

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

PLANNING STATEMENT

ON BEHALF OF

GLADMAN DEVELOPMENTS LIMITED

**IN SUPPORT OF A
MIXED USE OUTLINE PLANNING APPLICATION
RELATING TO DENNIS RUABON, HAFOD TILERIES,
HAFOD ROAD/BANGOR ROAD,
JOHNSTOWN, WREXHAM, LL14 6ET**

23 JUNE 2013

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7 Swan Square
15 Swan Street
Manchester
M4 5JJ

t/ 0161 300 3476
e/ info@houriganconnolly.com
w/ www.houriganconnolly.com

1. INTRODUCTION

BRIEF

- 1.1 Hourigan Connolly has been instructed by Gladman Developments Limited (hereafter referred to as 'Gladman' or the 'applicant') to prepare a Planning Statement in support of a mixed use planning application relating to the redevelopment of Dennis Ruabon, Hafod Tileries, Hafod Road/Bangor Road, Wrexham (hereafter referred to as 'the site'). The description of development given in the planning application forms and covering letter is as follows:

"Demolition of all existing structures and redevelopment for up to 300 dwellings, up to 465 sq. m. of employment floorspace (Class B2 or B8), up to 235 sq. m of retail floorspace (Class A1), areas of public open space, new wildlife habitat creation and associated works and infrastructure".

- 1.2 All matters are reserved in the outline planning application save for means of access.

PURPOSE

- 1.3 The purpose of this Planning Statement is as follows:

- To provide an overview of the physical constraints at the site.
- To identify any statutory or local planning related designations affecting the site.
- To examine previous planning decisions that have been made that are material to the proposals for redevelopment of the site.
- To describe the work that has been undertaken by the consultancy team and the implications arising from that work.
- To provide details of the scheme that has been brought forward by way of the outline planning application.
- To consider the principle of development having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 1.4 This document should be read in conjunction with the suite of documents submitted in support of the outline planning application.

FORMAT

1.5 The remainder of this document is structured as follows:

- Chapter 2- The Site & Surrounding Area.
- Chapter 3 – Planning History.
- Chapter 4 – Statutory & Other Designations.
- Chapter 5 – The Proposed Scheme.
- Chapter 6 – Supporting Information for the Outline Planning Application.
- Chapter 7 – The Development Plan.
- Chapter 8 – Other Material Considerations.
- Chapter 9 – Summary of Benefits and Conclusions.

2. THE SITE & SURROUNDING AREA

INTRODUCTION

- 2.1 A site plan identifying the extent of the application site (edged red) is submitted as part of the planning application documentation.

THE SITE

- 2.2 The site comprises previously developed land extending to circa 17.34 hectares (42.84 acres) and lies to the east of Johnstown within the County Borough of Wrexham.
- 2.3 A site location plan is provided below.



Fig. 2.1. Site Location ●

- 2.4 Dennis Ruabon Tiles was founded in 1878 but closed in 2008 after 130 years of manufacturing.
- 2.5 The site comprises the former Dennis Ruabon factory an industrial legacy site which has had a long association with the production of clay products (bricks and tiles) due to the large deposits of clay in the immediate vicinity.

- 2.6 The application site is now derelict and comprises significant areas of hardstanding, former clay stock piling areas, tipped areas as well as redundant buildings. The site is traversed by two high voltage power lines carried by pylons.
- 2.7 Existing vehicular access to the site is via Hafod Road. The site is also traversed by Public Rights of Way, full details of which are set out in Figure 6 of the accompanying Transport Assessment.
- 2.8 In terms of natural features there are areas of broadleaved woodland mainly in the southern part of the site together with numerous hedgerows and trees along the boundaries of the site. The Aberderfyn Brook runs through the southern section of the site and there are also areas of standing water within the site.
- 2.9 An aerial photo of the application site is provided below.



Fig 2.2 Aerial photo of the application site outlined in red (illustrative only).

SURROUNDING AREA

- 2.10 To the north of the site are industrial and sui generic uses comprising a concrete batching plant (including a 20KW wind turbine with a tower height of 18 metres) and gas bottle business. Further to the north is Bonc Yr Hafod a Community Park comprising woodland situated on waste from the former Hafod Colliery. The Park forms part of the Johnstown Special Area of Conservation (SAC) which also includes land to the west of the application site beyond which is the Chester to Shrewsbury railway line and the Johnstown urban area.
- 2.11 To the east of the site is Hafod Road beyond which is Ty Coch Farm and the A483. The A483 is a main arterial route through the Welsh Marches providing a dual carriageway link for much of its length between Chester, Wrexham and Ruabon. To the south of Ruabon and close to the village of Chirk the A483 joins the A5 which provides a link between the port of Holyhead in North Wales and London.
- 2.12 To the south of the site is Bangor Road (B2426). The northern side of Bangor Road (adjoining the application site) has a footpath providing a pedestrian link to Johnstown. Further to the south is Hafod clay quarry and landfill site which is owned and operated by Cory Environmental.

SUSTAINABILITY CONSIDERATIONS

- 2.13 The Transport Assessment submitted in support of the outline planning application identifies local shops, service and educational establishments to meet day-to-day needs. The Transport Assessment outlines the proximity of these facilities in relation to the application site having regard to reasonable walking and cycling distances.
- 2.14 The Transport Assessment identifies local transport provision in the form of bus services and the railway station at Ruabon and assesses the proximity of public transport facilities in relation to the application site.
- 2.15 In terms of accessibility the Transport Assessment concludes that there are a range of facilities to meet day to day needs within walking and cycling distance of the application site. Public transport facilities are located in close proximity of the application site providing sustainable travel links to higher order centres and employment areas.
- 2.16 In relation to local medical facilities (Drs and Dentists) we have made enquiries with the relevant Practices within 2km and 5km all of which have confirmed that they are accepting new patients.
- 2.17 In relation to primary and secondary schools work commissioned by our client suggests that local schools have capacity to accommodate the proposed scheme.

SUMMARY

- 2.18 In summary the application site comprises a substantial parcel of previously developed land that is derelict and dilapidated.
- 2.19 The application site has a long history of association with the local community but due to its physical state it now has a negative impact on the locality.
- 2.20 The application site is closely associated with Johnstown and connections are available between the site and settlement to foster journeys on foot, by bicycle, by public transport and by private motorised vehicles.
- 2.21 The surrounding area has a range of facilities to meet day to day needs and there is capacity within local services to accommodate the proposed development.

3. PLANNING HISTORY

INTRODUCTION

- 3.1 The Council will be aware that Hourigan Connolly was involved with a recent appeal and High Court challenge in relation to an Inspector's decision relating to the concrete batching plant to the north of the application site. As part of that process Hourigan Connolly, with the assistance of Officers of the Council, inspected the statutory register of planning applications.

IMPLICATIONS

- 3.2 There have been numerous planning applications and decisions associated with the site over the years. We do not propose to deal with each application in this statement in the interests of brevity and because the majority of applications and decisions are not relevant to our clients current proposals. However, we consider that the following matters are material to consideration of our client's proposals.

ESC 00015

- 3.3 By Notice dated 8 May 1996 planning permission (ESC 00015) was granted for clay stock piling on land within the north west corner of the site and that now occupied by the concrete batching plant.

