

Item 4a

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 26 July 2021

APPLICATION NO:
P/2021 /0132

LOCATION:
LAND TO THE REAR OF MAES Y
GORNEL RHOSLLANERCHRUGOG
WREXHAM
LL14 1TG

DATE RECEIVED:
29/06/2020

COMMUNITY:
Rhosllanerchrugog

CASE OFFICER:
SEH

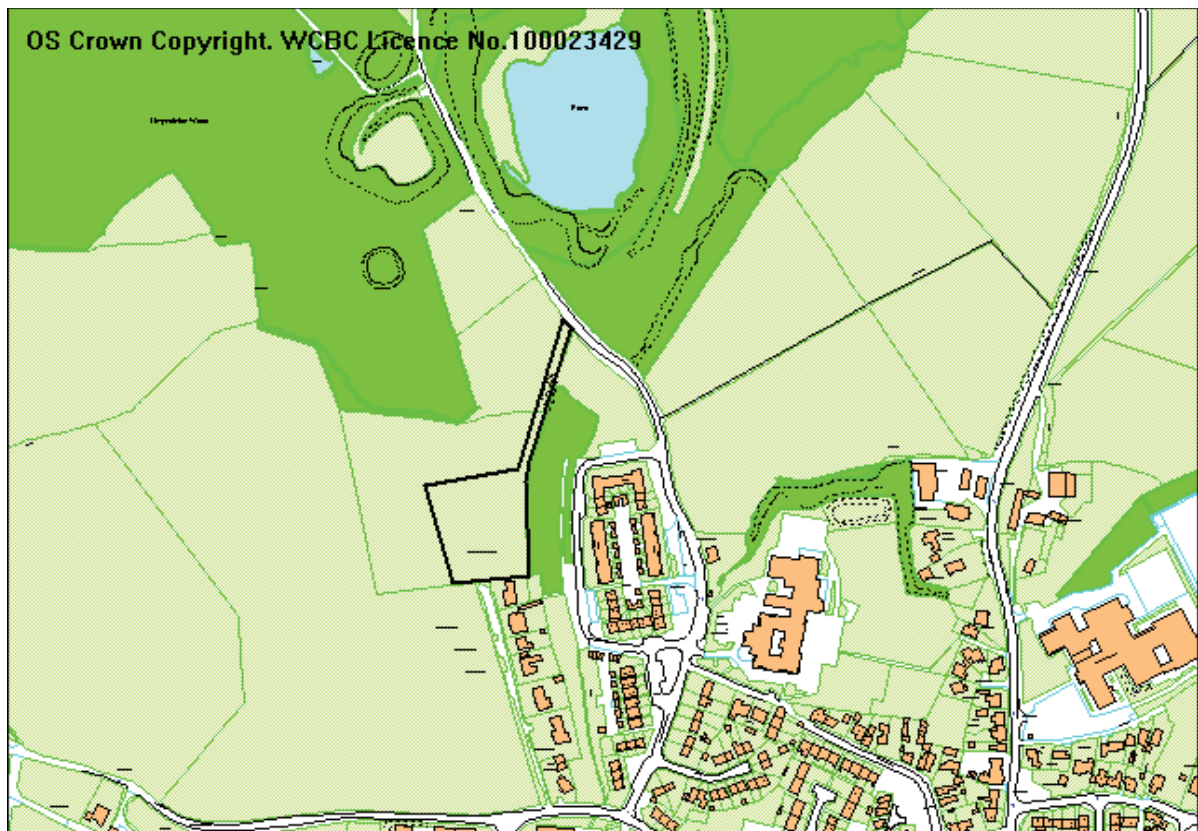
WARD:

DESCRIPTION:
CAIS AMLINELLLOL (POB MATTER
WEDI'I GADW'N OL AR GYFER 5
ANNEDD / OUTLINE APPLICATION
(ALL MATTERS RESERVED) FOR 5
NO. DWELLINGS

AGENT NAME:
MR PETER JONES

APPLICANT(S) NAME:
MR PETER JONES

THE SITE



PROPOSAL

As above

HISTORY

P/2018/0896	Outline application with all matters reserved for 5 no. dwellings. Refused on 27/11/2018
P/2017/0506	Construction of new agricultural access point into paddock and blocking up of existing access point. Granted on 03/08/2017
P/2015/0376	Outline application for 2 no dwellings with all detailed matters reserved. Refused on 17/07/2015 Appeal H6955/A/15/3133722 Dismissed on 08/01/2016

