

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY GLADMAN DEVELOPMENTS LIMITED

**AGAINST THE REFUSAL OF OUTLINE PLANNING PERMISSION BY
WREXHAM COUNTY BOROUGH COUNCIL RELATING TO LAND AT
FORMER SITE OF HAFOD TILERIES, HAFOD ROAD/BANGOR ROAD,
JOHNSTOWN, WREXHAM, LL14 6ET**

**APPENDICES TO THE
PROOF OF EVIDENCE OF THOMAS JEREMIAH MPLAN (HONS)
MRTPI
RELATING TO PLANNING ISSUES**

PINS REFERENCE: H6955/A/15/3135730

MARCH 2016

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Appendix 1

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THOMAS JEREMIAH MPLAN (HONS) MRTPI – RELEVANT EXPERIENCE & QUALIFICATIONS

- 1.1 My name is Thomas Jeremiah MPlan (Hons) MRTPI.
- 1.2 I am a chartered Town Planner with 11 years professional experience in the planning industry.
- 1.3 I have experience in both the public and private sectors and in the last six years have held senior positions within private consultancies including Capita Property & Infrastructure (Planning Manager then Associate), Edgeplan (Associate) and now at Hourigan Connolly (Associate).
- 1.4 I spent over four years at Capita Property & Infrastructure (P&I) where a large part of my role was to develop the company's business across the UK. This included promoting land for development, the formation and submission of planning applications, negotiating legal agreements (S106 and S278) and planning appeals. My role at Capita P&I also included assisting in bids for the outsourcing of technical services at various councils including North Tyneside Council and the London Borough of Barnet.
- 1.5 I am currently an Associate in the independent planning and development consultancy Hourigan Connolly where I joined in October 2015.
- 1.6 My proof of evidence has been prepared in accordance with the guidelines and standards of the Royal Town Planning Institute and therefore produced irrespective of the identity of my client. I can confirm that the opinions provided in my proof of evidence are my true and professional opinion.

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Appendix 2

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Planning Service
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

FAO Mrs S Holman

09 January 2014

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

T: 01260 288800
F: 01260 288801

www.gladman.co.uk

Dear Mrs Holman,

RE: Outline Planning Application for Redevelopment of land at Hafod Tileries for proposed mixed use development of up to 300 (Use Class C3) residential dwellings, 465sqm (Use Class B1, B2 & B8) business, industrial, storage & distribution units, 235sqm (Use Class A1) retail, ecological enhancement, landscape, open space, highway improvement and associated works (Ref: P/2013/0545) – Formal Notification of Agreement to Extension of Time Limit for Determination

This letter constitutes formal notification on behalf of Gladman Developments Limited (the applicant) of our agreement to extend the period for determination of our application until 17 February 2014, this replaces our previously agreed extension which expired on 03 January 2013.

This agreement is made in accordance with section 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

I would be most grateful to receive your written acknowledgement of receipt of this letter and agreement therein.

Yours Sincerely



Dean Fisher
Project Manager

Planning Service
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

FAO Mrs S Holman

18 February 2014

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

T: 01260 288800
F: 01260 288801

www.gladman.co.uk

Dear Mrs Holman,

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This letter constitutes formal notification on behalf of Gladman Developments Limited (the applicant) of our agreement to extend the period for determination of our application until 01 April 2014, this replaces our previously agreed extension which expired on 17 February 2013.

This agreement is made in accordance with section 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

I would be most grateful to receive your written acknowledgement of receipt of this letter and agreement therein.

Yours Sincerely



Dean Fisher
Project Manager

Planning Service
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

FAO Mrs S Holman

02 April 2014

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

T: 01260 288800
F: 01260 288801

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Dear Mrs Holman,

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This letter constitutes formal notification on behalf of Gladman Developments Limited (the applicant) of our agreement to extend the period for determination of our application until 01 May 2014, this replaces our previously agreed extension which expired on 01 April 2014.

This agreement is made in accordance with section 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

I would be most grateful to receive your written acknowledgement of receipt of this letter and agreement therein.

Yours Sincerely



Dean Fisher
Project Manager

Planning Service
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

FAO Mrs S Holman

21 May 2014

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

T: 01260 288800
F: 01260 288801

www.gladman.co.uk

Dear Mrs Holman,

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I would be most grateful to receive your written acknowledgement of receipt of this letter and agreement therein.

Yours Sincerely



Dean Fisher
Project Manager

Planning Service
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

FAO Mrs S Holman

04 September 2014

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

T: 01260 288800
F: 01260 288801

www.gladman.co.uk

Dear Mrs Holman,

RE: Outline Planning Application for Redevelopment of land at Hafod Tileries for proposed mixed use development of up to 300 (Use Class C3) residential dwellings, 465sqm (Use Class B1, B2 & B8) business, industrial, storage & distribution units, 235sqm (Use Class A1) retail, ecological enhancement, landscape, open space, highway improvement and associated works (Ref: P/2013/0545) – Formal Notification of Agreement to Extension of Time Limit for Determination

This letter constitutes formal notification on behalf of Gladman Developments Limited (the applicant) of our agreement to extend the period for determination of our application until 01 October 2014, this replaces our previously agreed extension which expired on 01 September 2014.

This agreement is made in accordance with section 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

I would be most grateful to receive your written acknowledgement of receipt of this letter and agreement therein.

Yours Sincerely



Dean Fisher
Project Manager

Planning Service
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

FAO Mrs S Holman

13 October 2014

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

T: 01260 288800
F: 01260 288801

www.gladman.co.uk

Dear Mrs Holman,

RE: Outline Planning Application for Redevelopment of land at Hafod Tileries for proposed mixed use development of up to 300 (Use Class C3) residential dwellings, 465sqm (Use Class B1, B2 & B8) business, industrial, storage & distribution units, 235sqm (Use Class A1) retail, ecological enhancement, landscape, open space, highway improvement and associated works (Ref: P/2013/0545) – Formal Notification of Agreement to Extension of Time Limit for Determination

This letter constitutes formal notification on behalf of Gladman Developments Limited (the applicant) of our agreement to extend the period for determination of our application until 01 November 2014, this replaces our previously agreed extension which expired on 01 October 2014.

This agreement is made in accordance with section 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

I would be most grateful to receive your written acknowledgement of receipt of this letter and agreement therein.

Yours Sincerely



Dean Fisher
Project Manager

Planning Service
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

FAO Mrs S Holman

11 November 2014

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

T: 01260 288800
F: 01260 288801

www.gladman.co.uk

Dear Mrs Holman,

RE: Outline Planning Application for Redevelopment of land at Hafod Tileries for proposed mixed use development of up to 300 (Use Class C3) residential dwellings, 465sqm (Use Class B1, B2 & B8) business, industrial, storage & distribution units, 235sqm (Use Class A1) retail, ecological enhancement, landscape, open space, highway improvement and associated works (Ref: P/2013/0545) – Formal Notification of Agreement to Extension of Time Limit for Determination

This letter constitutes formal notification on behalf of Gladman Developments Limited (the applicant) of our agreement to extend the period for determination of our application until 01 February 2015, this replaces our previously agreed extension which expired on 01 November 2014.

This agreement is made in accordance with section 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

I would be most grateful to receive your written acknowledgement of receipt of this letter and agreement therein.

Yours Sincerely



Dean Fisher
Project Manager

Planning Service
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

FAO Mrs S Holman

01 April 2015

Dear Mrs Holman,

RE: Outline Planning Application for Redevelopment of land at Hafod Tileries for proposed mixed use development of up to 300 (Use Class C3) residential dwellings, 465sqm (Use Class B1, B2 & B8) business, industrial, storage & distribution units, 235sqm (Use Class A1) retail, ecological enhancement, landscape, open space, highway improvement and associated works (Ref: P/2013/0545) – Formal Notification of Agreement to Extension of Time Limit for Determination

This letter constitutes formal notification on behalf of Gladman Developments Limited (the applicant) of our agreement to extend the period for determination of our application until 15 May 2015, this replaces our previously agreed extension which expired on 01 February 2015.

This agreement is made in accordance with section 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

I would be most grateful to receive your written acknowledgement of receipt of this letter and agreement therein.

Yours Sincerely

Dean Fisher
Project Manager

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

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Appendix 3

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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

Applicant	GLADMAN DEVELOPMENTS LTD	Code Number	ESCP/2013 /0545
Agent	GLADMAN DEVELOPMENTS LTD GLADMAN HOUSE ALEXANDRIA WAY CONGLETON BUSINESS PARK CONGLETON CHESHIRE CW12 1LB	Date Received	01/08/2013
		Decision Date	

Town and Country Planning Act, 1990

Town and Country Planning (General Regulations) 1992 - Regulation 3

Location of application

LAND AT FORMER SITE OF HAFOD TILERIES HAFOD ROAD AND
BANGOR ROAD JOHNSTOWN WREXHAM LL14 2SP

Description of application

OUTLINE APPLICATION FOR REDEVELOPMENT OF LAND FOR
PROPOSED MIXED USE DEVELOPMENT OF UP TO 300 (USE CLASS C3)
RESIDENTIAL DWELLINGS, 465SQM (USE CLASS B1, B2 AND B8)
BUSINESS, INDUSTRIAL, STORAGE AND DISTRIBUTION UNITS, 235SQM
(USE CLASS A1) RETAIL, ECOLOGICAL ENHANCEMENT, LANDSCAPE,
OPEN SPACE, HIGHWAY IMPROVEMENT AND ASSOCIATED WORKS.

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

EC12	Development and flood risk
EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
GDP2	Capacity of infrastructure and community facilities
H5	Housing in the countryside
H7	Affordable housing within new developments
PS1	
PS11	Settlement limits
PS2	Biodiversity
PS3	Development and the environment
PS4	Brownfield Land
S6	Settlement Pattern
	Local need shopping

**Particulars of decision that planning permission be GRANTED
Subject to the following:-**

Condition(s)

1. Approval of the following details (hereinafter called 'the Reserved Matters') in each phase shall be obtained in writing from the Local Planning Authority before any part of the development in that phase is commenced:
 - i) The reserved matters
 - a) The siting of all buildings, including the proposed layout and functions of the external spaces, including the layout of vehicle parking and turning facilities;
 - b) The scale of the buildings;
 - c) The design and external appearance of all buildings;
 - d) The landscaping of the site including a landscaping design showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces, the design of street furniture and the finished levels in relation to existing levels.
2. Approval of the following details in each phase shall be obtained from the Local Planning Authority before any part of the development in that phase is commenced:
 - e) The layout of the development including the positions and widths of roads, cycleways and footpaths;
 - d) The finished levels (above ordnance datum) of both the ground floor of the buildings and the surrounding ground levels;
 - e) The manner and treatment of existing watercourses and drainage ditches/channels;
 - f) The provision to be made for street lighting;
 - g) The provision to be made for external lighting of the retail/commercial/employment uses;
 - h) The alignment, height and materials of walls and fences and other means of enclosure including any acoustic barriers;
 - j) The provision of emergency service access to each phase of the development.
3. The first reserved matters application shall include a plan showing the site and location of all subsequent phases of development ('the Phasing Plan'). All subsequent reserved matters applications shall be submitted in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

4. Plans and particulars of the first reserved matters referred to in conditions 1 and 2 shall be submitted in writing to the local planning authority before the expiry of 5 years from the date of this permission. The development shall only be carried out in strict conformity with such details as are thereby approved.
5. The development hereby permitted shall be begun before the expiry of 7 years from the date of this permission or two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
6. The submission of all reserved matters and the implementation of the development shall be carried out in substantial accordance with the amended Masterplan Dwg No. 4355-P-05 Rev H (March 2015) and the design principles set out in the Design and Access Statement (June 2013) and the subsequent Addendum (June 2014).
7. The site layout and landscaping details for each phase of development shall include areas of public open space at a minimum level of 80 square metres per dwelling together with a scheme that includes the following details:
 - i) Hard and soft landscaping of the open space area(s) (including the location of Local Equipped Areas of Play);
 - ii) The timing of the construction and landscaping of the open space area(s).The public open spaces shall be provided on site in accordance with the scheme as approved and thereafter permanently retained.
8. This permission shall provide for a maximum of 300 dwellings.
9. Prior to the commencement of the relevant phase of the development, a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage shall be submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:
 - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
 - ii) Specify the responsibilities of each party for the implementation of the SUDS scheme, together with a timetable for that implementation; and,

iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

10. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 09. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

11. No part of the development shall commence until a sewage network scheme to satisfactorily accommodate the foul discharges from the development has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved water system has been fully implemented and brought into use in accordance with the approved scheme.

12. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

13. The application site is crossed by a public foul sewer and a public combined sewer. No part of any buildings shall be constructed within 3 metres either side of the centreline of the public foul sewer, and within 5 metres either side of the centreline of the public combined sewer.

14. Prior to first use of the retail and commercial development suitable grease traps shall be provided in order to prevent entry into the public sewerage system of matter (cooking fats, oils and grease etc) likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

15. All mechanical plant and equipment shall be enclosed in sound insulating material, mounted and located to minimise the transmission of structure borne sound in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the retail use hereby permitted is open for trading and prior to occupation of the commercial employment uses hereby permitted and thereafter maintained as such.

16. Prior to commencement of development in each phase of the development a scheme for the provision of affordable housing within the

development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of Welsh Government Technical Advice Note 2 or any future guidance that replaces it. The scheme shall include:

- i) The numbers, type, tenure and location on the development of the affordable housing provision to be made which shall consist of not less than 20% of housing units;
- ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
- iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

17. Prior to the commencement of each phase of the development as may be approved, provision shall be made to offset the shortfall in education facilities in accordance with a scheme to be agreed in writing by the Local Planning Authority. The provision shall be implemented strictly in accordance with those details as may be approved.

18. 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.

19. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 18 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.

20. 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.

21. A site specific BS5228 noise assessment shall be submitted to and approved in writing by the Local Planning Authority as part of each of the reserved matters applications in respect of the relevant phases of the development. The assessment shall include the noise output levels from existing noise generating uses around the application site and consider the impact upon nearby residential properties from the different phases of

development, to include output levels from the combinations of plant used for each phase of the development. Noise mitigation /attenuation measures shall be proposed where WHO guidelines are likely to be exceeded at noise sensitive properties in respect of both existing and proposed dwellings. The mitigation measures as approved shall be fully implemented as part of the development.

22. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.

