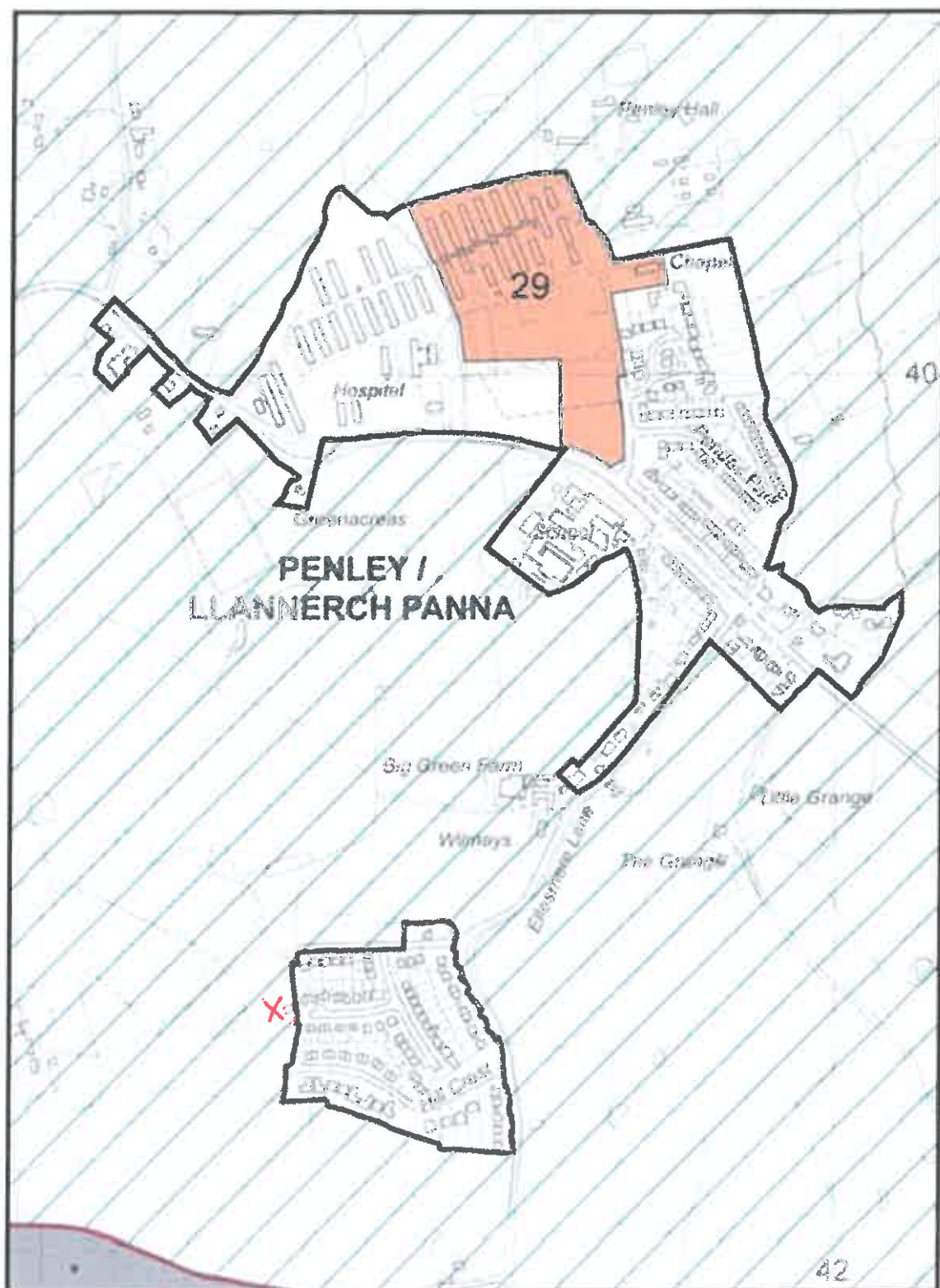


Appendix Four

UDP Extracts.



26. Penley / Llanerch Panna

character of the villages by maintaining these open areas and this is reflected in the allocation of land for development. It is therefore considered inadvisable to promote further major development on the edge of the urban villages beyond existing commitments.

c) The Rural Villages. The range of services available in these settlements is generally confined to those meeting purely local needs. The settlements themselves are surrounded by attractive countryside and some are not conveniently accessible by public transport. New development is therefore restricted to small sites.

3.5 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. Inside settlement boundaries, development will normally be acceptable provided it accords with the built environment policies in Part 2 of the Plan and complies with the Council's

supplementary planning guidance and adopted standards listed in Appendix III.

3.6 The strategy reflects the potential which some settlements have for further development while recognising that, in others, development opportunities are severely constrained by the capacity infrastructure or services or by the need to safeguard the environment.

Housing

3.7 The housing element of the strategy reflects the overall approach towards settlement growth set out above. In essence, the aim is to allocate most new housing development to a range of sites within and adjacent to existing built up areas; to make optimum use of previously developed or vacant land; to make use of spare capacity in infrastructure and services; and to focus on locations with reasonable public transport, walking and cycling links.

Part 1: Strategic Policies

THE BROAD LOCATION OF DEVELOPMENT

Policy PS1 New development for housing, employment, and community services will be directed to within defined settlement limits/employment areas.

Policy PS2 Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.

Policy PS3 Development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible, particularly so where greenfield land is of ecological, landscape or amenity value, or comprises agricultural land of grades 1, 2 or 3a quality.

