

Mark Williams,
Prif Arolygydd Sir Wrexham / Wrexham County Chief Inspector
Estyniad / Extension : 48646
Llinell Union / Direct Line : 01978 348646
E-bost / E-mail : mark.williams5@nthwales.pnn.police.uk

Rydym yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg - byddwn yn ymateb yn gyfartal i'r ddau ac yn ateb yn eich dewis iaith heb oedi.

We welcome correspondence in Welsh and English - we will respond equally to both and will reply in your language of choice without delay.

HEDDLU GOGLEDD CYMRU
Gogledd Cymru **diogelach**

NORTH WALES POLICE
A **safer** North Wales

From: Owens, Steven (Insp 1426)
Sent: 07 February 2018 13:29
To: Williams, Mark L (Ch Insp 2202)
Subject: Fwd: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Sent from my Samsung Galaxy smartphone.

-------- Original message --------
From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Date: 07/02/2018 13:02 (GMT+00:00)
To: "Owens, Steven (Insp 1426)" <Steven.Owens@nthwales.pnn.police.uk>, "Reed, Kelsey" <Kelsey.Reed@nthwales.pnn.police.uk>
Subject: RE: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Steve/Kelsey,

Just to follow up my consultation, can you confirm whether North Wales Police will be commenting on the planning application?

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Owens, Steven (Insp 1426) [mailto:Steven.Owens@nthwales.pnn.police.uk]
Sent: 18 January 2018 09:55
To: Matthew Phillips
Cc: Reed, Kelsey; gwersylltcommunitycouncil@outlook.com; Jones, Arfon (Police & Crime Commissioner)
Subject: FW: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Matthew,

Kelsey Reed has taken over from Hazel Goss and is our Crime Reduction and Architectural Liaison Officer. Her e-mail address is Kelsey.Reed@nthwales.pnn.police.uk, for all future corresspondence

Thanks Steve

Arolygydd 1426 Inspector 1426 Steven Owens
Arolygydd Ardal Wrecsam Wledig District Inspector Wrexham Rural
Llinell Uniongyrchol Direct Dial 01978 348839
Llinell Fewnol Internal Telephone 48839
Symudol Mobile 07896171648

steven.owens@nthwales.pnn.police.uk

HEDDLU GOGLEDD CYMRU
Gogledd Cymru diogelach
NORTH WALES POLICE
A safer North Wales

Dwi'n Dysgu

From: Matthew Phillips [mailto:Matthew.Phillips@wrexham.gov.uk]
Sent: 18 January 2018 09:19
To: Owens, Steven (Insp 1426)
Subject: Planning application P/2017/0927 - Low Secure Unit Mold Road Gwersyllt

Steven,

Firstly, I apologies for the error in sending the initial consultation for the above. If we do need a police consultation response for any planning application in future can you confirm who the contact would be?

I attach some details of the application – the Design and Access Statement plus some correspondence received from the agent as well as the Health Board response.

I would be grateful for any comments you wish to make on the application.

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

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

Ewch i weld - mi fedrwch chi dalu, rhoi gwybod, gwneud cais, dweud eich dweud, a dod o hyd i wybodaeth ar-lein yn www.wrecsam.gov.uk. Arbedwch bapur - meddyliwch cyn argraffu!

Mae'r neges e-bost hon ac unrhyw atodiadau wedi eu bwriadu ar gyfer yr unigolyn neu?r sefydliad y?i cyfeirir atynt yn unig. Am yr amodau llawn yngl?n â chynnwys a

Ein cyf/Our ref: CAS-47312-C2V2
Eich cyf/Your ref: P/2017/0927

Maes y Ffynnon
Penrhosgarnedd
Bangor
Gwynedd
LL57 2DW

Ebost/Email: northplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 654147

By email only:
planning_admin@wrexham.gov.uk

06/12/2017

For the attention of: Matthew Phillips

Dear Mr Phillips,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

PROPOSAL: HYBRID PLANNING APPLICATION COMPRISING: FULL PERMISSION TO DEMOLISH VACANT BUILDINGS AND ERECT 54 BEDROOM LOW SECURE UNIT WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING. OUTLINE PERMISSION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) TO DEMOLISH EXISTING BUILDINGS AND ERECT HOUSING DEVELOPMENT

LOCATION: LAND OFF MOLD ROAD GWERSYLLT WREXHAM

Thank you for consulting Natural Resources Wales (NRW) on the application above, which was received on the 16th of November 2017.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission**.**

Summary of Conditions:

Condition 1: Geoscience: Universal condition for development on land affected by contamination

Condition 2: Geoscience: Verification Report

Condition 3: Geoscience: Long-term monitoring

Condition 4: Geoscience: Unsuspected contamination

These conditions apply to both the full application for the low secure unit and the outline application for residential development.

Flood Risk & Management of Surface Water Runoff

The site lies entirely in Zone A, as defined by Welsh Government's Development Advice Map (DAM) referred to in TAN15: Development & Flood Risk. Our Flood Map information confirms that the site lies outside of the extreme flood risk outline. The updated Flood Map for Surface Water Flooding indicates that portions of the site are considered to be at risk from surface water flooding.

Although the Flood Map information indicates that flooding is unlikely to constrain development at the site, there is the potential for onsite and/or offsite flooding risk to increase as a result of the development if surface water runoff from the developed site is not effectively managed. The Applicant has submitted a Flood Consequences Assessment & Drainage Strategy in support of the planning application (Clancy Consulting Limited, 8/1547, 03 November 2017). The report outlines how the Applicant intends to manage surface water from the development site. A variety of Sustainable Drainage techniques (SuDS) are proposed by the Applicant.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H, the first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Whilst we offer no flood risk objections to the development, NRW would recommend that your Authority consult your Drainage/Flood Risk Department, who act as Lead Local Flood Authority, so that they have the opportunity to comment on the surface water drainage proposals prior to the grant of planning permission.

Discharge for surface water disposal should be treated (i.e. oil water separator) prior to discharge to the proposed soakaway.

The Lead Local Flood Authority will review the submitted information and confirm whether the Applicant has fully demonstrated that soakaway/infiltration techniques are a viable means of surface water disposal at this site. The LLFA are also likely to request the imposition of appropriate planning conditions, to ensure that a sustainable and effective surface water drainage scheme is delivered as part of the development, and that controls are in place to ensure that any scheme remains operational and effective over its lifetime. Further guidance available at:
http://www.wrexham.gov.uk/english/planning_portal/publications/surface_water.htm

Geoscience & Ground Water

The sites' historic uses mean that there is potential for contamination of groundwater and soil. The presence of an above ground fuel storage tank on site also presents a risk of contamination. We note that site investigation works have been completed where access was possible as buildings still occupy the site.

The application was supported by a Geo-Environmental Appraisal Report (Clancy Consulting Limited, Report Ref: 10/1014/001, November 2017). This report details recommendations to be completed, for the most part once the buildings have been removed. We agree with these recommendations and therefore request the following suite of conditions be imposed on any planning permission granted.

Condition 1: Geoscience: Universal Condition for development on land affected by contamination.

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site from the previous use of the site.

Condition 2: Geoscience: Verification Report

Prior to the commencement of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: The verification report is required to demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition 3: Geoscience: Long-term monitoring

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Long-term monitoring of the site will ensure that longer term remediation criteria relating to controlled waters have been met and will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition 4: Geoscience: Unsuspected contamination

If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority for it.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Informative/ advice to Local Planning Authority

The above conditions have been recommended as the Natural Resources Wales is satisfied that there are generic remedial options available to deal with the risks to controlled waters

posed by contamination at this site. However, further details will be required to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in Planning Policy for Wales we understand that the authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would request that this condition is applied.

Advice to applicant

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to Environment Agency document 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to Groundwater protection: Principles and practice (GP3)

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to our Position Statement on the Definition of Waste: Development Industry Code of Practice and www.naturalresourceswales.gov.uk for further guidance.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations

is clear. If in doubt, the Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Protected Species

Bats are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

NRW is satisfied that the Bat Report (reference Everett, N. (2017) Bat Survey and Assessment: Mold Road, Ascerta) has been carried out to an acceptable standard. The report states that no bats were recorded roosting at the site. We concur with the recommendations and conclusions of the report.

The applicant should be advised that should protected species be discovered at any stage during the works, all work should stop immediately and NRW contacted for further advice.

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,



Holly Tomlinson
Cynghorydd Cynllunio Datblygu / Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales

Dŵr Cymru
Welsh Water

Developer Services
PO Box 3146
Cardiff
CF30 0EH

Tel: +44 (0)800 917 2652
Fax: +44 (0)2920 740472
E.mail: developer.services@dwrcymru.com

Gwasanaethau Datblygu
Blwch Post 3146
Caerdydd
CF30 0EH

Ffôn: +44 (0)800 917 2652
Ffacs: +44 (0)2920 740472
E.bost: developer.services@dwrcymru.com

Wrexham County
16 Lord Street
Wrexham
LL11 1LG

Date: 21/11/2017
Our Ref: PLA0031117
Your Ref: P/2017/0927

Dear Sir

Grid Ref: SJ3155353814 331553 353814
Site: Land off Mold road Gwersyllt
Development: Outline permission to demolish existing buildings and erect housing development of 9 houses and 27 apartments

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

The foul flows only from the proposed development can be accommodated within the public sewerage system. We advise that the flows should be communicated with to the 150mm foul sewer within the industrial estate road. Previous investigations have proven that surface water run-off from part of the existing site enters the public sewer. Work was carried out to prove that on-site infiltration could be achieved and on the basis that all surface water run-off could be removed from the public sewer it was agreed that the foul only connection from the development site could be accommodated within the public sewer network.

I have reviewed the Flood Consequence Assessment dated 3rd November 2017 that has been submitted in support of this application and the conclusions and recommendations of the report and point 8.4 states that 'If infiltration results, high groundwater table or contamination which cannot be remediated is found to be prevalent on site, a request shall be made to Welsh Water for discharge into the public sewer on Mold road at a controlled flow rate.' To reiterate my earlier point. The discharge of surface water flows into a foul or combined sewer will not be permitted and I would offer the following conditions in order to protect against future flooding of these networks as a result of flows from this development.

The fact there are limited options for surface water drainage would suggest that it is vital that a method of surface water drainage is established at an early stage. If on-site infiltration cannot be achieved then this might affect the viability of the development.

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at **developer.services@dwrcymru.com**

Please quote our reference number in all communications and correspondence.

Yours faithfully,



Henry Jones-Hughes
Development Control Officer
Developer Services

glas

Welsh Water is owned by Glas Cymru – a 'not-for-profit' company.
Mae Dŵr Cymru yn eiddo i Glas Cymru – cwmni 'nid-er-elw'.

We welcome correspondence in Welsh and English

Dŵr Cymru Cyf, a limited company registered in Wales no 2366777. Registered office: Pentwyn Road, Nelson, Treharris, Mid Glamorgan CF46 6LY

Rydym yn croesawu gohebiaeth yn y Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn Nelson, Treharris, Morgannwg Ganol CF46 6LY.

Dŵr Cymru
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Developer Services
PO Box 3146
Cardiff
CF30 0EH

Tel: +44 (0)800 917 2652
Fax: +44 (0)2920 740472
E.mail: developer.services@dwrcymru.com

Gwasanaethau Datblygu
Blwch Post 3146
Caerdydd
CF30 0EH

Ffôn: +44 (0)800 917 2652
Ffacs: +44 (0)2920 740472
E.bost: developer.services@dwrcymru.com

Wrexham County
16 Lord Street
Wrexham
LL11 1LG

Date: 29/11/2017
Our Ref: PLA0031117
Your Ref: P/2017/0927

Dear Sir

Grid Ref: SJ3155353814 331553 353814
Site: Land off Mold road Gwersyllt
Development: HYBRID PLANNING APPLICATION COMPRISING: FULL PERMISSION TO DEMOLISH VACANT BUILDINGS AND ERECT 54 BEDROOM LOW SECURE UNIT WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING. OUTLINE PERMISSION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) TO DEMOLISH EXISTING BUILDINGS AND ERECT HOUSING DEVELOPMENT (9 NO. DETACHED AND SEMI-DETACHED HOUSES, 27 NO. APARTMENTS)

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

The foul flows only from the proposed development can be accommodated within the public sewerage system. We advise that the flows should be communicated with to the 150mm foul sewer within the industrial estate road. Previous investigations have proven that surface water run-off from part of the existing site enters the public sewer. Work was carried out to prove that on-site infiltration could be achieved and on the basis that all surface water run-off could be removed from the public sewer it was agreed that the foul only connection from the development site could be accommodated within the public sewer network.

I have reviewed the Flood Consequence Assessment dated 3rd November 2017 that has been submitted in support of this application and the conclusions and recommendations of the report and point 8.4 states that 'If infiltration results, high groundwater table or contamination which cannot be remediated is found to be prevalent on site, a request shall be made to Welsh Water for discharge into the public sewer on Mold road at a controlled flow rate.' To reiterate my earlier point. The discharge of surface water

flows into a foul or combined sewer will not be permitted and I would offer the following conditions in order to protect against future flooding of these networks as a result of flows from this development.

The fact there are limited options for surface water drainage would suggest that it is vital that a method of surface water drainage is established at an early stage. If on-site infiltration cannot be achieved then this might affect the viability of the development.

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

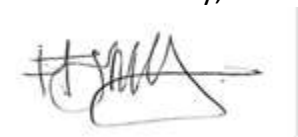
No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at **developer.services@dwrcymru.com**

Please quote our reference number in all communications and correspondence.

Yours faithfully,



Henry Jones-Hughes
Development Control Officer
Developer Services

glas
Glas Cymru Cyfyngedig

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We welcome correspondence in Welsh and English

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Rydym yn croesawu gohebiaeth yn y Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn Nelson, Treharris, Morgannwg Ganol CF46 6LY.

Cerys Jones

From: Matthew Phillips
Sent: 12 December 2017 14:39
To: planning_admin
Subject: FW: Planning Application: P/2017/0927

Please add as Consultation Response

From: Morgan Barbara [mailto:Barbara.Morgan@networkrail.co.uk]
Sent: 12 December 2017 14:38
To: Matthew Phillips
Subject: FW: Planning Application: P/2017/0927

Network Rail
1st Floor
Bristol Temple Point
Bristol
BS1 6NL

Ask for : Barbara Morgan
Tel : 0117 3721125

My Ref : P/TP17/0810/BM
Your Ref : P/2017/0927

Date : 12 December 2017

Dear Matthew Phillips

TOWN AND COUNTRY PLANNING ACT 1990
PROPOSAL: Full permission to demolish vacant buildings and erect 54 bedroom low secure unit with associated access, parking and landscaping.
Outline permission (with all matters reserved except for access) to demolish existing buildings and erect housing development (9 no. detached and semi-detached houses, 27 no. apartments).
Land off Mold Road, Gwersyllt Wrexham

Thank you for your email dated 21 November, together with the opportunity to comment on this proposal.

Whilst there is no objection in principle to this proposal, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

DRAINAGE
All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE
The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

FENCING
If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

EXCAVATIONS/EARTHWORKS
All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING
The proposal must not interfere with or obscure any signals that may be in the area.

ENVIRONMENTAL ISSUES
The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

PLANT, SCAFFOLDING AND CRANES
Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

Please feel free to get in contact if you have any questions.

Yours sincerely,

Barbara Morgan
Town Planning Technician (Western & Wales)

www.networkrail.co.uk/property

Please send all Notifications and Consultations to townplanningwestern@networkrail.co.uk or by post to Network Rail, Town Planning, 1st Floor, Bristol Temple Point, Redcliffe Way, Bristol BS1 6NL

APPENDIX G :

Committee Report & Addendum

WREXHAM COUNTY BOROUGH COUNCIL PLANNING COMMITTEE
MEETING OF 5 MARCH 2018

REPORT OF THE
HEAD OF ENVIRONMENT AND PLANNING

This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.

Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chair.

ITEM 4 – DEVELOPMENT CONTROL APPLICATIONS

Page Nos	Community	Planning Ref	Speaker Against	Speaker For
11 – 18	BRY	P/2017/0217		√
27 – 35	WRC	P/2017/0892		√
36 – 57	GWE	P/2017/0927		√
58 – 66	COE	P/2017/0967		√
76 – 81	GRE	P/2017/1043	√	√
99 – 116	RUA	P/2018/0053		√

Pages 11 - 18 BRY P/2017/0217

Land at Nant Court, Brymbo
SPEAKER: FOR – Stuart Hatherall (Agent)

Pages 27 - 35 BRY P/2017/00892

22 Bryn Estyn Road, Wrexham
SPEAKER: FOR – Stuart Hatherall (Agent)

Pages 36 - 57 GWE/2017/0927

Land off Mold Road, Gwersyllt
SPEAKER: FOR – Enruque Chacoris (Representing Applicants)

Consultations

North Wales Police: We have decided it is not appropriate for us to object to the planning application per se but would like our concerns recorded regarding the future effective management of the facility and the potential impact this would have on the demands on NWP and our partners.

If these concerns could be discussed and considered by the planning committee we would be grateful:

1. Requirement for effective checks, balances and safeguards by the provider – to minimise risk to patients and wider community, and the risk of absconders
2. An understanding of the intended use of the housing development – will this be sold off for development into private housing or will sections of it be utilised by the facility as a stepping stone back into community living?
3. The planning application refers to patients coming from North Wales and 'wider community' – What does this refer to? Is this the north west region? Liverpool, Manchester etc. What will be the plans to re-house patients on completion of their treatment?
4. We would like the developer to apply for the 'Secure by design' accreditation during the design and build of the facility. This seeks to engineer out criminality and minimise the impact on the community and demand on professional services.
5. Finally, if the application is successful, NWP would like to meet with the developer and the operator to build a working relationship from the outset. Open communication and strong working relationships will assist in the smooth running of the development and the ongoing management of the facility.

Applicant's submission

The applicant's agent has provided two examples of two other low secure units:

Maryfield Mental Health Unit Nettleford Road, Manchester

The service offers occupancy of 27 beds for service users of adult age who may be liable to be deprived of their liberty or may be admitted on a Community Treatment Order (CTO) or Guardianship Order

The Breightmet Centre For Autism, Milnthorpe Road, Bolton

The autism specialist hospital is situated in the heart of the Breightmet community and is registered with the Care Quality Commission under part II of the Care Standards Act 2000 as amended by the Health and Social Care (Community Health and Standards) Act 2003. This mental health hospital is a specialist purpose designed and built unit which provides services and support to adult patients who may or may not be liable to be detained pursuant to the Mental Health Act 1983 as amended by the Mental Health Act 2007 and provides exclusively for adults aged 18 and over having learning disability and/or autism.

The following applies to the existing units:

1. Both take residents of a similar profile/need as proposed for Wrexham, with similar secure lobbied access control systems
2. Both are located in the community, immediately next to housing
3. No abscontions have occurred from either unit
4. The Wrexham Unit includes more security fencing purely because it provides significantly more external resident amenity space, including private resident gardens to ground floor units. The security fencing proposed is marginally higher at 3m, for the same risk profile, so overall security will be even higher. The Wrexham site is able to offer this due to its well screened location.