23. A long term ecological management plan and ecological method statement shall be submitted to and approved in writing by the Local planning Authority, as part of the reserved matters application. This information shall demonstrate how existing features of ecological interest will be protected, how the development site will be cleared of great crested newts, identify areas of compensation and demonstrate management in the long term and how this will be funded. The recommendations as approved shall be fully implemented in accordance with timescales to be agreed in writing as part of the approved plan.

24. A minimum of 2 weeks before commencement of development, written notice of the name and contact details of an ecological Clerk of Works shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in all respects under the supervision of the Clerk of Works as is approved.

25. A compliance audit shall be carried out by a qualified ecologist, independently of the Clerk of Works appointed in connection with condition no. 24, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. A copy of the completed audit reports should be submitted to and approved in writing by the Local Planning Authority after each phase of development, and a final report submitted and approved in writing prior to the first occupation of each phase of the development.

26. Prior to demolition of any building on site, an updated Bat Roost and Bird Breeding Assessment, as carried out by a qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include an Ecological Method statement demonstrating / identifying any measures of protection / compensation / mitigation. The demolition shall be carried out in strict accordance with the recommendations as approved.

27. An external bat friendly lighting scheme shall be submitted to and approved in writing by the Local Planning Authority for each phase of the development as part of the reserved matters application. The scheme shall be fully implemented in accordance with the approved details prior to first use / occupation of the relevant phase of the development.

28. No part of the development shall commence until a licence has been obtained from Natural Resources Wales pursuant to Regulation 53 of the Conservation Habitats and Species Regulations 2012 authorising such works, and a copy of the licence has been submitted to and approved in writing by the Local Planning Authority.

29. No part of the development shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include appropriate measures to prevent the introduction of Invasive Non Native Species (INNS) during the construction phase, and measures to control INNS as may be currently present on site. The measures and proposals shall be fully implemented in strict accordance with the details as are approved.

30. As part of the reserved matters application details of the proposed measures to prevent incidental capture / killing of amphibians for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the measures as are approved.

31. A detailed scheme incorporating the design, provision, implementation and maintenance of flood risk protection together with an updated Flood Consequences Assessment shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. Each phase of the development shall be carried out in strict accordance with the details as are approved.

32. No part of the development shall commence until Level 3 and 4 (English Heritage) archaeological surveys of all buildings both pre and post 1950 have been submitted to and approved in writing by the Local planning Authority. The survey shall be carried out in accordance with the standards laid down by the Institute for Archaeologists and MoRPHe (2006).

33. No dwelling to which this permission relates shall be sited within 18 metres of the centreline of the major hazard pipeline re:1890 - Rhostyllen to Acrefair.

34. No part of the development shall be occupied until written confirmation has been obtained from the Hazardous Substances Authority confirming that

the hazardous substances consent for the former Hafod Tileries has been formally revoked, and a copy of this confirmation has been submitted to and approved in writing by the Local Planning Authority.

35. No part of the development shall commence until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority, to include details:

- i) Detailed layout, design, drainage and construction of the proposed new roundabout and proposed priority working traffic management scheme on Bangor Road;
- ii) A cycleway / footway along the full frontage of the site on Bangor Road and Hafod Road;
- iii) Detailed layout and design of the internal estate for the relevant phases;
- iv) Cycleway enhancements through Nant Parc estate with links to Johnstown;
- v) Speed limit amendments on Bangor Road
- vi) Visibility improvements at the existing Eco Ready Mix access.

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

36. Prior to the occupation of each phase of the development, a Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall consider the requirements of the Active Travel bill and public transport infrastructure provision across the site. The plan shall also include the details of an annual monitoring report, which shall be submitted to the Local Planning Authority for written approval following the anniversary of the first use of the development, and every year up to and including the fifth anniversary.

37. Prior to commencement of development of each of the areas as shown within the Phasing Plan, further details of the proposed vehicular parking and turning facilities for that phase shall be 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 phase within that phase, 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.

Reason(s)

Applicant GLADMAN DEVELOPMENTS LTD **Code Number** ESCP/2013 /0545

Agent GLADMAN DEVELOPMENTS LTD **Date Received** 01/08/2013

GLADMAN HOUSE

ALEXANDRIA WAY

CONGLETON BUSINESS PARK

CONGLETON

CHESHIRE

CW12 1LB

Decision Date

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. In the interests of a co-ordinated approach to the development of the site.
4. To comply with Section 92 of the Town and Country Planning Act, 1990.
5. To comply with Section 92 of the Town and Country Planning Act, 1990.
6. To define the permission and ensure compliance with the aims of the Policies PS2 and GDP1 of the Wrexham Unitary Development Plan.
7. In the interests of the amenity of the future occupiers of the site.
8. In the interests of highway safety and to ensure that a high standard of design is achieved for the site.
9. To ensure satisfactory drainage of the site and to avoid flooding.
10. To ensure satisfactory drainage of the site and to avoid flooding.
11. To protect the integrity of the existing public sewerage system and to prevent pollution of the environment.
12. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment.
13. To protect the integrity of the public sewer and avoid damage thereto.
14. To prevent pollution of the water environment.
15. To protect the amenities of the future occupiers of the housing development.
16. To ensure that the development accords with policy H7 of the Wrexham Unitary Development Plan.
17. To ensure that the development makes appropriate infrastructure provision in the interests of the community and in accordance with policy GDP2 of the Wrexham Unitary Development Plan.
18. In the interests of the amenities of the future occupants of the buildings
19. In the interests of the amenities of the future occupants of the buildings
20. To protect the amenities of the occupiers of nearby properties.
21. To protect the amenities of the future occupiers of the housing development.

22. To protect the amenities of the occupiers of nearby properties.
23. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.
24. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.
25. In order to protect wildlife interests, which are afforded special protection.
26. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.
27. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.
28. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.
29. To prevent the spread of Invasive Non Native Species.
30. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.
31. To ensure that the flood risk is managed both on and off site.
32. To provide for a record of a building or buildings of local architectural or historic interest.
33. To ensure that the development fully complies with the appropriate policies and standards.
34. To ensure that the development fully complies with the appropriate policies and standards.
35. In the interests of highway safety.
36. In the interests of highway safety and providing a safe and sustainable development.
37. To ensure adequate on-site parking is provided and retained in perpetuity.

Note(s) to applicant

Further advice on compliance with condition no. 19 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. 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.

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). 35-37 to be

formally discharged in writing.

You should ensure that any difference between the plans approved under the Town and Country Planning Acts and under the Building Regulations is resolved prior to commencement of development, by formal submission of amended plans.

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.

You are advised that the development may affect the apparatus belonging to Wales and West Utilities. You are therefore advised to contact Wales and West Utilities directly to discuss their requirements on tele no. 02920 278 912.

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.

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

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.



**Officer Appointed for this purpose
Head of Community Wellbeing and Development**

**Refer to the Statement of Applicant's Rights and General Information
enclosed**

Appendix 4

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Dean Fisher

From: Sharon Holman <Sharon.Holman@wrexham.gov.uk>
Sent: 22 May 2015 15:08
To: Dean Fisher
Subject: P/2013/0545 Former Hafod Tileries

Hello Dean,

Thank you for our telephone conversation earlier today. As discussed, I have made my recommendation to my manager (Mr David Williams) who is of the view that too much emphasis has been placed on the shortage of housing land and the brownfield status of the land. The site does not represent a logical extension to the settlement limit, being detached from it, and the landscaping/mitigation measures only serve to reinforce that detachment. Once completed it will look like an isolated housing in the open countryside. Mr Williams also does not agree that the site is in a sustainable location; it is not on bus route, and there are few shops and services etc.

I confirm therefore that the application will not be reported to planning committee in June, and that for these reasons permission will be refused under delegated powers. The decision is likely to be made during the week commencing 1 June 2015. I have already given you the contact details for Mr Williams should you wish to contact him directly to discuss the outcome.

Kind regards
Sharon

Sharon Holman

Development Control Planning Officer/ Swyddog Cynllunio Rheoli Datblygu
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam



01978 298779



16 Lord Street, Wrexham, LL11 1LG



16 Stryt yr Arglwydd, Wrecsam, LL11 1LG



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Ysgrifennwch ataf yn Gymraeg neu Saesneg
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Ewch i weld - mi fedrwch chi dalu, anfon, ceisio, dweud eich dweud, a dod o hyd i wybodaeth ar-lein yn www.wrecsam.gov.uk. Arbedwch bapur meddyliwch cyn argraffu!

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Appendix 5

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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

7
Expiry Date: 25/09/2013
Decision Notice Sent: 17/06/2015
Grid Reference: E 330992 N 346048

Applicant	GLADMAN DEVELOPMENTS LTD	Code No	ESC P /2013 /0545
Agent	GLADMAN DEVELOPMENTS LTD GLADMAN HOUSE ALEXANDRIA WAY CONGLETON BUSINESS PARK CONGLETON CHESHIRE CW12 1LB	Date Received	01/08/2013
		Decision Date	16/06/2015

Town and Country Planning Act, 1990

Location of application

LAND AT FORMER SITE OF HAFOD TILERIES HAFOD ROAD AND BANGOR ROAD JOHNSTOWN WREXHAM LL14 2SP

Description of application

OUTLINE APPLICATION FOR REDEVELOPMENT OF LAND FOR PROPOSED MIXED USE DEVELOPMENT OF UP TO 300 (USE CLASS C3) RESIDENTIAL DWELLINGS, 465SQM (USE CLASS B1, B2 AND B8) BUSINESS, INDUSTRIAL, STORAGE AND DISTRIBUTION UNITS, 235SQM (USE CLASS A1) RETAIL, ECOLOGICAL ENHANCEMENT, LANDSCAPE, OPEN SPACE, HIGHWAY IMPROVEMENT AND ASSOCIATED WORKS.

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

EC12	Development and flood risk
EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
GDP2	Capacity of infrastructure and community facilities
H5	Housing in the countryside
H7	Affordable housing within new developments
PS1	
PS11	Settlement limits
PS2	Biodiversity
PS3	Development and the environment

Applicant	GLADMAN DEVELOPMENTS LTD	Code No	ESC P /2013 /0545
Agent	GLADMAN DEVELOPMENTS LTD GLADMAN HOUSE ALEXANDRIA WAY CONGLETON BUSINESS PARK CONGLETON CHESHIRE CW12 1LB	Date Received	01/08/2013
		Decision Date	16/06/2015
PS4 S6	Brownfield Land Settlement Pattern Local need shopping		

Particulars of decision that Outline Planning Permission be REFUSED

Reason(s)

By virtue of its unsustainable location outside of and divorced from of any settlement limit as defined in the Wrexham Unitary Development Plan, the development would not represent a logical extension to the settlement limit and would appear isolated in the rural landscape. The development would not maintain the existing settlement pattern or encourage alternative means of travel to the car and would not accord with the character and appearance of the locality. The development therefore conflicts with Policies PS1, PS2, PS4, GDP1 and H5 of the Wrexham Unitary Development Plan.

Note(s) to applicant

You are advised to contact the Council's Chief Planning Officer prior to the preparation of detailed plans.

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

No notifiable hazards shall be introduced on any part of the application site at a later date until/unless a Hazardous Substance Consent has been obtained. The details required in connection with Condition 2 above should include precise size measurements of the window and bars, style of glazing bar(s), its position within the opening, sill dimensions etc, method of fixing the lights within the frame and painted colour scheme.
You are advised that any rain water goods should be cast iron, painted black.

Applicant	GLADMAN DEVELOPMENTS LTD	Code No	ESC P /2013 /0545
Agent	GLADMAN DEVELOPMENTS LTD GLADMAN HOUSE ALEXANDRIA WAY CONGLETON BUSINESS PARK CONGLETON CHESHIRE CW12 1LB	Date Received	01/08/2013
		Decision Date	16/06/2015



Officer Appointed for this purpose
Refer to the Statement of Applicant's Rights and General Information Enclosed

**Head of Community Wellbeing and Development, Lambpit Street, Wrexham,
LL11 1AR**

**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

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Appendix 6

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CONSULTATION RESPONSES	Objects	No Objection	Comments	Accepts/ Supports	No reply
Community Council	x				
Local member(s)					x
Highways		x	x		
Public Protection		x			
Natural Resources Wales		x	x		
Welsh Water		x	x		
HSE		X	X		
WW Utilities		X	x		
Network Rail		x			
Neighbours	x				

KEY ISSUES	Summary of Relevant History (<u>See SX3 History</u>)
Action required	Committee No

PLANNING POLICY/CONSTRAINTS

UDP NOTATION	YES	ACCEPTABLE	NOT ACCEPTABLE
Outside settlement	x		x
Inside settlement			
Conservation Area			
Listed Building/ setting			
Green Barrier			
Special Landscape Area			
Flood Risk			
Within Buffer Zone or affecting SAC*	X	X	
World Heritage Site			
AONB			
Other			

KEY ISSUES	Acceptable	Observations below	Conditions Required	Not Acceptable	N/A
Residential Amenity	x				
Design* (see below)				x	
Accessibility*				x	
Highway safety	x				
Parking	x				
Conservation/LB	x				
Ecology	x				
Landscaping	x				
Other					x

Design Statement*	Yes	No	Comments
DAAS Acceptable	x		
Design Justified		x	
Design Acceptable		x	

OBSERVATIONS:

Principle

The site lies outside the settlement limit. The principle of development in this location is unacceptable when assessed against the applicable policies PS1, PS2, PS4, GDP1 and H5 of the Wrexham Unitary Development Plan with respect to the broad location of development, general principles of development and Housing in the countryside.

The proposals do not accord with any of the limited circumstances set out in policy H5 that permit small scale residential development on sites outside of settlement limit (rural exception site, infilling and agricultural workers dwellings).

The residential development of this land would be materially detrimental to the landscape and would fail to accord with the character of the site or make a positive contribution to the appearance of the nearby locality. The proposed development would not represent a logical extension to the settlement limit. The development is not within a defined settlement limit and is within countryside which would not help reduce the need to travel or encourage the use of alternatives to the car. The development would therefore cause the harm to the locality that the UDP policies seek to protect and would not comply with policies PS1, PS2, PS4, GDP1 and H5.

Planning Policy Wales (paragraph 9.2.3) requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing. The most recently published Joint Housing Land Availability Study (JHLAS) (2014) found that Wrexham has a housing land supply of 3.1 years. Dwellings proposed on sites allocated for housing in the UDP and/or already benefitting from planning permission have already been taken into account by the most recent JHLAS. The recently updated Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015) advises that the results of the JHLAS should be treated as a material consideration in determining planning applications for housing.