Policy PS4 Development should maintain the existing settlement pattern and character and be integrated with the existing transport network to help reduce the overall need to travel and encourage the use of alternatives to the car.

4. General Development Principles

Development Objectives

Policy GDP1 All new development should:-

- a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.
- b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.
- c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.
- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.
- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.
- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.
- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.
- j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.
- k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

Agricultural Land

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

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

Agricultural Buildings

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

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

Hedgerows, Trees and Woodland

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

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

destruction or damage to trees which form notable features of the landscape or townscape. Certain hedgerows are protected by the Hedgerow Regulations, and the Council will use its powers under this legislation to exercise control over important hedgerows. Where damage to woodland is unavoidable, appropriate mitigation measures will be required.

Special Landscape Areas

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



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

Area of Outstanding Natural Beauty

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

Biodiversity Conservation

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

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

or architectural interest, often set in landscaped grounds of considerable interest, can be saved thereby also helping to achieve the Plan's environmental strategy. Any conversion in the countryside must be sympathetically designed in order to safeguard the existing settlement pattern and the local historic, wildlife and landscape character, and conditions may be attached to restrict permitted development rights. Policy H4 only applies to proposals which require planning permission for the sub-division of existing dwellings. Planning controls only cover certain types of "Houses in Multiple Occupation", and the policy does not therefore apply to all HMO developments. Planning permission for the conversion of a non-residential property in the countryside will not be granted unless the building is of domestic scale and constructed of permanent materials, such as stone, brick, slate or tiles. The conversion of prefabricated buildings to residential use would not therefore be allowed under Policy H3.

6.11 The incorporation of self-contained residential accommodation in existing or proposed shopping and commercial premises, principally within Wrexham town centre and the defined district shopping centres, can increase the overall dwelling stock as well as providing added security and vitality outside shop opening hours.



Housing in the Countryside

Policy H5 Outside defined settlement limits new dwellings will only be permitted where:-

- a) proposals accord with Policies H3, H4, and H8; or
- b) proposals comprise infilling subject to Policy GDP1; or
- c) an essential need to house a full time agricultural or forestry key worker can be established and
 - i) the long term financial viability and functional management of the enterprise is proven; and
 - ii) the person, due to the nature of the work, has to live on the site rather than in a nearby settlement; and
 - iii) there are no suitable buildings nearby which could be converted into a dwelling, and
 - iv) the new dwelling is sited adjacent to an existing building, can be landscaped, and is of a form, bulk, design and materials which reflect the locality's rural character.

Any permission will be conditioned to limit residential occupancy to essential workers.

6.12 This policy is designed to prevent new housing in the form of isolated dwellings, the consolidation of sporadic groups, or the extension of ribbon development in the countryside as it would result in a loss of visual quality and landscape character and adversely affect agriculture. New housing is defined here as permanent dwelling houses, caravans, mobile homes, or other prefabricated or temporary structures which could be used for residential purposes. Scattered development is also generally more expensive to service than that in, or adjacent to, existing settlements.

Appendix Five

Appeal decisions.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/01/21

gan Joanne Burston, BSc MA MRTPI
AIPROW

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 2nd February 2021

Appeal Decision

Site visit made on 05/01/21

by Joanne Burston, BSc MA MRTPI
AIPROW

an Inspector appointed by the Welsh Ministers

Date: 2nd February 2021

Appeal Ref: APP/H6955/A/20/3258703

Site address: Land at Tupa, Penley Hall Drive, Penley, Wrexham, LL13 0LU

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 outline planning permission.
 - The appeal is made by Mr K Barker and Mrs T Wilson against the decision of Wrexham County Borough Council.
 - The application Ref: P/2019/0835 dated 7 November 2019, was refused by notice dated 28 February 2020.
 - The development proposed is described as an *"outline application for 9 dwellings on land at Tupa, part of former Polish hospital/WWII hospital site."*
-

Decision

1. The appeal is allowed and planning permission is granted for 9 no dwellings with all matters reserved except for the layout of the buildings at Land at Tupa, Penley Hall Drive, Penley, Wrexham, LL13 0LU in accordance with the terms of the application, Ref: P/2019/0835 dated 7 November 2019, and the plans submitted with it, subject to the conditions set out in the annex to this decision.

Application for costs

2. An application for costs was made by Mr K Barker and Mrs T Wilson against Wrexham County Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Although the planning application was made in the terms given in the heading to this decision, this was changed by the Council to *'outline application for 9 no. dwellings with all matters reserved except for the layout of the buildings'*. Whilst there is nothing to indicate that this revised description was agreed with the appellant it does give an accurate description of the proposal. For clarity I have used this in my decision.
 4. A unilateral undertaking (UU), pursuant to section 106 of the Town and Country Planning Act 1990, dated 4 January 2021, was submitted and I have taken it into account.
-

5. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and better environments.

Main Issue

6. The main issue is whether the proposal is consistent with local and national planning policies and if not whether there are other material considerations sufficient to lead to a conclusion contrary to the development plan.