Observations

North Wales Police Comments

Points 2 and 3 are dealt with in my main report. With regards to point 1, site security is discussed in my main report. The matters raised by North Wales Police are outside of the scope of planning control and for the site operator to ensure effective management procedures are put in place.

Points 4 and 5 are matters for North Wales Police to take up directly with the applicants.

Applicant's submission

The Maryfield Mental Health Unit is located in a residential area on a street comprised predominately of dwellings. The Breightmet Centre in Bolton is located adjacent to dwellings with a retail park nearby. There is also a primary school approximately 200m away. The location of both is therefore broadly comparable to the proposed Gwersyllt unit.

Recommendation

Unchanged

Pages 58 - 66 WRC P/2017/0967

Land South of Nant Cottage, Coedpoeth
SPEAKER: FOR – Stuart Hatherall (Agent)

Pages 76 – 81 GRE P/2017/1043

Disused Shippon, off Village Walks, Marford, Wrexham
SPEAKER: AGAINST – Sioned Edwards (Rep Neighbour)
FOR – Stuart Hatherall (Agent)

Local Member

Concerns raised for the following reasons:

- The public footpath adjoining the development has been dug up in parts and completely taken over by scaffolding and fencing, leaving pedestrians no choice but to walk in the road. As well as this, the site itself is quite messy, leaving residents with an eyesore on their doorstep. I would recommend a site visit from planning enforcement is needed in view of this.
- The size of the garage will have a significant impact on neighbouring properties' privacy, natural light and the length of time this development is taking.
- Why are the trees in the development that have died not being replaced? Surely there should be an option for WCBC or the Community Council to replace them?

Pennaeth Gwasanaethau Cwsmeriaid a Chorfforaethol/
Head of Corporate and Customer Services
Trevor Coxon LLB (Hons) Birm Solicitor

Neuadd y Dref, Wrecsam, LL11 1AY
Guildhall, Wrexham, LL11 1AY DX: 721924-WREXHAM 4
Ffacs/Fax: 01978 292207
www.wrecsam.gov.uk www.wrexham.gov.uk

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

Eich Cyf/Your Ref	
Ein Cyf/Our Ref	
Dyddiad/Date	27 February 2018
Gofynner am/Ask for	Ken Bickerton
Rhif Union/Direct Dial	01978 292242
Cyfnewid Testun/Text Relay:	18001
E-bost/E-mail	ken.bickerton@wrexham.gov.uk

Dear Councillor

You are requested to attend a **MEETING** of the **PLANNING COMMITTEE of Wrexham County Borough Council** to be held in the **COUNCIL CHAMBER, GUILDHALL** on **MONDAY, 5 MARCH 2018** at **4.00 pm** for the transaction of the business specified in the Agenda overleaf.

Yours faithfully

T. Coxon.

Head of Corporate and Customer Services

WEBCASTING NOTICE

This meeting will be filmed for live and subsequent broadcast on the Council's website or may be used for training purposes within the Council. The whole of the meeting will be filmed, except those items which are deemed to be exempt by virtue of Part 4 of Schedule 12A to the Local Government Act 1972 (as amended). The footage will be retained on the Council's website for 6 months.

Generally the public seating areas are not filmed. However, by entering the Chamber you are consenting to being filmed and to the possible use of those images and any sound recordings for webcasting and/or training purposes. Parents or guardians accompanying a minor aged 16 years or younger are also deemed to have given consent to the possible capture of their image.

If you have any queries regarding this, please contact the Committee Manager on 292236.

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.

A G E N D A

1 Apologies for Absence

2 Confirmation of Minutes
To sign as a correct record the Minutes of the meeting held on 5 February 2018. *(Pages 3 - 8)*

3 Declarations of personal interests, if any
Members are reminded of their responsibility, under Paragraph 11 of the Members' Code of Conduct, to declare the existence and nature of any personal interest in respect of any of the business to be transacted at this meeting.

4 Development Control Applications
To consider the report of the Head of Environment and Planning. *(Pages 9 - 136)*

5 Any other items which the Chair decides are urgent.

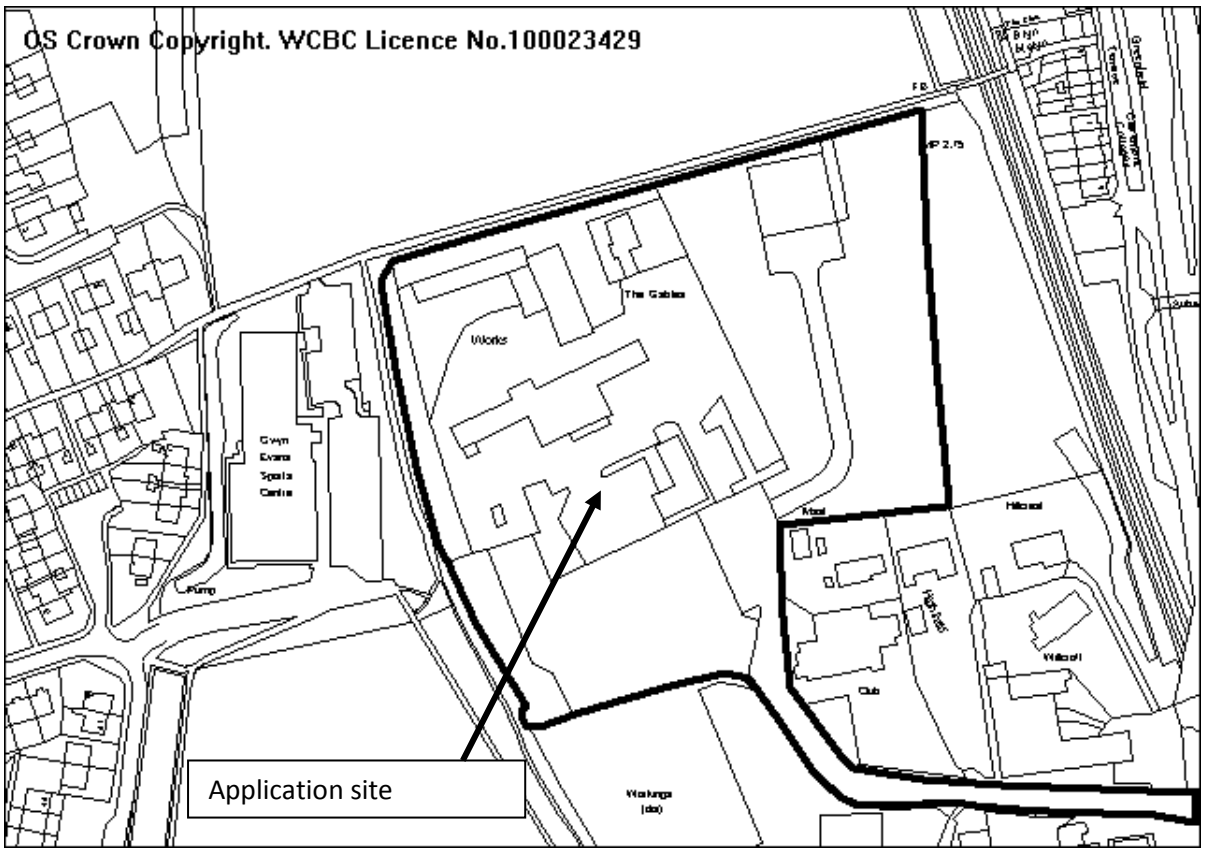
TO: MEMBERS OF THE PLANNING COMMITTEE

Councillor	I David Bithell, MBE	Councillor	Paul Pemberton
"	Michael Dixon	"	John Phillips
"	Frank Hemmings	"	Ronnie Prince
"	Adrienne Jeorrett	"	John Pritchard
"	Marc Jones (Vice-Chair)	"	Paul Roberts
"	Paul Jones	"	Graham Rogers
"	David Maddocks	"	Robert Walsh
"	Tina Mannering	"	Andy Williams
"	John McCusker	"	Derek Wright
"	M G Morris (Chair)		Vacancy

REPORT OF THE HEAD OF ENVIRONMENT AND PLANNING
5th MARCH 2018

APPLICATION NO:	**LOCATION:**	**DATE RECEIVED:**
P/2017 /0927	LAND OFF MOLD ROAD GWERSYLLT WREXHAM LL11 4AE	10/11/2017
COMMUNITY:	**DESCRIPTION:**	**CASE OFFICER:**
Gwersyllt	HYBRID PLANNING APPLICATION COMPRISING: FULL PERMISSION TO DEMOLISH	MP
WARD:	VACANT BUILDINGS AND ERECT 54	**AGENT NAME:**
Gwersyllt North	BEDROOM LOW SECURE UNIT WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING. OUTLINE PERMISSION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) TO DEMOLISH EXISTING BUILDINGS AND ERECT HOUSING DEVELOPMENT (6 NO. DETACHED AND SEMI-DETACHED HOUSES, 24 NO. APARTMENTS)	CONDY LOFTHOUSE ARCHITECTS MR ROBERT PATKAI
	APPLICANT(S) NAME: ASC REALESTATE INVESTMENTS	

SITE



PROPOSAL

The application seeks full planning permission for a low secure unit and outline planning permission for up to 30 dwellings with all matters except access reserved for subsequent approval.

The low secure unit is effectively a hospital that will provide specialist treatment. IT comprises of the following:

ATU – Assessment Treatment Unit

Exclusively for adults aged 18 and over who have experienced a crisis/complex needs. The service will provide a combined programme of enhanced therapeutic and clinical support which incorporates flexible and creative care pathway solutions for individuals who have likely experienced varying degrees of difficulty or crisis in previous care and support settings or for those who may have suffered a crisis at home. The ATU comprises of:

- 14 individual private resident bedrooms arranged as 2No 7 bed units, with each wing containing:
- 7 No en-suite bedrooms with private lounges
- 1No communal lounge
- 1No assisted bathroom
- 1No nurse station & clinic
- Private gardens for the ground floor bedrooms & communal garden for first floor

Low Secure Unit

Provided for adults aged 18 and over. This service will provide care and treatment for people with mental health problems. Patients admitted to this service will be detained under one of the sections of The Mental Health Act 1983, as amended in 2007. The unit comprises 40No individual resident bedrooms with en-suites, arranged as 4 No separate 10 bed units, each accessed via a secure control lobby, and comprising:

- 10 No en-suite bedrooms
- 4No communal lounges
- 1No assisted bathroom
- 1No nurse station & clinic
- Private gardens for the ground floor bedrooms & communal garden for first floor

In addition, each unit is broken down into 3No sub-areas, allowing residents to be accommodated in smaller separated groups, each with a dedicated day space.

Amenity Accommodation

Shared hospital amenity and activity accommodation is provided outside the residential units, but still within the secure hospital site, as follows:

- Central landscaped courtyard garden
- Café and computer area
- Sports Hall
- Gym
- Activity Rooms with dedicated external gardens (some with access to either a green house or horticulture space)

Staff/Service Accommodation

Located off the main entrance and outside of the individual resident and assessment unit wings.

HISTORY

P/2014/0931	Outline application for residential development (up to 65 dwellings) with all detailed matters reserved except access. Granted 10.3.2016

PLANNING POLICY

Within settlement limit. Policies GDP1, GDP2, EC13, H2, H7, H11, CLF5 and T8 apply.

CONSULTATIONS

Community Council: Object strongly to the application on several grounds as follows:

a) We consider that there are security implications that have not been fully considered for the low secure unit (in particular regarding the clients of the unit) and we are also concerned that the housing development may be used as tenanted properties for people discharged from the low secure unit. The high number of flats seems to indicate that there may be a close relationship between the low secure unit and the planned housing development.
b) The development is in close proximity to education establishments and adjacent to Ysgol Bryn Alyn (with again the security implications for local school children). There is also a public footpath running alongside the development.

c) There is a lack of information regarding the future management of the site; whilst we understand that this may not be an immediate planning consideration, it obviously affects the local community in the long-term.
d) The development will contribute to added traffic flow exiting onto Mold Road. We consider that this is already a busy junction where turning right is a particular problem.

Local Member:	Notified 16.11.17
Cllr David Griffiths:	Notified 16.11.17
Cllr Tina Mannering:	Notified 16.11.17
Highways:	Have made the following comments:

- There are a number of unoccupied buildings on the site which were formally used by the Council Environment Department. If these buildings were occupied under a B2/B8 use they could potentially generate approximately 200 vehicle movements per day;
- Outline permission was sought for 85 dwellings. The impact the additional traffic generation would have at the T junction with Mold Road was considered. As the net impact was so minimal it was considered the junction could cater for the additional traffic without upgrade;
- The proposed development would generate far less traffic than the previously proposed residential development; whereas the approved permission was generating approximately 59 two way movements in the AM peak, the proposed scheme will only generate 34. Similarly the PM peak reduces from 64 two way movements to just 29. The overall net impact upon the existing situation is so minimum it would have very little detrimental impact upon the highway;
- The road from the A541 Mold Road up to the site is not adopted. To the northern edge of the road there is an intermittent 1m wide footway reducing gradually in width to nothing outside the working men's club. To the southern edge there is intermittent footway again of substandard width. There is no street lighting on the road. Evidence would suggest the road is inadequately drained.

- There are a number of HGVs/forklift trucks from the Kent supplies site which regularly reverse or park on the unadopted road;
- It is proposed to resolve the unadopted road issues by undertaking a scheme of highway improvements to bring the road p to a standard suitable for adoption.
- Pedestrian improvements will be significantly improved by introducing a footway for both sites of the access road. Street lighting, drainage and road construction will be all upgraded to ensure the access is suitable for both pedestrian and industrial use.
- A scheme of double yellow road markings will ensure that vehicles are not parked on the highway in the vicinity of the ned near Kent Supplies;
- The proposals do not appear to show pedestrian routes rom the site which link to existing PROW to the east and towards Bryn Alyn school, This will need to be addressed as part of any reserved matters application;
- Adequate parking and turning facilities will be required;
- A Grampian condition should be attached to ensure that no development takes place until the access road is brought up to a standard suitable for adoption and a traffic regulation order imposed to prevent on-street parking;
- Conditions recommended.

Public Protection: Recommend measures to limit impacts of construction. Contaminated land conditions also recommended.

Children's Social Care: I am very concerned regarding the sheer size of this operation.

- The proposed provision has the potential to have a profound impact on local services.
- I am unclear whether this is adult provision or aimed at children and young people.
- My main concern is the proximity of the site to a residential area and the schools. I would also be interested in the capability of the service to manage people/young people who have been in the criminal justice system i.e. Registered Sex Offenders.

- I am aware of the provider commissioning this work and would say that their track record has not always been exemplary.

Adult Social Care: Have submitted the following comments:

- Regarding the specific use described for the planned development, this would be a low secure unit for persons detained under the Mental Health Act, possibly under s.2 for assessment, but most likely for s.3 for treatment that could include medium to long term care.
- The stated intention of the low secure unit is to take referrals from the Local Health Board and areas covered by Health Inspectorate Wales. The Local Health Board (i. e. the Betsi Cadwallader University Health Board) covers the whole of N. Wales and the area of the Health Inspectorate Wales that covers the whole of Wales.
- Regarding the clarification provided in email dated 27.9.16 to Gwersyllt Community Council that –
  "a) Residents will be from the local and wider community; the Low Secure Unit is designed to address such a need, as people requiring this service currently being sent to units outside the are due to a shortage of local facilities.
  b) The intended outcome the Low Secure services is to rehabilitate residents, allowing them to move onto supported living or open rehab units, again in the local area."
- The above would be a serious concern for Wrexham Adult Social Care. The size of this facility would be much larger than is required to meet the level of need from Wrexham alone and would take referrals from the whole of Wales. Following their treatment at the low secure unit they would be discharged to the local area, i. e. Wrexham.
- The funding available to Wrexham Adult Social Care is based on a generic formula that does not take into account higher levels of complex needs that might arise in any given local authority. Ordinarily this is not an issue as complex needs normally arise in an even way across local authorities. However, in this situation the presence of such a specialist

provision of this size would bring into Wrexham a large number of persons with challenging and complex needs. The ability of Wrexham Adult Social Care to provide this level of care and support would be severely compromised and place the provision of care and support services in Wrexham as whole at risk.

- The same concerns would also arise with the demand for housing suitable for persons with complex mental health or ASD conditions that is already at a premium for demand for local residents.
- I note that the Betsi Cadwallader University Health Board has no objections to this application and has demand for low secure accommodation. However, the expectation of the Betsi Cadwallader University Health Board would be that Adult Social Care would commission and meet the cost of any care and support subsequent to discharge from the low secure unit. The Betsi Cadwallader University Health Board would not therefore have fully considered the implications on Wrexham Adult Social Care's ability to deliver that care and support after discharge or the implications for the provision of care and support generally.

North Wales Police: Consulted 18.1.2018

Welsh Water: Have made the following comments:

- The foul flows only from the proposed development can be accommodated within the public sewerage system. Work was carried out to prove that on-site infiltration could be achieved and on the basis that all surface water run-off could be removed from the public sewer it was agreed that the foul only connection from the development site could be accommodated within the public sewer network.
- Flood Consequence Assessment dated 3rd November 2017 that has been submitted in support of this application and the conclusions and recommendations of the report and point 8.4 states that 'If infiltration results, high groundwater table or contamination which cannot be remediated is found to be prevalent on site, a request shall be made to Welsh Water for discharge into the public sewer on Mold road at a controlled flow rate.

	• The discharge of surface water flows into a foul or combined sewer will not be permitted. Conditions to protect against future flooding of these networks recommended.
Health Board:	Have made the following comments: • No objections in principle to this application. We are aware there is a demand for low secure accommodation within the North Wales Area. • We can also confirm there are no specific comments regarding the details of the plans submitted in terms of access to or impact on any Health Board facilities. • We note the impact assessments that have been undertaken in respect of the proposed development.
North Wales Police:	Consulted 22.11.2017
NRW:	No objections subject to conditions being imposed in respect of contamination investigation/remediation.
Parks, Countryside ROW:	Consulted 16.11.2017
Ramblers Association:	This is near footpath Gwersyllt 11 which should not be diverted or blocked by the development, nor during its construction.
Education:	Contributions to secondary provision required.
Site Notice:	Expired 14.12.17
Press Notice	Expired 23.12.17
Ysgol Bryn Alyn:	Notified 22.11.2017
Neighbours:	The owners/occupiers of 18 nearby properties notified 22.11.2017 3 objections received expressing the following concerns: • Too close to housing; • Too close to schools; • Not the right location; • Number and weight of vehicles passing close to nearby buildings; • Drainage; • Impact upon access to nearby business; • Previous problems of people selling drugs and we have also had a known paedophile living in the area.