However, it further states that where local planning authorities do not have an adopted Local Development Plan (LDP) or where their UDP is out of date, they will not be able to produce a JHLAS and they will have no 5 year housing land supply. Where the JHLAS shows a land supply below the 5 year requirement, TAN1 (paragraph 6.2) advises that the need to increase supply should be *given considerable weight* when dealing with planning applications, provided that the development would otherwise comply with national planning policies. It is also noted that Planning Policy Wales includes a *presumption in favour of sustainable development*.

There are no shops, churches, public houses, medical facilities etc. within a reasonable walking distance of the site nor are there regular bus services to access these facilities. Occupiers of the development would need to access basic services inevitably by private cars. The proposal would not comply with the objectives for sustainable development set out in paragraph 4.4.3 of PPW – particularly locating developments so as to minimise the demand for travel, especially by private car. Para 4.7.8 states that development in the countryside should be located within and adjoining settlements where it can best be accommodated in terms of infrastructure, access, and habitat and landscape conservation. The development is not adjacent to the settlement limit being separated by the SAC

Other Matters

Highways: The site is located between Hafod Road and Bangor Road with site access currently gained from Hafod Road. The application was accompanied by a detailed Transport Assessment which has been considered by both WCBC Highways and the Welsh Government Trunk Road Agency (WG) (due to proximity to A483).

The submitted plans demonstrate proposals to construct a new roundabout to provide access to the whole site off the B5426 Bangor Road. Most of the existing accesses along Hafod Road will be closed to vehicular traffic except for an emergency access route which is required for any development of this size. The existing access to Eco Ready Mix will also be retained for which improved visibility splays will need to be demonstrated as part of a reserved matters application. The proposed roundabout will need to accord with all design standards contained within Design Manual for Roads & Bridges (DMRB) Volume 6 Section 2. A 50mph speed limit has recently been introduced along Bangor Road. The submitted Transport Statement concludes that there is adequate capacity at the A483 Bangor Road interchange to cater for the proposed development, and the highway authority have advised that it concurs with this conclusion.

The proposed access road leading to the development is approximately 250m long, 7.3m wide and very straight. There are concerns that vehicles will speed along such a stretch of road. It is not good practice to be installing traffic calming features on access roads to new development. As part of the reserved matters application the road should be designed such as to control traffic speeds below 25mph. The design of the first phase of the access road should be reconsidered. The principles behind the layout of the residential development are generally acceptable. However the highway authority has some concerns over the use of rear courtyard for the parking of vehicles. Experience has shown that residents do not use these courts to park their vehicle which results in parking on the road directly outside their front doors. It is acknowledged that this application is in outline only so these issues could be resolved at reserved matters should planning permission be granted.

Whilst there is a network of public rights of way in the vicinity of the site these paths are not considered suitable for use by children wishing to walk to the nearest school in Johnstown. Given that the land is of ecological significance it is not possible to upgrade these routes to make them more appropriate as a safe route to school. Consequently the only other option for connection with the village is along the B5426 Bangor Road. It is proposed that the footway will be increased to 2m in width between the proposed roundabout up to and beyond the railway bridge, which will be for the benefit of all road users.

Scale, Design and Site Layout: The application is accompanied by a detailed Design and Access Statement which fully outlines the rationale behind the masterplan responding to the site constraints and input following a public consultation exercise. Whilst it is important to note that this proposal is made in outline, with matters relating to layout, scale and appearance reserved for approval at a later stage, the Council can broadly rely upon the contents of the illustrative masterplan and supporting documentation in determining the anticipated impact of the development. This site is of particular significance as the former Hafod Clayworks of Henry Dennis. During the late 19th and early 20th Centuries the company supplied clay products across the country which adorns prestigious buildings such as Kings Cross Station, London and the Theatre Royal, Stratford-upon-Avon. The vibrant and richly decorated townscapes of the surrounding villages are testament to the quality and variety of materials produced at the works. The development could acknowledge the historical importance of the site through its proposed design, use of materials and on-site interpretation. Whilst the condition report provides a justification for demolition the surviving materials should be retained and incorporated into the new development where possible particularly in more prominent or publically visible areas of the site such as entrance points or as part of interpretative features.

Ecology: The site is adjacent to the Johnstown Newt Site SAC and Hafod SSSI, and has a number of ponds which support a large population of great crested newt. It is therefore possible that this application will impact upon the favourable conservation status of populations of great crested newts associated with the SAC and those belonging to adjacent meta populations. Both the Council's Ecologist and NRW have been consulted and are both of the view that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the great crested newt population, nor will the scheme affect the character and integrity of the SSSI. The provision of the dedicated nature reserve / parkland and other methods of avoidance will prevent any direct impacts of the proposed development upon the site, subject to long term ecological management.

Drainage: An initial objection was made by Welsh Water to the development on the grounds of hydraulic overloading of the foul sewerage system has now been removed. Instead a Grampian condition has been recommended which prevents the commencement of development until it has been fully demonstrated that the sewerage network can support the foul discharges from the development, and a scheme for upgrade of the public sewer approved. I consider that this condition is justifiable and would allow the development to occur without causing harm to existing residents.

NRW are content with the outline flood risk modelling for the River Aberderfyn and have requested that a detailed and comprehensive drainage scheme is submitted as part of the reserved matters application, together with a detailed scheme for the implementation and maintenance of the flood risk protection and surface water management. Again, I consider that this condition would be justifiable to safeguards against any future problems with surface water flooding.

Odour: The application site is in close proximity of Hafod Landfill site, but not as close as some of the nearby existing dwellings. The landfill site is regulated by NRW who control odour from the landfilling operations. This control though does not guarantee that odour emission from the site will never arise and it is therefore likely that the occupiers of the development will experience occasional landfill odour. There is history of odour complaints locally largely generated from the release of leachate from the landfill and the release of landfill gas. Planning permission has been granted to expand the gas collection system by installation three landfill gas engines. As the collection capacity increases the efficiency of the collection of landfill gas will improve. Odour generation is likely to be lower in the future as leachate and landfill gas are better managed, and the pathway is less effective towards the application site, due to land levels than the existing residential areas of Johnstown who have made such odour complaints. I do not consider therefore that the impact of odour will be significant or sustained, though it is acknowledged that odour will be experienced on occasion.

Noise: A specific noise assessment is required to consider the impact upon nearby residential properties from the different phases of development, to include output levels from the combinations of plant used for each phase, together with noise mitigation measures where guideline limits are likely to be exceeded at noise sensitive properties. This could be secured by planning condition. Noise mitigation measures would also be required for the individual dwellings to ensure that WHO recommended noise levels are met (planning condition could address).

Concerns have been raised by the Cory who operates the neighbouring landfill site that the increase in number gas collecting engines to 3 at the site will generate additional noise which may impact upon the future occupiers of the development. I note though that there is a condition restricting noise at the nearest noise sensitive point (Hafod House) to 35dB(A). Although the nearest new dwelling will be approximately 50 metres closer to the landfill site than existing, as explained above, a detailed noise assessment could be carried out and noise attenuation measures provided.

Minerals: The site is located adjacent the existing Hafod Landfill Site, run by Cory Environmental, which is consented to operate until 2057. In addition to this, a mineral permission also exists surrounding the footprint of the landfill permission. Which as such, means only the B5426 (Bangor Road) separates its permission boundary with that of the proposal site. Although only limited mineral extraction is currently taking place at the site, consideration should be given to the fact that the extraction of clay, sand and gravel is permitted until the end of 2048. The proposed development site falls within the Hafod Clay Pit mineral buffer zone as defined by Policy MW11 of the Wrexham UDP. As such there is a presumption against sensitive development (i.e. housing) in the proposed location. However, the buffer zone only extends this far north of the main site due to a former entitlement to work the mineral on an area of land to the north of Bangor Road, which has since been designated as SAC and been subject to a modification order. The mineral permission boundary is approximately 174m from the mineral permission site boundary to the nearest proposed residential unit. It is approximately 200m from the nearest proposed residential unit to the existing landfill permission boundary. This distance is considered satisfactory in terms of any impact upon the amenities of the future occupiers of the development.

Due to the risk of migration of landfill gas through ground strata or ground water, and in particular along service ducts (sewers, drains, electricity cables, etc), there should be adequate stand offs between the limit of the landfill and development that is susceptible to hazards posed by landfill gas. Any development permitted should incorporate measures to reduce such risks. Protection measures can apply to individual buildings to make them gas safe, and the use of gas venting walls and passive curtain trenches employed to intercept near surface flow of gas. The risk is considered to be relatively low because the landfill site has full engineering to contain and capture landfill gas. Although no formal policy exists in relation to development stand offs around landfills. previous Environment Agency guidance advised that there should be a 250m stand-off around landfill sites. The proposed residential units would be located outside of the advised 250m stand-off area.

Affordable Housing Officer: This site is a derelict and dilapidated brown-field site which is just outside the development boundary. Johnstown has a high demand on the Council's social housing waiting list for 1, 2 and 3 bed accommodation. Permission is sought for 300 units on this site. Wrexham's Affordable Housing Policy H7 and LPG note 28 requires us to negotiate a minimum of 25% affordable housing provision **unless significant development constraints are found**. A 25% provision would provide 75 units of affordable housing. All affordable units must be of the same or similar design as the open market houses with a mix to satisfy local demand of 1, 2 and 3 bed apartments and houses.

After a number of negotiations between the affordable housing officer and the developer's agent, it has been agreed that 20% of the development would provide affordable housing which would be sold on a shared equity basis. This would equate to 60 dwellings overall having regard to the scope of permission sought. It was also agreed that the equity share would be based on 70% of open market value with properties being available to qualifying purchasers with a local connection. The eligibility criteria and operation of an occupancy cascade would be agreed as part of a S106 agreement. This approach has previously been negotiated successfully on other affordable housing developments within Wrexham.

Should the Council be successful in gaining Social Housing Grant Funding from the Welsh Government or from any another source, it will be possible to work with a Housing Association to provide these units as social or intermediate rental housing. If funding was not available, the properties will be for sale to local people as discounted Low Cost Home Ownership housing using the 70% Shared Equity model mentioned above which only requires a 5% deposit. The Council's affordable housing officer wholly supports this scheme as it will provide the correct type, tenure and mix of affordable housing units to local people within a sustainable area of Wrexham at an affordable purchase price or possibly an affordable rental. An independent

viability report (commission by the Council) has also be carried out which has confirmed that the viability of the scheme would be seriously effected should the Council insist on the provision of 25% affordable housing, and as such 20% (60 units) is considered to be appropriate in this case.

Summary

The main issue to consider is whether the development represents inappropriate development outside of the settlement limit, and whether the benefits of development outweigh the harm. In this instance, whilst it is acknowledged that recent evidence demonstrates the Council's deficit in a 5 year land supply to which the proposed development would make a contribution, this is not sufficient to warrant the grant of permission on this site which is some distance from the settlement limit, separated by the SAC and ecological mitigation area. The development would appear isolated and out of character with the countryside location and would not promote alternative means of transport to the car. As such, I consider that the principle of this development proposal must be determined in line with the requirements of policy H5 and I therefore consider that planning permission should be refused.

RECOMMENDATION SUMMARY

Recommend Refusal	Summary of Reasons	LM(s) Notified of Delegated refusal? (Include any response)	
x	Not acceptable in principle	Cllr Hughes Notified on 12/06/2015 – Agrees to delegated refusal 15/06/15	Cllr Pemberton Notified on 12/06/2015 – Agrees to delegated refusal 15/06/15

Appendix 7

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Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 20/05/15
Ymweliad â safle a wnaed ar 20/05/15

**gan Declan Beggan BSc (Hons) DipTP
DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 03/07/15

Appeal Decision

Hearing held on 20/05/15
Site visit made on 20/05/15

**by Declan Beggan BSc (Hons) DipTP
DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 03/07/15

Appeal Ref: APP/H6955/A/14/2229480

**Site address: Land Opposite St. Peters Close, Off Llay New Road, Rhosrobin
Wrexham, LL11 4RB**

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Castlemead Group Ltd against the decision of Wrexham County Borough Council.
- The application Ref GWE P/2014/0480, dated 1 July 2014, was refused by notice dated 3 November 2014.
- The development is the erection of 117 dwellings, including provision of roundabout to provide access, new internal access roads, public open space and retention of existing footpath route.

Decision

1. The appeal is dismissed.

Background

2. The appeal site is located in open countryside adjacent to, but outside, the settlement boundary of Rhosrobin. It lies within a Green Barrier as designated by the adopted Wrexham Unitary Development Plan 1996-2011 (UDP), which separates Old Rhosrobin, New Rhosrobin and Pandy.
3. The site is roughly rectangular in shape and extends to approximately 4.74 hectares of land that historically has been in agricultural use although has not been put to that purpose for some time. The site is grassed over and split into four parcels of land that are separated by a combination of trees, hedges and post and wire fencing. An unmade public footpath bisects the site in an approximate east-west direction. The site is bounded by Wrexham cemetery to the north, with agricultural land to the north-west, residential development to the south, Llay New Road to the west, whilst to the north east are a small group of dwellings, and the south east borders railway lines beyond which are agricultural fields. Whilst in proximity to the settlement boundary of Rhosrobin it nonetheless retains its rural character.
4. The proposed development is for 117 dwellings, including provision of a roundabout to provide access, new internal access roads, public open space and the retention of an

existing footpath route. 25 % or 29 dwellings would be provided for affordable purposes, with an additional contribution for payment in lieu of a proportion of an affordable dwelling. The scheme would provide for a variety of open space throughout the site equating to some 1.004 hectares. The existing footpath would be retained and upgraded. The agricultural land to the north-west, which is outside of the application site and equates to 1.106 hectares is proposed to be dedicated to nature conservation.

5. On the day of the hearing the Appellant submitted a Section 106 Unilateral Undertaking that makes provision for 29 affordable dwellings, a financial contribution in order to secure the full 25% of affordable housing requirement, provision for the management and maintenance of on-site open space, and the long term management and maintenance of off-site habitat mitigation.
6. The application was considered by the Council's Development Control Committee on 3 November 2014 when Members resolved, contrary to officers recommendation, to refuse planning permission for the scheme due to it being located outside the defined settlement limits and within a designated green barrier, contrary to policies in the UDP.