Reasons

Principle of development

7. There is no dispute between the parties that the Wrexham Unitary Development Plan 1996-2011 (UDP), adopted 2005, is time expired. Nevertheless, it remains the development plan for the area.
8. The appeal site is close to, but outside the settlement limit of Penley as identified in the UDP. Therefore, for the purposes of the adopted development plan, the proposal would represent development within the countryside for planning purposes.
9. Policy PS1 of the UDP directs development for housing to areas within defined settlement limits. Policy H5 of the UDP expands on Policy PS1 by allowing new dwellings outside defined settlement limits subject to a number of criteria. From the evidence before me, I find that the proposal would not meet any of the circumstances set out in Policy H5. The development would therefore be contrary to Policies PS1 and H5 of the UDP.
10. Nonetheless, I acknowledge that, given its age, the UDP policies may attract less than full weight, particularly where Planning Policy Wales, Edition 10 (PPW) states¹ that *"Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation."*
11. In this respect, Penley benefits from primary and secondary schools, a local shop, other community facilities, bus links and employment opportunities within easy walking distance of the site. There are adequate footway links to services and a local 20mph speed limit that improves the safety for cyclists. Furthermore, whilst concerns have been raised relating to the impact of the development on the local schools, the submitted Unilateral Undertaking makes financial provision for additional school spaces.
12. Accordingly, the appeal site is located in a broadly sustainable area which has relatively good accessibility by non-car modes when compared to the rural area as a whole. Further, given the historic use of the site as a former army and ex-servicemen hospital, the proposal would comply with UDP Policy PS3 which advises that brownfield land should be utilised before greenfield wherever possible.
13. Thus, the conflict with the UDP is a matter which must be weighed in the final balance.

¹ Paragraph 3.56

Highway amenity and convenience

14. The crux of this appeal relates to the likely implications for the use of the unadopted estate road known as 'Penley Hall Drive' that links the A539 to the proposed site access and the lack of an emergency link road. Nevertheless, I also acknowledge that several issues have been raised by local residents which are addressed below under 'other matters'.
15. A private or unadopted road is by definition a highway not maintainable at public expense. The local highway authority is therefore under no obligation to pay for its maintenance. Responsibility for the cost of maintaining a private road usually rests with the frontagers (the owners of properties which front onto such roads). Whilst the local highway authority is not responsible for maintaining a private or unadopted road, it can intervene under existing legislation to repair it.
16. The appeal site is accessed via a private single width track, taken from Penley Hall Drive. This track currently serves 4 residential dwellings. Penley Hall Drive itself is an unadopted estate road which serves Pendas Park Estate. In excess of 100 dwellings are served off this unadopted estate road. The Drive and its junction with the A539 are in frequent use and vehicles travelling to and from the appeal site would have to use it routinely. Therefore, the scheme would be likely to lead to an increase in the number of vehicle movements along the unadopted road and track that adjoins the appeal site to the A539.
17. I saw that visibility along the access road and surrounding road network is good, which allows for vehicles to wait and pass at wider points on the road. In this regard, no accidents have been formally recorded either along the unadopted road or at its junction with the A539. To my mind, the limited increase in traffic and pedestrian movements that result from the scheme would be unlikely to change this or result in any material increased risk to safety. In reaching this opinion, I note that the Highway Authority can require frontagers/road owner to undertake repairs to Penley Hall Drive if there is a danger to traffic using the street².
18. Furthermore, the proposals show an improvement to the surfacing of the private access track and whilst the track is only single width, I consider such measures would lead to an enhancement in the ability of users to safely negotiate the track without leading to significant impact on highway convenience or amenity.
19. During construction operations access along the private access track may be limited. However, this would be short term and existing residential occupiers have a legal right for access. The appellant also states that *"The access road required to serve the application site will be designed and constructed to adoptable standard but until such time as it can be connected to the publicly maintainable highway network, it will be managed and maintained by a management company to be set up for the specific purpose."* Accordingly, subject to an appropriate mechanism for achieving a 'management company' the long-term maintenance of the access track would be satisfied. Therefore, the proposal would not reduce the main purpose of the road network hereabouts, which is to facilitate movement.
20. Without evidence to the contrary, Penley Hall Drive can accommodate access by emergency vehicles and the road layout would not result in a delayed response to life threatening incidents. Whilst a second emergency access may be useful, any

² Section 230 of the 1980 Highways Act empowers the 'street works authority' to order the frontagers to carry out repairs to a private or unadopted road which are "needed to obviate danger to traffic".

temporary block to highway access such as from roadworks, would be infrequent, and contractors would be required to provide appropriate signage and local information. Moreover, no objection to the proposed development has been raised by the emergency services.

21. On this issue it is therefore concluded that the proposed development would not be harmful to highway safety, amenity or convenience and therefore would be consistent with Policy GPD1 of the Wrexham Unitary Development Plan, adopted 2005, which amongst other matters seek to ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.

Other considerations

Housing Land Supply

22. Following the changes to Planning Policy Wales, edition 10 (PPW), and the revocation of Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies, there is no requirement for Councils to maintain a five-year supply of housing land. Nevertheless, PPW still requires Councils to secure a healthy supply of housing.
23. Moreover, the Wrexham Local Development Plan (LDP) is undergoing examination and therefore the Average Annual Requirement (AAR) methodology should be used for monitoring purposes. The requirement of 7750 dwellings over the plan period would equate to an AAR of 517³ dwellings. The latest annual Housing Land Monitoring Statement 2019 indicates that such figures have not been achieved since 2008.
24. Although the development would only provide a limited number of dwellings, these would help to support a healthy supply of housing land. This carries significant weight in favour of the appeal.