SPECIAL CONSIDERATIONS

Supporting Statement: The applicants have submitted a supporting statement regarding the low secure unit. The key points are set out below:

Definitions of High, Medium and Low Secure Hospital services

The definitions of High, Medium and Low Secure Units are defined by the government, including the levels of security that apply in each case.

- High Secure services are provided for people who "require treatment under conditions of high security on account of their dangerous, violent or criminal propensities"

- Medium Secure services have a fixed level of security and standards with which they must comply.

- Low Secure. There is less around what constitutes 'low secure' (compared to high or medium secure services) however the Department of Health have stated that:
  "low secure services are for people aged 18 years and over detained under the Mental Health Act who cannot be treated in other mental health settings because of the level of risk or challenge they present. Patients will not require the level of physical security provided by medium secure services"

The Low Secure Unit proposed by this application is designed to provide accommodation for adults aged 18 and over. This service will provide care and treatment for people with mental health problems

How and who are referred

Patients admitted to the site will be detained under one of the sections of The Mental Health Act 1983, as amended in 2007, and will be referred by NHS health boards from North Wales and areas covered by the Health Inspectorate Wales (HIW).

Patients will usually suffer from a Mental disorder such as schizophrenia, depression, bipolar disorder, post-traumatic stress disorder, anxiety, phobias. They will usually need psychological and pharmacology intervention in order to stabilise their mental state, prior to re-integrating them back into the community.

The service will have some exemptions from admission, which will include **patients with a history of sexual offenses, arsonist and patients with substance abuse/addiction.**

Need

In 2016-17, there were 8,723 admissions to Mental health facilities in Wales, of which a proportion have been placed out of Wales, due to limited bed availability within Wales. There is therefore a need for low secure placements within North Wales.

The importance of having facilities within the local area is that residents can be treated within, or close to, their communities, which assists the maintaining of family ties, visiting and later with in re-integration into the community, once their treatment is completed. The community would also benefit from new employment opportunities.

Operation

The Unit will be operated and funded by a private company, ASC Healthcare with ongoing service fees payed by the NHS.

Operational Security

The physical management of security for patients will be achieved by the following:

- A swipe/key system will ensure that patients will not be able to leave the building without authorised leave.
- A nominated person, in charge of the physical security of the whole premises, will make sure that regular audits/interval checks are carried out both within and outside the physical building.
- All staff will be fully inducted to ensure that all security protocols are fully adhered to.

Physical Security

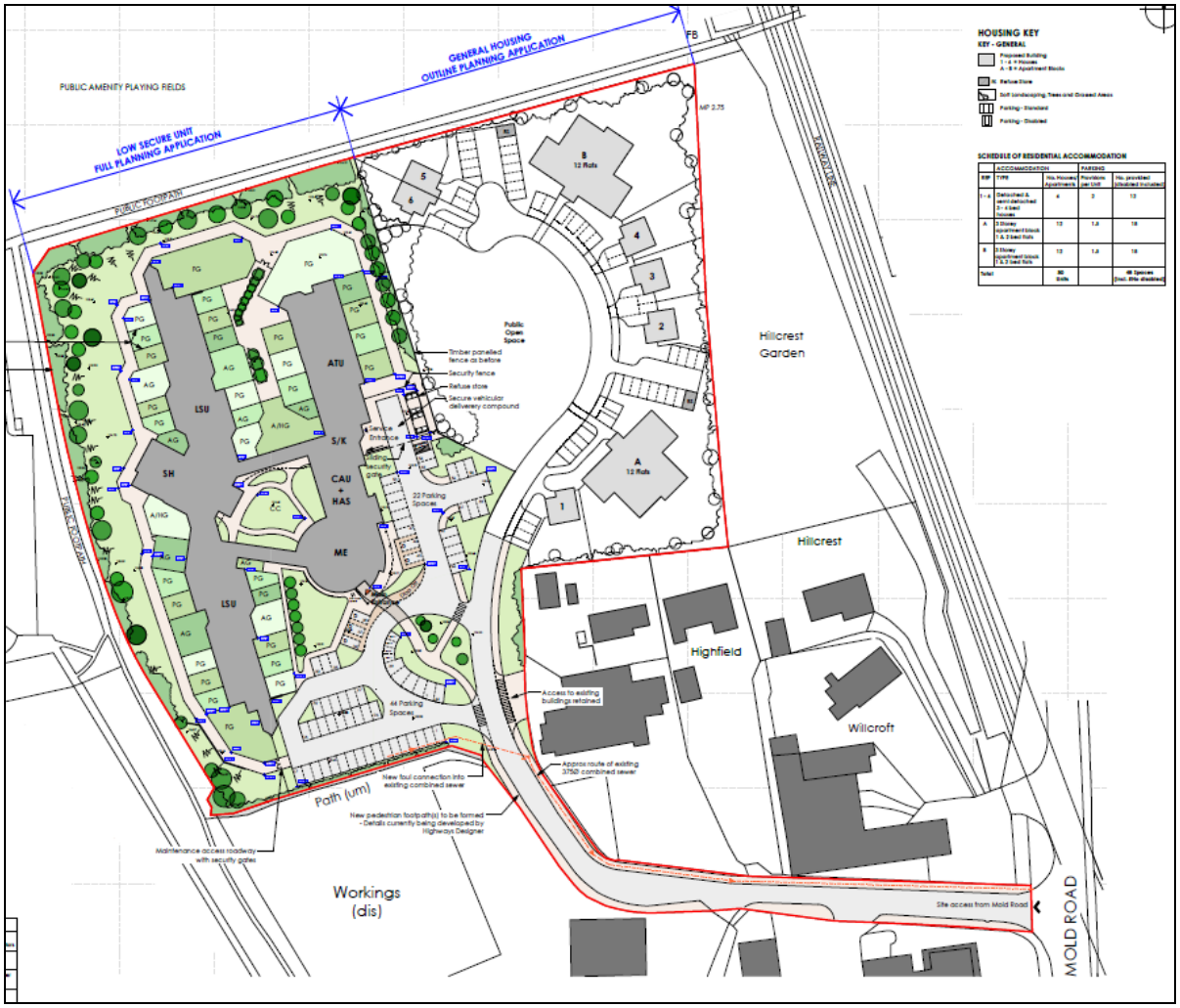
The building is designed to meet and comply with all of the security standards relating to Low Secure Hospitals, which includes security to prevent escape, as well as design features to keep residents, secure in terms of health and wellbeing, which also involves managing and minimising the risk of self-harm.

The security strategy of the building includes:

- 1 No main personnel entrance, with ‘air-lock’ security control lobby through which all residents, staff and visitors have to pass when entering and leaving the building
- A second external entrance for deliveries and services, comprising an external secure compound, which works on the ‘air-lock’ principal. This allows servicing vehicles to back into a secure service area, where the building doors can only be opened once the vehicular access gate is locked down;
- The individual residential accommodation units are accessed by further dedicated secure ‘air-lock’ lobbies, ensuring that residents are contained within their units;
- Access to resident facilities outside accommodation units, still within the ‘secure’ hospital environment, is on an individual risk assessed basis;

- The Low Secure accommodation units have further internal subdivisions, to allow residents to be segregated into smaller groups, to best assist harmony and recovery, as well as security;
- External amenity areas are protected by 3m high anti-climb security fencing;
- A further enclosed maintenance and landscaping perimeter zone wraps round the secure unit from the south west to the east, providing a visual screen to the development.

Policy: This is a hybrid application seeking full planning permission for the erection of a low secure unit on part of the site and outline planning permission for residential development on the remainder. This is illustrated on the plan below:



I will consider the key policy considerations of each part of the development separately:

Low Secure Unit

The proposal is effectively a hospital. There are no UDP policies that deal specifically with hospitals, although given the nature of the proposed use policy H11 is applicable in my opinion given that it deals with residential care homes, nursing homes and **specialist health care services**, which the proposed unit will be. The policy **does not** require a need for the development to be established. The policy states that proposals will normally be allowed where:

a) *the development accords with policy GDP1; and*

b) *adequate garden area for amenity of residents can be provided;*

c) *in the case of change of use, the existing building is of an adequate size for the use proposed without substantial extension; and*

d) *the facility is accessible to community facilities.*

Dealing with each in turn:

The development accords with policy GDP1; and

I will comment on this matter separately below.

Adequate garden area for amenity of residents can be provided;

The Council has no adopted minimum standards for external spaces for residential institutions. The submitted plans make provision for individual and communal garden areas of varying sizes within the development – each enclosed by a 3 metre high steel mesh fence. I am satisfied the development makes adequate provision for the amenity of the occupants of the secure unit.

In the case of change of use, the existing building is of an adequate size for the use proposed without substantial extension

Not applicable.

The facility is accessible to community facilities.

The site is approximately 1km for Gwersyllt District Shopping Centre on Dodds Lane and 700m from Lidl and therefore the proposals broadly accord with this part of the policy.

Residential Development

This is an unallocated site, therefore subject to complying with policy GDP1, the erection of dwellings on the site accords with policy H2. The principle of residential development, albeit on the whole site rather than part of it, is already established by way of extant planning permission P/2014/0931.

Site Security: I recognise that the proximity of a school and to housing will inevitably mean the suitability of the site for the proposed use is a concern for local residents. However there is nothing in adopted UDP or national planning policies that prevent secure residential institutions/hospitals from being located close to those uses.

The site has clearly been designed to maximise security. External areas within the site, such external amenity spaces for patients will be enclosed by 3 metre high steel mesh fences. The internal layout of the development is also designed to ensure controlled access to/from the facility. The agents have confirmed that security at the site will also be managed in the following ways:

The unit will be managed by staff 24/7 and video surveillance provided throughout, with all external doors/unit doors and air locks accessed by staff override measures only (i.e. digital keypad/fob access). These measures are in place to ensure that residents cannot freely leave the building. At the start of their employment at the unit, all staff will undergo a full induction programme covering the security systems in place. Regular daily (morning, afternoon & night-time) perimeter checks will be made by security staff to check that the physical environment hasn't been tampered with.

The unit nurse in charge at any time will check all patients on general observation every hour to confirm each individual's whereabouts. Further to this, any patient deemed at risk of absconding will have an enhanced level of observation i.e. staff monitoring 24/7.

Any 'at risk' patient will also be accompanied to all external hospital appointments and will be transported in a secure van with adequate staff numbers (dependent on individual risk assessments) to manage any attempts to abscond.

Whilst noting the concerns expressed about the proximity of the site to Ysgol Bryn Alyn, I have not been provided with any evidence that the operation of the site will be a threat to the security or wellbeing of children attending the school or the wider local community.

The identity of the operator, their previous track record and whether a facility of this type is publically or privately operated are not a material planning consideration, being outside of the scope of planning control. It will be for the Health Inspectorate for Wales and individual Health Boards to ensure the site is operated appropriately.

Impact of the low secure unit on local services: I

Children's Social Care

I note the concerns expressed by the Head of Children's Social Care, however those referred to the site will be 18 and above therefore the development will not have an impact upon the provision of children's social care provision within the County Borough. I have dealt with the proximity of the site to a school and housing above and the applicant's supporting statement addresses comments about potential referrals to the site.

Adult Social Care

The supporting information would suggest that there is a need for additional facilities of this type in Wales to allow individuals needing the type of treatment offered to be referred to facilities in Wales. However as already noted above, there is no planning policy requirement to establish whether there is a need for this type of facility.

Based on the details submitted, this facility is not solely intended to serve the County Borough and therefore individual referred to the site will also come from elsewhere in North Wales as well as possibly further afield. The Head of Adult Social Care has expressed concerns about the possible pressures that caring and supporting individuals discharged from the site would place upon local services. However the applicant's agent has confirmed that individuals would be discharged back to where they have been referred from. It would therefore seem unlikely that the development will place undue pressure upon Social Care services in Wrexham in respect of any on-going care needs for former patients.

Design:

Low Secure Unit

There will be a mix of single storey and two storey buildings between 3.8m and 7.7m in height with a flat roof. The main entrance building will be 9.3m in height in order to provide access to the roof for maintenance.

The external appearance of the building is acceptable and will enhance the appearance of the site. The development will have an institutional character, emphasised by the provision of security fences. However the site is located within a small industrial area and in that context the development will not be out of keeping with general character of the area.

Residential Development

The indicative plan submitted with the application shows 6 dwellings and 2 blocks of 12 flats located around a central area of public open space. This

plan demonstrates that the proposed number of dwellings can be accommodated on the site, however as layout, appearance, scale and landscaping area are reserved for subsequent approval these matters will be considered in more detail at reserved matters stage.

I note the Community Council's concerns that the housing development may be used as tenanted properties for individuals discharged from the low secure unit. Nothing has been submitted with the application to suggest that this would be the case. In accordance with policy H7 and LPG28, 25% of the dwellings will be required to be affordable housing, however these would be required via a planning obligation to be let to persons in housing need with local connections with Gwersyllt, or if no person is forthcoming, adjoining Community Council areas. The other 75% of the dwellings would be open market therefore the developer would be free to dispose of them to any individual or housing provider. In either case, the Council would have no control over whether people discharged from the site could occupy the properties.

Access and parking: The site will be accessed from the A541 Mold Road by the existing unadopted road serving the Westminster Industrial Estate. This lacks adequate pedestrian provision from Mold Road to the site and also appears to suffer from drainage issues – there is regularly a large pool of water where it meets the adopted highway.

In terms of traffic generation, Highways have advised that the development is likely to generate less than the extant permission for residential development and would have very little detrimental impact upon the highway network. I have no reason to conclude otherwise.

The access road to the site is to be upgraded, to including the provision of footways. This will not only ensure safe pedestrian access to the development but will be of benefit to the safety of users of the road generally and should address or at least reduce the drainage issues discussed above.

Highways have requested that the upgrade of the access road be carried out prior to commencement of development. Unless there were a valid highway safety reason for doing otherwise, highway works are normally carried out at the same time as the development of a site, with a requirement that they are completed prior to first occupation/use. I have not been provided with any evidence that the use of the access road and its junction with Mold Road by construction traffic is likely to significantly prejudice highway safety, therefore in my opinion it would be reasonable to require the works to the access road be completed prior to first use/occupation of any part of the development.

The LPG16 maximum for this type of use is 1 space per 2 bed spaces equating to 29 spaces for the development. A total of 66 spaces are proposed, which is just over twice the maximum. However this is a specialist facility employing up to 61 full time staff. Taking into account the likely

requirements for staff and visitor parking, even if some arrive by non-car means, in my opinion the on-site parking provision appears appropriate.

Parking for the 30 dwellings will be considered in more detail at reserved matters stage; however I have no reason to doubt that sufficient on-site parking can be provided.

Drainage: The application is not accompanied by detailed drainage proposals for the site, however Welsh Water have not expressed any objections to the development therefore I have no reason to believe that a scheme cannot be implemented that adequately deals with foul and surface water. The submission and implementation of a drainage schemes will be required by planning condition.

Trees: There are a number of trees adjacent to the boundaries of the site. The development is unlikely to cause significant damage to them, however, protection measures will be required during construction works. The submission and implementation of an Arboricultural Method Statement will be required by condition.

Ecology: The existing buildings have been assessed for the presence of bats. This has found that they provide low bat roost potential, with the site being of negligible value to bats. Demolition works are unlikely to be detrimental to maintenance of the local bat population at a favourable conservation status.

The hedgerows around the site provide bats with foraging and commuting habitat. To ensure continued use of the hedgerows by bats the submitted ecology report recommends that these should be retained and should not be lit. It also recommends that lighting used at the site should be sensitive to the needs of bats.

The report recommends that if demolition works do not take place by August 2018 then a further assessment for the presence of bats may be required.

Conditions will be imposed to require the development to be carried out in accordance with the submitted ecology report and to require details of external lighting.

CONCLUSION

The low secure unit has been designed to maximise site security and as acceptable in terms of siting, layout and design and will provide an important facility in the locality to aid the rehabilitation of adults with mental health issues.

The development of part of the site for housing is acceptable in principle. Housing can be erected on the site without adversely impacting upon adjacent

occupiers, with sufficient scope to meet planning requirements in respect of layout, design, access, parking and public open space.

The proposals will deliver significant improvements to the access road linking the site to Mold Road and are unlikely to compromise highway safety in the locality.

In light of the above I am satisfied that the development accords with the relevant UDP policies.

RECOMMENDATION A

That the Council enters into an Obligation under Section 106 of the Town and Country Planning Act 1990 to secure:

a) The provision of affordable houses. 25% of the total number of dwellings built on site shall be affordable;
b) The payment of a commuted sum in order to secure the full 25% affordable housing as required by Local Planning Guidance Note 28 in the event of part of the affordable housing requirement being less than a full dwelling unit.
c) The management and maintenance on-site public open space;
d) Financial contributions towards secondary education.

That the Head of Environment and Planning be given delegated authority to approve the final form and content of the Obligation.

RECOMMENDATION B

Upon completion of the Planning Obligation that permission be **GRANTED** subject to the following conditions:

CONDITION(S)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced on the land described as 'Extent of Outline Planning Application' on drawing no. 17-032-014:
a. the layout of the building(s)
b. the scale of the building(s)
c. the appearance of the building(s)
d. the landscaping of the site
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
3. The development hereby permitted shall be commenced:

a. in respect of that part of the site described as 'Extent of Full Planning Application' on drawing no. 17-032-014, before the expiry of five years from the date of this permission;

b. in respect of that part of the site described as 'Extent of Outline Planning Application' on drawing no. 17-032-014, before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

4. In respect of that part of the site described as 'Extent of Full Planning Application' on drawing no. 17-032-014, development shall be carried out in strict accordance with the following plans:

i. 17-032-110 Revision B Proposed Site Plan
ii. 17-032-111 Revision A Site Plan - Boundary Treatments & Fencing
iii. 17-032-120 Ground Floor Plan
iv. 17-032-121 First Floor Plan
v. 17-032-123 Roof Plan
vi. 17-032-150 Proposed Elevations - Sheet 1
vii. 17-032-151 Proposed Elevations - Sheet 2
viii. 17-032-152 Proposed Elevations - Sheet 3
ix. P.883.17.03 Landscape Proposals

5. The landscaping and layout reserved matters to be submitted for the approved development pursuant to the requirements of Condition 1 above shall include a scheme for and area or areas of open space and green space to be provided within the development site along with a management plan for those areas. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings and shall thereafter be managed in accordance with the approved management plan.

6. Development shall not commence until a scheme for the improvement of the Westminster Industrial Estate access road from its junction with Mold Road to the proposed low secure unit and housing developments has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of drainage, construction, footway provision and double yellow line road markings.

No part of the development shall be occupied until the scheme as approved has been implemented in full.

7. Development shall not commence on each part of the site until a detailed Arboricultural Method Statement for that part of the site has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;

b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;

c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction

Exclusion Zone, including any related sections and method for avoiding damage to retained trees;

d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;

e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;

f) Method for protecting retained trees during demolition works;

g) Details of all proposed tree works, including felling and pruning.