Main Issues

7. I consider the main issues to be:

- whether the development is inappropriate development in a green barrier, and if so, whether any very exceptional circumstances exist to clearly outweigh this harm;
- the effect of the development on the character and appearance of the area; and
- the effect of the loss of agricultural land.

Reasons

Development in the Green Barrier

8. The site lies within a green barrier as designated in the UDP. Policy EC1 of the UDP refers to development in green barriers only being granted planning permission if the proposal is for agriculture, forestry, outdoor sport and recreation, cemeteries and other uses which maintain its openness and do not conflict with the purpose of including land within it.
9. Green barriers have not got the permanence of the green belt and are subject to review as part of the development plan process. It was argued that Planning Policy Wales Edition 7 July 2014 (PPW) acknowledges that circumstances will change over time to ensure that sufficient development land is made available, therefore policy EC1 should be afforded limited weight as it relates to an out of date UDP, and has not been reviewed in line with national policy to determine whether it still serves the purposes for which it was intended. It is maintained that PPW presumes in favour of sustainable development where development plan policies are out of date.
10. I note the concerns raised by the Inspector into the initial Examination of the Wrexham Local Development Plan (LDP) in regards to the Council's approach to green wedges which did not have adequate regard to national policy. Nonetheless, the fact is the site is within a designated green barrier as defined by the UDP, and whilst that may change in the future within the recommenced LDP, that plan is at an early stage

of preparation and is not expected to be adopted until sometime after 2018. The LDP is therefore afforded little weight in this process.

11. The Council cited two recent appeal decisions¹ where the green barrier designation was upheld, and it was argued those decisions did not suggest policy EC1 was out of date.
12. Whilst the UDP plan period expired in 2011, policy EC1 is consistent with PPW. Where reference is made to green wedges, these have effectively the same meaning as green barriers in this regard. PPW states a presumption against inappropriate development, with substantial weight to be attached to any harmful impact which a development would have on a green wedge/barrier designation. It confirms that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations would clearly outweigh the harm.
13. The proposed development does not fall into any of the categories of development deemed not to be inappropriate in the green barrier in PPW and policy EC1 of the UDP. The main parties agree that the proposal would represent inappropriate development in the green barrier.
14. Paragraph 4.8.18 of PPW is quite clear, that other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including land within it.
15. Notwithstanding that part of the site would be set aside for public open space, the fact remains that a substantial part would be developed over, which would unavoidably and significantly reduce its openness. Therefore the proposed development would not maintain the openness of the green barrier and as a result constitutes inappropriate development, and is therefore contrary to policy EC1 of the UDP and PPW.
16. The Appellant argues the site does not perform a significant green barrier function due to its enclosed position relative to existing nearby development, and that in any event a green wedge will always be retained to the north of the site. One of the purposes of the green barrier/wedge according to PPW and Policy EC1 of the UDP is to prevent coalescence of urban areas and villages with other settlements. In this instance it serves to prevent coalescence of the adjacent settlements of, Old and New Rhosrobin, and Pandy. The green barrier in proximity of the site extends over a wide arc from the south east to the north and west, and it serves to constrain the urban villages of Old and New Rhosrobin and Pandy. The development of the site would result in the distinction between the villages being lost and would therefore be contrary to national and local policies that seek to prevent the coalescence of settlements.
17. I also consider the development would represent an unnecessary and undesirable encroachment into the countryside thereby conflicting with one of the purposes of including land within the green barrier/wedge. The development, therefore, amounts to inappropriate development in the green barrier/wedge on this basis as well.
18. In conclusion, the development constitutes inappropriate development in the green barrier and is therefore contrary to Policy EC1 of the UDP and PPW.

¹ Ref APP/H6955/A/13/2196178 & APP/H6955/A/14/2220097

Very Exceptional Circumstances

19. The Appellant argues that PPW presumes in favour of sustainable development where development plan policies are outdated or superseded by other material considerations, and that national policy requires Local Planning Authorities to provide a 5 year supply of housing land. It is maintained the development of the site would bring significant planning and community benefits due to its sustainable location on the edge of an existing built up area negating the need to extend infrastructure to rural areas, it would supply much needed housing to the County with 29 of those houses being affordable, permanently secure land for wildlife and habitat purposes, provide significant green spaces throughout the development, upgrade an existing public right of way, assist in highway safety in the area, would bring about economic benefits by securing local jobs in the construction industry and spending in local shops, in addition to supporting local services and facilities. It is argued these constitute very special circumstances needed to outweigh any harm to the green barrier.

Sustainable development, five year land supply and affordable housing

20. It is a long standing planning policy position that the countryside should be safeguarded from uncontrolled and sporadic development, with development primarily directed to existing settlements; otherwise unrestrained encroachment of the countryside would occur.
21. Policy PS1 of the UDP seeks to direct development for housing to within defined settlement limits, whilst policy PS2 refers to development not detrimentally affecting the countryside. The Appellant argues both of these policies should be given limited weight due to the lack of five year housing land supply, and the fact that it is inevitable such development will have to take place outside existing settlement boundaries to meet such need. The Council argue that as the site lies outside defined settlement limits it does not accord with policies PS1 and PS2.
22. Notwithstanding the Appellant's view that the proposed development is located in a sustainable location in regards to its position relative to the settlement boundary, has access to, and would support local services and facilities, and benefits from good transport links, I do not consider these would overcome the fact that the site is located in open countryside. Chapter 4 of PPW is concerned with planning for sustainability and whilst it presumes in favour of sustainable development, it also stipulates that building in the open countryside must continue to be strictly controlled. For the reasons given above, I do not consider that the proposal would be a sustainable form of development in the context of PPW.
23. PPW requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study (JHLAS). There is no dispute between the parties regarding a deficiency in the 5 year housing land supply as required by PPW; currently down to 3.1 years as stated in the most recent JHLAS of 2014.
24. Technical Advice Note 1: Joint Housing Land Availability Studies (TAN 1) advises that where land supply is below the 5 year requirement 'the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies'. The Council argue the Appellant has not presented any compelling

reason to make an exception to the adopted UDP policies and that it does not consider the lack of a five year land supply, by itself, is a valid reason to grant planning permission.

25. The lack of a 5 year housing land supply weighs heavily in favour of the proposed development. Also 29 dwellings for affordable needs and an affordable contribution, also weighs in its favour. I acknowledge the Council's continued failure to meet housing land supply and that the LDP was withdrawn in part, due to a significant shortfall in the supply of housing being planned, nonetheless, whilst the UDP plan period expired in 2011, it still needs to be read as a whole and the lack of a 5 year housing land supply should not be used to justify development in otherwise inappropriate locations such as the appeal site. The benefits from the proposal in terms of the contribution to housing land supply does not outweigh the considerable conflict with the development plan and national planning policy, and the balance clearly falls in favour of dismissing the appeal.

Other benefits

26. I acknowledge the scheme would bring about benefits for wildlife and habitat purposes, provide significant green spaces throughout the development, upgrade an existing public right of way and assist in highway safety in the area, however, these benefits do not outweigh the considerable conflict with the development plan and national planning policy.
27. I recognise that PPW encourages economic development, but this has to be weighed against the UDP and PPW policy in relation to green barrier/wedge policies. The arguments put forward on grounds of economic benefit would not diminish the substantial weight against the development by reason of inappropriateness.
28. I have considered individually and cumulatively these other considerations and these do not clearly outweigh the harm by reason of inappropriateness. In conclusion the development is contrary to Policy EC1 of the UDP and PPW.

Character and Appearance

29. The Appellant argues the site is well screened from vantage points in the locality, is enclosed by existing local development to which it relates to and does not project into an area of unbounded open countryside. The Council argue that in heading towards the site, once the A483 is crossed, the impression is one of leaving a built up area behind to be replaced by a rural environment; if the site were developed this rural impression would be eroded.
30. I observed views into the site from the nearby public highway which identified it as a rural landscape, with corresponding rural views from within the site looking outwards. Contrary to the Appellant's opinion that the scale of the change would be limited, and that any adverse effects on the landscape would be low or slight, I consider the built development would be obvious and would have an adverse effect that would be substantial for the site itself and medium for the wider landscape, thereby detracting from the existing rural character of the area.
31. Whilst being in proximity of other built development, the site does serve an important purpose in the visual transition from the adjacent urban edge to open countryside. Irrespective of the retention of parts of the landscaped boundary or additional planting, nevertheless, development of fields would detract from and, in my opinion, unacceptably harm the open character and appearance of the area thereby conflicting

with Strategic Policy PS1, which refers to new development for housing being directed to within defined settlement limits.

Agricultural Land

32. An Agricultural Land Classification (ALC) for the site, and the adjacent land to be dedicated to nature conservation was carried out in accordance with MAFF's guidance and criteria². It classified the soil as being made of 4.8 ha or 75% of the overall land as being Grade 3a, and 1.6 ha or 25% being Grade 3b. Grade 3a land is described as very good agricultural land, whilst Grade 3b is classed as moderate quality agricultural land. Whilst the classification relates to an area larger than the appeal site, nonetheless, the submitted details do appear to indicate the majority of the site is at least Grade 3a land. The assessment stated that as the site is not of the 'Best Most Versatile' land, and has restricted access, it is unlikely to be used in arable production.
33. Whilst not forming part of the Council's reason for refusal both parties at the hearing were asked to give their views on the loss of agricultural land. Policy EC2 of the UDP only permits development on agricultural land of grades 1, 2 or 3a if it does not lead to the irreversible loss of that land.
34. PPW states that the best and most versatile agricultural land, which includes Grade 3a, should be conserved as a finite resource for the future and that land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable.
35. The lack of a 5 year housing land supply and failure to meet the UDP's housing target could represent an overriding need, however policy EC2 does refer to higher quality land only being developed if there is no other lower quality sites available. At the hearing the Council confirmed that the bulk of available brownfield land has already come forward for development over the duration of the UDP and due to development pressures within the County, the majority of new development sites are anticipated to be on greenfield sites, with the bulk of them focussed on Wrexham and the northern part of the County.
36. In addressing the 5 year land supply shortfall, I appreciate it is likely that the Council will require the release of some greenfield sites adjacent to existing settlements, however, there is no evidence before me that this could not be achieved using lower grade agricultural land elsewhere. I conclude the proposal conflicts with policy EC2 of the UDP and PPW.

Other Matters

37. Interested parties raised objections in regards to the scheme's drainage feeding into local drains that were already overloaded. The Appellant's surface water drainage report recommended the site be drained via infiltration techniques. Neither Natural Resources Wales, nor Welsh Water raised any objections to proposed development on drainage grounds and I have no reason to take a different opinion.
38. Objections have also been raised that there are not enough services locally to cope with the increase in population the scheme would bring about, however, I note the

² Agricultural Land Classification of England and Wales. Guidance and criteria for grading the quality of agricultural land. MAFF. 1988

Council's Education Department did not raise any objections to the proposed development, nor am I aware of any objections or concerns raised in regards to capacity issues from local health practices or the local health board.

39. Objectors raised issues relating to highway safety, effects on wildlife and the existing public right of way. I am satisfied from my inspection of the site and reading of the submitted technical reports and responses from statutory consultees that the development could be acceptably managed in regards to these issues via appropriately worded planning conditions had I been minded to allow the appeal. Reference has been made to the potential for detriment to residential amenity due to construction traffic; however, I am satisfied that this matter could be adequately regulated by means of an appropriately worded planning condition, whilst devaluation of property is not itself a material consideration as it is a matter of private, rather than public interest.
40. Whilst the Welsh Spatial Plan does envisage Wrexham as being a key hub, however such growth cannot be at the expense of the designated green barrier, the character and appearance of the area, and higher quality agricultural land.

Overall Conclusion

41. I conclude that the development is inappropriate development in the green barrier and very exceptional circumstances do not exist to clearly outweigh this harm. In addition the development would cause unacceptable harm to the character and appearance of the area and result in the loss of higher quality agricultural land. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be dismissed.

Declan Beggan

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr N Thorns BSc (Hons) DipTP MRTPI

Appellant's Agent

Mr R Shackleton

Director for Castlemead Group Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Phillips MSc MRTPI

Planning Officer

THIRD PARTIES

Mr S Griffin MCIOB

S.G. Estates

Ms A Gray

Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Council's notification letter and list of those notified
- 2 Copy of Inspector's Report into Preliminary Findings of the Wrexham County Borough Council Local Development Plan
3. Copy of UDP Policies H7 and CLF6
4. Extract of plans of UDP indicating green barrier designation in vicinity of appeal site
5. Copies of appeal decisions, Ref APP/H6955/A/13/2196178 & APP/H6955/A/14/2220097
- 6 Signed Section 106 Planning Obligation, dated 20 May 2015
7. Appellant's written submission regarding an application for costs

Appendix 8

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Option 1 Primary Key Settlement (Wrexham Town) Focussed – including Key Strategic Sites

- 5.13 Wrexham County Borough has one of the largest concentrations of population in any Local Authority area within North Wales²⁰. Approximately 34% of the population of the County Borough reside in Wrexham Town, the main social, retail, office, leisure, residential and education centre, with further commercial and economic activity concentrated in the Wrexham Industrial Estate (WIE). Accessibility to regional and national transport links from both settlements are excellent.
- 5.14 Work undertaken by the Planning Policy team through the SA Scoping Report, Topic Papers and Settlement Profiles²¹ has identified Wrexham Town as the Primary Key Settlement; the most sustainable settlement within the County Borough with a number of local and regional facilities, good public transport and excellent accessibility to services and jobs by means other than the car.
- 5.15 The Urban Capacity Study update (2013)²², identifies a shortage of suitable, available and deliverable brownfield sites within the existing settlement limits. Whilst some of these brownfield sites may be developed as windfall sites over the Plan period, the quantum of new homes required cannot be met without considering the need for the release of Greenfield land currently located on the edge of, but outside the existing settlement limits. If the aims of the WSP (2008) to strengthen the Wrexham-Deeside-Chester hub, and the LSB aspirations for the area are to be realised, it will therefore be necessary, in accordance with the search sequence for identifying sites for new development contained in Planning Policy Wales, to look at the strategic release of Greenfield sites on the edge of settlements to accommodate future development in the County Borough up until the end of the Plan period in 2028.
- 5.16 A number of large Greenfield development sites, outside but on the edge of the settlement of Wrexham Town have been submitted as part of the call for sites process. Some of these are of such a scale that they could be classed as Key Strategic Sites (capable of delivering 500 homes and above) and between them could deliver a significant amount of new development.
- 5.17 In addition, there are a number of other medium to large scale sites (capable of delivering up to 500 units) which have been submitted as part of the call for sites process. These either adjoin the Western side of the existing settlement limit of Wrexham Town or are located on land to the West of the A483, areas which are currently protected from development by Green Barrier.
- 5.18 This option proposes the release of Key Strategic Sites on the edge of Wrexham Town along with the development of medium to large scale sites west of Wrexham in close proximity to the Wrexham Town. These broad spatial