Flood risk

25. I have no substantive evidence that the appeal site is susceptible to flooding or would increase flood risk elsewhere. Whilst I cannot discount the possibility that there would be occasions when there would be excess water, the site is located within Development Advice Map Zone A⁴ and the general layout of the development would be set out to direct any exceedance flows to the attenuation/wildlife area to the east of the site and ultimately to the stream located in Penley Wood. Accordingly, I am not persuaded by the evidence that the flood risk in respect of the development could not be properly managed in accordance with UDP Policies.

Biodiversity

26. The application was supported by an Addendum Report – Extended Phase 1 Survey and Ecological Impact Assessment, July 2019, which was prepared in consultation with Natural Resources Wales (NRW). In summary it states that:
- The boundary features should be retained and managed to improve their diversity.
 - Biodiversity enhancement to include the development of mitigating habitats, to include two small ponds and alternative roost for the recorded Lesser Horseshoe bat roost.

³ rounded up to zero decimal places.

⁴ Three development advice zones (A, B, C) are described on the maps, which are attributed different planning actions. Zones A and B areas are areas of generally low risk (i.e. outside the main river flood plain).

- Biodiversity enhancement by including bird/bat boxes and bird soffit boxes and bat bricks to be considered where feasible.
- Mammal friendly fencing to the rear gardens to allow the passage of hedgehog, small mammal etc.

27. The appellant accepts that there would be a loss of habitat, however the site layout and proposed compensation measures mitigate these losses. These measures can be secured by way of planning conditions, including those suggested by NRW. As such the proposed development accords with the relevant policies of the UDP.

Living conditions

28. The distance retained between the proposed dwellings and existing properties would ensure no loss of privacy, loss of daylight, noise, or overbearing impact upon adjoining residents. Therefore, the proposal would not cause an unacceptable degree of harm to the living conditions of local residents. Whilst the issue of property values has been raised, there is no substantive evidence that the appeal proposal would negatively affect property values.

Conditions and planning obligations

29. The Council and other consultees have suggested a number of conditions which they consider should be imposed in the event that the appeal is allowed. In some cases I have modified or combined suggested conditions in light of the advice contained in Circular 016/2014 The Use of Planning Conditions for Development Management.
30. Given the ongoing need to secure a healthy supply of housing it is necessary for the implementation period of the development to be reduced from 5 to 3 years, particularly as I have afforded significant weight to the delivery of this matter. For the same reason the submission of the reserved matters should also be reduced from 2 to 1 year.
31. From 7 January 2019, all new developments of more than 1 dwelling house or where the construction area is 100 square meters or more, require Sustainable urban Drainage Scheme (SuDS) for surface water. SuDS Schemes must be approved by the local authority acting in its SAB role, before construction work begins. As such the conditions relating to SuDs are not necessary.
32. The conditions restricting permitted development rights are not reasonable or necessary in the interests of either the character and appearance of the area or the living conditions of neighbouring residents. As such, clear justification for imposing the conditions has not been provided.
33. I have no evidence that invasive plant species are present on the site and the spread of such plants is an offence under the Wildlife and Countryside Act 1981. Accordingly, a condition in this regard is not necessary in this case.
34. The Unilateral Undertaking makes a provision for an education contribution, which would relate to 3 primary school places and 2 secondary school places created as a result of the proposal⁵. It also provides for the formation of a management company for the future maintenance of common parts of the development and for the private section of the road which connects the appeal site to Penley Hall Drive.

⁵ The amount of Education contribution required is set out in the Local Planning Guidance Note 27.

35. I find the Unilateral Undertaking to be fairly and reasonably related in scale and kind to the proposed development and I have taken it into account in reaching my decision.

Planning balance and Conclusion

36. I have established that the proposal would not satisfy UDP policy with regard to the location of residential development, which for the reasons explained, carries moderate weight against the appeal. However, I find that this is outweighed by the positive benefits the development would have in respect of additional housing in a sustainable location on a brownfield site.
37. Matters relating to highway convenience and amenity, biodiversity and the location of the site with regard to sustainability are neutral in the final balance as these are expected of all developments.
38. There are no other considerations which are sufficient to outweigh these conclusions and therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Joanne Burston

INSPECTOR

Annex attached to Appeal decision APP/H6955/A/20/3258703

Planning conditions

- 1) The development shall begin either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990.

- 2) Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:

- a. the scale of the building(s)
- b. the appearance of the building(s)
- c. the landscaping of the site; and
- d. the means of access to the site and buildings.

Reason: To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

- 3) Plans and particulars of the reserved matters referred to in condition 2 (above) shall be submitted in writing to the Local Planning Authority before the expiry of 1 year from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990.

- 4) The development shall only be laid out in accordance with the details shown on the approved drawing numbered A(100)05 Rev I, dated 18/07/2018.

Reason: To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

- 5) All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7:30 and 18:00 Monday to Friday, and 08:00 to 14:00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.

Reason: To protect the living conditions of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 6) As part of the reserved matters application, details of all of the proposed boundary treatments in and around the site shall be submitted to and approved, in writing, by the Local Planning Authority. The boundary treatments once

approved shall be fully implemented in accordance with the approved details prior to first use of the development.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect the amenities of the occupiers of nearby properties, in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 7) No part of the development shall commence until details of the proposed Reasonable Avoidance Measures (RAMs) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:
- a. Details of a tool box talk on the identification and ecology of great crested newts to be made available to all construction staff employed on the project;
 - b. Details of an artificial amphibian hibernacula to be constructed adjacent to the site (Details of the design can be found in great crested newt mitigation guidelines - August 2001);
 - c. Details of a walk over survey of the site prior to commencement of development, and a destructive search (under the supervision of a licensed great crested newt handler) made of any potential great crested newt habitat (such as rubble piles or sheet materials that are on the site) on the site. Any amphibians found should be relocated to the artificial hibernacula;
 - d. Details of storage of material on pallets off the ground, and bulk materials which are to be delivered on site and used within the day of delivery.
 - e. Confirmation that excavated trenches will be covered over at the end of each working day with plywood and the edges sealed with sand or soil. Trenches are to be checked each morning for any amphibians. Any amphibians located are to be moved to the artificial hibernacula.