8. Development shall not commence on each part of the site until the following components of a scheme to deal with the risks associated with contamination on that part of the site has shall be submitted to and approved, in writing, by the Local Planning Authority:

(i) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

(ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the local planning authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

9. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 8 shall not be occupied / used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

10. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the

decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

11. Development shall not take place on a part of the site until a comprehensive and integrated drainage scheme indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority for that part of the site. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.

12. Development shall not commence within a part of the site until a detailed method statement for the removal of and long term management of Japanese Knotweed on that part of the site site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement unless otherwise agreed in writing by the local planning authority.

13. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

14. No external lighting shall be provided on any part of the low secure until other than in strict accordance with details that shall first have been submitted and approved in writing by the Local Planning Authority.

15. The low secure unit shall not be brought into use until the vehicular parking and turning areas shown on drawing no(s). 17-032-110 Revision B have been fully laid out, surfaced and drained. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

16. The low secure unit shall not be brought into use until the boundary treatments shown on drawing no. 17-032-111 Revision A have been provided in full. The new low secure unit fencing shall thereafter be retained throughout the lifetime of the development.

17. The development shall be carried out in strict accordance with Section 6.0 Conclusions and Recommendations of the Ascerta Bat Survey and Assessment dated 08 September 2017.

18. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

19. This permission provides for a maximum of 30 dwellings to be erected on the land described as 'Extent of Outline Planning Application' on drawing no. 17-032-014.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2. To comply with Section 92 of the Town and Country Planning Act, 1990.
3. To comply with Sections 91(3) and 92 of the Town and Country Planning Act, 1990.
4. To define the scope of the planning permission
5. In the interests of the standard of amenity afforded to future occupiers and the visual amenity of the development.
6. To ensure the formation of a safe and satisfactory access.
7. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s).
8. In the interests of the amenities of the future occupants of the buildings
9. In the interests of the amenities of the future occupants of the buildings
10. In the interests of the amenities of the future occupants of the buildings.
11. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.
12. To remove and control the spread of an invasive species.
13. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
14. In order to protect wildlife interests, which are afforded special protection.
15. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
16. In the interests of site security.
17. In order to protect wildlife interests, which are afforded special protection.
18. In the interests of highway safety.
19. To define the scope of the planning permission.

NOTE(S) TO APPLICANT

Where reference to parts of the site in the conditions above, this shall be taken as meaning that the development comprises of two separate parts:
i. the land described as 'Extent of Full Planning Application' on drawing no. 17-032-014
ii. the land described as 'Extent of Outline Planning Application' on drawing no. 17-032-014

The development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

REPORT OF THE HEAD OF ENVIRONMENT AND PLANNING
5th MARCH 2018

RECOMMENDATION C

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 is not completed within six months of the date of the Committee resolution the Head of Environment and Planning be given delegated authority to issue a split decision:

a) **Granting** full planning permission for the low secure unit subject to the conditions above where they are applicable and relevant; and
b) **Refusing** outline planning permission for the residential development for the following reasons:-

1. The development will not make any contribution towards the provision affordable housing and therefore conflicts with policy H7 of the Wrexham Unitary Development Plan.

2. The development makes inadequate provision for the long term maintenance of on-site open space and as such does not accord with policies GDP1and CLF5 of the Wrexham Unitary Development Plan.

3. There is inadequate provision for additional school capacity. Without this additional provision, existing schools do not have sufficient capacity to cater for the development. As such the development does not accord with policy GDP2 of the Wrexham Unitary Development Plan.

APPENDIX H :

Committee Minutes

MINUTES OF A MEETING OF THE PLANNING COMMITTEE
HELD IN COUNCIL CHAMBER, GUILDHALL ON MONDAY, 5 MARCH 2018

MEMBERS

Councillor M G Morris, Chair
Councillor Marc Jones, Vice-Chair

Councillor		I David Bithell, MBE	Councillor		John Phillips
"	*	Michael Dixon	"		Ronnie Prince
"		Frank Hemmings	"		John Pritchard
"		Adrienne Jeorrett	"		Paul Roberts
"		Paul Jones	"		Graham Rogers
"		David Maddocks	"		Paul Rogers
"		Tina Mannering	"		Robert Walsh
"		John McCusker	"		Andy Williams
"		Paul Pemberton	"	*	Derek Wright

*Absent

Also Present – Councillors Bryan Apsley, R Alun Jenkins, Gwenfair Jones, David Kelly, Mark Pritchard and Barrie Warburton.

67 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of the Councillors Michael Dixon and Derek Wright.

68 WELCOME

The Chair welcomed Councillor Paul Rogers on his return to being a Member of the Planning Committee.

69 CONFIRMATION OF MINUTES

The Minutes of the meeting held on 5 February were submitted.

RESOLVED – That the Minutes of the meeting held on 5 February 2018 be signed as a correct record.

70 DECLARATIONS OF PERSONAL INTERESTS, IF ANY

Members were reminded of their responsibility, under paragraph 11 of the Members' Code of Conduct, to declare any interests in relation to any business to be transacted at this meeting. The following declaration was made:

Agenda Item 4 - Development Control Applications

Councillor Adrienne Jeorrett – Personal and Prejudicial – Application Code No. P/2018/0108 as a Member of Quakers, being part of community next door to Ty Nos.

The Councillor withdrew from the meeting for this item taking no part in the discussion and voting thereon.

71 DEVELOPMENT CONTROL APPLICATIONS

The Head of Environment and Planning submitted a report (HEP/03/18) for Members' consideration of planning applications and attention was drawn to his Addendum Report where relevant.

Application Code No. P/2017/0967 – Erection of 2 No. detached dwellings with associated garages and parking on land South of Nant Cottage, Lower Road, Coedpoeth, Wrexham.

Stuart Hatherall (agent) had indicated his intention to speak in support of the application, but in the event, did not do so.

RESOLVED – That a SITE VISIT be arranged for Members of the Committee to view the application site prior to determination of the application by the Committee.

Reason for Visit: To consider the impact of the proposal upon the adjoining highway.

Application Code No. P/2017/1043 – Erection of double garage at disused Shippon, off Village Walks, Marford, Wrexham.

Sioned Edwards (representing neighbours) spoke against the application.
Stuart Hatherall (agent) spoke in support of the application.

RESOLVED – That a SITE VISIT be arranged for Members of the Committee to view the application site prior to determination of the application by the Committee.

Reason for Visit: To consider the impact and the proposed garage on the adjoining highway and the neighbouring dwelling.

Application Code No. P/2018/0022 – Erection of 4 No. dwellings with support facilities (Supported Housing Scheme) and construction of new access on land adjacent to 4 Eleventh Avenue, Llay, Wrexham.

RESOLVED – That a SITE VISIT be arranged for Members of the Committee to view the application site prior to determination of the application by the Committee.

Reason for Visit: To consider the impact and relationship of the proposed development with adjoining residential development.

Application Code No. P/2017/0217 – Erection of 8 No. apartments on land at Nant Court, Brymbo, Wrexham.

Stuart Hatherall (agent) spoke in support of the application.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/03/18

Application Code No. P/2017/0500 – Erection of two-storey detached dwelling and new access on land adjoining and east of 76 High Street, Coedpoeth, Wrexham.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/03/18

Application Code No. P/2017/0892 – Demolition of existing dwelling, erection of 2 No. detached dwellings with associated parking and new access at 22 Bryn Estyn Road, Wrexham.

Stuart Hatherall (agent) had indicated his intention to speak in support of the application, but in the event, did not do so.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/03/18

Application Code No. P/2017/0927 – Hybrid Planning Application comprising: Full permission to demolish vacant buildings and erect 54 bedroom low secure unit with associated access, parking and landscaping. Outline permission (with all matters reserved except for access) to demolish existing buildings and erect housing development (6 No. detached and semi-detached houses, 24 No. apartments) on land off Mold Road, Gwersyllt, Wrexham.

Enruque Chacoris (representing applicant) spoke in support of the application.

The Local Member (Councillor Barrie Warburton) and the adjoining Local Member (Councillor Gwenfair Jones) indicated their objection to the application as, in their opinion, the proposed development would have an adverse impact on the social fabric of the village. In particular, local concerns on the compatibility of placing a Low Secure Unit within a built up residential area and in close proximity to two local schools had not been adequately considered within the Committee report. Concern was also expressed on the scale of the proposed development and the lack of information on the future management arrangements for the Low Secure Unit.

During consideration of the application, clarification was sought on the need for this

type of facility within Wrexham and the relationship, if any, between the operation of the Low Secure Unit and the planned housing development. Following further discussion, several Members suggested that planning permission be refused as the proposed development, by virtue of its scale and use would involve an over-intensive use of the site. This was agreed by the Committee.

RESOLVED – That permission be REFUSED

Reason

The proposed development, by virtue of its scale and use would involve an over-intensive use of the site. To allow the development would be contrary to Policy GDP1 (a) of the adopted Wrexham Unitary Development Plan.

Application Code No. P/2017/0982 – Erection of fence (in retrospect) at 4 The Parklands, Shepherds Lane, Chirk, Wrexham.

The Chair drew Members' attention to the information contained within the Addendum Report that the application had been withdrawn.

RESOLVED – To note that Application Code No. P/2017/0982 had been withdrawn.

Application Code No. P/2017/1028 – External illumination of existing fascia sign at existing house, 2 Bath Road Wrexham.

The Local Member (Councillor R Alun Jenkins) commented that light spillage from the proposed strip lighting above the sign could have a detrimental impact on the amenity of occupiers of neighbouring residential properties. He suggested that, if the Committee was minded to grant permission, in the interest of the residential amenity of neighbouring properties and to protect the setting of the Conservation Area, further conditions be included to limit the hours of illumination and that a baffle be installed to direct the light downwards onto the sign. This was agreed by the Committee.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/03/18 with the following addition thereto:

Add Conditions

6 Details of a baffle to be installed over the sign to prevent light spillage shall be submitted and approved in writing by the Local Planning Authority. The approved baffle shall be installed within 2 months of the date of this permission.
Reason: To prevent light spillage in the interests of residential amenity and to protect the setting of the Conservation Area.

7. The strip light hereby approved shall not be in use after 12am on any day.
Reason: To prevent light spillage in the interests of residential amenity.

Application Code No. P/2017/1051 – Variation of Condition No. 2 imposed under Planning Condition P/2016/0709 to allow amendments to the elevational treatment of the Cake Building extension at Five Fords Waste Water Treatment Works, Cefn Road, Cross Lanes, Wrexham.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/03/18

Application Code No. P/2018/0032 – Garage extension at 3 Peckforton View, Talwrn Road, Coedpoeth, Wrexham.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/03/18

Application Code No. P/2018/0053 – Variation of Condition Nos. 8, 25, 26,30 and 31 imposed under Planning Permission Code No. P/2014/0021 at Ruabon Business Park, Site Adjacent to A483 Ruabon, Wrexham.

Joanna Gabrilatsou (agent) spoke in support of the application.

RESOLVED

1 The Head of Environment and Planning enters in to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 by way of a Deed of Variation of the Obligation secured under planning permission P/2014/0021. The Obligation is to secure the following provision:

- **a) Financial contribution towards education provision.**
- **b) Financial contribution towards the funding of Travel Plan monitoring by the Regional Travel Plan Co-ordinator over a 5 year period.**
- **c) The provision of affordable housing in accordance with LPG 28.**
- **d) The management and maintenance of on-site public open space.**
- **e) Implementation of a scheme of ecological mitigation measures for land adjoining the site (as identified in the application documents), including details to confirm its long term management for that purpose.**
- **f) Control over the occupation of the retail offer to a 'deep discounter' (LAD) operation.**

and that the Head of Environment and Planning be given delegated authority to approve the final form and content of the obligation.

2 Upon completion of the Obligation, planning permission be GRANTED in accordance with the conditions as set out in report HEP/03/18

3 That, if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 is not completed within six months of the date of the Committee resolution, the Head of Environment and Planning be given delegated authority to REFUSE the application for the following reasons:

Reasons

1 The development would not make provision for the required infrastructure/community facilities to offset the impact of the development. The proposal as such would be contrary to UDP policies GDP2, CLF4 and H7.

2 The development would not make adequate provision for the potential impacts of the development upon biodiversity through the implementation and maintenance of long term habitat improvements.

3. The development would not make a justification for the provision of an unrestricted retail offer and would have an adverse impact upon the viability and vitality of local district centres and the town centre. This would not accord with national and local planning policy and guidance regarding retail developments.

Application Code No. P/2018/0054 – Erection of new detached garage (in part retrospect) and new timber cabin at 28 Richmond Road, Wrexham.

RESOLVED – That permission be GRANTED in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/03/18

Application Code No. P/2018/0108 – Change of use of land for the purpose of siting up to 4 No. self-contained structure to provide medium term accommodation for homeless persons and 1 No. structure for support services allied to the neighbouring Ty Nos Homeless Shelter, associated boundary treatments and CCTV structures at Ty Nos, Holt Road, Wrexham.

(Member declaration of interest in relation to this application is set out in Minute 70 above).

The Local Member (Councillor Paul Jones) indicated his support for the application as, in his opinion, this facility was needed within Wrexham and the proposed planning conditions would result in strict controls over the use and visual appearance of the structures on site.

Several Members suggested that, if the Committee was minded to grant permission, to protect the wider visual amenity of the locality, a further condition be included to stipulate a suitable paint colour for the exterior of the converted containers to assimilate them into the surrounding area. This was agreed by the Committee.

RESOLVED – That the Head of Environment and Planning be given delegated authority to GRANT permission in accordance with the recommendation of the Head of Environment and Planning as set out in report HEP/03/18 together with the additional Condition contained within the Addendum Report and the following additional Condition thereto:

Add Condition

6 Details of the external paint colour of the converted containers shall be approved in writing with the Local Planning Authority prior to commencement of development. The containers shall be finished in the approved colour scheme prior to first occupation.
Reason: To help assimilate the containers into the area and protect the wider visual amenity of the locality.

Councillor M G Morris
Chair

APPENDIX I :

Decision Notice

In pursuance of its powers under the Acts an Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

wrexham
COUNTY BOROUGH COUNC
CYNGOR BWRDEISTREF SIR
wrecsam

Applicant	ASC REALESTATE INVESTMENTS LTD	**Code No**	GWE P/2017/0927
Agent	CONDY LOFTHOUSE ARCHITECTS MR ROBERT PATKAI 17 CONNECT BUSINESS VILLAGE 24 DERBY ROAD LIVERPOOL L5 9PR	**Date Received**	10/11/2017
		Decision Date	05/03/2018

Town and Country Planning Act, 1990

Location of application

LAND OFF MOLD ROAD, GWERSYLLT, WREXHAM, LL11 4AE

Description of application

HYBRID PLANNING APPLICATION COMPRISING:
FULL PERMISSION TO DEMOLISH VACANT BUILDINGS AND ERECT 54 BEDROOM LOW SECURE UNIT WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING.
OUTLINE PERMISSION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) TO DEMOLISH EXISTING BUILDINGS AND ERECT HOUSING DEVELOPMENT (6 NO. DETACHED AND SEMI-DETACHED HOUSES, 24 NO. APARTMENTS)

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

CLF5	Open space requirements from new residential
EC13	developments
GDP1	Surface water run-off
GDP2	Development objectives
H11	Capacity of infrastructure and community facilities
H2	Residential and nursing homes
H7	Residential development within settlements
T8	Affordable housing within new developments
	Parking

Particulars of decision that permission be REFUSED

Reason(s)

1. The proposed development, by virtue of its scale and use would involve an over-intensive use of the site. To allow the development would be contrary to Policy GDP1 (a) of the adopted Wrexham Unitary Development Plan.



Officer Appointed for this purpose
Head of Environment and Planning

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

APPENDIX J :

post determination email correspondence

From: Justin Paul
To: Matthew Phillips
Subject: FW: ASC - Gwersyllt : P/2017/0927 (SECOND DRAFT)
Date: Wednesday, June 27, 2018 8:13:00 AM
Attachments: 106 Planning Obligation FINAL DRAFT.docx
image001.png
image003.png

Morning Matthew
Final draft UU attached for your approval please.
In the 3rd Schedule, at the point of engrossment, paragraph 13 currently reads; "It is proposed that "...." of the total number of Affordable Housing Units will meet the Council's housing standard criteria; essentially this being whatever that agreed number is will simply need inserting numerically.
Kind regards
Justin

Justin Paul BA BTP MRTPI
MANAGING PARTNER
J10 Planning Ltd
1-3 Upper Eastgate Row, Eastgate Row North, Chester, CH1 1LQ
01244 349400 // 07971 446630 // justin@j10planning.com
Company Reg. No. 6000409 VAT Reg. No. 815630835

From: Matthew Phillips [mailto:Matthew.Phillips@wrexham.gov.uk]
Sent: Tuesday, June 12, 2018 3:39 PM
To: Justin Paul <Justin@j10planning.com>
Cc: Nick Turner <nick.turner@inhouselegal.org.uk>; Shokat Dalal <shokatd@gmail.com>
Subject: RE: ASC - Gwersyllt : P/2017/0927

Justin,

Dealing with each of the issues in turn:

- Practical completion. I am concerned that making specific mention of NHBC means that any other method of certifying completion renders the obligation unenforceable if that is a trigger;
- My comments about secondary education were in response to the fact the draft obligation had a reference to primary. The payment relates to any units of 2 or more bedrooms by the way, not to units in excess of 2 bedrooms. Only 1 bedroom properties are not subject to contributions.
- The agreement needs to specifically refer to the provision of an additional classroom at Bryn Alyn in order to avoid coming up against Regulation 123 issues in terms of pool contributions.

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Justin Paul [mailto:Justin@j10planning.com]
Sent: 11 June 2018 18:03
To: Matthew Phillips
Cc: Nick Turner ; Shokat Dalal
Subject: RE: ASC - Gwersyllt : P/2017/0927

Hi Matthew

Thanks for your comments; I know that Nick has been in touch with you but I thought I would add a couple of comments on your response:

- Your concern over "Practical completion" : as far as I can see this item is only relevant in respect of Para 4.3 of the draft agreement and it makes no odds whether the applicant uses NHBC or LABC .... all we are simply saying is that we will supply details of an "anticipated" practical completion date ... as far as I am aware (unless I am wrong) the PC date is not being used as a "trigger" for any payments so no-one is being prejudiced by this ?

- Education contribution : this can be duly referred to as only being relevant to Secondary Schools and for units in excess of 2 bedrooms; it can also refer specifically to the Bryn Alyn HS.

- The "capacity" point can be excluded if that helps.

- We will continue to refer to LPG27 but also add in "and any replacement policy thereto".

Perhaps you could kindly confirm agreement and we can get the UU in final draft shape.