²⁰ <http://wales.gov.uk/docs/statistics/2013/130723-local-authority-population-projections-2011-based-en.pdf>

²¹ www.wrexham.gov.uk/ldp

²² www.wrexham.gov.uk/ldp

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Appendix 9

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REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
5 October 2015

APPLICATION NO:
P/2014 /0905

LOCATION:
HOME FARM GRESFORD ROAD
LLAY WREXHAM
LL12 0NW

DATE RECEIVED:
03/12/2014

COMMUNITY:
Llay

DESCRIPTION:
OUTLINE APPLICATION FOR 365
DWELLINGS AND ERECTION OF 300
SQUARE METRE RETAIL UNIT - ALL
DETAILED MATTERS RESERVED

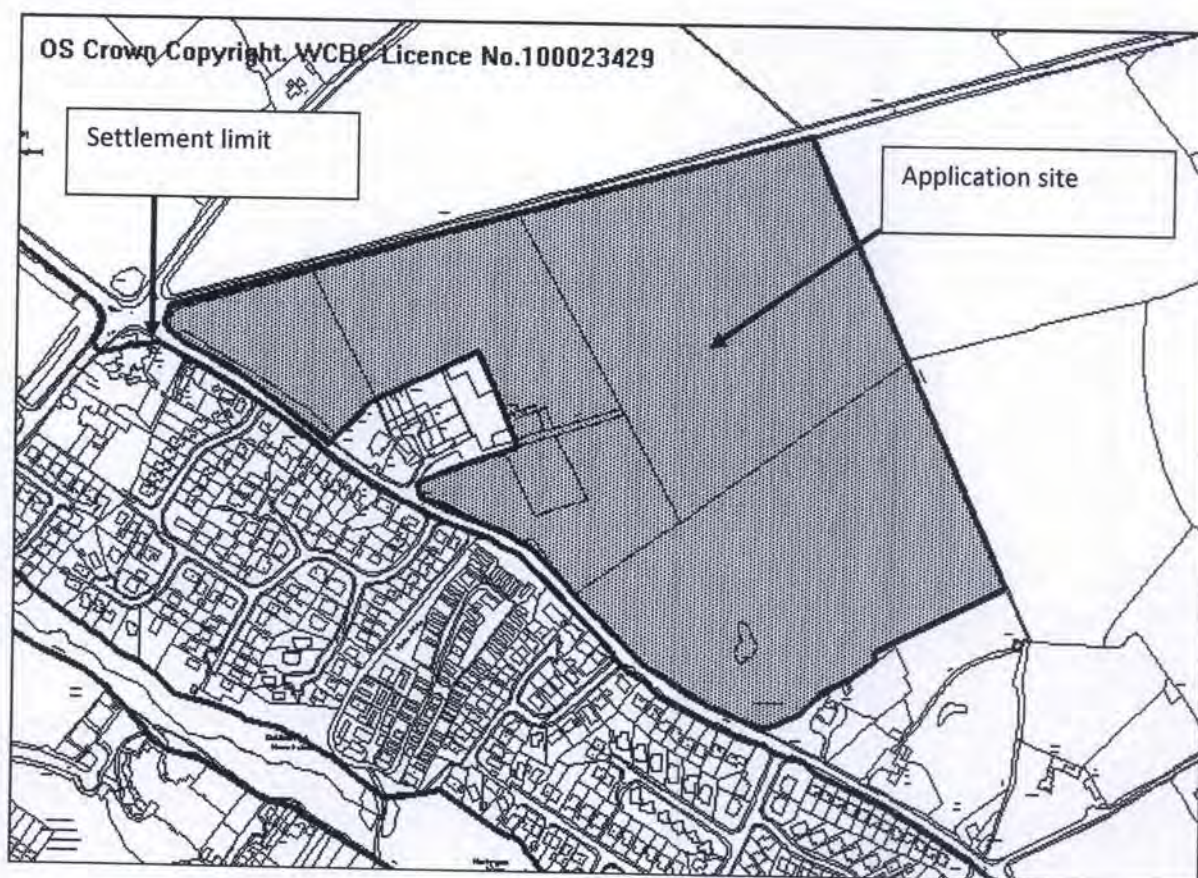
CASE OFFICER:
MP

WARD:
Llay

APPLICANT(S) NAME:
MRS MARGARET CREWE

AGENT NAME:
MICHAEL
CUNNINGHAM
ARCHITECTS
MR MICHAEL
CUNNINGHAM

THE SITE



PROPOSAL

As above. All matters reserved for subsequent approval.

HISTORY

No relevant history.

DEVELOPMENT PLAN

Outside of settlement limit. Policies PS1, PS2, GDP1, GDP2, EC2, EC4, EC6, H5, H7, S6, S7, CLF5, CLF7, T8 and MW9 apply.

CONSULTATIONS

Llay Community Council:

Have numerous concerns regarding this development as it currently stands;

- As currently shown on the plans, the proposed installation of a **new mini roundabout** (to allow one entry into the new estate) is considered totally inadequate;
- It is considered **vital that the road is widened** as a matter of urgency PRIOR to any development commencing. There are areas of Gresford Road where **widening would not be possible** due to existing structures;
- The traffic from Llay leading onto Gresford Road is already gridlocked at certain times of the day. The increase of this traffic problem is considered unacceptable;
- There are concerns that this development **falls outside WCBC's own Settlement Area**;
- There are concerns that if unsuccessful initially, the developers will attempt to reduce the numbers down, and then increase by stealth;
- There are concerns that the **local facilities** would not cope with this large increase in residents, in particular the **Doctors' Surgery**;
- There have been expressions of concern from local business leaders on the **Llay Industrial Estate**. There are already some issues with large lorries trying to come up the "blind summit" on Gresford Road, whilst complying with temporary speed limits in place. A large increase in traffic numbers may make transport logistics too difficult for some existing companies, and would **deter** possible

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
5 October 2015

new "start up" businesses, reducing employment prospects for the community;

- There is **evidence of flooding** in the proposed development area. There is also photographic evidence that clearly demonstrates how the geographical layout of his area has changed over the last 20 years. One example is the aforementioned "blind summit" on Gresford Road itself, which has visibly increased since the late 70's /early 80's;
- There are serious concerns, also expressed by another Community Council, regarding **sewerage removal** from such a large development.

Gresford Community Council:

Concurs with the views of local residents of Llay that the roads in Gresford, Llay and Rossett were inadequate to deal with any additional traffic generated by this proposal; the schools in Llay, Gresford and Rossett did not have enough spare capacity to take the children; the sewerage capacity was inadequate to support a development of this size; medical practice did not have spare capacity and therefore considerable public investment would be needed if this development was approved. Also the diverse wildlife of the area and the hedgerows would have to be protected.

Rossett Community Council:

Objects on the grounds of the lack of infrastructure to cope with such an increase in the population at that location. This applies to:

- Doctors and medical services which are already overcrowded;
- Availability of school places to cope with the increase in the number of children;
- The road network, which is overcrowded at present during peak times

Councillor Terry Boland:

Has the following observations:

- Park CP School Llay is currently full and does not have the capacity to accept further students. I am aware that a potential agreement can be made between the Planning Department and the Developers for funding to possibly be allocated to the Education Department in

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
5 October 2015

order to increase the size of the school and its facilities if possible;

- I am aware that this proposed development would be closer to the School than other areas in Llay. It may be the case that children from further away from the School within the Village would have to travel to other areas if the School became full. It would be a very contentious issue if this was to occur as families who already have children who attended the School may not be able to send their younger children. I feel this may cause problems for the Local Authority as transport may have to be arranged for these children at a time of austerity;
- As a Local Member, I have frequently observed queues of vehicles at the junction of the Straight Mile and Gresford Road at peak times. There is a potential for a further 500 to 700 vehicles entering the road network at the same time, which I believe would cause a lot of problems for people travelling in the area. The addition of these cars could also potentially increase the levels of pollutants in the air in Llay. I have concerns that an increased number of cars potentially travelling towards Gresford may have somewhat of an impact on that community;
- Our local GP surgery is struggling to cope with the number of patients it already has and the Health Board is struggling for funds to replace GP facilities. Up to a further 1,000 people in the area would potentially cause considerable disruption. Some local residents have approached me indicating that they already find it difficult to get an appointment with the surgery;
- There is considerable unrest with local residents in Llay, who are fearful that the facilities they have will no longer be able to cope due to the added demand from more residents. They also feel that the disruption caused by the construction of the site will have a negative impact on

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
5 October 2015

the Village in terms of traffic, pollution and noise;

- I am not opposed to houses being built in Llay, however, I believe that the bigger picture needs to be looked at before agreeing to such developments. I am also aware that some of the issues above could be deemed not to be a Planning issue, however, I do believe they require consideration.
- I therefore oppose this development and would ask the Planning Committee to refuse the application.

Councillor Robert Walsh:

Has the following observations:

1. The proposed site is situated outside the Settlement Limit of the council's Unitary Development Plan;
2. The development of this site would lead to the loss of agricultural land;
3. The size of such a development would add pressure to the local school, health centre and roads;
4. Parts of the site appear to be sinking as the undulations that exist on the land were not so prominent in the past

Councillor Andrew Bailey:
Councillor Hugh Jones:
Public Protection:

Notified 16.12.14

Notified 16.12.14

Have made the following comments:

- It is noted part of the development is on the site of two infilled ponds. Condition recommended to ensure any potential contamination issues are adequately dealt with;
- Condition and notes recommended in respect of construction impacts;
- Condition recommended in respect of noise from air handling plant;
- In accordance with the recommendations made in Section 8 of the Noise Report, i.e. that "further calculations should be carried out at each house façade in order to provide a more definitive specification to each house after planning has been granted", further assessment and appropriate recommendations for noise mitigation

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
5 October 2015

measures should be carried out once the final site layout has been decided upon.

This can be required by condition;

- There will be additional traffic noise but it will not cause a significant negative impact;
- The Air Quality Report indicates that the development will have a negligible effect on air quality in the area. The report is considered acceptable and based on its methodology and conclusions, no objection to the development.

Highways:

Have made the following comments:

- The site is well served by the local highway network. Along the B5102 to the east there is access on to the A483 with good links between Chester, Shrewsbury and beyond. To the north the B5373 links towards Mold and the A55 coastal road. To the south and west along the B5373 and the B5425 there are good links into Wrexham;
- The application proposes to construct 365 new dwellings with access to the site via a compact roundabout on the straight mile and a compact roundabout along the B5373. It should however be noted that these are only indicative as all detailed matters are reserved;
- Any new access into the site will need to be constructed to current design standards. The speed limit along the B5102 Straight Mile would be reduced to 30mph and scheme of street lighting introduced;
- A single compact roundabout will provide adequate access to the site along Gresford Road;
- A condition will be attached to any planning permission requiring the submission of further roundabout design and signal controlled crossing details, to ensure that full DMRB standards are met. A Stage 2 safety audit will also be required to confirm the roundabout meets full design standards;
- There will clearly be a significant increase in traffic generation from the proposed development. Given the good

highway links to the site the traffic is able to disperse in four directions. The capacity analysis undertaken by the applicant indicates that there are no issues with the operation of the new roundabouts and I concur with this assessment;

- The addition of significant extra traffic at the Crown crossroads is of some concern. A previous study of the junction undertaken by Wrexham council in 2009 revealed significant issues with the layout and operation of the junction which caused severe delays at peak hours;
- The additional development traffic is likely to increase detriment to through flow of traffic on the highway at peak hours. The applicant has proposed to introduce a MOVA system which should optimise the flows of traffic through the junction. Computer modelling suggests that this will actually improve the junction flows even with the addition of extra traffic. I am doubtful that this will be the case and would suggest that a significant junction improvement will be required;
- I would suggest that any permission include a condition requiring the submission of a revised junction layout to be approved prior to any work being undertaken on the site;
- A travel plan has been formulated in conjunction with the local travel plan coordinator. A condition will be attached to ensure that the travel plan requirements are implemented and monitored;
- It is intended that public transport will divert through the site to help increase sustainable travel options. Improvements to public transport infrastructure should be identified within the travel plan and implemented as part of the development;
- Pedestrian links from the site into the rest of the village are poor. Whilst the retention of the hedge along the

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	Gresford Road boundary may enhance the appearance of the development it does nothing to encourage pedestrian integration between the proposed and existing parts of the village. A new footway will be required along the full frontage of the site on Gresford Road to ensure the site is fully integrated with the existing village; - A study of all pedestrian / cycle routes should be submitted to highlight areas where improvements can be delivered; - Recommend conditions.
Parks, Countryside & RoW:	Have made the following comments: - Although the development can go ahead without affecting existing rights of way, the scale of the development is such that use of footpath 5 is likely to increase significantly. We would therefore wish to see footpath 5 to the south of the Straight Mile tarmacked through to Gresford Road to a minimum width of 1.2 metres (where available) with a 1.5 metre grass strip being left between the hedge bounding the development and the tarmac path where it runs through the field to allow for hedge growth; - In order to improve the footpath network in this area we would also like the developers to enter into an agreement to dedicate a public footpath link from footpath 5 and leading north east adjacent to the Straight Mile to link in with footpath 3 which is currently under-utilised due to the narrow footway alongside the Straight Mile not providing adequate separation between pedestrians and vehicles. If this route could be extended further to link into footpath 2 this would further enhance them network.
Housing:	Consulted 6.1.15
Education:	Contributions towards primary and secondary education is required.
Ramblers Association:	Consulted 6.1.15
Welsh Water:	Recommend conditions.
Health Board:	Contacted 22 December 2015.
NRW:	No objection but wish to make the following comments:

Flood Risk

- Some areas of the site are at risk of surface water flooding. The proposed development has potential to increase flood risk to developments offsite, because it will increase the surface area of impermeable ground. We welcome the applicant's intention to dispose of surface water runoff using a sustainable drainage system;
- No evidence has been provided that ground conditions on site will be suitable for infiltration, there is no indication of any watercourse on site suitable to accept surface water flows, and it is not clear whether the green spaces marked on the site layout will be sufficient to accommodate any required attenuation storage;
- Prior to the grant of any planning permission, we recommend the production of a surface water management plan to outline the methods for surface water disposal. The plan should include information on how rates of runoff will be restricted and how volumes will be attenuated on site.