ESC 22453

- 3.4 By Notice dated 11 July 1994 outline planning permission was granted for industrial development and the construction of a new vehicular and pedestrian access on land extending to circa 17.6 hectares. An extract identifying the extent of the outline planning permission is set out below.

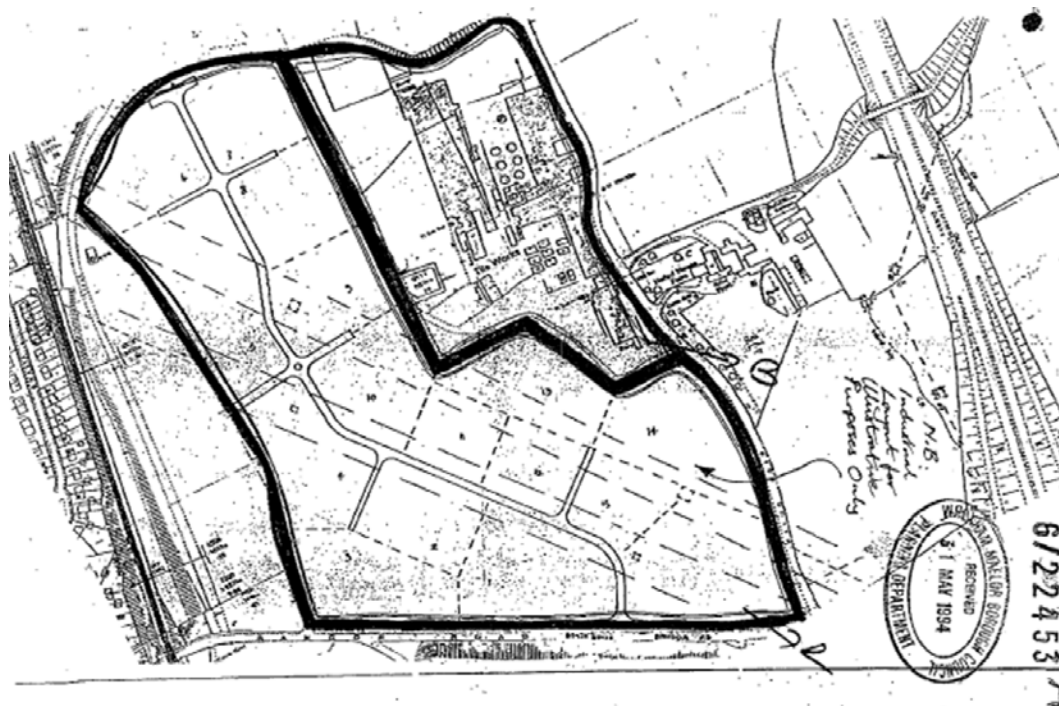


Fig 3.1 Approved Site Plan – Planning Permission ESC22453 (Not To Scale).

- 3.5 The Chief Planning Officer in his report to the Planning Committee identified that the site lay outside the settlement limit for Johnstown/Rhos in the then adopted and review Local Plans and was an industrial site proposal with medium term availability. The Chief Planning Officer went on to comment as follows:

“....Although the site is outside the settlement boundary in both plans I do not believe that the proposals are objectionable in view of the previous allocation and the fact that the site closely adjoins the settlement of Johnstown to the west, the tileworks to the east, the proposed tip to the south and other industrial land to the north”.

APPEAL REFERENCE: APP/H6955/A/11/2150207

- 3.6 In relation to the appeal in respect of the adjacent concrete batching plant the following extracts from the Inspector’s decision letter of 1 November 2012 are relevant:

“6. UDP Policy PS6 sets out the approximate amount of employment land to be made available during the plan period and this is quantified in Policy E1. The requirement is made up of land with planning permission (as at 1 April 2001) and land allocations. A 17.6 ha site adjacent to Dennis Ruabon, Hafod Road is listed at Appendix II of the plan, Land with Planning Permission, as being within the former group. Whilst sites with planning permission are not shown on the Proposals Map, I have no evidence that the appeal site is not included within this area. The explanatory text sets out that employment

development will be directed to locations listed in Policy E1 and to sites with planning permission for employment use.

7. Although the site is not within a defined settlement or explicitly allocated for employment it does, through UDP Policy E1 and Appendix II, appear to be an employment area. The development which is the subject of this appeal therefore complies with UDP Policies PS1, PS6 and E1 and is appropriate for this location".

- 3.7 For the avoidance of any doubt the planning permission referred to above by the Inspector is Planning Permission ESC22453. This appeal decision is important because it clarifies that status of the Dennis Ruabon site as an employment area.

SUMMARY

- 3.8 In summary the planning history of the site confirms that the land now the subject of our client's planning application comprises the Dennis Ruabon planning unit (Use Class B2) and is part of an employment area.
- 3.9 Moreover there can be no doubt that planning history of the site and its physical appearance supports the fact that the site comprises previously developed land.
- 3.10 The application site has been subject to numerous planning applications and decisions but of relevance to the current proposals is a 1994 outline planning permission for redevelopment of 17.6 hectares of land for industrial development. This permission establishes that the Council held the view that the application site has a close relationship with the settlement of Johnstown.

4. STATUTORY AND OTHER DESIGNATIONS

JOHNSTOWN SPECIAL AREA OF CONSERVATION

- 4.1 Special Areas of Conservation (SACs) are strictly protected sites designated under the EC Habitats Directive. Article 3 of the Habitats Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive (as amended).
- 4.2 The Johnstown SAC is important because of its population of newts and lies to the north and west of the application site. However a small part of the SAC (which is not proposed to be developed) lies within the application site.



Fig 4.1 Ariel Image Identifying The Johnstown SAC – Source Countryside Council for Wales.

- 4.3 The application is accompanied by a Habitats Regulation Assessment.

TREE PRESERVATION ORDERS

- 4.4 An Arboricultural Impact Assessment has been undertaken by FPCR and is submitted in support of the outline planning application. We understand that FPCR has not identified any Tree Preservation Orders affecting the application site.

PUBLIC RIGHTS OF WAY

- 4.5 Public Rights of Way are identified in Figure 6 of the Transport Assessment and Figure 4.2 below.

FLOOD RISK

- 4.6 According to the Environment Agency's web site the application site is located within Zone A and is at a low risk of fluvial flooding. However the outline planning application is accompanied by a Flood Risk Assessment which considers flooding from various sources in more detail.