DEVELOPEMENT PLAN

The site is outside of settlement limit and within a Special Landscape Area (SLA). Policies PS1, PS2, PS3, PS4, GDP1, GDP2, EC4, EC5, EC6, EC13, H5, T8 and T9 of the Wrexham UDP are applicable. Local Planning Guidance Notes Nos. 16 'Parking Standards', 21 'Space around Dwellings', 17 'Trees and Development', 27 'Education Contributions' and 32 'Biodiversity and Development' are also relevant.

CONSULTATIONS

Community Council:	Rhos Community Council supports the application. It is for much need housing in the community and we are encouraged by the decision to access the development from Llwyneinion Road. The Community Council would rest on your judgement that all conditions have been met correctly.
Adjacent Community Council:	Esclusham Community Council has no objections to this application.
Local Members:	Councillor Pemberton – I request that this application is reported to the planning committee to allow a fair and balanced debate of the proposal in relation to the need for quality housing in the Village. Councillor Hughes – I request that this application is referred to the Planning Committee to be considered by the Members.
Adjacent Local Member:	Councillor Pritchard - I fully support Councillor Pemberton's request that the application be reported to planning committee.

Highways:	No objection to the development subject to conditions to secure the access arrangements (surfacing, width and visibility). The proposed development site is located off Llwyneinion Road, which is a classified road subject to a 20mph speed limit. Any proposed / existing access in this location would normally be required to provide visibility splays of 2.0 x 25m in both directions measured to the nearside edge of the adjoining highway in accordance with Manual for Streets. Visibility from the proposed access serving the development site is adequate in both directions providing a splay in excess of 2.0 x 25m measured to the nearside edge of the adjoining highway. The access off Llwyneinion Road requires a minimum width of 4.5m enabling the simultaneous passing of vehicles off the adjoining carriageway and radii of 6m at the entrance. The proposed access road width of 4.5m to continue unless an additional passing place is proposed. Access widths to the properties of be minimum of 3.2m, driveways should be wide enough to allow pedestrian access alongside parked cars (including wheelchair access). It is noted that there is no footpath provision detailed on the received plan PP-08845172 and acknowledged there is no provision for non-motorized user along Llwyneinion Road.
Public Protection:	No objection subject to advisory notes in relation to dust and noise management, and the restriction of the burning of waste.
Contaminated Land:	The site is within 100 metres of at least two former landfill sites known as 'Railway Cutting Fill' and 'Cae Dwr Old Tip'. Conditions should be attached to any subsequent permission to secure contaminated land investigation and remediation work.

Coal Authority:	The Coal Authority has no objection to the proposed development subject to the imposition of a condition to secure a scheme of intrusive site investigations to establish the risks posed to the development by past coal mining activity, together with any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary.
Education:	No contributions are required for either primary or secondary education provision.
Welsh Water:	As noted there is a live planning application for proposed site for 5 units. There would be no issues in accepting sewerage into public sewer system and treating at waste water treatment works (WwTW). No objection subject to the imposition of a condition securing a comprehensive drainage scheme for the site.
NRW:	We have significant concerns with the proposed development as submitted. We consider that construction of the proposal has the potential to adversely affect GCNs at this site. We therefore consider that the construction phase is subject to the provisions of a derogation licence issued by NRW. We welcome the proposal to dedicate an area specifically for GCN conservation purposes. However, the ecological report does not appear to have included the detail of conservation measures required to maintain favourable conservation status of the local population of this species in the long term. It is therefore unsatisfactory for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN. Our reasoning for this statement is based on the inadequate detail concerning the proposed conservation measures including, but not limited to proposed habitat creation and enhancement; and long-term proposals such as tenure, management and monitoring. We consider that the proposal <u>would not be likely to be detrimental</u> to the maintenance of the favourable conservation status of the local population of GCN if the following condition is added. The Condition should state that 'No development shall commence until a Great Crested Newt Conservation Plan has been

submitted to and approved in writing by the Local Planning Authority’.