Protected Species:

- NRW are satisfied that the ecological survey undertaken for the development (TEP, June 2014) has been undertaken to an acceptable standard. The report states that a number of protected species may be present in the area and goes on to recommend further survey work and mitigation / avoidance measures;
- Providing all recommendations made within the report (section 7.0) are adhered to and implemented, we consider the impact upon protected species is unlikely to be significant;

- Section 7.7 (bats) and section 7.14 and 7.15 (Great Crested Newts) recommend additional survey work with respect to bats and great crested newts is undertaken prior to development commencing. NRW would recommend that these additional surveys are undertaken prior to full planning permission being granted.

Protected Sites

- The proposals lie approximately 500m from the Chwarel Singret Site of Special Scientific Interest (SSSI). Given the nature of the works and the distance from the protected area we consider it unlikely that the development will impact upon the features, functionality or integrity of this site

Pollution Control

- The development must be connected to the main sewer at this location. Please consult Dwr Cymru / Welsh Water to ensure that there is sufficient headroom within the main sewer at this location to accept the additional flows.
- We recommend that a Site Waste Management Plan (SWMP) is drawn up prior to scheme's commencement in order

Land Contamination

- Natural Resources Wales recommend that developers should:
 1. Follow the requirements of Planning Policy Wales;
 2. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;
 3. Refer to the WLG/NRW document 'Development of land affected by contamination: A

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
5 October 2015

- Welsh Government (Trunk Roads): guide for developers' 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;
- Welsh Government (LNFD): 4. Refer to Groundwater protection: Principles and practice (GP3). Does not issue a direction in respect of this application
- Has provided the following advice:
- The survey has been carried out according to the Revised guidelines and criteria for grading the quality of agricultural land (MAFF 1988);
 - The survey has correctly identified the site to be predominantly non-BMV (best and most versatile) due to soil wetness and workability;
 - We have reservations over the area mapped as grade 2. The main limitation for this soil type is droughtiness. The report has not used in field assessment for droughtiness and we can find no reference in the report to structural quality for droughtiness calculations and must assume "good" structure has been used. The degree of structural development is critical for determining drought calculations. Our drought calculations grade the area as Subgrade 3a if "moderate" structures are used and grade 2 if "good" structures are used;
 - We agree with the areas of BMV and non BMV but have reservations over the ALC grade of the BMV land. Being a single auger boring we would include the area of grade 1 in with the surrounding subgrade 3b. For

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
5 October 2015

the grade 2 area our knowledge of the site would indicate a "moderate" structure at best and we would grade the as Subgrade 3a.

CPAT:

Copy of archaeological evaluation received. Trenching has revealed that the features revealed by the geophysics survey are either of natural origin or relate to drainage of the fields in the 18th-19th century and are of low archaeological value. We therefore have no additional requirements for investigation and there are no predicted archaeological impacts.

Press Notice:

Expired 23.1.15

Site Notices (x3):

Expired 9.1.15

Gresford Road Action Group:

Have submitted a letter and a with 265 signatures petition objecting to the development. The letter sets out the following concerns about the development;

- Llay has had many new small developments over the years and have been infill sites, brown field sites and Gresford Road is quite clearly the defining boundary as the end of the village. It is outside the settlement limit on the WCBC Unitary Development Plan. The policy quite clearly states "with the exception of the smallest hamlets, development boundaries have been defined for all settlements. These boundaries establish a clear limit beyond which new development will not be allowed" Also the Strategic Policies PS1, PS2, PS3 and PS4 that define the policy would in essence be enough to have stopped a developer to even consider putting this plan forward in the first place, however we are concerned that on looking at this policy the developer still feels that it would be considered as a feasible proposition;

- We understand that homes are needed for many people but indiscriminate building on agricultural land, taking up swathes of countryside cannot be justified when there is no Local Development Plan to adhere to. It will set a precedent to other land owners to also convert agricultural land into building land. Ultimately, if development on this side of the B road is allowed, development may well continue to the East and West along the Straight Mile, effectively creating a new urban village larger in itself than the existing one. Llay is already an extremely built up area with approximately 5000 people, and so is not a small village and lacks a green environment. Gresford Road has a countryside feel and is a pleasant welcoming area leading to Llay centre, its distant vista of the Cheshire Plain is a wonderful view to behold. The development of these fields into a large scale housing development would see this vista destroyed forever and certainly will become a vast blot on the landscape. The character of the village and green space requires protection for the future of all;
- There are conflicting reports where the land was originally classed as Grade 2 but recently is now classed as 3b. These fields have traditionally had cows and sheep, with many lambs and calves born every year;
- Large scale developments in Brymbo and Gatewen Village are still trying to sell new houses and in both there are already "For Sale" boards in abundance. Large scale developments do not give a sense of community and inclusion. Large communal car

parks such as the ones in Brymbo are now seen as potentially threatening places, with boy racers gathering etc. We note that these type communal car parks are in the plan for this development, due to the fact that parking will not be available next to some of the houses, we presume this is due to the very nature of the excessive density of houses, flats etc that the developer wishes to build with no extra space for car park spaces adjacent;

- The other main concerns are around the lack of infrastructure. The Doctors Surgery is already full to capacity, many of us struggle already to get a GP appointment on the day we need one. The Doctors Surgery, we understand, have informed Mr T Bolland that they cannot take any new patients. With an expected extra 1000+ people, where are they going to go to get into a Doctors Surgery;
- The Wrexham Maelor Hospital is already under severe pressure with A & E suffering its worst year to date, how will another 1000+ people coming to the Wrexham area benefit anybody when such an important resource is already struggling to cope;
- We have also spoken to the Head Mistress of Llay School who is also extremely concerned that the new school is also full, with children already having to go to Gresford, and as far as Marford. Surely it is inconceivable that local school children may not be able to get a school place in their own village should a new school not be built, which we understand is not in the plan. Therefore school places would be fought

over by the newcomers to the village, which we estimate could be as many as an extra 400 children;

- The other major concern is the extra road traffic that this development will inevitably produce. With the addition of two roundabouts on Gresford Road and one on the Straight Mile this will, we are in no doubt cause major problems at the Traffic Lights especially at peak times. We can also envisage that people will try to cut the traffic lights out and go through the development to make a quicker exit to the Straight Mile, which then in turn will lead to traffic congestion on the Straight Mile, which we are sure will not be well accepted by the local industries transport vehicles coming and going from Llay Industrial Estate. In fact we have spoken to many of the companies on the Industrial Estate who were unaware of the development, and have spoken about their concerns about the introduction of a roundabout on the Straight Mile and the proximity to housing and the potential for children playing around the roundabout and exit of the development. Gresford Road is already a busy, fast road, even with the introduction of the 30 mph limit, it is notoriously a "boy racer" fast road, believe me most of us live on the Gresford Road and we hear and see it constantly;
- Another point we are keen to point out is that when the new Police Station is built, we can only assume that the Police Cars leaving the Police Station will in a lot of cases be wishing to make a swift exit to the road network,

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Neighbours:

surely with the introduction of the new road layouts around this development this also will cause a danger to people living around the area and also to the police themselves when they will have to navigate traffic lights and two roundabouts before the approach down to Gresford for instance.

The owners/occupiers of 56 properties notified 18.12.14 and the owner/occupier of 1 further property notified 22.12.14. A total of 185 representations received objecting to the application for the following reasons;

- The development is too large;
- The development will increase the population of the village by 15-20%;
- Additional traffic/traffic congestion;
- Highway safety;
- Pedestrian safety;
- No capacity at local schools;
- No capacity a local doctors surgery or Wrexham Maelor Hospital;
- Shop may attract anti-social behaviour;
- Harm the character of the village/Gresford Road;
- It will set a precedent for further development;
- Llay is already a large village and cannot be added to on the basis of a shortage of housing;
- Additional noise from traffic and people;
- Noise pollution from construction;
- Too large to sustain the wellbeing of children and young adults within the community;
- Threat to social cohesion;
- Limited supply of jobs in the area – residents will have to travel elsewhere for work;
- Threat to existing businesses;

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- Risk of increased unemployment and social poverty;
- The development will not benefit Llay;
- Nothing to off in terms of additional infrastructure;
- The land is liable to flooding;
- Risk of flooding;
- Paid a lot for house because of where it is – will we be compensated;
- Additional pollution/pollution from additional traffic;
- Increased carbon emissions;
- Loss of countryside
- Loss of view of countryside/Cheshire Plain;
- This will result in the formation of a new community/village;
- Capacity of local sewers;
- Parking issues;
- Loss of agricultural land;
- Lack of public transport in the village;
- Home Farm have a history of buying prime agricultural land and selling it for building;
- Loss of Greenbelt land;
- There are other areas of brownfield land much more suited to this type of development – e.g. Brymbo;
- Outside of settlement;
- Contrary to UDP policies;
- Contrary to PPW;
- Stress and inconvenience of living on a building site;
- Land must not be developed until Wrexham produces its LDP;
- Road to Gresford is poor as it narrows under the railway bridge;
- Additional planting around Meadow View needed to protect views and minimum distances to houses should be agreed;
- No need for the development;
- Devalue existing houses;
- Will make it more difficult to sell houses on Gresford Road;

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- There are plenty of houses for sale in the village;
- There are many empty houses along Mold Road in Wrexham;
- It will be a dormitory suburb for Chester/M53/M54;
- The telecom system is overloaded giving slow speeds and unreliable services;
- The land is sinking;
- Risk of a rat run being created through the new estate;
- Major intrusion into the landscape;
- Loss of /sterilisation of mineral resources;
- There are alternative, smaller sites in the village that could be used for housing that would have far less impact;
- We will have the same situation as Brymbo – promised infrastructure that will never come into fruition;
- Gresford Road forms a natural boundary for the village;
- Gresford Road sets the demarcation between Llay, Burton/Rossett. The villages will lose their indemnity, distinctiveness and sense of place;
- There are no play areas on this site of the village;
- It will take years to complete leaving a potential building site eyesore;
- Houses not aim at Welsh people;
- No environmentally friendly systems to be used in the development;
- Costs of maintaining roads if there are problems with drainage;
- Planning permission (P/2014/0719) for a single dwelling on a greenfield site was refused. This application should therefore also be refused;

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- There was an anthrax outbreak at Singret Farm during 1989. How will this be controlled with the ground disturbance of this magnitude;
- Loss of privacy;
- Is there a need for the retail development;
- The Straight Mile is an historic road of Roman origin. It is unacceptable to vandalise this historic feature by breaking it to build a roundabout;
- Impact upon wildlife/protected species;
- Too many proposed developments for the village already.

SPECIAL CONSIDERATIONS

Policy: The proposals do not accord with any of the circumstances set out in policy H5 that permit small scale residential development on sites outside of settlement limits. They also do not accord with policy S7 with regards to retail developments in the countryside. The site is **not** within a Green Barrier nor is it in a Special Landscape Area.

The development will lead to the irreversible loss of land that has an Agricultural Land Classification of grade 3a thus conflicting with policy EC2.

Proposals for large housing developments outside of settlement limits represent a clear departure from UDP policies however the Council is only required to determine planning applications in accordance with an adopted development plan ***unless material considerations indicate otherwise.***

Housing Land Supply: Planning Policy Wales (paragraph 9.2.3) requires Local Planning Authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing.

The most recent Joint Housing Land Availability Study (JHLAS) (2014) found that Wrexham has a housing land supply of 3.1 years.

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015) advises that the results of the JHLAS should be treated as a material consideration when determining planning applications for housing. However it also advises that where a local planning authority does not have an adopted Local Development Plan or where an adopted UDP is outside of the plan period, they will not be able to produce a JHLAS and therefore will not be able

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to demonstrate whether they have a 5 year housing land supply or not. In effect they will have a housing land supply of 0.

Given that the UDP plan period expired in 2011, Wrexham is now unable to demonstrate whether it has a 5 year housing land supply. Even so, using the most recent JHLAS it is clear that there is a need to significantly increase the supply of land available for housing. Furthermore an analysis of previous JHLAS shows a trend of decreasing housing land supply between 2007 and 2014:

JHLAS	Housing Land Supply (years)
2007	14.99
2008	7.52
2009	6.08
2010	5.35
2011	3.9
2012	3.5
2013	3.4
2014	3.1

Where the JHLAS shows a land supply below the 5 year requirement or where, as in the case of Wrexham, a local planning authority is unable to undertake a JHLAS, TAN1 (paragraph 6.1) advises that 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. Planning Policy Wales includes a ***presumption in favour of sustainable development***.

It will not be possible to significantly increase the supply of land available for housing unless planning permission is granted to develop appropriate sites located outside of existing settlement limits. Indeed the decreasing housing land supply in recent years suggests that the current UDP settlement boundaries are becoming a significant constraint to providing the land that is needed to meet the housing requirements of the County Borough.

Between March and April 2015 the Council consulted on the LDP *Vision, Objectives and Strategic Growth and Spatial Options*. This set out the County Borough's housing requirements over the LDP period (2013-2028) and also demonstrated that the majority of new houses will be built on Greenfield sites.

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Whilst Planning Policy Wales and UDP policy PS3 priorities the use of previously developed sites, it is clear that Wrexham's future housing requirements cannot be met without the release of suitable Greenfield sites for development that lie outside of existing UDP settlement limits.

In addition to the above, the Council will have to be able to demonstrate that it has a 5 year housing land supply when the LDP is adopted and therefore it is essential that deliverable sites continue to be brought forward for development between now and LDP adoption.

The development will make a significant contribution towards increasing the supply of housing land in the County Borough and this is a significant material consideration that weighs heavily in its favour.

Loss Agricultural Land: The site has been subject to an Agricultural Land Classification assessment to determine whether any of the site is classed as Best and Most Versatile (BMV) agricultural land (i.e. Grades 1, 2 and 3a).