Kind regards
Justin

Justin Paul BA BTP MRTPI
MANAGING PARTNER
J10 Planning Ltd
1-3 Upper Eastgate Row, Eastgate Row North, Chester, CH1 1LQ
01244 349400 // 07971 446630 // justin@j10planning.com
Company Reg. No. 6000409 VAT Reg. No. 815630835

<image014.jpg><image018.png>

From: Matthew Phillips [mailto:Matthew.Phillips@wrexham.gov.uk]
Sent: Wednesday, May 23, 2018 2:17 PM
To: Justin Paul <Justin@j10planning.com>
Cc: Nick Turner <nick.turner@inhouselegal.org.uk>; Shokat Dalal <shokatd@gmail.com>
Subject: RE: ASC - Gwersyllt : P/2017/0927

Justin,

Sorry for not getting back to you.

There are a few matters that need to be looked at.

Firstly I am not comfortable with the definition of practical completion given that a developer may use LABC rather than NHBC.

Secondly we are only seeking a secondary education contribution. Following on firm that after discussions with Education, the requirement is for this to be provided for additional classroom provision at Bryn Alyn High School in Gwerysllt rather than a general catchall as per the draft s106.

I am also not comfortable with having 'in the event that the Council confirms there to be a capacity need at the point of the occupation of the first dwelling' in the agreement. There is a capacity need and this is determined at the point of determination. This isn't a provisional requirement to be discussed at a later date.

Finally, LPG27 is in the process of being reviewed. A new version will be subject to consultation in June with a view to being adopted in September. The agreement would need to incorporate the new version depending on the time of any appeal/appeal hearing.

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Justin Paul
Sent: Wednesday, May 2, 2018 2:15 PM
To: 'Matthew Phillips' <Matthew.Phillips@wrexham.gov.uk>

Cc: Nick Turner <nick.turner@inhouselegal.org.uk>; Shokat Dalal <shokatd@gmail.com>
Subject: RE: ASC - Gwersyllt : P/2017/0927

Matthew
I attach a draft S106 UU that I would kindly ask for your comments on.
WE are still waiting on the educational input from your colleagues … evidently, we need to have this tied up for an Inspector to consider the appeal valid.
I look forward t hearing from you.
Kind regards
Justin

Justin Paul BA BTP MRTPI
MANAGING PARTNER
J10 Planning Ltd
1-3 Upper Eastgate Row, Eastgate Row North, Chester, CH1 1LQ
01244 349400 // 07971 446630 // justin@j10planning.com
Company Reg. No. 6000409 VAT Reg. No. 815630835
<image017.png>
<image014.jpg><image015.png>

From: Matthew Phillips [mailto:Matthew.Phillips@wrexham.gov.uk]
Sent: Wednesday, April 4, 2018 12:47 PM
To: Justin Paul <Justin@j10planning.com>
Subject: RE: ASC - Gwersyllt : P/2017/0927

Justin,

We have accepted that the indicative plan would be an acceptable way forward and would broadly meet the policy. I think the only omission in my committee report is a condition which requires the reserved matters to include details of an area of open space, but that could be rectified in my appeal statement. We would be asking the Inspector for a condition for the maximum number of dwellings.

I don't think there is any point in asking for off-site contributions. Firstly if that was deemed necessary then I think we'd need to address that at RM stage, however I don't really think it would be an acceptable solution. The site is a little isolated from areas of POS so it is doubtful if an upgrade somewhere else would be of any real use or benefit to occupiers.

Matthew

From: Justin Paul [mailto:Justin@j10planning.com]
Sent: 04 April 2018 12:42
To: Matthew Phillips
Subject: RE: ASC - Gwersyllt : P/2017/0927

Matthew
With regards POS the UDP policy CLF5 states 0.4 ha (4,000 sqm) per 50 dwellings … so 80 sqm per dwelling.
We are at Outline and numbers, I guess, may change … would you suggest that we apply this calculation for on-site provision ?
If it happened to be off-site is there any indication what would be sought and where ?
Regards
Justin

From: Matthew Phillips [mailto:Matthew.Phillips@wrexham.gov.uk]
Sent: Wednesday, April 4, 2018 11:23 AM
To: Justin Paul <Justin@j10planning.com>
Cc: Nick Turner <nick.turner@inhouselegal.org.uk>; Shokat Dalal <shokatd@gmail.com>; Robert Patkai <rpatkai@condylofthouse.co.uk>
Subject: RE: ASC - Gwersyllt : P/2017/0927

Justin,

We'd still be looking for POS and school contributions for a 100% affordable scheme. I know this is something RSLs complain about, but in terms of POS, that is required to provide amenity for occupiers and to contribute towards visual amenity. I don't agree that we should sacrifice quality solely to add a few more affordable units. With regards to school capacity s, then affordable units have the potential to provide the same pressures as other developments. However the extent of contributions is depended upon units. Only units with 2 bedrooms or more attract a payment. If 1 bedroom apartments were proposed then no contributions would be due for those.

Matthew

From: Justin Paul [mailto:Justin@j10planning.com]
Sent: 04 April 2018 11:17
To: Matthew Phillips
Cc: Nick Turner ; Shokat Dalal; Robert Patkai
Subject: RE: ASC - Gwersyllt : P/2017/0927

Thanks Matthew
Very helpful. I look forward to receiving confirmation of the educational response.
In the meantime, if, at a detailed /reserved matters planning stage, the residential element of the site was presented for a 100% affordable housing scheme would this affect the amount of POS and educational supplement being sought by the Council or not ?
Kind regards
Justin

From: Matthew Phillips [mailto:Matthew.Phillips@wrexham.gov.uk]
Sent: Tuesday, April 3, 2018 4:45 PM

To: Justin Paul <Justin@j10planning.com>
Cc: Nick Turner <nick.turner@inhouselegal.org.uk>; Shokat Dalal <shokatd@gmail.com>; Robert Patkai <rpatkai@condylofthouse.co.uk>
Subject: RE: ASC - Gwersyllt : P/2017/0927

Justin,

I will try to get hold of word documents – although the solicitor I need to speak to is off this week. However attached are two examples of UUs submitted that utilised our standard templates.

With regards to education we would expect a formula to be included rather than a total payment figure. This is particularly appropriate in respect of outline applications as the exact number and size of properties isn't known. But it also saves a lot of time post-decision even for full applications because it makes subsequent amendments more straightforward !!

I have contacted Education to confirm the project they are seeking the contribution for and will provide details in due course.

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Justin Paul [mailto:Justin@j10planning.com]
Sent: 29 March 2018 10:41
To: Matthew Phillips
Cc: Nick Turner ; Shokat Dalal; Robert Patkai
Subject: ASC - Gwersyllt : P/2017/0927

Hello Matthew

We have been instructed to appeal the refusal.

I note from the Cmte Report (page 52 attached) that the intention was that had permission been granted the Authority would have sought a S106 legal obligation that addressed affordable housing, POS and educational contributions; all associated with the Outline residential element.

In the knowledge that the Inspector will be expecting the appellant to provide an engrossed Unilateral Undertaking I would kindly request that you provide a template set of schedules that cover these points and confirm the exact quantum's

anticipated so that my client's lawyer may draft up a suitable agreement.

I look forward to hearing from you.

Best wishes for the Easter weekend
Justin

Justin Paul BA BTP MRTPI
MANAGING PARTNER
J10 Planning Ltd
1-3 Upper Eastgate Row, Eastgate Row North, Chester, CH1 1LQ
01244 349400 // 07971 446630 // justin@j10planning.com
Company Reg. No. 6000409 VAT Reg. No. 815630835

APPENDIX K :

Draft s106 Unilateral Undertaking

PLANNING OBLIGATION BY

DEED OF AGREEMENT

Of the

TOWN AND COUNTRY PLANNING ACT 1990

RELATING TO LAND OFF MOLD ROAD ,GWERSYLLT,

WREXHAM, LL11 4AE LR No: CYM 517237

Dated : 27 June 2018

Dated 2018

PARTIES

(1) WREXHAM COUNTY BOROUGH COUNCIL

(2) ASC REAL ESTATE INVESTMENTS LIMITED

INTRODUCTION

(1) The Council is the local planning authority for the purposes of this Deed and the Town and Country Planning Act 1990 (as amended) for the area within which the property described in the First Schedule hereto is situate and is the local planning authority by whom a planning obligation is enforceable

(2) The owner is the registered proprietor of the Site

(3) The Owner has submitted the Application to the Council and the parties have agreed to enter into this deed in order to secure the planning obligations contained in this Deed

(4) The Council resolved on the

To grant the Planning Permission subject to prior completion of this Deed

NOW THIS DEED WITNESSETH AS FOLLOWS:

1. DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings;

"ACT"	The Town and Country Planning Act 1990
"Affordable Housing"	means subsidised housing which will be available to Eligible Persons including (without limitation) Intermediate Rented Housing, Shared Equity Housing, Shared Ownership Housing And Social Rented Housing
"Affordable Housing Disposal"	means a transfer or lease of one or more of the Affordable Housing Units by the Owner to an RSL
"Affordable Housing Unit"	the dwellings provided as Affordable Housing as part of the Development in accordance with the Fourth Schedule
"Application"	The application for outline planning permission dated Submitted to the Council for the Development and allocated reference number
"CDM Regulations"	means the Construction (Design and Management) Regulations 2015 including any modification extension or re-enactment of them or any other regulations of a similar nature in force at any time during the course of the Development
"Close Family Association"	means members of family as described in Section113 of the Housing Act 1985

“Commencement of Development”	The date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be Carried out other than (for the purposes of this Deed and for no Other purpose) operations consisting of site clearance, Demolition work, archaeological investigations, investigations For the purpose of assessing ground conditions, remedial Work in respect of any contamination or other adverse ground Conditions, diversion and laying of services, erection of any Temporary display of site notices or advertisements and “Commence Development” shall be construed accordingly
“Contributions”	means the Education Contribution, and “Contribution” shall be Construed accordingly
“Development”	the development of the Site consisting as set out in the Application
“Dwelling”	means any residential unit (including a house flat or maisonette) Constructed on the Site pursuant to the Planning Permission
“Educational Contribution”	means the sum to be paid by the Owner to the Council in Accordance with the provisions of the Second Schedule being the Secondary Education Contributions as determined in accordance with the provisions of The Second Schedule
“Eligible Person”	means a person as defined in Part 7 of the Third Schedule hereto

"Equity Price"	means 80% of the Market Value of a Shared Equity Unit
"First Charge"	means a legal charge entered into between a Shared Equity Owner and a Mortgagee and which shall secure against a Shared Equity Unit any Mortgagees lending (of up to the Equity Price) together with any interest of the debt owed to Any Mortgagee by the Shared Equity Owner at the time that any Mortgagee shall enter into possession together with the costs of enforcing the First Charge and the reasonable costs of Marketing and disposal of the Shared Equity Units by any Mortgagee
"Freeholder RSL"	means the RSL that owns the freehold of a Shared Ownership Unit
"Intermediate Rented Housing"	means housing unit let by an RSL at a rent equal to or less than 80% of the open market rental (being the rent which that unit would secure in the open market as between a willing lessor and a willing lessee acting at arm's length) or the maximum amount of Local Housing Allowance which would be payable for such a unit.
"Index"	All items Index of Retail Prices issued by the Office for National Statistics
"Interest"	interest at 4 per cent above the base lending rate of the Barclays Bank plc from time to time

"Low Cost Home Ownership Register"	means the register maintained by the Council or its nominated agent for the purpose of providing access to properties at less than market value for persons who cannot afford to buy housing generally on the open market.
"LPG 27"	means the Council's Local Planning Guidance Note No 27 "Developer Contributions to Schools" a copy of which is annexed to this Agreement and any replacement policy thereto valid at the date of signing this Agreement
"LPG 28"	means the Council's Local Planning Guidance Note No 28 "Affordable Housing" a copy of which is annexed to this Agreement and any replacement policy thereto valid at the Date of signing this Agreement
"Market Housing Units"	those dwellings which are general market housing for sale on the open market and which are not Affordable Housing
"Market Value"	means (in respect of any Affordable Housing Units other than Social Rented Housing and Intermediate Rented Housing) the price at which the Affordable Housing Unit might reasonably be expected to be sold at arm's length by a willing seller to a willing buyer with vacant possession

"Material Operation"	means a material operation as defined in Section 56 subsection 4(a) to(e) of the 1990 Act to implement the Planning Permission
"Nomination Rights"	means the right to nominate- 100% of all initial occupiers of the Affordable Housing Units- and after that 75% of the vacancies arising in the Units for second occupiers and 50% thereafter
"Nominated RSL"	means an RSL that holds a Second Charge
"Occupation"	means use of a Dwelling for residential use but not including Occupation by personnel engaged in construction fitting out Or decoration or occupation for marketing or display or Occupation in relation to security operations and "Occupied" Shall be construed accordingly
"Person in Housing Need"	means a person who cannot afford to rent or buy a home Suitable for their needs on the open market.
"Plan"	the Plan attached to this Deed
"Planning Permission"	the draft full planning permission subject to conditions To be granted by the Council pursuant to the Application As set out in the Fifth Schedule
"Practical Completion"	issue of a certificate of practical completion by NHBC or by LABC or other method of certifying Completion
"RSL"	means a registered social landlord as defined in Part 1 of the Housing Act 1996.
"Second Charge"	means a legal charge to be entered into by the Shared Equity Owner for the time being in favour of the Council or a

	Nominated RSL in respect of up to 20% of the Market Value of a Shared Equity Unit, subject always to the Second Charge ranking second in priority to any First Charge
"Secondary Education Contribution"	such sums to be utilised in accordance with the Second Schedule
"Shared Equity Disposal"	means a disposal to an Eligible Person by a freehold Transfer or by a lease for a term of not less than 125 years (or an assignment thereof) of the Shared Equity Unit
"Shared Equity Housing"	means a form of affordable housing whereby the purchaser Acquires a 100% equity share in an Affordable Housing Unit subject to a Second Charge and with a restriction in perpetuity upon the further sale price of it
"Shared Equity Owner"	means a freeholder or a leaseholder (as appropriate) of a Shared Equity Unit
"Shared Equity Unit"	means an Affordable Housing Unit sold or available for sale as Shared Equity Housing on the Development
"Shared Ownership Disposal"	means a disposal by the RSL by way of:- (i) lease for a term of not less than 125 years; or (ii) transfer or assignment of a Shared Ownership Unit
"Shared Ownership Housing"	means a form of Affordable Housing which is provided by an RSL on the basis of part rent and part sale

"Shared Owner"	means a leaseholder of a Shared Ownership Unit
"Shared Ownership Unit"	means an Affordable Housing Unit sold or available for sale as Shared Ownership Housing
"Site"	the land subject to this Deed as shown edged red on the Plan and more particularly described in the First Schedule
"Social Rented Housing"	means housing units let by a registered social landlord to and to be occupied by persons identified in accordance with the Local Lettings Policy at a rental level which complies with the rent bench marking guidance (from time to time) published by the Welsh Government
"Staircase"	means in respect of Shared Ownership Housing to acquire Pursuant to the provisions of the Shared Ownership Disposal a share of the equity in the relevant Shared Ownership Unit in addition to the Shared Owner's Shared Ownership Interest and "Staircasing" shall be construed Accordingly
"Units"	means the residential units comprised in the Development
"Working Days"	means any day falling between Monday and Friday (both Days inclusive) upon which the clearing banks in the City of London are open for normal business which is not a Good Friday or a statutory bank holiday

2. CONSTRUCTION OF THIS DEED

2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.

2.2 Words importing the singular meaning where the context so admits include the plural

Meaning and vice versa

2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner

2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise

2.5 Any reference to an Act of Parliament shall include all instruments orders, plans, regulations,, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.

2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council and County Council the successors to their respective statutory functions

3 LEGAL BASIS

3.1 This Deed is made pursuant to Section 106 of the Act Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 and all other enabling powers

3.2 The covenants, restrictions, and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner.

4. CONDITIONALITY

This Deed is conditional upon:

(i) the grant of the Planning Permission; and

(ii) the Commencement of Development

Save for the provisions of Clauses 6.2, 8.1, 14 and 15 (commencement of development, legal costs, jurisdiction and delivery) fees and any other relevant provisions which shall come into effect immediately upon completion of this Deed.

5. RELEASE

5.1 If and only if Commencement of Development occurs in relation to the Planning Permission, and in consideration of the Owners covenants set out herein, the Council in its capacity as Local Planning Authority **HEREBY RELEASES** the Site from the original S106 Agreement

6. THE OWNER'S COVENANTS

6.1 The Owner covenants with the Council as set out in the Second and Third Schedules

6.2 The owner shall serve on the Council a notice of Commencement of Development not less than two days before Commencement of Development

7. THE COUNCIL'S COVENANTS

7.1 The Council covenants with the Owner as set out in the Fourth Schedule

8. MISCELLANEOUS

8.1 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

8.2 This Deed shall be registrable as a local land charge by the Council.

8.3 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the Council by the Head of Community Wellbeing and Development and any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.

8.4 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.

8.5 In so far as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.

8.6 This Deed shall cease to have effect (insofar only as it has not already been complied with) if:-

8.6.1 the Planning Permission shall be quashed revoked or otherwise withdrawn or (without the consent of the Owner) is modified by statutory procedure

8.7.2 the Planning Permission shall expire prior to the Commencement of the Development; or

8.7.3 the Site is developed under a new planning permission (other than one issued under Section 73 of the Act for variation or discharge of a condition of Planning Permission) granted after the Planning Permission by the Council or any other competent authority and there has been no Commencement of Development

8.7 No person shall be liable for any breach of any planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

8.8 This Deed shall not be enforceable against owner-occupiers or tenants of dwellings constructed pursuant to the Planning Permission nor against those deriving title from them.

8.9 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.

9. WAIVER

No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or Owner from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

10. CHANGE IN OWNWERSHIP

The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

11. INDEXATION

An sum referred to in the Second Schedule shall be increased by an amount equivalent to thee increase in the Index from the date hereof until the date on which such sum is payable

12. INTEREST

If any payment due under this Deed is paid late, Interest will be payable from the date payment is due to the date of payment.

13. VAT

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

14. JURISDICTION

This Deed is governed and interpreted in accordance with the law of England and Wales.

15. DELIVERY

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

FIRST SCHEDULE

DESCRIPTION OF THE SITE

The land off Mold Road, Gwersyllt, Wrexham, LL11 4AE

which is registered at HM Land Registry in the name of the Owner with title absolute under

Title number **CYM 517237**

And shown edged in red on the Plan ANNEXED AND ATTACHED hereto

SECOND SCHEDULE

OWNER'S PROVISIONS FOR THE EDUCATION CONTRIBUTION TO THE COUNCIL

1. The Contribution is specifically for the provision of an extra classroom at Bryn Alyn Secondary School, and the payment is calculated on housing units of 2 or more bedrooms.