The development shall be carried out in strict accordance with the RAMs as are approved.

Reason: To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

- 8) As part of the reserved matters application, an external bat friendly lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to first use / occupation of the development.

Reason: To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

- 9) No development shall commence until a site species/habitat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

The Conservation Plan should include:

- a. Implementation of the proposed mitigation and compensation measures as set out in the Addendum Report - Extended Phase One Survey and Ecological Impact Assessment Land South of Tupa, Penley, Wrexham;
- b. Submission and implementation of a long term post construction surveillance and monitoring scheme. Monitoring methodology and reporting shall accord with the online Wales GCN Monitoring Scheme and shall include monitoring of the bat roost;
- c. The submission and implementation of long term, proposals concerning the tenure, funding arrangements, management and wardening of the compensation area and bat roost;
- d. Details relating to the submission of a compliance audit, carried out by a qualified ecologist, independently of the appointed principal ecologist,

The Conservation Plan shall be carried out in accordance with the approved details.

Reason: To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

- 10) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - a. The parking of vehicles of site operatives and visitors;
 - b. Loading and unloading of plant and materials;
 - c. Storage of plant and materials used in constructing the development;
 - d. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e. Wheel washing facilities;
 - f. Measures to control the emission of dust and dirt during demolition and construction; and
 - g. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 11) No development shall take place until a site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority.

If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority.

The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site.

The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

Reason: In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 12) Each part of the site subject to the remediation under the scheme(s) approved as part of condition 11 (above) shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 13) As part of the reserved matters application, a Woodland Management Plan, including long term management objectives, management responsibilities and maintenance schedules for all areas either containing existing woodland or to be planted as woodland shall be submitted to and approved in writing by the Local Planning Authority. The woodland shall be managed and maintained in strict accordance with the plan as approved.

Reason: To ensure landscape features are properly considered and protected in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

- 14) No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:
- a. A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - b. A Tree/shrub/hedges Protection Plan showing the location of the trees/shrubs/hedges to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - c. A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - d. Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;

- e. Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- f. Method for protecting retained trees during demolition works;
- g. Details of all proposed tree works, including felling and pruning.

Reason: To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

- END -



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/10/2020

gan K Sheffield, BA (Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 8th December 2020

Appeal Decision

Site visit made on 26/10/2020

by K Sheffield, BA (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 8th December 2020

Appeal Ref: APP/H6955/A/20/3249747

Site address: Land to rear of Brookfield Close, Ellesmere Lane, Penley, Wrexham, LL13 0SJ

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 Primesave Properties Limited against the decision of Wrexham County Borough Council.
 - The application Ref: P/2019/0312 dated 02/11/2018, was refused by notice dated 06/01/2020.
 - The development proposed is the erection of 15 dwellings, landscaping and associated car parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 15 dwellings, landscaping and associated car parking on land to the rear of Brookfield Close, Ellesmere Lane, Penley, Wrexham, LL13 0SJ in accordance with the terms of the application, Ref: P/2019/0312 dated 02/11/2018 subject to the Schedule of Conditions set out in the Annex to the decision.

Application for costs

2. An application for costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

Procedural matters

3. The description of development given in the application differs slightly from that used by the Council in its Decision Notice. I find the latter to be more succinct and I have adopted it in my decision. I have also taken account of the Unilateral Undertaking which accompanied the appeal.
4. Following the changes to Planning Policy Wales (PPW), edition 10, and the revocation of Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies on 26 March 2020, I afforded the parties the opportunity to review their submissions. I have had regard to the comments made in reaching a decision on the appeal.

Main Issues

5. The main issues are whether the principle of the development is compliant with the planning policy framework, its effect on the Special Landscape Area, biodiversity and flooding and whether the site is in a sustainable location.
-

Reasons

6. The appeal site lies to the rear of a recent linear development which fronts onto Ellesmere Lane and is accessed from Brookfield Close. The site is roughly rectangular in shape and adjoins residential properties to the north, Grange Road to the east and an open field to the south. The site is grassland bordered by hedges to the north and east and fencing on the remaining boundaries.

Principle of the development

7. There is no dispute that the Wrexham Unitary Development Plan 1996-2011 (UDP), adopted 2005, is time expired. Nevertheless, it remains the development plan for the area. However, given its age, the UDP attracts less than full weight in the determination of the appeal.
8. The appeal site adjoins but lies outside the settlement limit of Penley as identified in the UDP. Therefore, for the purposes of the adopted development plan, the proposal would represent development within the countryside.
9. Policy PS1 of the UDP directs development for housing to areas within defined settlement limits. Policy H5 of the UDP expands on Policy PS1 by allowing new dwellings outside defined settlement limits subject to compliance with certain listed criteria. I find that the proposal would not satisfy any of the circumstances set out in Policy H5. The development would therefore be contrary to Policies PS1 and H5 of the UDP. This carries significant weight against the appeal.

