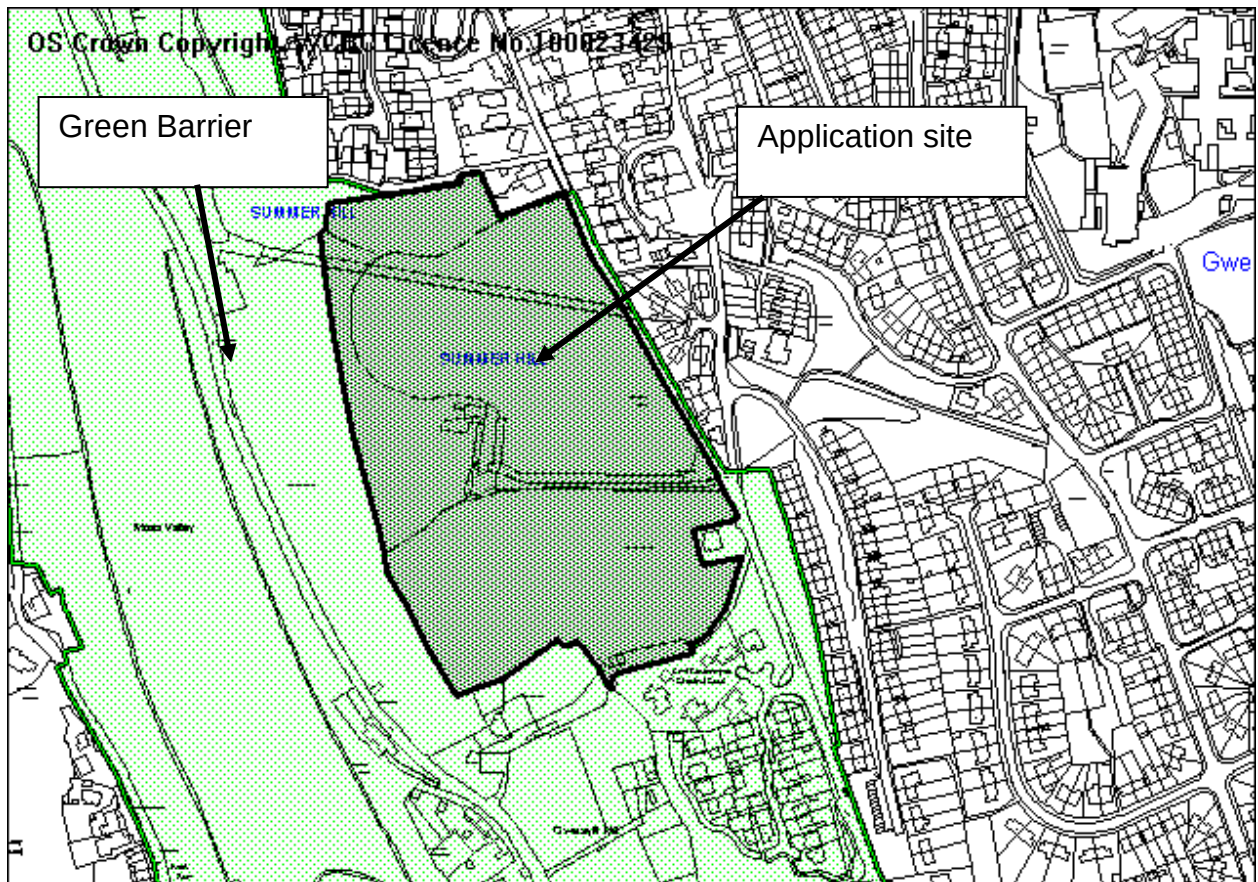


**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
Land West of Top Road, Summer, Wrexham**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2017/0651
PINS REF: 3249986**

1.0 THE SITE



2.0 PROPOSAL

- 2.1 The appellant seeks full planning permission for 82 dwellings together with works to realign the Top Road/Bottom Road/Summerhill Road junction.

3.0 HISTORY

- 3.1 6/15040 Residential development and construction of new vehicular access. Refused 9 May 1988. Appeal dismissed 17 January 1989.

4.0 NATIONAL PLANNING POLICY

- 4.1 The following are relevant to the appeal proposals:

- Planning Policy Wales Edition 10
- Technical Advice Note 2: Planning and Affordable Housing
- Technical Advice Note 5: Nature Conservation and Planning
- Technical Advice Note 12: Design
- Technical Advice Note 18: Transport

5.0 DEVELOPMENT PLAN

- 5.1 The site lies outside of settlement and within Green Barrier in the Wrexham Unitary Development Plan. Parts of the site are subject to Tree Preservation Orders (WMBC nos 8, 15 and 38). Policies PS1, GDP1, EC1, EC2, EC4, EC6, H5, CLF5 and T8 apply.