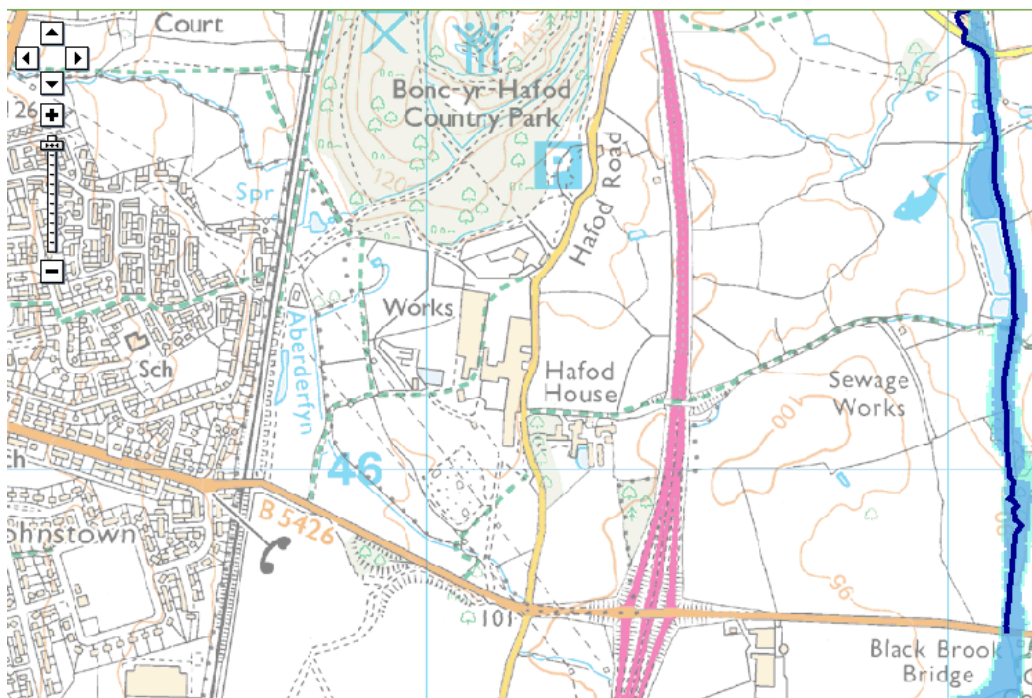


Fig. 4.2 – Extract from the Environment Agency's web site.

AIR QUALITY MANAGEMENT AREAS

- 4.7 The outline planning application is accompanied by an Air Quality Assessment, however it is worthy of note that neither the site nor the surrounding area falls within an Air Quality Management Area.

DESIGNATED HERITAGE ASSETS

- 4.8 The outline planning application is accompanied by a desk based archaeological assessment that concludes that the site contains no designated heritage assets.

SUMMARY

- 4.9 In summary the application site is primarily affected by the Johnstown SAC; however impacts are fully assessed in the Habitats Regulations Assessment which is considered further later in this Statement.

5. THE PROPOSED SCHEME

THE APPLICATION PROPOSALS

- 5.1 The proposals are submitted in outline with all matters reserved save for means of access. The short description of the proposals is:

“Demolition of all existing structures and redevelopment for up to 300 dwellings, up to 465 sq. m. of employment floorspace (Class B2 or B8), up to 235 sq. m of retail floorspace (Class A1), areas of public open space, new wildlife habitat creation and associated works and infrastructure”.

ACCESS

- 5.2 In terms of access one point of connection between the site and the public highway has been specified in the application and this is on Bangor Road (B5426). Access to and from Bangor Road will be via a new roundabout junction.
- 5.3 The illustrative masterplan submitted in support of the scheme also shows how pedestrian connections could be made between the site and the existing public highway network. The illustrative masterplan also provides for an indicative location for an emergency access from Hafod Road. With the exception of the roundabout junction to Bangor Road all other access points would be dealt with at the reserved matters stage.

RESIDENTIAL

- 5.4 The documents submitted in support of the application demonstrate that there are significant costs associated with securing the remediation and regeneration of this previously developed industrial legacy site. Accordingly while the scheme comprises a mix of uses it is led by a residential development of up to 300 dwellings. It is envisaged that a subsequent reserved matters application would contain a mix of dwelling types and sizes to ensure that a mixed and balanced community is created. These principles are embodied in the illustrative masterplan that accompanies the scheme.

RETAIL

- 5.5 A modest retail unit is proposed at the entrance to the site and is designed to serve the development.

5.6 **EMPLOYMENT**

5.7 The scheme also provides for the construction of a number of employment units which obviously have the potential to create local employment.

5.8 **GREAT CRESTED NEWT RESERVE**

5.9 The applicants and their ecologists have worked closely with the Council and the Countryside Council for Wales (CCW) on the ecological aspects of the scheme. The proximity and importance of the Johnstown SAC is recognised and accordingly the proposals provide for 5.78 hectares to be dedicated to a reserve for Great Crested Newts.

PROPOSED AMENITY SPACE

5.10 The proposals also provide amenity space to include an equipped children's play area. The total amount of land dedicated to amenity space being 3.87 hectares.

DESIGN APPROACH

5.11 The approach to the design of the scheme is fully articulated in the Design and Access Statement submitted in support of the application.

SUMMARY

5.12 In summary the proposals have the potential to deliver a high quality scheme that would secure the remediation and regeneration of this industrial legacy site.

6. SUPPORTING INFORMATION FOR THE OUTLINE PLANNING APPLICATION

INTRODUCTION

- 6.1 In this Chapter we set out the information submitted as part of the outline planning application.

PLANS & DRAWINGS

- 6.2 The following plans and drawings are submitted with the outline planning application:
- Location Plan.
 - Topographical Survey.
 - Development Framework Plan.

DESIGN & ACCESS STATEMENT

- 6.3 The planning application is accompanied by a Design and Access Statement which is completed in accordance with the requirements of The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012. The Design and Access Statement also contains an illustrative masterplan showing how the site could be developed.
- 6.4 The Design and Access Statement also has regard to the guidance published in TAN 12 and other relevant national and local guidance.

LANDSCAPE & VISUAL IMPACT ASSESSMENT (LVIA)

- 6.5 A LVIA is submitted in support of the scheme and concludes that the proposed scheme could be assimilated in to the local landscape without unacceptable landscape or visual effects.

TRANSPORT ASSESSMENT

- 6.6 The Transport Assessment submitted in support of the proposals concludes that the proposed development is in accordance with national and local policies and that there are no transport/highways reasons for refusing planning permission.

FRAMEWORK TRAVEL PLAN

- 6.7 The proposals are accompanied by a Framework Travel Plan which promotes sustainable travel awareness and encourages sustainable travel choices.

HABITAT REGULATIONS ASSESSMENT

- 6.8 The proposals are accompanied by a Habitat Regulations Assessment having regard to the Johnstown SAC and this concludes that the proposals are acceptable.

ECOLOGICAL ASSESSMENT

- 6.9 The proposals are accompanied by an Ecological Assessment and this concludes that the proposals are acceptable and would deliver significant ecological benefits.

ARBORICULTURAL ASSESSMENT

- 6.10 The proposals are accompanied by an Arboricultural Assessment and this concludes that the proposals are acceptable as they would not have an adverse effect on the local tree population and the development would provide extensive areas of new broadleaves tree planting.

PHASE 1 DESK STUDY

- 6.11 A Phase 1 Desk Study has been undertaken to consider at ground conditions. While remediation of contamination is required this matter can be adequately dealt with by way of standard planning conditions.

FLOOD RISK ASSESSMENT

- 6.12 The proposals are accompanied by a Flood Risk Assessment which considers flooding from the watercourse crossing the site and the existing drainage network. The Flood Risk Assessment also deals with surface water arising from the proposed development and foul drainage. The Flood Risk Assessment concludes that the proposals are acceptable having regard to flooding and drainage matters.