2. In respect of the Secondary Education Contribution to:

2.1 Notify the Council's Head of Environmental and Planning prior to the Occupation of the First Dwelling in order that the Council can ascertain secondary school capacity in the Bryn Alyn Secondary School Community catchment area

2.2 The Council has confirmed there to be a capacity need at the point of Occupation of the First Dwelling, to pay prior to that first Occupation the Secondary Education Contribution to the Council in accordance with the Local Planning Guide Number 27 "Developer's Contribution to Schools" and in accordance with the formula therein produced and the said LPG 27 as relevant at the date of this Deed is ANNEXED hereto. In the event of LPG 27 being reviewed then this Schedule would apply to any subsequent LPG 27 and/or any replacement policy thereto applicable at the time of the signing of this Agreement

THIRD SCHEDULE

OWNER'S PLANNING OBLIGATIONS AGREED WITH REGARD TO THE PROVISION AND DEFINITION OF AFFORDABLE HOUSING PART 1

1. To design and construct the Affordable Housing Units in accordance with the Planning Permission and LPG28

2. Not to dispose of the Affordable Housing Units other than to an RSL by way of Affordable Housing Disposal or to the Council or an Eligible Person by way of Shared Ownership Disposal or a Shared Equity Disposal **PROVIDED THAT** the Council and the owners of the Affordable Housing Units may by agreement prescribe terms for the disposal of different types of Affordable Housing not detailed in this Deed (both parties acting reasonably and without delay in agreeing such terms) provided that such agreement is legally secured by way of a supplemental agreement made under Section 106 of the Act

3. Give to the Council notice in writing of a disposal of its interest in any Affordable Housing Unit and its interest in any part of the Development (excluding Market Housing Units) occurring before all the obligations in this Deed have been discharged such notice to be given within 10 Working Days of such transfer and giving details of the transferee's full name and usual address (registered office if a company) together with a plan showing the area of the Development transferred

4. Prior to Commencement of Development of any dwelling phase to provide the Council's Head of Housing and Economy and Housing Development Project Manager the following details in so far as they are known for each Affordable Housing Unit.

4.1 postal address

4.2 gross and net internal floor area

4.3 anticipated practical completion date (subject to market conditions)

4.4 plans indicating location, elevations and internal layout

5. Following receipt of the decision notice confirming the grant of the Planning Permission to approach an RSL as soon as reasonably practicable and to pursue negotiations with all due diligence in order to comply with the obligations contained in this Deed and to offer the Affordable Housing Units (other than those designated as Shared Equity Units) for sale to an

RSL on terms that have due regard to the restrictions affecting such Affordable Housing Units contained in this Deed

6. Following a written request from the Council, to provide the Council such information concerning the progress of negotiations for Affordable Housing Disposals with an RSL or Shared Equity Disposals for Eligible Persons (as appropriate) as shall reasonably be required by the Council.

7. Not to use any part of the Development on which the Affordable Housing Units are to be constructed for any purpose other than the provision of Affordable Housing in accordance with this Deed

8. Not to use the Affordable Housing Units for any purpose other than for the provision of Social Rented Housing Shared Ownership Housing, Shared Equity Housing, Discounted Sale Housing and Intermediate Rented Housing and to respond to any written request from the Council for information as to the tenure of each Affordable Housing Unit within 10 Working Days such request to be made on no more frequent a basis than once every 6 months.

9. To keep such full and proper records as are reasonably required to demonstrate to the Council strict compliance with the affordable housing obligations contained in this Deed and any supplementary agreement thereto

10. Not to allow the Occupation of more than 50% (fifty per cent) of the Market Housing Units until 50% (fifty per cent) of the Affordable Housing Units have been constructed, and not to allow the Occupation of more than 80% (eighty per cent) of the Market Housing Units until 100% (one hundred per cent) of the Affordable Housing Units have been constructed, are ready for Occupation and have been disposed of (or evidence has been provided to the Council that the Owner is actively marketing and has used reasonable endeavours to procure such disposals) by way of an Affordable Housing Disposal to an RSL and/or Shared Equity Disposals to Eligible Persons

11. To enter a restriction on the title register of each of the Affordable Housing Units at HM Land Registry in the following terms:-

“no disposition of the Registered Estate (other than a charge) by the proprietor of the registered estate is to be registered without a certificate signed by a conveyance that the provisions of the Fourth Schedule of the Agreement dated

2018 between Wrexham County Borough Council(1)

(2) have been complied with.

12. To permit the Council to exercise the Nomination Rights

13. It is proposed that of the total number of Affordable Housing Units will meet the Council's housing standards criteria to enable purchase grant funded by the Welsh Assembly Government and, in the event that the Council decides not to pursue the funding then the Council agrees that the Affordable Housing Units proposed will revert back to Market Housing Units and the Owner is free to market the Units as such

SOCIAL RENTED HOUSING- PART 2

1. Not to dispose of the Affordable Housing Units which are Social Rented Housing Units other than by way of an Affordable Housing Disposal in accordance with the provisions of this Part of the Schedule

2. No Social Rented Housing Unit shall be:

2.1 let to or Occupied by persons other than Eligible Persons; and

2.2 let other than as Social Rented Housing by way of an assured or assured shorthold tenancy (or such statutory form of tenancy as may replace such forms of tenancies from time to time)

INTERMEDIATE RENTED HOUSING- PART 3

1. Not to dispose of any Affordable Housing Units which are provided as Intermediate Rented Housing other than by way of Affordable Housing Disposal in accordance with the provisions of this Part of the Schedule

2. No Intermediate Rented Housing shall be:

2.1 let to or occupied by persons other than Eligible Persons; and

2.2 let other than as Intermediate Rented Housing; and

2.3 let other than by way of an assured or assured shorthold tenancy (or such statutory form of tenancy as may replace such forms of tenancies from time to time)

SHARED OWNERSHIP HOUSING- PART4

1. Not to dispose of any Affordable Housing Unit which is provided as Shared Ownership Housing other than by way of Shared Ownership Disposal to an Eligible Person

2. To procure that each Shared Ownership Disposal shall incorporate the following terms;

2.1 A right of pre-emption in favour of the Freeholder RSL and Council

2.2 A covenant whereby a Shared Owner who wishes to dispose of their interest in the Shared Ownership Unit (and where the Freeholder RSL or Council does not wish to exercise the right of pre-emption referred to in paragraph 2.1 of this Part) shall be prevented from

disposing or their interest in the Shared Ownership Unit other than to an Eligible Person at no more than the Market Value of their Shared Ownership Interest.

3. Not to sub-let or let (other than in accordance with this Part of the Schedule) any Shared Ownership Unit

4. Shared Owners wishing to dispose of their interest in a Shared Ownership Unit shall comply with any reasonable procedure adopted by the Council (or its nominated agent) from time to time for arranging and administering the disposal to Eligible Persons of interests in affordable housing units such as Shared Ownership Units

5. In the event that a Shared Owner wishes to dispose of their interest in a Shared Ownership Unit and such unit has been actively marketed for sale for a period of 16 weeks and no Eligible Person has exchanged unconditional contracts for the purchase of the said unit within that period **PROVIDED THAT**

(a) such unit has been offered for sale pursuant to paragraph 2.1 above and to an RSL or RSLs nominated by the Council and such RSLs or the Council have not exchanged unconditional contracts to buy such unit within such 16 week period and

(b) the price at which the Shared Ownership Unit has been offered for sale to Eligible Persons is no greater than the Market Value of the Shared Ownership Interest ascertained by agreement between the Shared Owner, any mortgagee of the Shared Owner, and the Freeholder RSL (the "Parties") or failing agreement at the expense of the Shared Owner by an independent qualified valuer appointed by agreement between the Parties or failing agreement by or on behalf of the president for the time being of the Royal Institution of Chartered Surveyors on the application of any party and the decision of such valuer shall be final and

(c) the Shared Owner has reasonably demonstrated to the Council and the Freeholder RSL that it has acted in good faith in considering any offers from Eligible Persons

Then the Shared Ownership Unit may be sold in the open market at Market Value (provided the Freeholder RSL consents to such a sale) free from affordable housing restrictions contained in this Deed **PROVIDED FURTHER THAT** where an Eligible Person or RSL or Council has been identified as a potential purchaser of the Shared Ownership Unit within the 16 week period the Shared Owner shall use reasonable endeavours to progress such sale and shall not dispose of the Shared Ownership Unit in the open market unless such potential sale becomes abortive

6. Following the sale of a Shared Ownership Unit on the open market pursuant to paragraph 5 above, the Council consents to the Shared Owner removing the restriction set out at paragraph 11 of Part 1 above from the title of the Shared Ownership Unit at the Land Registry

SHARED EQUITY INITIAL SALES-PART 5

1. Not to dispose of the Affordable Housing Units provided as Shared Equity Housing other than by way of a Shared Equity Disposal to an Eligible Person at a price no greater than the Equity Price

2. No Shared Equity Disposal shall be completed without the new Shared Equity Owner simultaneously entering into a Second Charge

3. That upon first acquiring an interest in Shared Equity Housing Unit the Shared Equity Owner shall not borrow from any Mortgage nor charge a Shared Equity Housing Unit under a First Charge for a sum in excess of 80% of the Market Value of the Shared Equity Housing Unit without the consent of the Council or the nominated RSL (as appropriate) providing that nothing in this paragraph shall prevent or prohibit a Shared Equity Owner from later increasing its borrowings from any Mortgagee in order to discharge and secure release from the Second Charge

4 Each Shared Equity Disposal shall contain a restriction whereby the Shared Equity Owner who wishes to dispose of their interest in the Shared Equity Housing Unit shall be prevented from making that disposition with Part 6 of this Schedule

5. In the event that the Shared Equity Housing Unit is sold by a mortgagee in possession without the provisions of this Deed binding upon it, the Mortgagee shall, in so far as is able to from the proceeds of sale of the Shared Equity Housing Unit and in any event only after deduction of any monies owing to the Mortgagee pursuant to the First Charge, pay to the Council or Nominated RSL as the Council may determine, the Redemption Money within one week of completion of the sale of the Shared Equity Housing Unit and provide the Council's Head of Housing and Economy (or such other officer undertaking the duties of a chief housing officr) with an account of the amount due pursuant to this paragraph.

6. Not to let (other than by way of a Shared Equity Disposal) or sub-let the Shared Equity Housing Unit (unless by agreement with the RSL to let the Shared Equity Housing Unit at an intermediate rate on a temporary basis, using RSL lettings agency until a buyer can be found)

7. The provisions of this Part of the Schedule shall only apply to the initial sale of Shared Equity Housing which means the first disposal of the Shared Equity Housing Unit

8. In the event that a Shared Equity Unit has been actively marketed for sale for a period of 16 weeks and no Eligible Person has exchanged unconditional contracts for the Shared Equity Unit within that period AND no RSL or the Council has unconditionally contracted to buy such units within such period then the Shared Equity Unit may be sold in the open market at Market Value free from the affordable housing restrictions contained in this Schedule of this Deed **PROVIDED THAT** within two working days of legal completion of such

sale, a payment of 20% of the sale proceeds ("Commuted Sum") is paid to the Council by the Owners to be used for the provision of Affordable Housing within the Wrexham County Borough Council administrative area within five years of receipt **PROVIDED FURTHER THAT** where an Eligible Person or RSL or the Council has been identified as a potential purchaser of the Shared Equity Unit within the said six weeks period the Owners shall use reasonable endeavours tp progress such sale and shall not dispose of the Shared Equity Unit in the open market unless such potential sale becomes abortive

9. If at any time after the fifth anniversary of the receipt by the Council of the Commuted Sum the Owners request then the Council will provide (subject to the Owners paying the Council's reasonable and proper expenses in connection with providing the same) written confirmation as to whether the whole or any part of the Commuted Sum has been expended or committed for expenditure in accordance with paragraph 8 above and in the event that the Council fails within 3 calendar months of such request to provide written confirmation that the whole of the Commuted Sum paid by the Owners to the Council pursuant to paragraph 8 above has been expended by the Council or committed towards the designated purposes within 5 years from the receipt by the Council of the Commuted Sum then the Council shall repay all or part of the Commuted Sum for which that written confirmation has not been given to the person or persons who actually paid the Commuted Sum together with all interest accrued thereon

SHARED EQUITY HOUSING SUBSEQUENT SALE-PART 6

1. Not to dispose of the Affordable Housing Units provided as Shared Equity Housing other than by way of a Shared Equity Housing other than by way of a Shared Equity Disposal to an Eligible Person at a price no greater than the Equity Price

2. That no Shared Equity Disposal shall be completed without the new Shared Equity Owner simultaneously entering into a Second Charge

3. That upon first acquiring an interest in a Shared Equity Housing Unit the Shared Equity Owner shall not borrow from any Mortgagee nor charge a Shared Equity Housing Unit under a First Charge for a sum in excess of 80% of the Market Value of the Shared Equity Housing Unit without the consent of the Council or the Nominated RSL (as appropriate) providing that nothing in this paragraph shall prevent or prohibit a Shared Equity Owner from later increasing its borrowings from any Mortgagee in order to discharge and secure release from the Second Charge

4. No Shared Equity Owner shall transfer the Shared Equity Housing Unit without first having notified the Council or its Nominated RSL (as appropriate) in writing of their intention to dispose of the Shared Equity Housing Unit.

5. In the event that the Shared Equity Housing Unit is sold by a mortgagee in possession without the provisions of this Deed being binding upon it (pursuant to clause 5.8 hereof),

the Mortgagee shall, in so far as it is able to from the proceeds of sale of the Shared Equity Housing Unit and in any event only after the deduction of any monies owing to the Mortgagee pursuant to the First Charge, pay to the Council or Nominated RSL (as appropriate), the Redemption Money within one week of completion of the sale of the Shared Equity Housing Unit and provide the Council's Head of Housing and Public Protection (or such other officer undertaking the duties of chief housing officer) with an account of the amount due pursuant to this paragraph.

6. Not to let (other than by way of a Shared Equity Disposal) or sub-let the Shared Equity Housing Unit

7. In the event that a Shared Equity Housing Unit has been actively marketed for a period of 16 weeks and no Eligible Person has exchanged unconditional contracts for the purchase of the Shared Equity Housing Unit within that period, **PROVIDED THAT**

(a) the price at which the Shared Equity Housing Unit has been offered for sale to Eligible Persons is no greater than its Market Value ascertained by agreement between the Shared Owner, any mortgagee of the Shared Owner, and the Nominated RSL (the "Parties") or failing agreement at the expense of the Shared Owner by an independent qualified valuer appointed by agreement between the Parties or failing agreement by or on behalf of the president for the time being of the Royal Institute of Chartered Surveyors on the application of any party and the decision of such valuer shall be final and

(b) the Shared Equity Owner has reasonably demonstrated to the Council that it has acted in good faith in considering any offers from Eligible Persons and

(c) such unit has also been offered for sale to the Council or the Nominated RSL and any other RSL or RSLs put forward by the Council, and that such RSL(s) or the Council have not exchanged unconditional contracts to buy such unit within such period then the Shared Equity Housing Unit may be sold in the open market at Market Value free from the affordable housing restrictions contained in this Deed **PROVIDED FURTHER THAT** where an Eligible Person, the Council or RSL has been identified as a potential purchaser of the Shared Equity Housing Unit within the said 16 week period the Shared Equity Owner shall use reasonable endeavours to progress such sale and shall not dispose of the Shared Equity Housing Unit in the open market unless such potential sale becomes abortive

8. In the event that the Shared Equity Housing Unit is sold on the open market pursuant to paragraph 7 the Shared Equity Owner shall pay the Redemption Money to the Council or the Nominated RSL (as appropriate) to redeem the Second Charge within two days of legal completion **PROVIDED THAT** such funds received by the Council or the Nominated RSL (as appropriate) shall be used for the provision of Affordable Housing within the Wrexham County Borough Council administrative area as agreed between the Council and the nominated RSL within five years of receipt

9. Following receipt by the Council or Nominated RSL of the Redemption Money in the circumstances set out in paragraphs 5,7 or 10 hereof the Council consents to the owner of the Shared Equity Housing Unit removing the restriction set out at paragraph 11 of Part 1 above from the title of the Shared Equity Housing Unit at the Land Registry

10. Nothing in this Part shall prevent or prohibit a Shared Equity Owner from paying the Redemption Money to the Council or the Nominated RSL (as appropriate) in order to discharge the Second Charge **PROVIDED THAT** the Redemption Money received by the Council or the Nominated RSL (as appropriate) shall be applied for the provision of Affordable Housing within the administrative area of Wrexham County Borough Council as agreed between the Council and the nominated RSL within five years of receipt

11. It is acknowledged that where a Shared Equity Owner disposes of a Shared Equity Hosing Unit to an RSL pursuant to paragraph 7 above the RSL shall not be required to enter into a Second Charge and may use or dispose of such unit (as appropriate) to provide Affordable Housing in accordance with any of the methods of doing so permitted by this Deed

12. The provisions of this Part of this Schedule shall only apply to the sale of Shared Equity Housing after the initial sale

DEFINITION OF AN "ELIGIBLE PERSON"-PART 7

1. An Eligible Person means a Person in Housing Need identified from the Low Cost Home Ownership Register or the Council's housing waiting list (as appropriate) who:-

1.1 has resided personally or who has had a Close Family Association in the Gwersyllt Community Council Area for a continuous period of six months immediately preceding the proposed Occupation of an Affordable Housing Unit; or

1.2 is in permanent full time employment at a location within the Gwersyllt Community Council Area and has been in such employment for a period of six months immediately preceding the proposed occupation of an Affordable Housing Unit; or

1.3 has previously resided in the Gwersyllt Community Council Area for a continuous period of five years; or

1.4 has previously had a Close Family Association in the Gwersyllt Community Council Area for a continuous period of five years

1.5 has previously been in employment in the Gwersyllt Community Council Area for a continuous period of five years

2. Provided That if:

2.1 no person meeting the requirements in paragraph 1 above can be identified from the Low Cost Home Ownership Register or the Council's waiting list (as appropriate); and

2.2 a period of not less than four weeks has elapsed after an advertisement seeking a person who meets the requirements of paragraph 1 has been placed in a newspaper circulating in the Wrexham locality then the references in paragraph 1 of this Part to the Gwersyllt Community Council Area shall be treated as if they included references to the Llay and Broughton Community Council Areas and any person who satisfies one of the said criteria by virtue of such treatment shall be regarded as an Eligible Person for the purposes of this Deed

3. Provided Further That where no person who qualifies or who can be regarded as qualifying as an Eligible Person pursuant to paragraph 2 of this Part can be identified from the sources mentioned therein after at least one advertisement has been placed in a newspaper circulating in the locality then after a period of not less than eight weeks the references in paragraph 1 of this Part to the Gwersyllt Community Council Area shall be treated as if they included reference to the Wrexham County Borough Council area and any person who satisfies the said criteria by virtue of such treatment shall be regarded as an Eligible Person for the purposes of this Deed

4. Provided Further That if no applicant qualifies under paragraph 3 above within 12 weeks the Council shall have the right to purchase any Shared Equity Housing Unit at the affordable or negotiated price and/or any other person who in the opinion of the RSL or Council (as appropriate) is a Person in Housing Need shall be treated as an Eligible Person. The Council to notify the Owner of their intention to purchase within 7 days and to exchange contracts within 4 weeks

FOURTH SCHEDULE

DISCHARGE OF OBLIGATIONS

1. The Council covenants with the Owner to use the Contributions received from the Owner under the terms of this Deed for the purpose specified in this Deed for which they are paid

2. The Council covenants with the Owner that it will repay the Owner such amount of the Contributions made by the Owner to the Council under this Deed which has not been expended in accordance with the provisions of this Deed within 5 years of the date of receipt by the Council together with Interest from the date of the payment to the date of refund

3. The Council covenants with the Owner to issue Planning Permission within five Working Days of the date of this Agreement

4. The Council covenants with the Owner that following performance and satisfaction of all the obligations contained in this Agreement it will forthwith effect cancellation of all entries made in the Register of Local Land Charges in respect of this Agreement.