Special Landscape Area

10. The site lies within a Special Landscape Area (SLA), where according to Policy EC5 of the UDP priority will be given to the conservation and enhancement of the landscape. The policy requires development to conform to a high standard of design and landscaping and its visual impact from both nearby and distant viewpoints should be minimised. Although the Council has expressed concerns regarding the effect of the development on the SLA there is no substantive evidence of the harm it considers would be caused.
11. I accept that the development of the appeal site would comprise a significant physical incursion into the countryside and the SLA and would alter the character of the area. However, views of the development would be restricted by existing properties on its northern and western boundaries. Although it would be possible to see the dwellings from Ellesmere Lane via Brookfield Close, the proposed layout would create a relatively open appearance. From Grange Road, views of the dwellings would be broken by the boundary hedge and they would be seen against the backdrop of the existing dwellings.
12. I acknowledge that wherever possible Policy PS3 of the UDP requires the use of previously developed land in preference to greenfield sites. However, given its location I consider that the development as proposed would represent a minor and logical extension to the existing settlement. It would create a satisfactory pattern of development and would not detract from the existing character of Grange Road. In addition, the retention of the hedges together with additional planting would help soften views of the development and aid its assimilation into its surroundings.
13. In this respect, I consider the proposed scale, design and layout of the proposed development would accord with the character of the local area and make a positive contribution to its appearance, in accordance with Policies PS2, PS3, PS4, EC4, EC5

and GDP1 of the UDP which seek to strictly control development and minimise its visual impact.

Effect on biodiversity

14. The Council claims that the development of this greenfield site would more than likely lead to the loss of locally valuable habitats with inadequate space within the proposed layout to provide adequate compensation to mitigate the loss. No definitive evidence to substantiate this claim has been submitted.
15. The application was supported by a Phase 1 Habitat Survey and Protected Species Assessment Report, July 2014 and an Outline Ecological Impact Assessment, June 2019. Given the age of the Phase 1 Report, I have placed more reliance on the later Assessment. The site is identified as poor semi-improved grassland and the boundary hedges are stated to be species rich and important for the conservation of biological diversity and the support they give to birds and bats. Whilst there is evidence of Great Crested Newts in the local area, none were found within the site and no significant indirect impact on adjacent Statutory and Non-Statutory sites was predicted. Furthermore, the Assessment found that the retention and enhancement of the hedges together with the introduction of bird and bat boxes would likely result in a modest positive impact on the overall conservation value of the area.
16. Whilst I consider the benefits to biodiversity from a small number of bird and bat boxes are limited, I accept the importance of the hedgerows in providing cover for nesting birds and as foraging and commuting corridors for bats. I am also satisfied that the additional planting to the hedge boundary along Grange Road, the new native hedgerow to the southern boundary and tree and shrub planting elsewhere on the site would provide a positive benefit. There is also the potential that over time the positive improvements to biodiversity as a result of the development would provide suitable habitat for species currently not present on the site.
17. The evidence therefore leads me to conclude that the proposed development includes measures which would provide a net benefit for biodiversity, in accordance with Policies PS11 and EC6 of the UDP.

Effect on surface water flooding

18. The Council is concerned that an existing problem regarding surface water drainage in the local area may be exacerbated by the development. In their representations, local residents have documented the extent of the problem which has included the ingress of water into properties. Whilst I fully understand the concerns raised in respect of surface water drainage, the responsibility for solving the existing problem does not lie with the development.
19. Notwithstanding this it is important that the site can be satisfactorily drained in respect of surface water and land drainage. I have noted that Natural Resources Wales, Welsh Water and the officer of the Council with responsibility for flood management have not objected to the proposed drainage details submitted as part of the application. Although further details would be required to ensure a comprehensive drainage scheme was in place, this is a matter which could be satisfactorily addressed by condition.
20. Whilst I appreciate the concerns regarding surface water, I am not persuaded by the evidence that the surface water drainage in respect of the development could not be properly managed in accordance with Policies GDP1 and EC13 of the UDP.

Location of the site and whether it is sustainable

21. According to paragraph 3.35 PPW in rural areas “*most new developments should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole*”. Having regard to this guidance the Council contends that the site is in an unsustainable location as the bus service is not regular and there is access to only a small number of services and employment opportunities. Although the Council accepts that the site is only a relatively short distance from the village centre, it states that there are no formal crossing points along Ellesmere Lane, which is poorly lit. This gives rise to concerns that the location of the site would not give residents the opportunity to walk safely to local facilities and public transport stops.
22. The bus timetable submitted by the Appellant shows a service between Whitchurch and Wrexham. Although there are only a few buses a day, the service would allow people to attend work in Wrexham and return home during the normal working day. The same is not possible for Whitchurch. Given the limited bus service I consider there would be a high reliance on the private car for journeys outside the settlement.
23. However, Penley benefits from primary and secondary schools within easy walking distance of the site together with a local shop, other community facilities and employment opportunities. Ellesmere Lane is subject to a 30mph speed limit and has adequate footway links with street lighting from the site to the village centre. Whilst there may not be any demarcated crossing points on Ellesmere Lane, I do not consider that this would render the route from the site to the village centre unattractive or unsafe. On this basis I conclude that the development would offer good connections to the village centre which would in turn reduce the need to travel by car for local journeys, in accord with Policies PS4 and T9 of the UDP.
24. The Council has also cited Policy T8 of the UDP in its reason for refusal. Whilst this policy refers to the availability of public transport and the proximity to local services and facilities it is with regard to the scale of parking required to serve the proposal. I have not been advised that the development would fail to provide adequate parking and I therefore do not consider Policy T8 to be relevant to the appeal.