AIR QUALITY

- 6.13 An Air Quality Assessment has been undertaken which concludes that the proposals are acceptable having regard to dust and odours from nearby sites.

NOISE

- 6.14 A Noise Assessment has been undertaken which concludes that the proposals are acceptable subject to noise mitigation. Again these matters can be dealt with by way of standard planning conditions.

ARCHAEOLOGICAL DESK BASED ASSESSMENT

- 6.15 The proposals are accompanied by an Archaeological Desk Based Assessment which concludes that the proposals will not affect designated heritage assets and are acceptable.

STATEMENT OF COMMUNITY INVOLVEMENT

- 6.16 The Statement of Community Involvement submitted in support of the scheme outlines the measures taken by the applicants to engage local stakeholders and the responses received prior to the application being submitted.

WELSH LANGUAGE & COMMUNITY IMPACT STATEMENT

- 6.17 The proposals are accompanied by a Welsh Language & Community Impact Statement which demonstrates that the proposals have significant benefits for the local community.

FINANCIAL VIABILITY APPRAISAL

- 6.18 As outlined above the site requires a significant amount of investment in order to secure the remediation and regeneration of the land. A financial viability appraisal has been undertaken which outlines the amount of Section 106 Agreement costs the site could absorb before development becomes unviable.

SUMMARY

- 6.19 In summary the Council has been presented with a full suite of supporting documents to enable thorough consideration of the application proposals.

7. THE DEVELOPMENT PLAN

INTRODUCTION

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

“where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

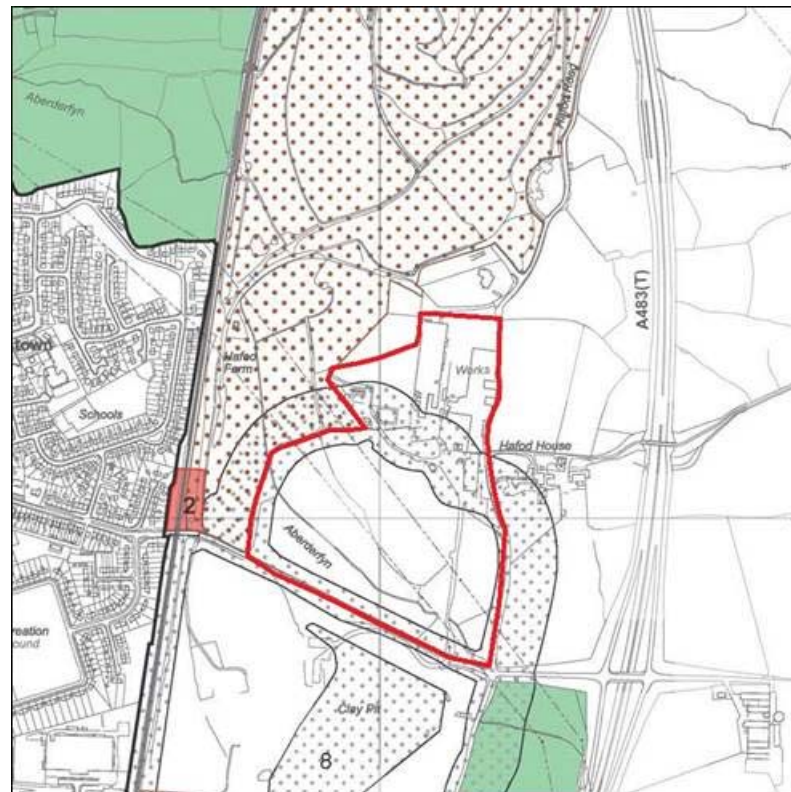
- 7.2 In this instance, the Development Plan comprises the adopted Wrexham Unitary Development Plan (UDP).

WREXHAM UDP

- 7.3 The Wrexham UDP was adopted in February 2005 and covered the Plan period 1996 – 2011. The UDP is therefore time expired and whilst the UDP forms the Development Plan its policies and provisions should be afforded decreasing weight in favour of other material considerations such as national planning policy¹.

¹ See Section 2.7 of Planning Policy Wales (Edition 5 – November 2012).

PROPOSALS MAP



Inset Plan Notation / Nodiadau Map Mewnrosodiad

	County Boundary / Ffin y Sir		Land Reclamation / Adfer Tir - EC16
	Settlement Limit / Ffin Anheddiad - PS1		Community and Leisure Facilities / Cyfleusterau Cymunedol ac Adoliant - CLF2
	District Shopping Centre / Canolfan Siopa Cylch - S5		Housing / Tai - H1
	Employment / Gwaith - E1		Railway Station / Gorsaf Rheilffordd - T3
	Commercial Offices / Swyddfeydd Masnachol - E7		Walking/Cycling Route / Llwybr Cerdded/Belcio - T10
	Green Barrier / Ffin Gwyrdd - EC1		Protection of Mineral Resources / Diogelu Adnoddau Mwynau - MW9
	Special Landscape Area / Ardal Tirlun Arbennig - EC5		Minerals Buffer Zone / Cylchfeydd Rhagod Mwynau - MW11
	Biodiversity Conservation / Cadwraeth Bioamrywiaeth - EC6		
	Conservation Area / Ardal Cadwraeth - EC7, EC8		
	Development and Flood Risk / Datblygiad a Perygl Llif - EC12		

Fig. 7.1 Extract from the UDP Proposals Map – Application Site Outlined In Red – Not To Scale.

PROPOSALS MAP CONSIDERATIONS

MINERALS BUFFER ZONE

- 7.4 As can be seen from the Proposals Map extract part of the site is subject to a Minerals Buffer Zone (MBZ) where Policy MW11 of the UDP is applicable. Policy MW11 states that new sensitive

non-mineral development will be resisted within MBZs. Sensitive development is defined as housing and schools in Paragraph 11.12 of the supporting text to Policy MW11.

- 7.5 Having regard to the extent of the MBZ it appears to reflect historic clay extraction from land to the south and stock piling within the application site.
- 7.6 In any event the Council will note that the illustrative masterplan submitted in support of the scheme does not envisage any sensitive development being located along the Bangor Road frontage within the MBZ.
- 7.7 In terms of sensitive development dwellings are proposed in the northern part of the site and this is considered entirely appropriate having regard to the conclusions reached in the applicant's Noise and Air Quality Assessments.
- 7.8 In summary, whilst the Policy MW11 indicates that residential development will be resisted in MBZs it is submitted that the noise and air quality assessment submitted in support of the application indicate that such uses can be accommodated on the site without detriment to amenity. In other words there are other material considerations which indicate that the proposals represent an acceptable departure from Policy MW11.

NATURE CONSERVATION

- 7.9 As can be seen from the Proposals Map extract land to the west of the application site is subject to Policy EC6 which states that:

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

- 7.10 A Habitats Regulation Assessment and Ecological Assessment is submitted in support of the proposals which conclude that the scheme is acceptable. It should be noted that no built development is proposed within the Johnstown SAC and that the proposals include for the creation of a substantial newt reserve as well as large areas of amenity open space. In summary the proposals are fully compliant with Policy EC6.