The results of this are set out in the table below:

ACL Grade	Area (ha)	% of Total
1	0.4	2.5
2	2.7	17
3b	12.36	78
Non-agricultural	2.5	2.5
Total Site Area	15.86	100

The report has been reviewed by the Welsh Government's Land, Nature, and Forestry Division who have confirmed that they agree with its conclusions in so far as the areas of the site graded as non-BMV. However they advised that they would include area of grade 1 land with the grade 3b land and suggest that the grade 2 may in fact be classed as 3a. In light of their comments the development would result in the loss of 2.7 hectares of BMV agricultural land.

On the basis of the report's findings and the comments received from the Land, Nature, and Forestry Division the vast majority of the site is not classed as BMV agricultural land. Policy EC2 is therefore only applicable to the 17% of the site that both the assessment and the Welsh Government consider to be BMV. Land classified as BMV should only be developed where there is an overriding need for the development.

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In this particular case there is a significant and overriding need for additional housing land in the County Borough. In the context of both the site as a whole as well as the wider County Borough, the development of this site will result in the loss of a relatively small area of BMV land and will not prejudice the use of other agricultural land in the locality. Accordingly I am of the opinion that the conflict with policy EC2 would not be a valid reason for refusal in this particular case.

Deliverability: For sites to be considered deliverable they must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development.

Planning constraints

The proposals conflict with a number of UDP policies however the need to increase the amount of land available for housing is a significant material consideration in favour of the site being developed. Furthermore the development of the site would broadly accord with the presumption in favour of sustainable set out in Planning Policy Wales.

Physical constraints

I am unaware of any significant physical constraints that would prevent the site from being developed.

Ownership constraints

I am unaware of any ownership issues that would prevent the site from being developed.

Economic viability

I have no reason to believe that the development is unviable.

Retail Development: Policy S7 only allows for retail outlets in the countryside where the produce sold is primarily grown or made on the site (e.g. farm shops) and limits the sales floor area to 50 square metres. The proposed retail unit will have a floor area of 300 square metres and is likely to be a local convenience store so would not accord with the policy.

Notwithstanding the above and despite the fact that policy S6 only applies to sites within settlement limits I am of the opinion that the policy is more relevant to this proposal than policy S7. The proposed retail unit would be developed in conjunction with a large housing development and not in isolation. So in the context of the development as a whole it would be located within a built up area rather than in the countryside.

The retail development would be well located to be accessible on foot, it will be possible to provide off-street parking and space for servicing and I am confident it will be possible to site and design the retail unit without prejudicing

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residential amenity. Finally the sales area will not exceed 300 square metres. The development would therefore accord with the criteria set out in the policy. The development would also of benefit to the eastern side of Llay which is currently some distance from existing convenience stores.

There are no district shopping centres in Llay so there is no planning policy requirement to consider the impact the development will have upon existing retail premises in the village. The competition between the proposed development and existing premises is not a material consideration. Whilst Gresford has a district shopping centre, as noted above, the shop is likely to be a convenience store and is therefore likely to predominately serve the immediate locality. As such I consider it unlikely that it would divert significant trade from Gresford district shopping centre so will not adversely impact upon its viability and viability.

Sustainability: Llay benefits from a frequent bus service to and from Wrexham. The Llay Industrial Estate is also one of the key strategic employment sites in the County Borough. As such future occupiers will be able to access employment, leisure and other facilities without the need to travel by private car. In that regard the site can be considered to be in a broadly sustainable location.

Llay currently has only limited local retail facilities and there are none in close proximity to the site. The proposed retail unit will be easily accessible on foot from the development as well as dwellings on Gresford Road and the eastern side of Llay. The retail unit will therefore be sustainably located and will promote more sustainable access to local retail facilities.

Amenity: The indicative plans confirm that it will be possible to accommodate 365 dwellings and achieve the separation distances to existing dwellings recommended by LPG21. Accordingly the development will not have an unacceptable impact upon the occupiers of the existing properties by way of loss of light, privacy or by being visually overbearing.

The indicative plan demonstrates that 365 dwellings can be accommodated in such a way that the future occupiers will be afforded an adequate standard of amenity.

Whilst I appreciate that the development will result in additional traffic passing along Gresford Road, the volume, type and speed of the traffic is likely to be such that it will not increase noise to the extent that standard of amenity afforded to the occupiers of existing properties will be significantly reduced.

The north-western part of the site borders the Straight Mile, which is one of the key routes used by freight traffic travelling to/from the Llay Industrial Estate. As a consequence noise mitigation will need to be incorporated into the layout and design of the development to protect the amenity of future occupiers. This can be secured by condition.

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I appreciate that many existing local residents value the view across the site; however there is no right to a view over private property. The loss of the views enjoyed by existing residents would therefore not be a valid reason to refuse planning permission.

The impact a development will have on the value of existing dwellings is not a material planning consideration.

Design: The indicative plan demonstrates that a broadly acceptable form of development is achievable within the site, including the provision of areas of open space and landscaping that will contribute towards the appearance of the development, particularly along the Gresford Road and Straight Mile Road frontages, as well as being useable for recreation. These matters will be considered in more detail at reserved matters stage.

Visual Impact: The development will have a significant impact upon the appearance of the site but this is inevitable when Greenfield sites are developed. I appreciate that Gresford Road, for the most part, forms a very clear boundary between the existing built up areas of Llay and the open countryside beyond. However as already mentioned above, Greenfield sites will need to be developed in order to meet the County Borough's future housing requirements. If development is not, in appropriate cases, allowed to extend beyond existing boundaries, it will not be possible to bring forward sufficient land to meet those housing requirements.

The visual impact of the development will primarily be limited to the immediate locality, particularly Gresford Road, but also from the south-eastern end of Rackery Lane, the southern end of Chapel Lane, as well as from the Straight Mile. The topography of the wider landscape together and features within it, such as trees, hedgerows and buildings, prevent significant longer distance views of the site.

The indicative plan shows that existing external boundary hedges can be retained. It also demonstrates that public open space and landscaped buffers can also be provided along the Gresford Road and Straight Mile frontages. These, in conjunction with a well laid out and designed development, will ensure the proposals do not have a detrimental impact upon the immediate locality.

Highways: The development will inevitably result in a significant increase in traffic however the site is well served by the local highway network. The B5102 to the east provides access to the A483, to the north the B5373 links towards Mold and the A55. To the south and west along the B5373 and the B5425 there are also good links into Wrexham. Traffic will therefore be able to disperse in a number of directions. Highways have not raised any concerns about the capacity of the local highway network to cater for the traffic generated by the development and I have no reason to conclude otherwise.

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Whilst detailed access proposals are reserved for subsequent approval, the submitted plans confirm that the development will be accessed via roundabout junctions onto the Straight Mile and Gresford Road. I am satisfied that these will provide a safe means of access into the site and will not prejudice the continued safe use of the existing highway. Full details of the junctions will be submitted at reserved matters stage.

There are a number of existing deficiencies with the Crown crossroads junction that can cause severe delays at peak hours these are:

- The narrow width of right turning ghost island;
- Vehicles being stranded within the junction when traffic signals change;
- Narrow lane widths along B5373/Rackery Lane approach from Hope
- Kerb radii to / from the Hope direction
- Cyclists avoid using the junction
- Inadequate and inappropriate pedestrian crossing facilities

Without improvements to the junction the addition of further traffic will only exacerbate existing problems and increase delays. The Transport Assessment submitted with the application suggests changes to the existing traffic signal arrangements as mitigation; however this alone is unlikely to be sufficient and improvements to the junction will also be required. Because of the potential for construction traffic to use the junction, the improvements will need to take place prior to development commencing. A condition requiring the submission and implementation of a scheme of junction improvements will be imposed.

An interim travel plan has been submitted setting out measures that will be put in place to promote/facilitate walking, cycling and public transport use in order encourage future occupiers to be less dependent on private car journeys. Some of the measures will require the development to be designed with on-site provision for pedestrians and cyclists as well as to allow buses to access the development so that existing services can be re-routed. These can be considered in more detail at reserved matters stage. Final travel plans will be secured by condition.

Pedestrian links from the site into the rest of the village are currently poor. Highways have recommended that a new footway be provided along the full length of the site boundary to ensure the site is properly integrated with the existing village. I agree that the development will need to provide footways to ensure that future occupiers can safely walk along the site frontage and/or cross Gresford Road, however the footpath does not necessarily need to be constructed adjacent to the existing highway along the entire length of the Gresford Road frontage. Depending upon the layout of the development it may be appropriate to retain some existing boundary features and route the footway behind it. However this is a matter that will need to be considered in more detail at reserved matters stage.

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The indicative plan does not show where off-street parking will be provided for each dwelling. I am however satisfied that it will be possible to provide adequate parking areas within the curtilages of each plot and/or within communal parking areas. I am satisfied that it will be possible to meet the parking needs of the development within the site and that the proposals will not add or increase on-street parking on the existing roads bounding the site.

Ecology: The site has been subject to an ecological survey which concluded that the range of habitats across the site is of low diversity and of little ecological value. The most significant features within the site are existing hedgerows and mature trees.

The report has identified that a number of mature trees within the site have the potential to support roosting bats and recommends that prior to any works commencing these would need to be assessed to determine if bats are indeed present. The report also recommends that bat activity surveys for the site as a whole are carried out.

The trees with bat roost potential are located close to the site boundaries and would not necessarily need to be removed. Subject to further consideration being given to this issue at reserved matters stage I am satisfied the development can proceed without being detrimental to the maintenance of the favourable conservation status of bat populations in this locality. The bat activity surveys will be essential to informing the final layout and design of the development so will need to be carried out prior to and submitted alongside the reserved matters application(s). A condition will be attached to require this.

With regards to Great Crested Newts, the applicant's ecologist has proposed a Great Crested Newt Mitigation strategy. This acknowledges that Great Crested Newts are known to be present within 1km of the site but that population to the west of the site are unlikely to be able to access it because Llay Industrial Estate, existing housing and Gresford Road form a barrier to mitigation. There is however potential for populations of GCN to the east to be able to access the site.

The mitigation strategy essentially proposes that the reserved matters submissions be informed by additional survey works and, if necessary, incorporate appropriate mitigation. NRW have confirmed that they agree with this approach. These matters can be secured by condition and the long term management of any areas provided for GCN secured by planning obligation. I am satisfied that these will ensure that the development does not adversely impact upon of the favourable conservation status of GCN.

Japanese Knotweed, an invasive species, is present on the site. A condition requiring a scheme to deal with this will be required by condition.

Drainage:

Foul Drainage

Welsh Water initially objected to the application on the grounds that the development would overload the existing sewerage system. However following discussions with the applicant regarding the commissioning of a hydraulic modelling assessment they have lifted their objection and now recommend a Grampian style condition is imposed. The condition will prevent development taking place until a scheme for the provision of foul sewerage infrastructure has been submitted to and approved by Local Planning Authority. The condition will then prevent any dwelling being occupied until the scheme as approved has been implemented in full. The scheme will need to be informed by the hydraulic modelling assessment.

Welsh Water had also objected due to concerns that the Gresford Waste Water Treatment Works had insufficient capacity to accommodate additional demand arising from the development. In response to the objections the applicant commissioned an assessment that identified that the Gresford Waste Water Treatment Works can accommodate the development site thus enabling Welsh Water to lift their objection.

Surface Water

The applicants commissioned an assessment that has demonstrated that the first 2.65 metres of ground below the site surface is unsuitable for the use of soakaway drains. It will therefore be necessary for alternative means to be employed in order to drain surface water. The drainage report refers to two possible alternatives – the use of deeper soakaway drains, if ground conditions are suitable, and on site storage. Either system would need to be designed to ensure that surface water run-off does not exceed existing rates.

I do not believe there are any technical constraints to being able to design drainage systems for the site that ensure that existing run-off rates from the site are not exceeded and that both existing and proposed dwellings are not at undue risk of flooding. A planning condition requiring the submission, approval and implementation of a drainage scheme will be attached.

Air Quality: The application is accompanied by an air quality impact assessment which concludes that the traffic generated by the development will have a negligible impact upon local air quality. Public Protection has accepted the findings of the report and therefore I have no reason to conclude otherwise.

Affordable Housing: In accordance with policy H7 and LPG28 the affordable housing requirement for the development is 91.25 dwellings. LPG28 advises that the 0.25 of a dwelling should be provided as a commuted sum. This together with the provision of the affordable dwellings will be secured by a Planning Obligation. A condition will also be imposed to require the reserved

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matters submissions to include a scheme identifying the number and location of the affordable houses to be provided.

Public Rights of Way: The development will not require the diversion of any rights of way. I note the comments made by Public Rights of Way, Parks and Countryside regarding the upgrading of public footpath Llay no.5 and the provision of a footpath along the Straight Mile from the north-east corner of the site towards Croeshowell however the land required lies outside of the applicants control so it would not be possible for a future developer to deliver the new/improved footway provision they have requested. In any case whilst the requests are desirable I do not consider either essential to make the development acceptable in planning terms.

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

In this particular case, the likely presence of sand and gravel resources is not disputed. The applicants have also demonstrated that due to the depth the sand and gravel deposits lies at, prior removal would not be viable.

The areas of the site subject to MW9 is, at its closest, immediately opposite existing dwellings on the south-western side of Gresford Road and adjoins the properties Maes Rhedyn and Y Bwthyn, which lie immediately to the south of the site. It is also approximately 175m east of the dwellings in Old Meadow Court. Due to the proximity to existing properties it is unlikely to be feasible to extract the minerals without considerable and detrimental impact upon the amenity of the occupiers of existing properties.

Taking all of the above into account, I am satisfied that the need for the development outweighs the harm resulting from the sterilisation of mineral resources.

Welsh Language: I note that it has been suggested that the houses will not be aimed at Welsh people. There is no planning policy requirement for a developer to sell market houses to one particular group of people. The impact a development may have on the Welsh language is however a material consideration.

Policy GDP1(j) requires regard to be had to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm that identity. Local Planning Guidance Note 31: The Welsh Language and Welsh Communities provides further guidance on this matter. LPG31 advises that a Welsh Language and Community Impact Assessment should be carried out for residential developments of 25 or more dwellings proposed in language sensitive wards.

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LPG31 defines Ceiriog Valley, Pant, Ponciau, Coedpoeth, Johnstown, Penycae and Minera as language sensitive wards. Llay is not classed as a language sensitive ward so there is no requirement for an impact assessment to be carried out.