EXECUTED as a DEED on the date specified at the commencement of this Agreement

Executed as a deed by affixing

The Common Seal of

WREXHAM COUNTY BOROUGH COUNCIL

In the presence of

ASC REAL ESTATE INVESTMENTS LIMITED

Signed as a deed by In the presence of:-

WITNESS SIGNATURE

WITNESS NAME

WITNESS ADDRESS

WITNESS OCCUPATION

APPENDIX L :

Planning History

(P/2014/0931)

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

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CYNGOR BWRDEISTREF SIROL
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Applicant	WHITLEY BROTHERS LTD	**Code No**	GWE P/2014/0931
Agent	MATTHEWS AND GOODMAN LLP MR JAMES LITHERLAND NATIONS HOUSE EDMUND STREET LIVERPOOL L3 9NY	**Date Received**	12/12/2014
		Decision Date	10/03/2016

Town and Country Planning Act, 1990

Location of application

SITE OF WESTMINSTER INDUSTRIAL ESTATE, OFF MOLD ROAD, GWERSYLLT, WREXHAM, LL11 4AE

Description of application

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (UP TO 65 DWELLINGS) WITH ALL DETAILED MATTERS RESERVED EXCEPT ACCESS

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

CLF5	Open space requirements from new residential developments
EC13	Surface water run-off
GDP1	Development objectives
H2	Residential development within settlements
H7	Affordable housing within new developments
PS1	Settlement limits
PS2	Development and the environment
T8	Parking

Revision	Date	Description of Decision
0	10/03/2016	Planning permission issued

Particulars of decision that Outline Planning Permission be GRANTED Subject to the following:-

Condition(s)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
a. the layout of the building(s)

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b. the scale of the building(s)
c. the appearance of the building(s)
d. the means of access to the site and building(s)
e. the landscaping of the site.

2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.

3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

4. As part of the reserved matters, a scheme showing details for the comprehensive and integrated drainage of the site, to include details as to how foul water, surface water and land drainage will be dealt with shall be submitted to and approved by the Local Planning Authority. The scheme as approved by this shall be fully implemented and thereafter managed and maintained in strict accordance with the details as approved

5. No part of the housing development shall commence other than the demolition of existing buildings on the site until such time that the estate road between the A541 Mold Road and the area highlighted hatched green on plan no. 13092-101 Rev E has been fully improved to a standard suitable for adoption, including a turning facility suitable for HGVs within the area as illustratively shown on that plan, and any agreed road traffic order section(s) for the estate road which are to be agreed as part of condition 6 below.

6. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority for the area highlighted hatch green on plan no. 13092-101 Rev E:

i) Detailed layout, design, drainage and construction work for the proposed adoption of Westminster Industrial Estate access road, including a turning facility.

ii) Details of the estate to be controlled by a traffic regulations order.

The scheme as is approved shall be fully implemented in accordance with the times scales as given in condition 5.

7. As part of the reserved matters a full scheme of details to verify the implementation and construction of the following shall be submitted to and approved in writing by the Local Planning Authority:

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i) The detailed layout, design, drainage and construction of an adoptable highway within the site, other than the area shown by the hatched area as approved in connection with condition 5 above.
ii) Details to show the layout, design, drainage and construction of a footpath link between the existing public footpath to the adjacent Gwyn Evans Sports Centre, as shown on drawing no. 13092-101 Rev E.
iii) Details to show the layout, design, and construction of a footpath link between the site and the path located at the northern edge of the site.
No dwellings shall be occupied until all the above details have been fully implemented in accordance with the scheme of details as approved.

8. Prior to first use of the development, a Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of an annual monitoring which shall be submitted to the Local Planning Authority for written approval following the anniversary of first use of the development, and every year after up to and including the fifth anniversary.

9. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.

10. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

11. As part of the reserved matters, the landscaping details of the development shall include details for the design, layout and provision of public open space area (s) within the site equating to not less than 4,750 square metres, and a larger area of open space shall include an area for the provision of a children's equipped play area. Full details of the play equipment shall be submitted as part of the reserved mattes, and both the public open space areas and the play equipped area shall be fully implemented in accordance with time scales to be verified and approved as part of the scheme of details.

12. No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any

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measures required to remediate the site, including post-development monitoring.

14. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.

15. No part of the development shall commence until a noise survey in order to determine noise levels for both day and night has been carried out, and a detailed report of the survey findings together with a detailed scheme of noise attenuation and/or noise insulation measures has been submitted to and approved in writing by the Local Planning Authority. The measures as are approved shall be fully implemented prior to the first occupation / use of the development.

16. No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.

17. As part of the reserved matters, details of an air quality assessment for the road traffic pollutants of Nitrogen Dioxide (NO2) and Particulate Matter (PM10) must be carried out and submitted to and approved in writing by the Local Planning Authority. The assessment shall use appropriate modelling methods, as described in Local Air Quality Management Technical Guidance LAQM TG(09).

18. The recommendations of the submitted ecology report from Rachel Hacking Ecology dated 2014 shall be fully implemented as part of the development.

Reason(s)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2. To comply with Section 92 of the Town and Country Planning Act, 1990.

3. To comply with Section 92 of the Town and Country Planning Act, 1990.

4. To ensure that effective drainage facilities are provided for the proposed development and that no adverse impace occurs to the environment or the existing public sewerage system.

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5. To ensure that a properly constructed access is available for use when the housing development is commenced at the site, thereby enabling safe and convenient access to and egress from the site in the interests of existing road users and in the interests of future road users and pedestrians.
6. To ensure that a properly constructed access is available for use when the housing development is commenced at the site, thereby enabling safe and convenient access to and egress from the site in the interests of future road users and pedestrians.
7. To ensure that the site is served with a suitable highway in the interests of highway and pedestrian safety, and to ensure that the development is appropriately linked to adjacent community facilities/path networks, in the interests of promoting alternative and more sustainable transport options for new residents on the site.
8. To support the Council's approved Integrated Transport Strategy and to reduce dependency on the motor vehicle.
9. In the interests of highway safety.
10. In the interests of highway safety.
11. In the interests of the visual amenities of the area and in the interests of the amenity of occupiers of the development.
12. In the interests of the amenities of the future occupants of the buildings
14. To protect the amenities of the occupiers of nearby properties.
15. To protect the amenities of the occupiers of nearby properties.
16. To protect the amenities of the occupiers of nearby properties.
17. To protect the amenities of future residents of the development.
18. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.

Note(s) to applicant

You are advised that this grant of planning permission was made following the completion of an Agreement under Section 106 of the Town and Country Planning Act. Before undertaking any work under this permission you are advised to obtain full details of the Agreement and ensure that you are able to comply with its terms.
Further advice on compliance with condition no. 12 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended

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that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site. You are advised that the site lies within 250m of a known landfill site and potential contamination must be examined.
You are advised that prior to undertaking the modelling as required in connection with the noise condition i.e. condition 15 above you are advised to contact the Council's air quality officer to discuss existing monitoring data that mght be available, and to confirm which nearby receptors should be included in the assessment.
The applicant is advised that compliance with condition no. @@ does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.
Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:
- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.
To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

Applicants are advised that compliance with condition no. 16 does not provide an exemption from the statutory nuisance provisions of the Environmental Protection Act 1990. Under the Act dust from any type of activity can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that the dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

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The development site is in close proximity to railway line and a busy highway and the developer is therefore required to carry out a noise survey in connection with condition no. 15 in order to determine noise levels for both day (0700 - 2300 hours) and night (2300 - 0700 hours) having regard to Planning Guidance (Wales), Technical Advice Note (TAN) 11 - Noise. The report of the noise survey findings shall include:
a) Noise levels arising from day/night time activities in the vicinity of the proposed development site and the impact upon the proposed accommodation, and
b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the future occupants of the proposed accommodation hereby approved.

Any proposed demolition works may NOT be commenced until the appropriate Notice has been served on this authority under the provisions of Section 80 of the Building Act, 1984. The applicant / developer is therefore advised to contact the Building Control Section to enable you to make the necessary application.

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

The separate written consent of the Local Highway Authority must be obtained before any work is carried out within the confines of the highway.

The applicant is advised that submission of a copy of the relevant section 38 adoption agreement, between the applicant and the Highway Authority, to the Local Planning Authority will allow the above condition no(s). 5, 6 & 7 to be formally discharged in writing.

This planning permission requires that development be carried out in

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accordance with the approved plans, including the construction of an estate road intended for adoption by the Council under the Highways Act 1980. It is essential therefore that the detailed proposals are submitted to the Highway Authority and confirmed as acceptable BEFORE development commences. Please contact the Highway Authority on telephone no. 01978 729690 for further guidance.
If a connection is required to the public sewerage syatem, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were orginally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us win dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

You are advised that the Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtan an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage syatme under Section 106 WIA 19991 being granted by DCWW.
The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures

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required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.
Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at:www.gov.uk/government/organisations/the-coal-authority.
You are advised that the installation of external lighting should be minimal and directional and not displayed to any boundary trees, hedges or other linear ecology features.

Should any bats be found during the work, all work should stop immediately and Natural Resources Wales shoudl be contacted for further advice.

Officer Appointed for this purpose
Head of Community Wellbeing and Development

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Refer to the Statement of Applicant's Rights and General Information enclosed or refer to the following link:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm



Proposed Development - Westminster Industrial Estate, Mold Road, Gwersyllt, Wrexham

Client: Whitley Brothers Ltd
Date: 11/12/14
Job/Dwg: 13092 V101A - Proposed Site Layout
Not to Scale@A3

THE HARRIS PARTNERSHIP
www.harrispartnership.com
13092 Mold Road Westminster Industrial Estate V101A

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT - 5 May 2015

APPLICATION NO:
P/2014 /0931

LOCATION:
SITE OF WESTMINSTER INDUSTRIAL ESTATE OFF MOLD ROAD GWERSYLLT WREXHAM LL11 4AE

DATE RECEIVED:
12/12/2014

COMMUNITY:
Gwersyllt

CASE OFFICER:
JS

DESCRIPTION:
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (UP TO 65 DWELLINGS) WITH ALL DETAILED MATTERS RESERVED EXCEPT ACCESS

WARD:
Gwersyllt North

AGENT NAME:
MATTHEWS AND GOODMAN LLP MR JAMES LITHERLAND

APPLICANT(S) NAME:
WHITLEY BROTHERS LTD

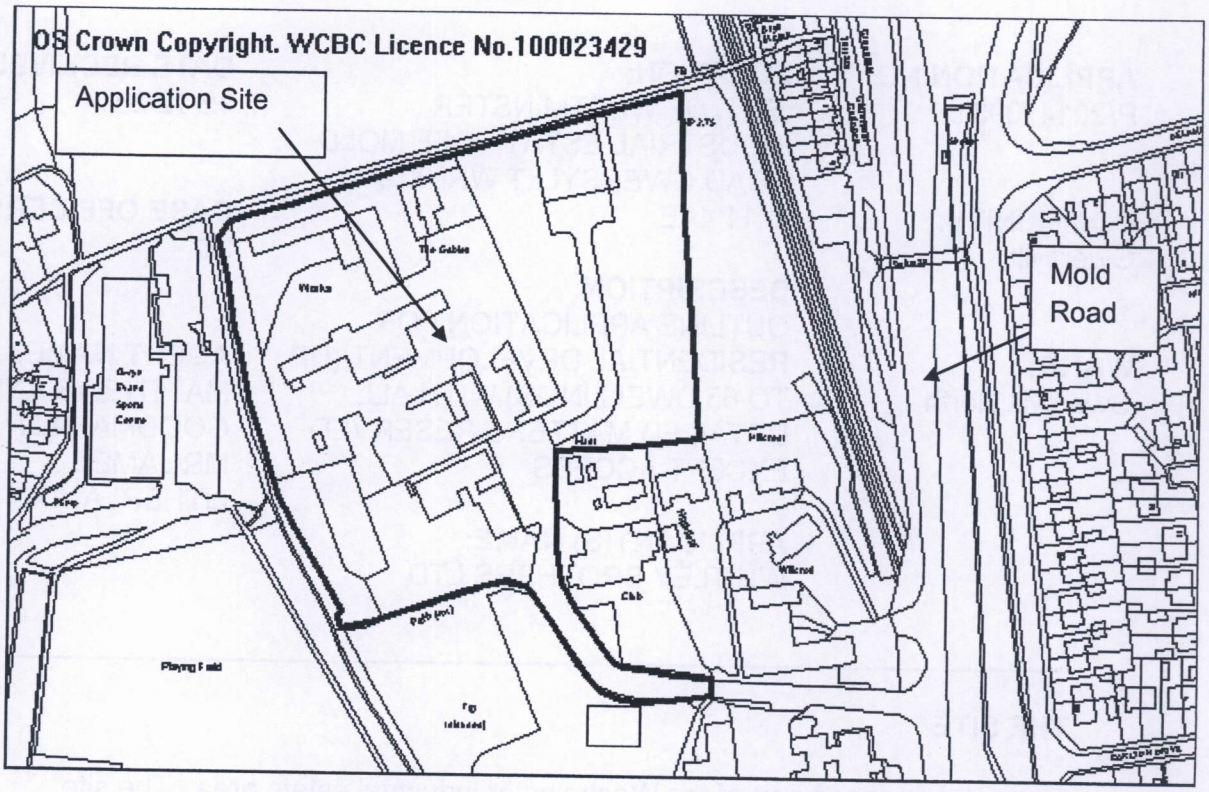
THE SITE

The site comprises part of the Westminster industrial estate area. The site contains a number of industrial buildings which are currently unoccupied and there is one occupied dwelling (The Gables) on the site which is adjacent to the northern boundary.

The site is adjacent to Gwyn Evans Sports Centre (west of the site) and Ysgol Bryn Alyn (south west), and there are playing fields (north). There is a public footpath (no. 11) along the western edge of the site, and a footpath along the north leading to a footbridge over a railway line.

The site currently has access from Mold Road which is an unadopted highway. The road serves a number of industrial and commercial properties, including the Gwersyllt Sports and Social clubhouse, and a few residential properties.

The site is reasonably level, and large percentage of the surface area is hard landscaped.



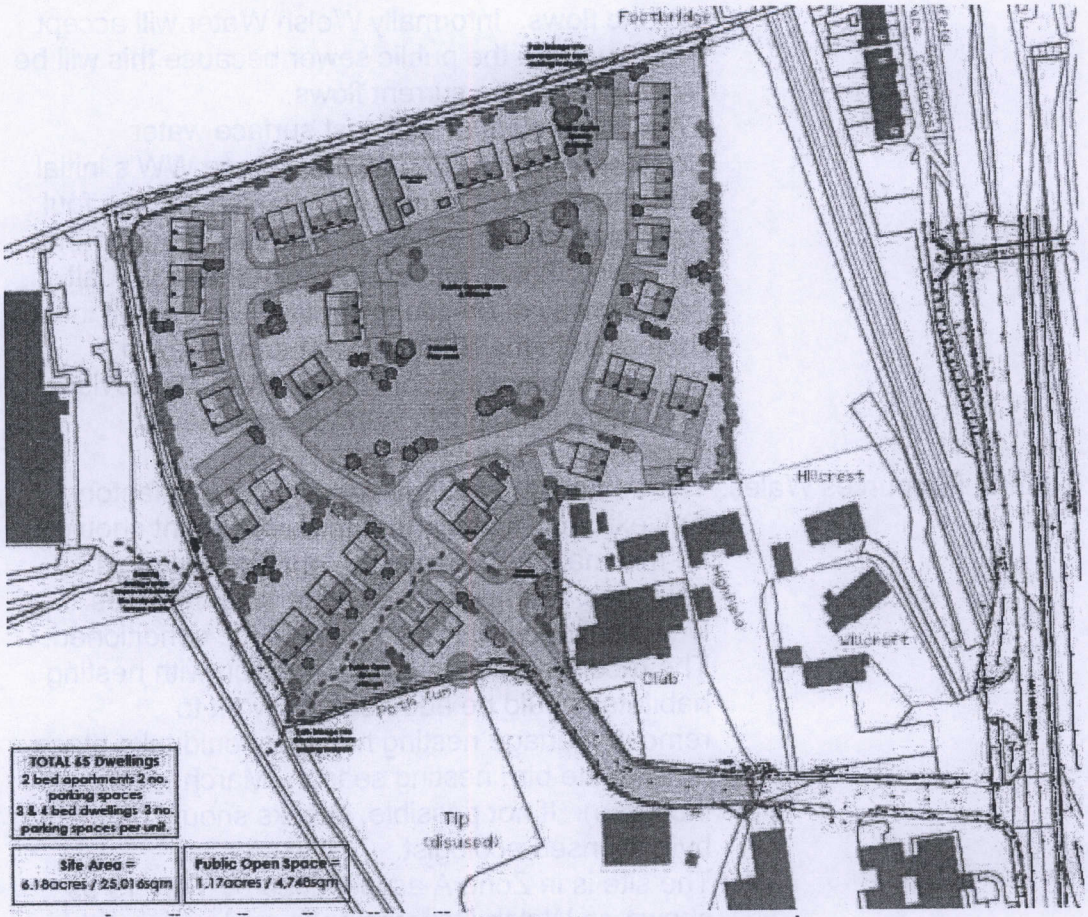
PROPOSAL

As above. It should be noted that the proposals have been amended since its original submission. The latest plan has reduced the scale of the scheme from up to 85 dwellings to up to 65 dwellings.

Application has been submitted with ecology survey. A drainage strategy for the site has been recently submitted, and this confirms that there is an intention to try and achieve on-site infiltration, including the use of SuDs (sustainable drainage) as part of the development.

The amended scheme (see below) also indicates a central public open space with properties facing towards this area, and path linkages to adjacent areas at western and northern boundaries.

Further information has also been submitted to clarify the extent of highway works between Mold Road and the site, and clarification that this would be brought up to adoption standards as part of the development.



Extract of amended site plan – for illustration purposes only

HISTORY

Various industrial permissions prior to 1996.

DEVELOPMENT PLAN

Within the settlement limits as defined in the Wrexham Unitary Development Plan. Policies PS1, PS2, GDP1, H2, H7, CLF5, EC13, and T8 are relevant. Local Planning Guidance Notes nos. 16, 27, 28, 30 and 32 also apply.