SETTLEMENT LIMITS

- 7.11 The application site lies outside of and to the east of the Johnstown settlement limit.

- 7.12 Policy PS1 indicates that new development for housing, employment and community services will be directed to within defined settlement limits/employment areas.
- 7.13 In the first instance the UDP is time expired. The settlement limits contained within the UDP are reflection of development need for the Plan period 1996 – 2011; they must therefore be afforded limited weight, especially given that the Council cannot demonstrate a 5 year supply of deliverable dwellings (see below) and the Local Development Plan (LDP) (1) for Wrexham was withdrawn in the Spring of 2012 and the delivery agreement for the LDP (2) was only approved by the Welsh Government on 24 January 2013 and has an anticipated adoption date of December 2016 (further details given in Chapter 8). Therefore there is unlikely to be an up-to-date Development Plan in place in Wrexham for the next 3.5 years, thereby leaving a local policy vacuum.
- 7.14 Secondly, the application site is an employment area by its inclusion (in part) within Appendix 2 of the UDP (land with planning permission for employment at 1 April 2001) and having regard to the Inspector's conclusions in the EcoReadymix appeal decision relating to the land to the north of the application site (referred to at Chapter 3).
- 7.15 Thirdly, the wording of Policy PS1 is imprecise; it does not direct specific land uses to within the defined settlement limits and employment development to employment areas (which in any case are not clearly defined in the UDP) rather it directs housing, employment and community services to within defined settlement limits/employment areas. The logical interpretation of Policy PS1 is that if a site is located outside of a settlement limit (as is the cases with this application) but it is an employment area (as is the case here) then its redevelopment for housing, employment and community services would be commensurate with the policy.
- 7.16 In summary we consider that the proposed development is compliant with Policy PS1.

UDP PART 1 – STRATEGIC POLICIES

- 7.17 Part 1 of the UDP deals with strategic policies. Policy PS1 is to be found in part 1 of the UDP and is addressed above. Other relevant policies within Part 1 of the UDP are addressed in the policy compliance table below.

Table 1: Wrexham UDP Strategic Policies Compliance

Policy	Comments	Compliant?
PS2	The proposals would not have a detrimental effect on the countryside, landscape character, open space or the quality of the natural environment.	✓
PS3	The proposals use previously developed, vacant, derelict and dilapidated land.	✓
PS4	The proposals would have no harm on the existing settlement pattern as the site is already developed. The site is in close proximity to shops and services and public transport.	✓
PS7	Whilst the town centre and district shopping centres are the priority for new shopping development the policy does not indicate that retail development elsewhere will be resisted.	✓
PS11	The proposals will improve the biodiversity value of the site. Ecological interests will be protected and enhanced.	✓

UDP PART 12 – SPECIFIC POLICIES

- 7.18 We deal with the Council's UDP Part 2 Specific Policies below in Chapter Order as they are relevant.

GENERAL DEVELOPMENT PRINCIPLES

Table 2: Wrexham UDP General Development Principles Compliance

Policy	Comments	Compliant?
GDP1 (a)	The proposals are presented in outline and detailed design would be dealt with at the reserved matters stage. Clearly the proposals would make a positive contribution to the appearance of the locality.	✓
GDP1 (b)	The proposals are presented in outline and detailed design would be dealt with at the reserved matters stage. However the principles illustrated in the illustrative masterplan adequately take into account public safety and security.	✓
GDP1 (c)	The proposals are presented in outline and detailed design would be dealt with at the reserved matters stage. However there is no evidence to suggest that the proposals cannot make provision for sustainability considerations.	✓
GDP1 (d)	The transport assessment demonstrates that the proposals can be safely accessed by all users.	✓
GDP1 (e)	The site is conveniently located in relation to shops and services and public transport.	✓
GDP1 (f)	Remediation of contamination, water quality, dust (during construction) noise are all matters that can be controlled by condition. Odour is not an issue.	✓
GDP1 (g)	Utilities are available as necessary.	✓
GDP1 (h)	The proposals safeguard the Johnstown SAC, provide for its enhancement and provide new areas of habitat.	✓
GDP1 (i)	Flood risk can be appropriately managed on this site.	✓
GDP1 (j)	The proposals would have no adverse impact on the Welsh culture or language.	✓
GDP1 (k)	The proposals promote the economic, social and environmental well-being of the area.	✓
GDP2	Local facilities have capacity to accommodate the development.	✓

ENVIRONMENT & CONSERVATION

Table 3: Wrexham UDP Environment & Conservation Policies Compliance

Policy	Comments	Compliant?
EC4	The proposals would not have an adverse impact on the local tree population and provide for significant new planting.	✓
EC6	See Paragraph 7.10 – 7.11 of this Statement.	✓
EC11	The proposals will not affect any designated heritage assets.	✓
EC12	Flood risk can be appropriately managed on this site.	✓
EC13	The development would not adversely affect surface water run-off from the site.	✓
EC14	The development would not adversely affect controlled water.	✓
EC15	The proposals would secure the remediation, reclamation of a derelict and dilapidated site which is contaminated.	✓

HOUSING

7.19 Policy H5 is concerned with new housing outside of defined settlement limits. The proposals are clearly contrary to Policy H5. However when the following matters are considered we consider that there is a credible case to depart from Policy H5:

- The UDP is out-of-date.
- The settlement limits are based upon development needs to 2006 only.
- The Council is unable to demonstrate a five year supply of deliverable dwellings.
- The site comprises previously developed land that is contaminated, derelict and dilapidated.
- The site is closely related to Johnstown.
- The site is located in close proximity to shops, services and public transport.
- The proposals would deliver a multitude of benefits as set out in this Statement.

- 7.20 Policy H7 is concerned with affordable housing. The proposals provide for an element of affordable housing having regard to the significant costs associated with redeveloping and regenerating this industrial legacy site.

EMPLOYMENT

- 7.21 Policy E5 concerning employment in the countryside limits such development to the conversion of existing buildings is clearly in conflict with Policy PS1. In this respect we consider that Policy E5 is not relevant to the proposals.

SHOPPING

- 7.22 The proposals provide for up to 235 sq. m of retail floorspace which is envisaged to serve the proposed residential and employment development and have sustainability benefits by reducing the need to travel.
- 7.23 It is noted that Policy S6 deals with Local Needs Shopping within settlement limits noting that sales floor space would be restricted to 300 sq. m. It is acknowledged that Policy S6 is not relevant to the application proposals as they lie outside the settlement limit for Johnstown.
- 7.24 While Policy S7 deals with retail sales in the countryside it is according to the supporting text more relevant to rural areas rather than large previously developed sites on the edge of an existing settlement. While the applicants acknowledge that the proposals are contrary to Policy S7 it is our view that the sustainability benefits that would materialise as a result of permission being granted are a matter to be considered in the overall planning balance and should clearly be afforded weight in the consideration of our client's proposals.
- 7.25 Given the local nature of the retail proposals at the application site permission is sought for up to 235 sq. m gross floor area only i.e. well below the 300 sq. m net floorspace limit set out in Policy S6 and deemed to be appropriate under Policy S5 for serving an existing settlement.