6.0 COUNCIL'S CASE

Development Outside of Settlement limits

- 6.1 The site lies outside of the settlement limits defined in the Unitary Development Plan (UDP). Policy PS1 directs new housing development to sites within settlement limits. Policy H5 sets out a limited number of cases where small scale residential development may be permitted outside of settlement limits however the proposals do not accord with any of these. The appeal proposals therefore conflict with both policies PS1 and H5.

Green Barrier

- 6.2 The UDP designation of Green Barriers is consistent with the Green Wedges referred to in Planning Policy Wales (PPW). Paragraph 3.71 of PPW advises that the construction of new buildings is inappropriate development unless it is for the following purposes:
- justified rural enterprise needs;
 - essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the green wedge and which do not conflict with the purpose of including land within it;
 - limited extension, alteration or replacement of existing dwellings; or
 - small scale diversification within farm complexes where this is run as part of the farm business.
- 6.3 None of the above applies to this proposal and it is therefore inappropriate development for a site located within Green Barrier/Wedge.
- 6.4 PPW paragraph 3.70 advises that inappropriate development should not be permitted within Green Wedges except in very exceptional circumstances where other considerations clearly outweigh the harm it would do to the Green Wedge.
- 6.5 The Green Barrier separates Gwersyllt/Summerhill from Broughton and serves the purpose of preventing the coalescence of those settlements. With the exception of a small number of stable buildings, the site is currently development free and represents a large and prominent open area of land edge of Gwersyllt/Summerhill. The lack of development on the site serves to reinforce the distinction between Gwersyllt/Summerhill and Broughton. The proposed development would inevitably result in a significant loss of openness of the Green Barrier and would significantly intrude into the gap separating Gwersyllt/Summerhill from Broughton thus eroding the distinction between the two settlements. This would represent significant harm to the Green Barrier.

- 6.6 Outline planning permission for residential development on this site was refused in 1988 and a subsequent appeal dismissed in 1989 (see Appendix 1). The primary reason for these decisions was the location of the site outside of the settlement limit and within the Green Barrier as defined by previous development plans. Despite the elapse of time since 1989, the Council contends that the previous grounds for refusal and the subsequent appeal decision remain very much valid today and are equally applicable to this case.

Housing Land Supply

- 6.7 It is acknowledged that Wrexham does not have an up to date Development Plan, the extant UDP plan period having expired in 2011. It is also acknowledged that the Council's emerging Local Development Plan (LDP) identifies a need for additional land to be brought forward for development to meet the Plan's housing requirements. To meet this requirement the LDP proposes a number of allocations outside of UDP settlement limits, including sites within what are currently UDP Green Barriers. It is worth noting that the appeal site is **not** proposed for allocation in the LDP. The appeal site is proposed to remain outside of the settlement limit and within an LDP Green Wedge.
- 6.8 Notwithstanding paragraph 6.7 above, the LDP can only be afforded limited weight. The Council submitted its LDP for Examination in Public (EiP) in November 2018. The EiP commenced September 2019 and has yet to be concluded. It is therefore unlikely that the plan will be adopted until sometime in 2021. As paragraph 9.4.8 of the Development Management Manual (DMM) confirms, the plan could change as a result of the EiP and therefore certainty over the content of the plan will only being achieved when the LDP Inspectors deliver their binding report. This is now unlikely to happen until early 2021.
- 6.9 In light of paragraph 9.4.8 of the DMM, it is the Council's contention that there is no certainty over the final LDP housing requirement housing requirements at this stage. Furthermore, even if the housing requirement does not change, to date the LDP Inspectors have not given any indication that the Council will need to allocate additional sites. It is therefore the Council's view that the LDP housing requirement should be afforded limited weight in the determination of the appeal and that it does **not** constitute the very exceptional circumstances necessary to warrant departing from UDP and national planning policies.

Loss of Agricultural Land

- 6.10 The Welsh Government's Predicative Agricultural Land Classification (ALC) map suggests the land is primarily Grade 3b, however the applicant's own ALC report indicates that it is almost evenly split between grades 2 and 3a. On the basis of the latter, the site contains Best and Most Versatile (BMV) land meaning that planning policy EC2 and Planning Policy Wales paragraph 3.55 are applicable. In accordance with the latter, BMV land should only be

developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or has environmental value. Even were BMV does need to be developed, paragraph 3.55 advises that if there is a choice between sites of different grades, development should be directed to land of the lowest grade.

- 6.11 Given the Council's position that the LDP housing requirements cannot be afforded significant weight at this time, it follows that an overriding need for the development has **not** been identified. There is also insufficient evidence to demonstrate that non-BMV land is unavailable. The proposals are therefore significantly at odds with PPW10 and UDP policy EC2.