The application site is also located within 1300m of Johnstown Newt Sites SAC. This site supports a nationally important population of the great crested newt *Triturus cristatus*. From the information provided, we consider that the proposal is not likely to have a significant effect on the SAC. We note from the information submitted that the development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site. As such, we refer you to our Interim Planning Advice and confirm that provided this guidance is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we have no objection to the proposal in this regard.

Flood Officer:

The site is located in DAM Zone A as defined within TAN15. The northern part of the site including the northern access road is located in an area identified as being a high risk of surface water flooding on NRW's updated flood map for surface water. This would appear to be associated with an overland flow route that originates to the south west of the development and flows towards the existing watercourse adjacent to the proposed northern access road. This identified conveyance route should be fully investigated and mitigated to ensure no adverse impact either to future users of the site or to the surrounding area. As a minimum I would strongly recommend the applicant incorporate flood resistant and resilient construction techniques into the works if permission were granted, and I request that the following note be added:

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works.

Ecologist:

There is a known presence of great crested newt in the area and I concur with the recommendations of the ecological report. Although the exact details could be conditioned, the applicant should indicate on a plan the area proposed as compensation and

mitigation and provide evidence that it is fully within their control’.

The foul drainage is through a proposed private water treatment facility and then directly to a watercourse. It therefore does not comply with the new guidelines in relation to phosphates. The applicant will need to re-consider this and adopt an alternative strategy or include measures such as reed beds to remove phosphates before entering the watercourse.

Re-consulted on 15/06/2021 – No objection received.

Tree Officer:

The eastern boundary features consisting of trees and vegetation are to be protected during the construction process to reduce risks of direct root damage and excessive disturbance to associated soils. A landscaping scheme and maintenance programme will be required in order to enhance both wildlife habitat and biodiversity, and to increase tree canopy cover in accordance with WCBC 'Tree & Woodland Strategy'. I have no arboricultural objections to the scheme and the development complies with UDP Policy EC4.

Press Notice:

Expired 26.03.2021

Neighbours:

One online comment received expressing the following:

- We have no objections subject to there being no pedestrian or vehicular access through the unadopted private drive off Hall Lane;
- We also request that the gate at the end of this unadopted drive, which will lead to the new development site, remains closed at all times.

SPECIAL CONSIDERATIONS

Background: Outline planning permission for the residential development of this site comprising 2 dwellings and vehicular and pedestrian access, served off the private drive leading from Old Hall Road to site, was refused in 2015 (P/2015/0376). The reason given for the refusal of permission was:

‘The site lies outside any settlement area and within an area of special landscape area as defined in the Wrexham Unitary Development Plan. Despite the current known lack of housing supply land in the Wrexham area, the development would be unacceptable and undesirable having regard to its proposed illogical extension of the built up development at

this point into an area which contributes to the wider area of special landscape. To allow the development would not conserve or enhance the current site, and improvements to the existing access road could lead to the loss of existing landscape features which help define the edge of the settlement at this point. To allow the development would be contrary to policies PS1, PS2, GDP1a) and EC5 of the Wrexham Unitary Development Plan.'

An appeal against this decision to refuse planning permission was lodged in 2016. The planning Inspector agreed with the Council that planning permission should be refused and the Appeal was subsequently dismissed. The reasons given for refusing to allow the Appeal are set out below:

'The appeal site would form part of a larger field and whilst there are fences and gates, these features are not inherently defensible boundaries. There is a landscaped boundary to the east separating the recreation area from the site, and this serves to separate the site visually from the Maes Y Gornel development. The character of the site is predominantly open and the proposed development encroaches onto this open land. The urbanising effect of the proposed development on the open character of the countryside would be intrinsically harmful to the character and appearance of the area. This is because it would be seen as extending the ribbon of the built-up part of the settlement onto a predominantly open field. This encroachment would be seen from further up Hall Lane. The existing development to the east is visually separate from the appeal site and does not signify that the surrounding fields should be developed to align with the furthestmost extent of this development.'

'The appeal site reads as part of the countryside and as a consequence the development would erode its open character, contrary to UDP Policies PS1, PS2, GDP1 and EC5.'

'The lack of a 5 year housing supply is given considerable weight in favour of the appeal where it otherwise complies with the development plan and national planning policies. In this case the development does not comply and therefore less weight would be attributed to the contribution this development would make to the housing land supply. I conclude that the planning balance is against allowing the appeal.'