COMMUNITY & LEISURE FACILITIES & TOURISM

Table 4: Wrexham UDP Community & Leisure Facilities & Tourism Policies Compliance

Policy	Comments	Compliant?
CLF5	The proposals provide adequate open space to serve the proposed residential development.	✓
CFL6	The proposals will protect existing public rights of way as well as deliver improvements	✓

TRANSPORT

Table 5: Wrexham UDP Transport Policies Compliance

Policy	Comments	Compliant?
T8	Adequate parking facilities can be provided at the reserved matters stage to serve the proposed development.	✓
T9	The proposals provide adequately for pedestrians and cyclists.	✓

SUMMARY

- 7.26 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.27 The proposals are compliant with the provisions of the Development Plan save for Policy MW11, Policy H6 and Policy S7. However we have identified a number of other material considerations which suggest that a departure from these policies would be appropriate in this case.

8. OTHER MATERIAL CONSIDERATIONS

INTRODUCTION

- 8.1 Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (*R v Westminster CC ex-parte Monahan 1989 refers*).
- 8.2 The Courts are the arbiters of what constitutes a material consideration. All the fundamental factors involved in land-use planning are included, such as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure.
- 8.3 The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case. But where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy, they must give clear and convincing reasons (*E C Grandson and Co Ltd v SSE and Gillingham BC 1985 refers*).
- 8.4 Emerging policies, in the form of draft policy statements and guidance, can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review; and the circumstances which have led to that review may need to be taken into account. In this case the following material considerations are relevant.

THE WALES SPATIAL PLAN (2008 UPDATE)

- 8.5 The Wales Spatial Plan – People, Places, Futures – was originally adopted by the National Assembly for Wales in November 2004. The Spatial Plan was up-dated in 2008 but the broad 20 year agenda and overall role, purpose and principles of the Wales Spatial Plan remain unchanged:
- Making sure that decisions are taken with regard to their impact beyond the immediate sectoral or administrative boundaries and that the core values of sustainable development govern everything we do.
 - Setting the context for local and community planning.
 - Influencing where money is spent by the Welsh Government through an understanding of the roles of and interactions between places.

- Providing a clear evidence base for the public, private and third sectors to develop policy and action.

8.6 The Spatial Plan identifies six sub-regions in Wales without defining hard boundaries, reflecting the different linkages involved in daily activities. Wrexham lies within the North East Wales Sub Region where the vision is:

“An area harnessing the economic drivers on both sides of the border, reducing inequalities and improving the quality of its natural and physical assets.”

8.7 Wrexham is identified as a Key Settlement of National Significance containing Key Business Sector Areas and Key Regeneration Areas.

PLANNING POLICY WALES (EDITION 5, NOVEMBER 2012)

8.8 PPW contains current land use planning policy for Wales. It provides the policy framework for the effective preparation of Local Planning Authorities' Development Plans. PPW is supplemented by 21 topic based Technical Advice Notes (TANs). Procedural guidance is given in Welsh Office / National Assembly for Wales / Welsh Government circulars.

8.9 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Assembly Government. Its central objective is to promote and provide a framework for sustainable development in Wales.

8.10 PPW outlines that planning can help to reduce the need to travel, especially by private car, and enhance the access to new development locations by public transport, bicycle and foot. PPW also encourages the creation of sustainable residential environments and encourages local authorities to promote:

- Easily accessible developments;
- Attractive landscapes around dwellings;
- An emphasis upon quality and designing places for people;
- An efficient use of land; and
- The creation of well-designed residential environments at an appropriate density.

PREFERENCE FOR THE REUSE OF LAND

8.11 Paragraph 4.9.1 of PPW is relevant to this case and sets out the Welsh Government's preference for the re-use of previously developed land as opposed to greenfield sites. This of course subject to the previously developed site in question being suitable for the proposed development. The applicant's position is that the site is entirely suitable for the proposed development and clearly

the granting of planning permission would reduce the need for the Council to allocate greenfield sites for development in its LDP(2); a benefit in the Welsh national planning policy context.

NATURAL HERITAGE

- 8.12 Section 5 of PPW is concerned with natural heritage and the proposals are considered compliant with the provisions set out therein.

THE ECONOMY

- 8.13 Paragraph 7.1.5 of PPW states “Effective planning for the economy requires local planning authorities to work strategically and co-operatively steering development and investments to the most efficient and most sustainable locations, regardless of which local authority area they are in.” Clearly the proposed development would have economic benefits for the locality.

TRANSPORT

- 8.14 Section 8 of PPW is concerned with Transport. In our view the proposals make adequate provision for travel by sustainable modes and are therefore commensurate with the provisions of PPW.

HOUSING

- 8.15 In relation to housing land supply matters and of relevance to this Statement Paragraph 9.2.3 of PPW is worthy of note.

“Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study. The Welsh Government will monitor development plans and their implementation to ensure that sufficient housing land is brought forward for development in each local planning authority and that economic development and related job opportunities are not unreasonably constrained”.

- 8.16 Given that the Wrexham UDP has passed its end date it is also worth considering how future housing requirements might be derived. Paragraph 9.2.2 of PPW states that:

"The latest Welsh Government local authority level Household Projections for Wales should form the starting point for assessing housing requirements. Household projections provide estimates of the future numbers of households and are based on population projections and assumptions about household composition and characteristics. Local planning authorities should consider the appropriateness of the projections for their area, based upon all sources of local evidence, including the need for affordable housing identified by their Local Housing Market Assessment. Where housing market areas cross local authority boundaries, authorities may wish to consult with neighbouring authorities in addressing their housing requirements. Where local planning authorities seek to deviate from the Welsh Government projections, they must justify their own preferred policy-based projections by explaining the rationale behind them in terms of the issues listed at Paragraph 9.2.1 above. In estimating housing requirements local planning authorities should integrate the provisions of their local housing strategies with the relevant provisions of their development plans. Effective monitoring of these issues is essential in order to ensure that there is an adequate and continuing supply of land and buildings for housing and to enable their managed release".

- 8.1 Paragraph 9.2.6 of PPW states LPA's should *"address the scope and potential for rehabilitation, conversion, clearance and redevelopment when considering suitable sites for housing development. Maximising the use of suitable previously developed land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.....Sites which are no longer likely to be needed for office or industrial purposes may also be appropriate for housing."*

INFRASTRUCTURE & SERVICES

- 8.2 Chapter 12 of PPW is concerned with infrastructure and services. As set out above there is adequate infrastructure and services to serve the proposed development.

ENVIRONMENTAL RISK & POLLUTION

- 8.3 Chapter 13 of PPW is concerned with minimising and managing environmental risks and pollution. In this respect the technical reports submitted in support of the application conclude that these matters can be adequately dealt with.

SUMMARY PPW

- 8.4 In summary it is clear that the proposals draw significant support from PPW.

MINISTERIAL SPEECH – OCTOBER 2007

- 8.5 In a speech at the WLGA seminar on 'Planning: Delivering Affordable Housing' in October 2007 Jane Davidson AM, the then Minister for Environment, Sustainability and Housing, stated that:

".. for those authorities which do not have a five year supply, I will expect planning applications for new housing developments to be approved by the local planning authority, or by the Planning Inspectorate at the appeal stage, provided that all other relevant policy considerations are met."