Notwithstanding the above, I have no reason to believe that houses built on the site will be unavailable to existing local residents. Furthermore the development will provide up to 91 affordable houses. The planning obligation will include a requirement that the affordable houses are made available to local people who are in housing need.

Archaeology: The site has been subject to a detailed archaeological investigation. This has confirmed that there are no features of archaeological value within the site. The Clwyd Powys Archaeological Trust have confirmed that no further archaeological investigations of the site are required.

I note the comments made regarding the Straight Mile being an historic feature, however it is not a scheduled ancient monument so is not afforded any specific protection by the planning system. As such the fact that the development is likely to result in the Straight Mile no longer being a continuous mile long length of highway would not be a valid reason to refuse planning permission.

Community Infrastructure: Objectors are concerned that there is insufficient capacity in local schools to cater for additional demand arising from the development. Education has not objected to the development but has confirmed that contributions towards both primary and secondary education are required. These will be secured via a planning obligation. In the absence of an objection from Education I can only conclude that, subject to funding being secured, there is sufficient scope to increase school capacity in the locality to cater for the demand generated by the development.

Objectors have expressed concerns about the capacity of local health care services to cater for additional demand. There is no UDP policy or Local Planning Guidance Notes that impose a specific requirement for the developers to provide or make contributions towards health care facilities. I have nevertheless contacted the Health Board on a number of occasions but no advice or objections have been forthcoming. In the absence of a formal objection it would not be possible to sustain a refusal on the grounds of a lack of health care capacity.

Singret Farm Anthrax outbreak: I am aware that in 1989 there was an outbreak of anthrax in the sheds housing pigs at the nearby Singret Farm. I understand the animals were not free roaming, were slaughtered in situ and all carcasses, bedding, feed and manure were burnt off-site. No part of the application site was affected by the outbreak therefore I have no reason to believe that future occupiers of the site or nearby occupiers are at risk as a result of the development.

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Land Stability: One concern raised by many of the objectors is that that parts of the site have sunk or are sinking.

Prior to the submission of the application the applicant's agent consulted the Coal Authority who confirmed that the site is in the likely zone of influence from workings in 5 seams of coal at 660m to 1000m depth that were last worked in 1966. The Coal Authority confirmed that ground movement from these coal workings should have stopped by now.

I have not been provided with anything other than anecdotal evidence that settlement continues to occur and I am unaware of any ground conditions in the Llay area generally that would prevent sites from being developed. As such I have no reason to believe that the site is unsuitable for development.

If a developer were to encounter ground stability problems, I am confident that there are technical solutions that would enable development to proceed, such as an appropriate specification for foundations and/or proposing a site layout to take account of the issues encountered.

Phasing: Given the size of the site there is the potential that it would be developed in a number of phases. Where appropriate the conditions recommended below therefore allow for submissions to be made for each individual phase rather than for the entire site.

Other matters: Some objectors have expressed concern about the impact the development may have upon businesses on the Llay Industrial Estate. The site is no closer to businesses on the industrial estate than existing residential properties so it is unlikely the development will result in a significant increase in complaints about noise or other disturbance from industrial activities. There is also no reason why the provision of additional housing in Llay will have a detrimental impact upon existing businesses.

I appreciate that there may be some traffic disruption whilst works to construct the site access and to carry out improvements to the Crown crossroads junction are carried out. However this is likely to be relatively short term so would not adversely impact upon businesses in the long term.

CONCLUSION

Whilst I appreciate that the site lies outside of the settlement limit for Llay and therefore conflicts with policy PS1, the development will make a significant contribution towards meeting current and future housing needs in the County Borough.

I am satisfied that an acceptable form of development is achievable without prejudice to the amenity of the occupiers of neighbouring properties, highway safety and ecology. The development is therefore in accordance with UDP policies GDP1, EC6, H7, CLF5 and T8.

RECOMMENDATION A

In accordance with the requirements of the Town and Country Planning (Notification) (Wales) Direction 2012 in respect of a significant residential development that is not in accordance with one or more provisions of the UDP, that the application be referred to the Welsh Ministers

If the Welsh Ministers issue confirmation that they do not intend to call the application or no response is received from the Welsh Minister following the expiry of 21 days from the date the application is referred to them, that the Head of Community Wellbeing and Development be given delegated authority to determine the application in accordance with Recommendations B and C below.

RECOMMENDATION B

That the Council enters into an Obligation under Section 106 of the Town and Country Planning Act 1990 to secure:

- i) The provision of affordable houses. 25% of the total number of dwellings built on site shall be affordable;
- ii) 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.
- iii) The management and maintenance on-site public open space;
- iv) The long term management and maintenance of any on-site habitat mitigation as may be provided;
- v) Financial contributions towards primary and secondary education.
- vi) Financial contributions towards the monitoring of the Travel Plans

That the Head of Community Wellbeing and Development be given delegated authority to approve the final form and content of the Obligation.

RECOMMENDATION C

Upon completion of the Planning Obligation that permission be **Granted** subject to the following conditions:

CONDITION(S)

1. Approval of the following details (hereinafter called "the Reserved Matters") for each phase shall be obtained from the local planning authority before any part of the development in that phase is commenced:

- a. the layout of the building(s) to be erected in that phase
- b. the scale of the building(s) to be erected in that phase
- c. the appearance of the building(s) to be erected in that phase

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- d. the means of access to the site and building(s) to be erected in that phase, to include details of how the phase will be accessed from the B5102 and B5373, the internal estate roads to be constructed within that phase, the pedestrian footways to be provided within that phase and the cycleways to be provided within that phase.
- e. the landscaping of the site within that phase.

2. The first reserved matters application shall include a plan showing the first phase of development and location of all subsequent phases of development (hereinafter called "the Phasing Plan"). All subsequent reserved matters applications shall be submitted in accordance with the Phasing Plan as approved unless otherwise agreed in writing by the local planning authority.

3. 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.

4. 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.

5. The submissions made in respect of condition 01 for the first phase shall include details of the surveys recommended in paragraphs 7.8, 7.14 and 7.15 of the TEP Ecological Assessment (reference 4358.01.001) Version 1.0 dated June 2014. Where surveys of the site have been recommended, these surveys shall be carried out for the whole site subject to this permission. The submissions made in respect of condition 01 for the first and all subsequent phases of the development shall also include

- i) details of how the findings of these surveys have informed the final layout of the development within that phase;
- ii) any schemes of mitigation/compensation that are to be provided within that phase as may be necessary;
- iii) a biosecurity risk assessments for that phase;
- iv) long term management and monitoring plan(s) for the mitigation/compensation area(s).

Where mitigation/compensation is necessary the development shall take place in strict accordance with the mitigation/compensation scheme(s) as approved and the habitat mitigation/compensation area(s) shall thereafter be managed in strictly accordance with the approved long term management and monitoring plan(s)

6. Development shall not commence in each phase until a scheme of remediation in respect of the presence of Japanese Knotweed within the site has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter only take place in that phase in strict accordance with the scheme as approved.

7. No part of the development shall commence in each phase until a scheme to deal with potential contamination within that phase 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

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contamination and any measures required to remediate the site, including post-development monitoring.

8. No dwelling in each phase shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 07 above have been carried out, has been submitted to and approved in writing by the Local Planning Authority.

9. No part of the development shall commence in each phase until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority for that phase. No development or other operations within that phase shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- 2) 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;
- 3) 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;
- 4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- 5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- 6) Method for protecting retained trees during demolition works;
- 7) Details of all proposed tree works, including felling and pruning.

10. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
- iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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11. Development shall not commence until a scheme for the provision of foul sewerage infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of and be informed by a Hydraulic Modelling Assessment. No dwelling shall be occupied until foul sewerage infrastructure has been provided in full and in strict accordance with the scheme as approved.

12. No part of the development shall commence until a scheme of improvements for the junction of the B5102, the B5373 and Chapel Lane has been implemented in full in strict accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.

13. Development in a phase shall not commence until a Construction Environment and Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction shall thereafter be carried out in strict accordance with the details as approved.

14. Development in a phase shall not commence until a scheme of noise mitigation for the dwellings within that phase has been submitted to and approved in writing by the Local Planning Authority. Each dwelling requiring noise mitigation shall not be occupied until the mitigation measures as approved have been implemented in accordance with the scheme as approved.

15. No dwelling shall be occupied until a Traffic Regulation Order in respect of speed limit reductions along the B5102 Straight Mile has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

16. The site layout and landscaping details for each phase that are required by condition 01 shall include an area or areas of public open space to be provided within that phase together with a scheme that includes the following details:

- i) the siting, size, layout and appearance of formal play equipped play areas;
- ii) hard and soft landscaping of the open space area(s);
- ii) the timing of the construction and landscaping of the open space area(s);

Public open space shall be provided on site within each phase in accordance with the scheme as approved and thereafter permanently retained.

17. The submissions made in respect of condition 01 shall include details of the location and layout of off-street vehicular parking and turning areas for each dwelling. No dwelling shall be occupied until the vehicular parking and turning area for that dwelling has been laid out, surfaced and drained in strict accordance with the details as are subsequently approved. The parking and turning areas shall thereafter permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.

18. The submissions made in respect of condition 01 shall include details of the location and layout of off-street vehicular parking, turning and loading/unloading areas for the retail unit. The retail unit shall not be brought into use until the vehicular parking, turning and loading/unloading areas have been laid out, surfaced and drained in strict accordance with the details as

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are subsequently approved. The parking, turning areas and loading/unloading areas shall thereafter permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.

19. The details submitted in respect of condition 01 for each phase include a scheme for the provision of affordable housing in that phase. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN2 or any future guidance that replaces it. The scheme shall include:

i. the numbers and location of the affordable housing provision to be made, which shall consist of not less than 25% of the total number of dwellings to be built in that phase;

ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

20. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.

21. No dwellings in a phase shall be occupied until a Final Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. This plan shall include details of an annual monitoring report which shall be submitted to the Local Planning Authority for written approval following the anniversary of the occupation of the first dwelling and every year after up to and including the fifth anniversary

22. This development makes provision for a maximum of 365 dwellings that do not exceed two and a half storeys in height.

23. The sales floor area of the retail unit shall not exceed 300 square metres.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
2. In the interests of a co-ordinated approach to the development of the site.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. To comply with Section 92 of the Town and Country Planning Act, 1990.
5. In order to protect wildlife interests, which are afforded special protection.
6. To remove and control the spread of an invasive species.
7. In the interests of the amenities of the future occupants of the buildings.
8. In the interests of the amenities of the future occupants of the buildings.
9. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s).
10. To ensure satisfactory drainage of the site and to avoid flooding.

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11. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment.
12. In the interests of the free flow of traffic and highway safety.
13. To protect the amenities of the occupiers of nearby properties.
14. In the interests of ensuring the amenity of future occupiers of the development.
15. In the interests of highway safety.
16. In the interests of the appearance of the development and the standard of amenity afforded to future occupiers.
17. 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.
18. To provide for the loading, unloading, 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.
19. To ensure the development complies with the requirements of policy H7 of the Wrexham Unitary Development Plan.
20. To protect the amenities of the occupiers of nearby properties.
21. To support the Council's approved Integrated Transport Strategy and to reduce dependency on the motor vehicle.
22. In the interests of the free flow of traffic on the local highway network.
23. To protect the vitality and viability of the Wrexham town centre and the district shopping centres.

NOTE(S) TO APPLICANT

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

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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.

RECOMMENDATION D

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 Community Wellbeing and Development be given delegated authority to refuse the application 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 GDP1 and CLF5 of the Wrexham Unitary Development Plan.
 3. The development makes inadequate provision for the long term maintenance of any on-site habitat areas and as such does not accord with policy EC6 of the Wrexham Unitary Development Plan.
 4. 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.
 5. The development does not make adequate provision for the monitoring of the implementation of travel plans and, in turn, the encouraging of travel by non-car means and therefore conflicts with policy GDP1(e).
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Appendix 10

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In the High Court of Justice
Queen's Bench Division
The Administrative Court
Cardiff District Registry



Claim No: CO/12114/2011

BETWEEN:

ROCKRITE HAULAGE LIMITED

Claimant

- and -

**(1) THE WELSH MINISTERS
(2) WREXHAM COUNTY BOROUGH COUNCIL**

Defendants

CONSENT ORDER

R. *Styl.*

TAKE NOTICE that we the undersigned solicitors acting for the above mentioned parties HEREBY CONSENT to an Order in the following terms:

1. That the decision of the First Defendant made by letter dated 7th November 2011 be quashed;
2. That the First Defendant do pay the Claimant's costs of the Claim to be subject to detailed assessment on the standard basis if not agreed.

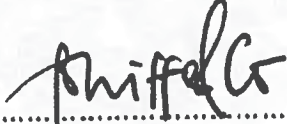
PARTICULARS

- (1) These proceedings concern an application under section 288 of the Town and Country Planning Act 1990 ("the 1990 Act") against the decision of the First Defendant's Inspector given by letter dated 7th November 2011 to refuse an appeal made by the Claimant under section 78 of the 1990 Act for the planning permission of a change of use from stocking area associated with Dennis Ruabon Tilery to a mortar and concrete batching plant;

(2) The First Defendant has carefully considered the said decision in the light of the Details of Claim attached to the Claim Form and the evidence served in support of the Claim. The First Defendant concedes that the said decision should be quashed on the ground that the Inspector erred in law in concluding that the appeal site did not have lawful employment use on the evidence before him at the time the decision was taken;

(3) The Second Defendant accordingly concedes that the said decision should be quashed.

DATED this 23 day of MAY 2012


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CH1 1DP

Contact - Mr Andrew Bartley

Solicitors for the Claimant

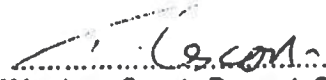

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The Treasury Solicitor
One Kemble Street
London

WC2B 4TS

Ref: Z1200149/ZAL/B5
Contact - Ms Zainib Ali

Solicitors for the First Defendant


.....
Wrexham County Borough Council
Corporate and Customer Services
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LL11 1AY

Contact - Mr Aled Rowlands

Solicitors for the Second Defendant

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
CARDIFF DISTRICT REGISTRY

Claim No: CO/12114/2011

BETWEEN:

ROCKRITE HAULAGE LIMITED

Claimant

and

(1) THE WELSH MINISTERS
(2) WREXHAM COUNTY
BOROUGH COUNCIL

Defendants

CONSENT ORDER

The Treasury Solicitor
One Kemble Street
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