A further application for Outline planning permission was submitted in 2018 (P/2018/0896). The difference between this application and the one submitted in 2015 is that the number of proposed dwellings had been increased from 2 to 5, and the proposed access via the private was deleted in favour of a new access across the fields, onto Llwyneinion Road. Permission was again refused for the following reasons:

By virtue of its location outside of any settlement limit as defined in the Wrexham Unitary Development Plan, the proposal for the residential development of this Greenfield land does not satisfy the criteria set out within Policy H5 of the Wrexham Unitary Development Plan (UDP) where housing outside settlement limits may be allowed. The development would be materially detrimental to the character of this countryside location and would represent an undesirable visual intrusion into the rural landscape and Special Landscape Area. The development would not maintain the existing settlement pattern or represent a logical extension of the settlement limit, and would not accord with the character of the site or make a positive contribution to the appearance of the locality. To allow the development would not conserve or enhance the current site, and the proposed access road would also affect landscape features which help define the edge of the settlement at this point. The development would therefore conflict with Policies PS1, PS2, PS3, PS4, GDP1, H5 and EC5 of the Wrexham Unitary Development Plan. The proposal is not considered to represent sustainable development as set out in Planning Policy Wales and there are no material considerations associated with the scheme to justify departing from UDP policies in this case.

This latest application is again made in Outline and is for 5 x 4 bedroom dwellings, with the site layout and access arrangements being the same as refused in 2018. The application includes a design and access statement, ecological appraisal, coal report, tree report indicative drainage and surface water management plan. The main issues to consider relate to the impact of the proposed erection of the houses upon the character and visual amenities of the area and accessibility to services / sustainability.

Principle of Development: This Greenfield site remains outside of the settlement limit. The principle of development in this location is again considered to be unacceptable when assessed against the applicable policies PS1, PS2, PS3, PS4, and GDP1 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), and the proposal is thus contrary to this policy.

PPW requires that the housing land supply trajectory in the adopted LDP will be the basis for monitoring the housing land requirement. As the LDP for Wrexham County Borough Council is still undergoing examination, PPW refers to the use of the Average Annual Requirement (AAR) methodology for

housing land supply monitoring purposes. The requirement of 7,750 dwellings in the forthcoming LDP period would translate into an AAR of 517 dwellings (rounded up zero decimal places). The latest annual [Housing Land Monitoring Statement 2019](#) indicates that such figures have not been achieved since 2008. Considerable weight thus continues to be given to housing land supply, in favour of this application, where it otherwise complies with the development plan and national planning policies.

As an authority we thus continue to take a pro-active stance in supporting appropriate growth in the County Borough where it meets policy objectives and identified local needs. However, it is important to understand that this is not just about increasing housing numbers to meet the AAR, but to promote sustained growth in the right location which meets the needs of the local communities. Therefore each site that comes forward will be considered on its merits with the principal considerations focusing on whether the site satisfies all of the relevant planning considerations and represents a sustainable form of development.

In considering the advice set out in PPW there is nothing that would support this proposal. Although PPW refers to giving consideration to suitable and sustainable Greenfield sites within or on the edge of settlements, this forms part and parcel of the site selection process for identifying new sites to be allocated in the LDP and should only be considered in exceptional circumstances and against a range of criteria. It is not for giving general consideration for proposals outside settlement limits, contrary to planning policy. PPW indicates that minor extensions to existing settlements may be acceptable, but places this in the context of meeting a local need for purely affordable housing, or where it can be demonstrated that the proposal will increase economic activity. Though the dwellings could be reduced in size and marketed towards starter 2 to 3 bedroom starter homes, it is not proposed by the applicant to enter into a legal agreement with the Council to provide affordable homes that comply with Policy H8, and the proposal under consideration is not for affordable housing.

PPW includes a *presumption in favour of sustainable development* advising that in rural areas most new development should be located in and adjoining settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable place making outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys. Whilst this site does adjoin the housing at the edge of the settlement limit, the proposed access does not take a direct route into the Village, instead leading away from the Village, across the fields and onto Llwyneinion Road. Llwyneinion Road does not have the benefit of adequate street lighting or pedestrian footways. The occupiers of the dwellings are unlikely to walk to the Village using the proposed access and I am advised by an adjoining occupier that there is no right of access though the existing adjacent unadopted private drive. The occupiers of the dwellings are therefore

more likely to use their cars in order to access the services within the Village and beyond.