- 8.6 The above statement is clearly relevant to the application proposals and in the absence of a 5 year supply of deliverable dwellings should be afforded significant weight by the Council.

WELSH ASSEMBLY GOVERNMENT - TECHNICAL ADVICE NOTE (TAN) 1: JOINT HOUSING LAND AVAILABILITY STUDIES (JUNE 2006)

- 8.7 TAN 1 provides guidance on the preparation of Joint Housing Land Availability Studies (JHLAS). The purpose of these studies is to:

- Monitor the provision of market and affordable housing;
- Provide an agreed statement of residential land availability for development planning and control purposes; and
- Set out the need for action in situations where an insufficient supply is identified.

- 8.8 Local planning authorities must ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing. This land supply must inform the strategy contained in the Development Plan.

WELSH GOVERNMENT - GUIDANCE NOTE JOINT HOUSING LAND AVAILABILITY STUDY PROCESS - VERSION 2 (SEPTEMBER 2012)

- 8.9 While TAN 1 is still the main advice and guidance for JHLAS the Welsh Government recently published a Guidance Note which sets out a revised JHLAS process for Local Planning Authorities to follow for 2012 onwards. The main changes from the 2011 process relate to data collection and report preparation. The preparation of the site schedules previously undertaken by Welsh Government officials is now the responsibility of each Local Planning Authority.

- 8.10 The Guidance Note outlines the six stage process involved with preparing a JHLAS:

- Stage 1 – Agree timetable.
- Stage 2 – Site surveys and site schedules.
- Stage 3 – Preparation of a Statement of Common Ground (SoCG).

- Stage 4 – Review of the Statement of Common Ground by the Planning Inspectorate.
- Stage 5 – Report Preparation ².
- Stage 6 – Report publication.

8.11 Pages 12-13 of the Guidance Note deal with implications for TAN1. In respect of those LPAs who do not have a 5 year housing land supply the statement by the then Minister for Environment, Sustainability and Housing in her speech of October 2007 to the WLGA is reaffirmed i.e. such authorities (or the Planning Inspectorate on appeal) should approve planning applications for new housing developments provided all relevant policy considerations are met.

8.12 In relation to the appropriate method for calculating supply the Guidance Note (Page 13) states that for LPAs such as Wrexham where the adopted Development Plan period has expired before the start of the Study:

... "the past building rates method should be used to calculate the land supply.

WCBC – JHLAS – BASE DATE 1 APRIL 2012 – PUBLISHED 31 MARCH 2013

8.13 The latest JHLAS with a base date of 1 April 2012 establishes a claimed supply of **3.5 years** i.e. well below the requirements of PPW. It is noted that the Council has commenced work on the next version of the JHLAS with a base date of 1 April 2013 but given the early stage this document is at it should be afforded no weight. Clearly the next JHLAS will need to be considered by the Study Group, a Statement of Common Ground will need to be produced and the document will need to be submitted to the Planning Inspectorate/Welsh Government for scrutiny. At this point the Council must determine our client's planning application on the basis of the approved JHLAS i.e. from the basis that the Council has a deliverable housing supply of **3.5 years** well below the requirements of PPW.

RELEVANT APPEAL DECISIONS

8.14 The weight to be attributed to a deficient housing land supply situation was considered on appeal in 2012 in relation to proposals for residential development by Charles Church in respect of land at Michaelston Road, Cardiff (Planning Inspectorate Reference: APP/Z6815/A/11/2157448). In that case the supply position was 3.4 or 2.2 years depending on the methodology adopted. At Paragraph 34 of her decision letter the Inspector states that:

² Local Planning Authority to prepare a JHLAS report within 12 months of study base date.

"Where the current study shows a land supply 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 national planning policies. In addition local planning authorities must take steps to increase the supply of housing land. This may include reviewing the development plan, releasing land in its ownership, expediting planning applications or securing the provision of infrastructure for particular sites which prospective developers may be prepared to finance in whole or in part".

- 8.15 The issue of housing land supply was considered more recently in a case in North Wales where the supply was about 4 years³. In allowing the appeal on 1 February 2013 for development of a greenfield site the Inspector concluded that as the Council could not demonstrate a 5 year supply of deliverable dwellings and as the proposals would cause no harm permission ought to be granted. In that case the LDP was far more advanced than in Wrexham but the Inspector found no basis to refuse planning permission on the grounds of prematurity. The same sentiments apply to our clients proposals in that they raise no issues of prematurity having regard to the emerging LDP (2).

WCBC LOCAL DEVELOPMENT PLAN (2)

- 8.16 Part 6 of the Planning and Compulsory Purchase Act 2004 established a new system of Local Development Plans (LDPs) in Wales. The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 Regulations made provision for the operation of the new system of Plan making.
- 8.17 The WCBC LDP (1) was intended to eventually replace the UDP and was to cover the period 2006 - 2021. Examination of the WCBC LDP began on 25 January 2012. However, due to fundamental concerns raised by the Inspector conducting the examinations, the hearing sessions were suspended. An Exploratory Meeting was held on 23 February 2012 to discuss the most appropriate action to deal with these concerns.
- 8.18 At the meeting on 23 February 2012, the Council accepted that in light of the significant nature of the concerns raised by the Inspector in his Preliminary Findings Report, that there was no alternative other than to withdraw the Plan. The Inspector confirmed this in his letter to the Council, on 27 February 2012. The Welsh Government subsequently confirmed in their letter of 16 March 2012 that the Inspector's recommendation to withdraw the Plan would not be overruled. The Wrexham LDP was officially withdrawn on 16 March 2012 and all related documents were removed from the Council's web site.

³ Proposals by T Anwyl & Sons against the refusal of Conwy County Borough Council to refuse outline planning permission for residential development at Glyn Farm, Valley Road, Colwyn bay (PINS Reference: APP/T6905/A/12/2178621).

- 8.19 There were many and various issues with the LDP which led to its demise and in the interests of brevity we do not rehearse the problems here. However it is instructive to note that the Inspector at Paragraph 3.12 of the Preliminary Findings report states that:

“The available evidence indicates that the housing requirement for the County over the Plan period is 11,786”.

- 8.20 The above statement is in stark contrast to the 8,065 dwellings (-3,721) (equivalent to 538 per annum) put forward by the Council in its Deposit LPD (June 2010) and would represent an average annual rate of 786 dwellings i.e. just over twice the annual rate contained within the adopted UDP.
- 8.21 Clearly housing need will be a matter for LDP (2) but this is not anticipated to be adopted until December 2016. Clearly the application proposals would make a significant contribution to meeting the housing needs of the County Borough over the coming years.

OTHER TECHNICAL ADVICE NOTES (TANs)

- 8.22 TANs outline the Government's strategic policy on different aspects of planning to which local policies across the country should conform.
- 8.23 TAN 1 is dealt with in detail above. The application proposals have been brought forward in light of numerous TANs which are considered relevant to the proposal. These are:
- TAN 2 – Planning and Affordable Housing (2006).
 - TAN4 – Retailing & Town Centres (1996).
 - TAN 5 – Nature Conservation & Planning (2009).
 - TAN11 – Noise (1997).
 - TAN 12 – Design (2009).
 - TAN 15 – Development and Flood Risk (2004).
 - TAN16 – Sport, Recreation & Open Space (2009).
 - TAN 18 – Transport (2002).
 - TAN 20 – The Welsh Language (2000).
 - TAN 22 – Sustainable Buildings (2010).
- 8.24 The application proposals accord with the relevant provisions of the above mentioned TANs.