Other material considerations

Housing Land Supply

25. In addition to the revocation of TAN 1, section 4.2 of PPW has been amended to remove the requirement for Councils to maintain a five-year supply of housing land. Although national policy still requires the Council to secure a healthy supply of housing, at appeal the matter which has to be considered is that of past housing delivery measured against the planned trajectory in the development plan rather than future housing supply measured against the five-year supply figure.
26. As the Wrexham Local Development Plan 2013-2028 (LDP) is currently undergoing examination Welsh Government advocates the use of the Average Annual Requirement (AAR) methodology for monitoring purposes. The LDP identifies a requirement for 7750 homes over the plan period which would translate into an AAR of 517 dwellings. The Council’s latest Housing Land Monitoring Statement, 2019 indicates that such figures have not been achieved since 2008. The Council has not disputed the Appellant’s assertion that the shortfall is in excess of 1500 dwellings which equates to nearly 50% of the annual housing requirement having not been delivered since the start date of the LDP.

27. Furthermore, the Appellant has indicated that the land is available, the scheme is viable, and an early start could be made on site with completion of the scheme within approximately two years. On this basis I am satisfied that the scheme is deliverable.
28. Although the development would only provide a limited number of dwellings, these would help to address the significant shortfall in the supply of housing land currently being experienced by the Council. This carries significant weight in favour of the appeal.

Emerging Local Development Plan

29. The appeal site comprises part of a housing allocation in the submitted LDP and is outside of the revised SLA. The only other allocations within the settlement relate to employment. If the plan is found sound, development proposals at the appeal site would be unconstrained by policies designed to protect the countryside and the SLA.
30. The Welsh Government's Development Management Manual¹ (DMM) is clear that in making development management decisions, the weight to be attached to an emerging LDP will in general depend on the stage it has reached. The weight does not simply increase as the plan progresses towards adoption. In considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, it is necessary to carefully consider the underlying evidence and background to the policies. National planning policy and the evidence used to support policies in an emerging LDP can be a material consideration in the decision-making process.
31. Several representations have been submitted which contend that residential growth should be focussed on the larger centres of population rather than on smaller settlements that do not have the facilities to support increased populations. However, the Council's housing strategy is a matter which is examined as part of the LDP process and does not form part of my remit in respect of the appeal. Although, no certainty exists in respect of the LDP until it has been adopted, I find that the allocation of the appeal site for residential development in the emerging LDP carries weight in favour of the appeal.

Other matters

32. The Appellant contends that in considering the application the Council gave weight to the presence of other suitable sites in the local area. Whilst the Council acknowledges that the potential availability of brownfield sites was discussed, it states that the application was not refused on that basis. Alternative sites do not form any part of the reason for refusal or of the Council's statement of case. Furthermore, the success or otherwise of the appeal proposal is restricted to an assessment of its planning merits, with no requirement for prospective developers to demonstrate that a site is more suitable than other potential sites.
33. Concerns have been expressed by interested parties regarding the impact of the development on the local schools and doctors as well as the lack of facilities, there being only one shop and no public house or post office. Whilst I saw the local shop and the former public house during my site visit, no substantive evidence has been submitted by the Council in support of its claims regarding the effect of the development on other services. I am therefore unable to draw any reasoned conclusions in this respect. However, I am aware that the Unilateral Undertaking makes financial provision for additional spaces at the local schools.

¹ Revision 2, May 2017

34. The effect of the development on the living conditions of neighbouring residents with regard to privacy, outlook, sunlight and noise has also been raised. It is accepted that the erection of dwellings on a greenfield site would make a significant difference to the outlook of neighbouring residents. However, I understand that the layout has been designed to meet the Council's current separation distances which seek to protect the privacy of residents as well as ensure an acceptable level of natural light. There is also no suggestion that noise levels as a result of increased activity on the site would exceed acceptable levels. I therefore conclude that the proposal would not cause an unacceptable degree of harm to the living conditions of local residents by reason of outlook, privacy, sunlight or noise.
35. The Appellant has drawn my attention to an appeal decision in respect of a residential development in Rossett.² I accept that there are similarities between the cases as currently both sites are in open countryside and in the SLA whereas in the emerging LDP both are allocated for housing. However, the Rossett appeal was determined prior to the revocation of TAN 1 and the changes to PPW. I consider that this is sufficient to render any direct comparison unreliable.

Conditions and Unilateral Undertaking

36. I have had regard to the guidance in Circular 016/2014 on The Use of Planning Conditions for Development Management in assessing the list of suggested conditions submitted by the Council. I find most of them to be reasonable and necessary for the reasons provided, subject to minor amendments to align them with the Circular and amalgamation of some covering the same topic area. I have omitted the condition requiring the submission of details of front door colour and render as these are specified on the approved drawings. The Council has offered no explanation of its concerns regarding the colour and it has not expressed a need for any approved colour to be maintained. I therefore find the condition to be unreasonable and unnecessary. I have amended the wording of the conditions regarding the completion of the parking provision and the boundary treatments to relate to each plot rather than the overall development.
37. In addition to the financial contributions towards additional educational facilities at the local primary and secondary schools the Unilateral Undertaking also makes financial provision for the upgrading and improvement of a local play area; and the formation of a management company for the future maintenance of common parts of the development. The Council has stated that the document is fit for purpose and meets the requirements of Policy GDP2 of the UDP. I find the Unilateral Undertaking to be fairly and reasonably related in scale and kind to the proposed development and I have no reason to reach a different conclusion to the Council.