Character and Appearance: To develop the site for 5 dwellings and extend the built form into the countryside would extend the pattern of the built-up area, creating an urbanising effect of this part of the land. This would erode the amount of open space at the edge of the settlement, significantly detrimentally impacting upon the character and appearance of the area contrary to UDP Policies PS2 and GDP1. Special attention has not been paid to nearby or distant views within this Special Landscape Area, nor has priority been given to the conservation or enhancement of the landscape contrary to UDP Policy EC5.

Development of the site would undermine the sense of openness within this rural location and would constitute ribbon development contrary to PPW. The expansion of towns and villages should avoid creating such ribbon development. Further, development in this open location lacks defensible boundaries leading to discordant integration with the countryside.



Figure 1 – The Existing Site

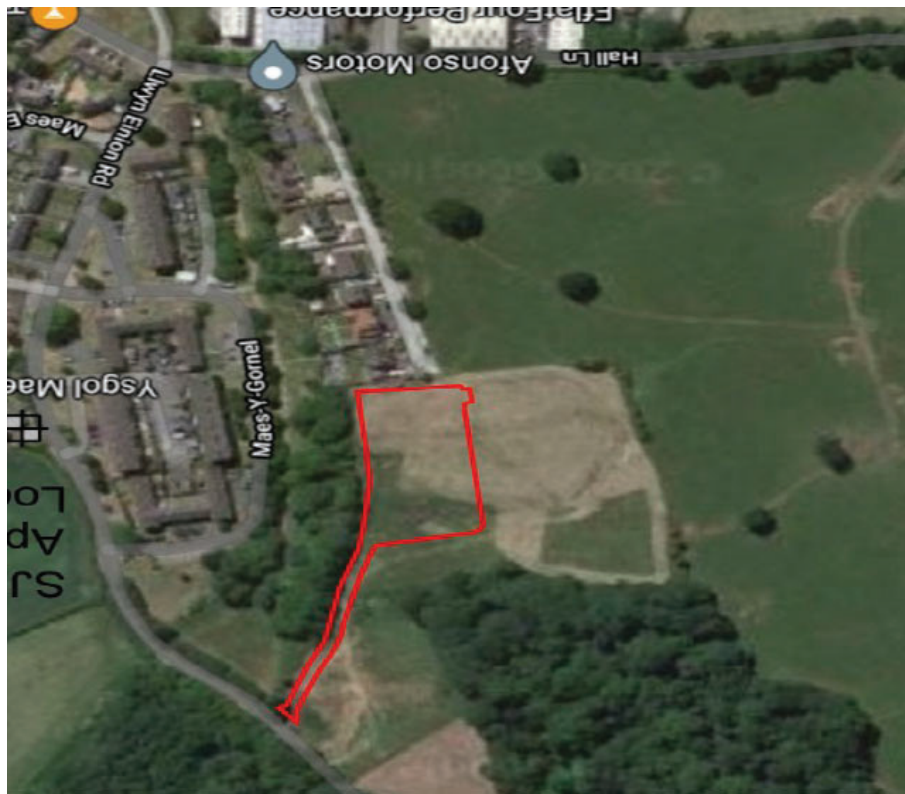


Figure 2 – The Proposed Site



Figure 3 – Indicative Site Layout



Figure 4 – The View from Hall Lane

There is no backdrop of existing buildings behind this part of the site, and therefore it will project out beyond the settlement area without any logical boundary, and the proposed development represents a significant inappropriate and illogical extension to the settlement limit into the SLA. The development would not accord with the character of the site or make a positive contribution to the appearance of the locality. Development of this scale, including the new access road across the open fields, and any works required to provide footway on Llwyneinion Road, would be materially detrimental to the amenities of the countryside, representing an undesirable visual intrusion into the SLA which conflicts with Policies EC5, H5, PS2 and GDP1 of the Wrexham Unitary Development Plan.