WCBC ADOPTED SUPPLEMENTARY PLANNING GUIDANCE

8.25 The Council has adopted a number of Local Planning Guidance Notes in relation to various technical matters, of which the following are material to the determination of the application:

- LPGN7 – Landscape & Development.
- LPGN10 – Public Open Space In New Housing Developments.
- LPGN17 – Trees & Development.
- LPGN23 – Development of Sites With Land Contamination.
- LPGN26 – Landscape & Industrial Development.
- LPGN27 – Developer Contributions To Schools.
- LPGN28 – Affordable Housing.
- LPGN30 – Design.
- LPGN31 – The Welsh Language & Welsh Communities.
- LPGN32 – Biodiversity.

8.26 In respect of LPGN27 work undertaken by our client's education consultants suggests that local schools have capacity to accommodate the development without the need for any contributions.

8.27 With regard to LPGN28 the financial viability assessment submitted in support of the scheme demonstrates that the development could not reasonably accommodate 25% affordable housing.

8.28 Insofar as the other LPGNs referred to above are reflective of current Welsh national planning policy it is considered that the proposals are compliant.

SUMMARY

8.29 In this Chapter we have identified a significant number of other policy related material considerations which support the proposed scheme. Whilst the proposals comprise mixed use development they are residential led and in this respect it is worthy of note that the Council cannot demonstrate a 5 year supply of deliverable dwellings as required by PPW. In such circumstances 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. In this case it has been shown that the proposals do comply with national planning policies.

9. SUMMARY OF BENEFITS AND CONCLUSIONS

- 9.1 Hourigan Connolly has been instructed by Gladman Developments Limited to prepare a Planning Statement in support of a mixed use planning application relating to the redevelopment of Dennis Ruabon, Hafod Tileries, Hafod Road/Bangor Road, Wrexham. The short description of development given in the planning application forms and covering letter is as follows:

“Demolition of all existing structures and redevelopment for up to 300 dwellings, up to 465 sq. m. of employment floorspace (Class B2 or B8), up to 235 sq. m of retail floorspace (Class A1), areas of public open space, new wildlife habitat creation and associated works and infrastructure”.

- 9.2 All matters are reserved in the outline planning application save for means of access.

THE SITE AND SURROUNDING AREA

- 9.3 The application site comprises a substantial parcel of previously developed land that is derelict and dilapidated.
- 9.4 The application site has a long history of association with the local community but due to its physical state it now has a negative impact on the locality.
- 9.5 The application site is closely associated with Johnstown and connections are available between the site and settlement to foster journeys on foot, by cycle by public transport and by private motorised vehicles.
- 9.6 The surrounding area has a range of facilities to meet day to day needs.
- 9.7 In relation to local medical facilities (Drs and Dentists) we have made enquiries with the relevant Practices within 2km and 5km all of which have confirmed that they are accepting new patients.
- 9.8 In relation to primary and secondary schools work commissioned by our client suggests that local schools have capacity to accommodate the proposed scheme.

PLANNING HISTORY

- 9.9 The planning history of the site confirms that the land now the subject of our client's planning application comprises the Dennis Ruabon planning unit (Use Class B2) and forms part of an employment area.
- 9.10 Moreover there can be no doubt that planning history of the site and its physical appearance supports the fact that the site comprises previously developed land.
- 9.11 The application site has been subject to numerous planning applications and decisions but of relevance to the current proposals is a 1994 outline planning permission for redevelopment of

17.6 hectares of land for industrial development. This permission established that the Council held the view that the application site has a close relationship with the settlement of Johnstown.

STATUTORY & OTHER DESIGNATIONS

- 9.12 The application site is primarily affected by the Johnstown Special Area of Conservation; however the proposals would have no adverse impacts on this feature.

SUPPORTING INFORMATION SUBMITTED WITH THE OUTLINE PLANNING APPLICATION

- 9.13 The Council has been presented with a full suite of supporting documents to enable thorough consideration of the application proposals.

THE DEVELOPMENT PLAN

- 9.14 The Development Plan comprises the time expired Wrexham UDP which now be afforded limited weight.
- 9.15 The proposals comply with the majority of policies contained within the time expired UDP except those concerned with housing development in the countryside, minerals buffer zones and the location of retail development.
- 9.16 However in respect of the proposed housing development it is submitted that the scheme is fully compliant with the provisions of PPW and its preference for sustainably located previously developed sites to be used for housing.
- 9.17 In relation to the minerals buffer zone affecting the site the technical reports submitted in support of the scheme demonstrate that the proposals are acceptable.
- 9.18 In relation to the proposed retail facilities these will assist the regeneration of the site and will provide small scale facilities for the proposed development; they clearly have sustainability credentials and we commend them to the Council.

OTHER MATERIAL CONSIDERATIONS

- 9.1 We have identified a significant number of other policy related material considerations which support the proposed scheme. Whilst the proposals comprise mixed use development they are residential led and in this respect it is worthy of note that the Council cannot demonstrate a 5 year supply of deliverable dwellings as required by PPW. In such circumstances 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. In this case it has been shown that the proposals do comply with national planning policies.

THE MERITS OF THE PROPOSALS

9.2 The proposals have the following merits:

- The site is a substantial, it is an eyesore and it has lain vacant for a number of years. Its redevelopment for the proposed mix of uses will greatly benefit the local environment, economy and community.
- The proposals will create jobs during the construction phase and thereafter thereby helping to support the local economy.
- The proposals will deliver much needed new homes.
- The proposals will secure the creation of new GCN reserve, a significant benefit to the local environment.
- The proposals will have no adverse impacts on ecological interests.
- The proposals provide for substantial areas of amenity open space.
- Local social infrastructure can accommodate the proposed development.
- Approval of the outline planning application would pave the way for the delivery of a high quality development along the lines of that shown in the illustrative masterplan submitted in support of the application.
- The proposals will not have an adverse impact on traffic movements and there are no reasonable highway grounds on which to object to the application.
- The proposals are supported by a Framework Travel Plan which promotes sustainable travel awareness and encourages sustainable travel choices.
- The scheme would not have an adverse effect on the local tree population but the development would provide extensive areas of new broadleaves tree planting.
- Existing contamination can be remediated.
- Flood risk can be managed appropriately.

THE PLANNING BALANCE

9.3 The application is brought forward having due regard to the provision of the Development Plan and other material considerations. However, as with every planning application, there is an element of planning balance and judgement to be exercised.

- 9.4 In this case the application is promoted on the basis that the planning balance clearly lies in favour of the proposals once the provisions of the Development Plan and other material considerations are fully assessed.
- 9.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.6 In summary we consider that the planning balance lies clearly in favour of the application proposals.
- 9.7 On behalf of our client, it is respectfully request that the Council grants planning permission for the proposed development for the reasons outlined herein.

Hourigan Connolly

23 June 2013