Planning balance and conclusions

38. I have concluded that the proposal would not satisfy UDP policy with regard to the location of residential development, which carries significant weight against the appeal. However, I find that this is outweighed by the positive benefits the development would have in respect of housing land supply and biodiversity. Whereas I find that the matters of flooding and the location of the site with regard to sustainability are neutral in the balance, the allocation of the site in the emerging LDP adds to the weight in favour of the appeal. There are no other considerations which are sufficient to outweigh these conclusions.

² Appeal Ref: APP/H6955/A/19/3231048

39. In reaching my decision I have considered the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective to build better environments.
40. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal be allowed.

K Sheffield

INSPECTOR

Annex: Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91(3) of the Town and Country Planning Act, 1990.
- 2) The development shall be carried out in accordance with the following approved plans and documents: PL10 Rev H, PL15, PL20, PL30, PL40, PL50, PL60, PL70 and as contained within the application documentation.

Reason: To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

- 3) Construction works, including deliveries to or from the site, shall not take place outside the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 14.00 on Saturdays and at no time on Sundays or Public Holidays.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 4) No development shall commence until a Dust Management Scheme has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be adhered to throughout the construction period.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 5) 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.

Reason: 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 in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

- 6) No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential of the site for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, 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 the receiving groundwater and/or surface waters;
- ii) include a period for its implementation; and
- iii) provide a management and maintenance plan 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.

Reason: To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

- 7) No development shall commence until a scheme detailing both hard and soft landscape works has been submitted to the local planning authority for its written approval. The scheme shall include details of:

- i) new native hedgerow planting to the western and southern boundaries of the site and enhancement of the existing hedgerows to the northern and eastern boundaries including measures for the protection of the existing hedgerows throughout the course of development;
- ii) ecological improvement and habitat creation through soft landscape works specifically tailored to the landscape features; and
- iii) an implementation and management programme, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas

The landscaping shall be carried out, managed and maintained in accordance with the approved scheme.

Reason: To protect landscape features which are of significant amenity value in the area and which would ensure a satisfactory standard of appearance of the development in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A, B, C, D, E, F and G of Schedule 2 Part 1, other than the development hereby granted permission.

Reason: Due to its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without further permission of the local planning authority, in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

- 10) No development shall commence until an external lighting scheme has been submitted to the local planning authority for its written approval. The scheme shall include measures to reduce light spillage onto foraging habitats for bats. The development shall be carried out in accordance with the approved scheme prior to first occupation of the development.

Reason: To protect named species in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

- 11) No development shall commence until details of Reasonable Avoidance Measures (RAMs) have been submitted to and approved in writing by the local planning authority. The RAMs shall include:
 - i) Details of a toolbox talk on the identification and ecology of great crested newts to be made available to all construction staff employed on the project;

- ii) Details of an artificial amphibian hibernacula to be constructed adjacent to the site;
- iii) Details of a walk over survey of the site prior to commencement of development, and a destructive search (under the supervision of a licensed great crested newt handler) of any potential great crested newt habitat (such as rubble piles or sheet materials) on the site. Any amphibians found shall be relocated to the artificial hibernacula;
- iv) Details of storage of material on pallets off the ground, and bulk materials which are to be delivered on site and used within the day of delivery; and
- v) Confirmation that excavated trenches will be covered over at the end of each working day with plywood and the edges sealed with sand or soil. Trenches are to be checked each morning for any amphibians. Any amphibians located are to be moved to the artificial hibernacula.

The development shall be carried out in accordance with the RAMs as approved.

Reason: To protect named species and habitats which would otherwise be damaged or lost in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

- 12) No dwelling shall be occupied until the vehicular parking areas serving the dwelling and as shown on approved plan PL10 Rev H have been fully laid out, surfaced and drained. Thereafter these areas shall be permanently retained, kept free of any obstruction and made available solely for the parking of motor vehicles at all times.

Reason: To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

- 13) No dwelling shall be occupied until the boundary treatments relating to the plot have been completed on site in accordance with approved plan PL10 Rev H. The boundary treatment shall thereafter be permanently retained, and no other fences, walls or other means of enclosure shall be erected on any part of the site.

Reason: To ensure a satisfactory standard of appearance of the development and protect the living conditions of residents in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

Appendix Six

Letter from Estate Agent.



REF E/JQ/AK

Mr M Gilbert
By email

30th March 2021

Dear Mr Gilbert,

Re: Current property market in Penley, Nr Wrexham

I write to confirm my thoughts on the current property market in Penley.

It is fair to say that the popularity of Penley has greatly increased over the last ten years, or so, and we are currently experiencing high levels of demand from parties looking to purchase property in the village.

This has been proven recently when marketing a development of 15 new dwellings on land east of Ellesmere Lane (Brookfield Close) which are all now 'under offer' off plan and within 8 weeks of marketing commencing.

Furthermore, we do have a waiting list for this development of parties who are eager to locate to Penley for various reasons.

There does seem to be a lack of properties available for purchase in Penley at the moment, which is unfortunate considering the number of ready and willing purchasers currently looking for properties in the village.

I hope that the above information provides you with all that you require at this stage, however, please feel free to contact me should you need anything further.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "J J Quinn".

Mr J J Quinn
Director
Halls Holdings Ltd

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