CONSULTATIONS

Community Council:	Supports the application. The Council may wish to comment on the access arrangements and affordable housing. It is realised that further details of those matters will be available at the detailed planning stage.
Local Member(s):	Notified 17.12.14
Welsh Water:	Objects unless it can be demonstrated that that flows from the proposed development will match

historic flows. Informally Welsh Water will accept foul flows into the public sewer because this will be a lower rate than current flows.
The submission of the latest surface water drainage strategy has also overcome WW's initial objection. The scheme now clarifies that the foul rate of discharge will be at a reduced rated to that of historic flows, and surface water will be dealt with by way of on-site infiltration. As a result initial objection to the scheme has been removed, subject to planning conditions. WW also advise that there is no public surface water sewer crossing the site.

Natural Resources Wales: The submitted ecology surveys are satisfactory. Any external lighting for the development should be minimal and directional, and not displayed on any trees, hedges or any other linear features. Details of external lighting should be conditioned. The recommendations in connection with nesting habitats should be adopted and work to remove/manage nesting habitat should take place outside the bird nesting season (March to August inclusive). If not possible, checks should be made by a licensed ecologist.
The site is in Zone A as identified by TAN 15 as shown on Welsh Government's advice map. It is recognised that a large proportion of the site surface is currently impermeable, and the proposed use of SUDs is welcome, but no evidence has demonstrated that ground conditions are suitable. The site discharges to a combined public sewer, and infiltration should be considered as part of the design. A surface water management plan to outline proposals methods for surface water disposal should be provided. No objections are raised.

Public Protection: Within 250m of landfill site known as Gwersyllt Park, and potential contamination must be considered, and conditions are required. Noise condition is also required due to proximity to railway, highway and industrial noise sources. Air quality in relation to close proximity to Mold Road must be examined, and condition is required for assessment to be made.

Highways: The current authorised use of the site could potentially generate up to 200 vehicle movements per day. The proposed use for 85 dwellings (as per initial submission) could generate approximately 450 movements per day. This

would equated to just 28 movements per hour at am peak and 33 at the pm peak, and this is not significant in highway terms, that is, 1 vehicle every 2 minutes at the junction onto A541 Mold Road. Based on this amount of additional traffic, this would not require any upgrade of the existing junction or signal control.

The estate road is not adopted highway. There are intermittent 1m wide footways reducing to nothing on northern side of access road. On the southern side there is also an intermittent footway of substandard width. There is no street lighting and evidence suggests that it is inadequately drained because a pool of water collects near the junction. There are also a number of HGVs / forklift trucks from Kent Supplies which reverse or park on the road as they load or unload supplies.

The amended scheme proposes to resolve highway issues by bringing the road up to adoption standards, and pedestrian safety will be improved by introducing a footway on both sides; street lighting; drainage and road construction upgrades. It also includes pedestrian links to existing PROWs.

A scheme of double yellow road markings is required, to help control on-street parking by Kent Supplies.

The scale of the scheme is supported subject to conditions – which will need to ensure that the road is upgraded and for a travel plan to help encourage sustainable travel and identify measures to increase the scope for modal shift.

Site Notice: Expired 28.1.15

Other Representations: 15 neighbours notified, and one response received raising the following concerns:

- The proposal will have a major impact on entrance area for North Wales Beds because their car park area is located near to the access with Mold Road, and the housing use will generate traffic at this point. This could cause a safety issue for cars turning into the car park.
- Between 20 to 30% of traffic flows to and from the estate road will be HGVs when the site is built.
- Only the first 10m of the road is adopted, and there is a gap between that section and the site. It is unclear as to who is liable for maintenance when the site is finished.

- Cars will queue at the entrance, and larger HGVs are likely to cut across the adjacent car park when turning left onto A541l
- During winter and snow, vehicles find it difficult to access the hill on the estate road, and this causes a hazard. Some will use North Wales Beds car park which will be unacceptable.
- The footpath will impact the entrance.

SPECIAL CONSIDERATIONS

Policy: There are no objections in principle to a housing development for the site. It is located within a sustainable location, and the site is currently occupied with a number of buildings and much of the area is hard surfaced. This development represents development of a brownfield site, and this is generally supported by planning policy.

However the site is not currently ideally linked with adjacent facilities (shops, schools, public transport, etc.) and these will need to be improved if the use is allowed, and this will examined below. Also the current site access/estate road which is also serving a number of commercial and businesses premises is not adopted and substandard in places. The whole road will need improving if the principle of development is supported, and this issue will be examined below.

Scale/Design: The development is intended to provide a mixture of dwellings (houses and apartments) and the scale of the development has been reduced since the initial submission because the initial suggested layout did not demonstrate a useful layout for the intended scale of housing. Following those revisions, it is now possible to support a scheme up to this number of dwellings. Usefully the revised layout provides a central area of public open space area and links to adjacent pathways.

Impact on adjacent properties: The site is located some distance from any nearest residential properties, and the precise relationship will need to be examined as part of the reserved matters once all the design information is known. There is one property within the site, and this will need to be integrated as part of the development. The main issue is the relationship of the proposed use in relation with adjacent commercial and industrial properties, and whether those adjacent uses will unacceptably impact upon the amenities of the new occupants of the proposed housing.

Public Protection has examined this matter, and as part of the reserved matters application, the site design will need to be informed with the recommendations of noise reports and air quality information – surveys of which will need to be submitted for consideration as part of that application. Possibly this will require detailing for windows and/or acoustic fencing in areas

close to noise sources, or other measures to help mitigate air quality issues if this is found to be significant.

Impact of additional traffic at existing road junction onto Mold Road: Based upon the original submission (for up to 85 dwellings), the residential use was likely to generate approximately 450 traffic movements per day, which could equate to an increase of 250 movements at the junction based upon the assumed established uses of the site.

Highways have confirmed that this scale of the development would result in 28 movements per hour at am peak, and 33 movements at the pm peak. This increase is not considered to be significant in highway terms, resulting in 1 vehicle every 2 minutes at the existing junction. Accordingly it is considered that the existing junction can accommodate the likely extra traffic without any upgrading of the junction – which might of included traffic signal controls. Also it is noted that the amended scheme has reduced the upward scale of development to 65 dwellings, and therefore the impacts will be less. Although the concerns of an adjacent business premises (North Wales Beds) is noted, the estate road improvements and the use will help ease the numbers of HGVs that could use the access if the established uses of the site were started again. It is also note that Highways have recommended a Travel Plan, to help ensure that vehicular numbers are minimised. This will require some monitoring after the scheme has been implemented to ensure that this can be as effective as possible, and therefore a contribution is required to facilitate this.

Access: The existing estate road serving the site is not currently designed to highway adoption standards, and it is not an adopted highway. Part of the road is also not owned or controlled by the applicant, and despite some efforts to confirm this, it is unclear as who owns the section between Mold Road and the application site. Highways have confirmed that the whole length of this road must be brought up to adoption highway standards if the use is allowed, and in view that the ownership is not known, this must take place before the housing development is commenced. Although normally it would be possible to carry out these improvements as part of one overall scheme, it is important for those works to be secured beforehand because of the lack of full ownership. Without those improvements there would no guarantee that the new residents would have a suitable highway (including pedestrian access) to and from the site. This is particularly important because of the number of commercial and business uses, and the existing HGV traffic.

The scope of likely highway improvement works have been submitted for consideration, and this indicates the formation of footway on either side of the road for the first 80m, and then within the applicant's control, a pavement will be provided on the inside of a bend by the Gwersyllt Sports and Social Club site, and a reduced width pavement by Kent Supplies. The scheme also provides pedestrian crossing points, a turning facility before the road enters the main part of the site, to allow room for HGVs to turn. A need for a traffic regulation order (TRO) is also acknowledged, to help control on street parking

by Kent Supplies (which is located by a bend). Subject to some further detailing, most of the suggested highway works are acceptable in principle, and the full nature of these works will need to be submitted as part of the reserved matters application. Highways require a Grampian style (negative worded) condition to ensure that necessary works are implemented before the development is commenced.

Although the implementation of highway adoption work is normally regulated by the setting up of a bond with the Highways Authority, this cannot be provided for the section which is unregistered. As a result the applicant intends to implement these works under Section 228 of the Highways Act to, and defective title insurance will be taken out to indemnify any claims in relation to this work. Under the circumstances this is an appropriate way forward in this instance, but the road improvements must be undertaken before the housing development is commenced.

Drainage: Welsh Water had initially raised objections to the scheme because of the lack of a drainage strategy as part of the application. But following discussions, the foul drainage issue has been resolved, and there is scope for surface water drainage to be naturally discharged within the site. To this regard, the drainage strategy for the site confirms that part of the on-site public open space area would form an infiltration basin (with a depth of around 1.3m), with an overall size of 793 square metres. Some existing ground levels within eastern third of the site may need to be raised to allow drainage towards the basin area. Full details of ground level alterations will therefore be required as part of the reserved matters to assess the impact of these raised levels in relation to boundaries and adjacent property.

The acceptability of this strategy has been examined by Welsh Water, and they do not have any objections, subject to the inclusion of conditions

The formation of the basin area within the site could have implications for the on-site public open space area, but it appears that the scale of this area will only partly affect this area. This issue will be examined in the next section of my report.

Public Open Space: The amount of open space shown as part of the illustrative layout does not include sufficient open space to meet the requirements of policy CLF5. The provision as illustratively shown is suitable for up to 59 dwellings, and therefore a contribution is required for the extra 6 dwellings if the full number of dwellings as requested by this application is submitted as part of the reserved matters. Since the site is not far from Alyn Waters Country Park area, a financial contribution in lieu of some on-site POS is supported because residents are likely to access this nearby park area.

The provision of the infiltration basin for surface water drainage could reduce the effectiveness of the public open space as a play area. However since that area is only representing slightly more than 10% of the overall open space as proposed on the illustrative site layout, this is not significant. This feature may

also provide scope to enhance landscaping proposals for the area, and more details to clarify this will be required as part of the reserved matters application.

Affordable homes: In accordance with policy H7 and LPG note 28, there will be an affordable housing requirement for the development if the scale of the site exceeds 25 dwellings. If the full scale of the proposed development is incorporated as part of the reserved matters application, this would equate to 16.25 affordable dwellings. A legal agreement is required to secure this.

School contributions: In accordance with policy GDP2 and LPG note 27 there is a requirement for a contribution for primary and secondary schools. A legal agreement is required to secure this.

CONCLUSION

The principle of new housing development for this brownfield site is acceptable on the basis of the outline proposals at this stage. Depending upon the final scale of the housing numbers, a legal obligation is required to deal with affordable housing, and commuted sums for education, POS, and travel plan monitoring. The development will also secure improvements to the existing highway leading to the site, to ensure that residents will have a safe means of access to and from the site. It will be also possible for the scheme to include some pedestrian connections with adjacent footpaths, which will also secure greater connectivity for the wider community.

RECOMMENDATION A

That the Council enters into an Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the following:

a) Financial contribution towards education provision – both primary and secondary.
b) The provision of affordable housing in accordance with LPG 28.
c) The management and maintenance of on-site public open space.
d) Financial contribution for off-site public open space improvements if the final development exceeds 59 dwellings.
e) Financial contribution towards any public consultation required for a traffic regulation order (TRO) for the estate approach road, and for the implementation of any associated works for the order i.e. signs / yellow lining.
f) Financial contribution to funding of Travel Plan monitoring by the Regional Travel Plan Coordinator for a period of 5 years.

The Head of Community Wellbeing and Development be given delegated authority to approve the final form and content of the obligation.

RECOMMENDATION B

Upon completion of the Planning Obligation that permission be GRANTED subject to the following conditions:

CONDITION(S)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
a. the layout of the building(s)
b. the scale of the building(s)
c. the appearance of the building(s)
d. the means of access to the site and building(s)
e. the landscaping of the site.
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
4. As part of the reserved matters, a scheme showing details for the comprehensive and integrated drainage of the site, to include details as to how foul water, surface water and land drainage will be dealt with shall be submitted to and approved by the Local Planning Authority. The scheme as approved by this shall be fully implemented, and thereafter managed and maintained in strict accordance with the details as approved.
5. No part of the housing development shall commence other than the demolition of existing buildings on the site until such time that the estate road between the A541 Mold Road and the area highlighted hatched green on plan no. 13092-101 Rev E has been fully improved to a standard suitable for adoption, including a turning facility suitable for HGVs within the area as illustratively shown on that plan, and any agreed road traffic order section(s) for the estate road which are to be agreed as part of condition 6 below.
6. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority for the area highlighted hatched green on plan no. 13092-101 Rev E:
i) Detailed layout, design, drainage and construction work for the proposed adoption of Westminster Industrial estate access road, including a turning facility.
ii) Details of the estate to be controlled by a traffic regulation order
The scheme as is approved shall be fully implemented in accordance with the time scales as given in condition 5.
7. As part of the reserved matters a full scheme of details to verify the implementation and construction of the following shall be submitted to and approved in writing by the local planning authority:

i) The detailed layout, design, drainage and construction of an adoptable highway within the site, other than the area shown by the hatched area as approved in connection with condition 5 above.
ii) Details to show the layout, design, drainage and construction of a footpath link between the existing public footpath located at the western edge of the site to the adjacent Gwyn Evans Sports Centre, as shown on drawing no. 13092-101 Rev E.
iii) Details to show the layout, design, drainage and construction of a footpath link between the site and the path located at the northern edge of the site.
No dwellings shall be occupied until all the above details have been fully implemented in accordance with the scheme of details as approved.
8. Prior to first use of the development, a Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of an annual monitoring which shall be submitted to the Local Planning Authority for written approval following the anniversary of first use of the development, and every year after up to and including the fifth anniversary.
9. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.
10. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.
11. As part of the reserved matters, the landscaping details of the development shall include details for the design, layout and provision of public open space area(s) within the site equating to not less than 4,750 square metres, and a larger area of open space shall include an area for the provision of a children's equipped play area. Full details of the play equipment shall be submitted as part of the reserved matters, and both the public open space areas and the play equipped area shall be fully implemented in accordance with time scales to be verified and approved as part of the scheme of details.
12. No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring.
13. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 12 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.
14. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.

15. No part of the development shall commence until a noise survey in order to determine noise levels for both day and night has been carried out, and a detailed report of the survey findings together with a detailed scheme of noise attenuation and/or noise insulation measures has been submitted to and approved in writing by the Local Planning Authority. The measures as are approved shall be fully implemented prior to the first occupation / use of the development.
16. No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.
17. As part of the reserved matters, details of an air quality assessment for the road traffic pollutants of Nitrogen Dioxide (NO2) and Particulate Matter (PM10) must be carried out and submitted to and approved in writing by the Local Planning Authority. The assessment shall use appropriate modelling methods, as described in Local Air Quality Management Technical Guidance LAQM TG(09).
18. The recommendations of the submitted ecology report from Rachel Hacking Ecology dated 2014 shall be fully implemented as part of the development.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
2. To comply with Section 92 of the Town and Country Planning Act, 1990.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.
5. To ensure that a properly constructed access is available for use when the housing development is commenced at the site, thereby enabling safe and convenient access to and egress from the site in the interests of existing road users and in the interests of future road users and pedestrians.
6. To ensure that a properly constructed access is available for use when the housing development is commenced at the site, thereby enabling safe and convenient access to and egress from the site in the interests of existing road users and in the interests of future road users and pedestrians.
7. To ensure that the site is served with a suitable highway in the interests of highway and pedestrian safety, and to ensure that the development is appropriately linked to adjacent community facilities / path networks, in the interests of promoting alternative and more sustainable transport options for new residents on the site.
8. To support the Council's approved Integrated Transport Strategy and to reduce dependency on the motor vehicle.
9. In the interests of highway safety.
10. In the interests of highway safety.

11. In the interests of the visual amenities of the area and in the interests of the amenity of occupiers of the development.
12. In the interests of the amenities of the future occupants of the buildings
13. In the interests of the amenities of the future occupants of the buildings
14. To protect the amenities of the occupiers of nearby properties.
15. To protect the amenities of the occupiers of nearby properties.
16. To protect the amenities of the occupiers of nearby properties.
17. To protect the amenities of future residents of the development.
18. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.

NOTE(S) TO APPLICANT

You are advised that this grant of planning permission was made following the completion of an Agreement under Section 106 of the Town and Country Planning Act. Before undertaking any work under this permission you are advised to obtain full details of the Agreement and ensure that you are able to comply with its terms.

Further advice on compliance with condition no. 12 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site.

You are advised that prior to undertaking the modelling as required in connection with the noise condition i.e. condition 15 above you are advised to contact the Council's air quality officer to discuss existing monitoring data that might be available, and to confirm which nearby receptors should be included in the assessment.

The applicant is advised that compliance with condition no. 14 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:
- Under the Environmental Protection Act 1990 anyone found disposing of

construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

Applicants are advised that compliance with condition no. 16 does not provide an exemption from the statutory nuisance provisions of the Environmental Protection Act 1990. Under the Act dust from any type of activity can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that the dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

The development site is in close proximity to Mold Road A541, a railway line and commerical/industrial properties and the developer is therefore required to carry out a noise survey in connection with condition no. 15 in order to determine noise levels for both day (0700 - 2300 hours) and night (2300 - 0700 hours) having regard to Planning Guidance (Wales), Technical Advice Note (TAN) 11 - Noise. The report of the noise survey findings shall include:
a) Noise levels arising from day/night time activities in the vicinity of the proposed development site and the impact upon the proposed accommodation, and
b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the future occupants of the proposed accommodation hereby approved.

Any proposed demolition works may NOT be commenced until the appropriate Notice has been served on this authority under the provisions of Section 80 of the Building Act, 1984. The applicant / developer is therefore advised to contact the Building Control Section to enable you to make the necessary application.

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

The separate written consent of the Local Highway Authority must be obtained before any work is carried out within the confines of the highway.

The applicant is advised that submission of a copy of the relevant section 38 adoption agreement, between the applicant and the Highway Authority, to the Local Planning Authority will allow the above condition no(s). 5, 6, and 7 to be formally discharged in writing.

This planning permission requires that development be carried out in accordance with the approved plans, including the construction of an estate road intended for adoption by the Council under the Highways Act 1980. It is essential therefore that the detailed proposals are submitted to the Highway Authority and confirmed as acceptable BEFORE development commences. Please contact the Highway Authority on telephone no. 01978 729690 for further guidance.
If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

You are advised that the Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the

foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at:www.gov.uk/government/organisations/the-coal-authority.
You are advised that the installation of external lighting should be minimal and directional and not displayed to any boundary trees, hedges or other linear ecology features.

Should any bats be found during the work, all work should stop immediately and Natural Resources Wales should be contacted for further advice.

RECOMMENDATION C

That if Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 is not completed within six months of the date of the Committee resolution the Head of Community Wellbeing and Development be given for delegated authority to **REFUSE** the application for the following reasons

1. The development would not make provision for the required infrastructure/community facilities or suitable a highway to offset the impact of the development. The proposal would be contrary to Wrexham Unitary Development Plan policies GDP1, GDP2, CLF5 and H7.