Highways: The highway authority raises no objection to the development subject to conditions to secure the access arrangements (surfacing, width and visibility). The proposed development site is located off Llwyneinion Road, which is a classified road subject to a 20mph speed limit. Any proposed / existing access in this location would normally be required to provide visibility splays of 2.0 x 25m in both directions measured to the nearside edge of the adjoining highway in accordance with Manual for Streets. Visibility from the proposed access serving the development site is adequate in both directions providing a splay in excess of 2.0 x 25m measured to the nearside edge of the adjoining highway.

The access off Llwyneinion Road requires a minimum width of 4.5m enabling the simultaneous passing of vehicles off the adjoining carriageway and radii of 6m at the entrance. The proposed access road width of 4.5m to continue unless an additional passing place is proposed. Access widths to the properties of be minimum of 3.2m, driveways should be wide enough to allow pedestrian access alongside parked cars (including wheelchair access).

It is noted that there is no footpath provision detailed on the plan and it is acknowledged there is no provision for non-motorised users along Llwyneinion Road. This would not ensure that the development has both safe and convenient pedestrian access. This could though be addressed through the submission of a reserved matters application to ensure compliance with UDP Policies GDP1, T8 and T9.

Ecology: The ecological report/plan has not included the details of the conservation measures required to maintain favourable conservation status of the local population of this species in the long term. It is therefore unsatisfactory for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN. This can though be dealt with by planning condition securing the submission of a Great Crested Newt Conservation Plan for further approval. On this basis NRW consider that the proposal would not be likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN subject to planning condition. The application site is also located within 1300m of Johnstown Newt Sites SAC. From the information provided, NRW consider that the proposal is not likely to have a significant effect upon the SAC and the development of the site could comply with Policy EC6 of the UDP.

Drainage: The original proposal to drain the foul / wastewater to a private system on-site has been amended, and it is now proposed to drain to the public sewer. The site is served by Five Fords WwTW and Welsh Water has confirmed that Five Fords has both a Phosphate consent and the capacity to treat the additional wastewater flows from this development. This will ensure that any increase in the Phosphate levels will be properly managed, and safeguard against any damaging effects to the SAC.

The submitted Flood Risk Review and Drainage Strategy report confirms that the surface water will be drained by SuDS (soakaway), and the Council's flood officer has confirmed that this will be achievable at the site. There are no objections to the scheme from either Welsh Water (WW) or Natural Resources Wales (NRW), or the Council's flood management officer. The development would therefore comply with UDP Policies EC6 and EC13.

CONCLUSION

There have been no fundamental changes in planning policy since the previous refusals of planning permission for the development of this site in 2015 and in 2018. The key issues remain that the residential development of this Greenfield land, within a Special Landscape area, would have a detrimental impact upon the character and appearance the area. The development would not comply with planning policy and there remains insufficient grounds to warrant departing from UDP policies in this instance, despite not meeting the required AAR of 517 dwellings a year, and the

proposed development is unacceptable in principle as failing to deliver development plan and national planning policy objectives.

To allow the development would neither conserve nor enhance the current site, and the proposed development, including the access road and necessary footways, would also affect landscape features which help define the edge of the settlement at this point. The development would therefore conflict with Policies PS1, PS2, PS3, PS4, GDP1, H5 and EC5 of the Wrexham Unitary Development Plan, and I recommend accordingly.

RECOMMENDATION: That permission be REFUSED

REASON(S)

1. By virtue of its location outside of any settlement limit as defined in the Wrexham Unitary Development Plan, the proposal for the residential development of this Greenfield land does not satisfy the criteria set out within Policy H5 of the Wrexham Unitary Development Plan (UDP) where housing outside settlement limits may be allowed. The development would be materially detrimental to the character of this countryside location and would represent an undesirable visual intrusion into the rural landscape and Special Landscape Area. The development would not maintain the existing settlement pattern or represent a logical extension of the settlement limit, would not accord with the character of the site, or make a positive contribution to the appearance of the locality. To allow the development would fail to conserve or enhance the current site, and the proposed access road would also affect landscape features which help define the edge of the settlement at this point. The development would therefore conflict with Policies PS1, PS2, PS3, PS4, GDP1, H5 and EC5 of the Wrexham Unitary Development Plan. The proposal is not considered to represent sustainable development as set out in Planning Policy Wales and there are no material considerations associated with the scheme to justify departing from UDP policies in this case.