Highways

- 6.12 There is currently an approximately 190 metre length of Summerhill Road that lacks any footway provision. In October 2019 the appellants undertook a survey of pedestrian flows along Summerhill Road. The results are set out below:

Wednesday 2 nd October 2019				
Time	South Bound Bottom Rd to Summerhill Rd	South Bound Top Rd to Summerhill Rd	North Bound Summerhill Road to Top or Bottom Road	Over all Total
0700-0800	2	2	3	7
0800-0900	3	1	2	6
0900-1000	0	2	0	2
1000-1100	0	0	1	1
1100-1200	0	2	3	5
1200-1300	1	0	1	2
1300-1400	1	0	4	5
1400-1500	2	0	0	2
1500-1600	1	2	2	5
1600-1700	1	0	1	2
1700-1800	0	0	0	0
1800-1900	0	0	0	0
Total	11	9	17	37
Average	1	1	1.4	3

Saturday 5 th October 2019				
Time	South Bound Bottom Rd to Summerhill Rd	South Bound Top Rd to Summerhill Rd	North Bound Summerhill Road to Top Road or Bottom Road	Overall Total
0700-0800	0	0	1	1
0800-0900	2	0	2	4
0900-1000	1	0	1	2
1000-1100	0	2	2	4
1100-1200	3	1	0	4
1200-1300	0	0	4	4
1300-1400	0	0	0	0
1400-1500	1	0	1	2
1500-1600	1	0	0	1
1600-1700	0	1	1	2
1700-1800	1	0	2	3
1800-1900	0	0	0	0
Total	9	4	14	27
Average	1	<1	1	2

- 6.13 The above clearly demonstrates that despite the lack of footway provision, Summerhill Road is regularly used by pedestrians. The development also has the potential to add to the number of pedestrians using Summerhill Road. To address the lack of footway provision, the developers have proposed to provide a footway along a 150m metre section of Summerhill Road by reducing the width of the carriageway to 5.5m. Taken together with the relocation of an exiting built out, the works would provide for continuous pedestrian provision along Summerhill Road from the Bottom Road/Top Road/Summerhill Junction up to the junction with Wheatsheaf Lane.
- 6.14 The proposed footway will be only 0.9m wide for a considerable part of its length. Highways advised (see Appendix 2) that a minimum width of 1.2m should be provided so that a parent could walk alongside a child. The proposed footway is therefore inadequate and does not ensure that pedestrians can walk safely along Summerhill Road.
- 6.15 In addition to the sub-standard width of the footway, Highways also expressed concern about the reduction in highway width to 5.5m. Whilst a carriageway of 5.5m in width is acceptable in principle, the presence of a stone wall along the western side of Summerhill Road means that vehicles drive approximately 0.7m in from the nearside edge when travelling north. When the proposed footway is taken into account, this would effectively reduce the useable road width to 4.8m. Highways advised that this was not acceptable when Summerhill Road will be the main access to 82 dwellings. Summerhill Road also services as access to a significant number of existing residential properties. It would not be appropriate for the proposed footway to be

constructed. There is also no scope for any alternative means of pedestrian provision to be provided.

- 6.16 The development is likely to generate an increase vehicular and pedestrian traffic along Summerhill Road. Due to the lack of adequate footway provision this will increase the danger to highway users, thus conflicting with policy GDP1(d) as well a Technical Advice Note 18, specifically paragraphs 3.4 and 6.2.

7.0 CONCLUSION

- 7.1 The site lies outside of the settlement limit, within a Green Barrier and contains Best and Most Versatile agricultural land. The proposed development therefore conflicts with policies PS1, EC1, EC2 and H5 of the Wrexham Unitary Development Plan.

- 7.2 The development is likely to generate and increase in vehicular and pedestrian traffic along Summerhill Road, which is lacking in adequate footway provision. The proposals therefore result in additional danger to all road users and conflict with policy GDP1(d) of the Wrexham Unitary Development Plan as well as advice in Technical Advice Note 18.

- 7.3 The Inspector is respectfully requested to dismiss the appeal.

8.0 CONDITIONS AND OBLIGATION

- 8.1 In the event of the appeal being allowed the Council respectfully requests that the planning permission be subject to conditions set out in the schedule included in Appendix 3. A schedule of plans and documents is also provided in Appendix 4.

- 8.2 The development will need to be subject to a planning obligation to secure financial contributions to primary school provision, affordable housing and the management of on-site public open space.

9.0 APPENDICIES

Appendix 1: Previous Planning and Appeal Decision

Appendix 2: Consultation Response Senior Service Manager (Highways).

Appendix 3: Schedule of Conditions in the Event of the Appeal Being Allowed

Appendix 4: Schedule of Plans and Documents

Appendix 1: Previous Planning and Appeal Decision



In pursuance of its powers under the Acts and Orders referred to below, the Borough Council, as District Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application.

RHOSTYLLEN HOUSE,
RHOSTYLLEN,
WREXHAM,
LL14 4DU

31050
53350
O MA
D

Applicant

Sinclair Developments Ltd

Code number [GWE 15040]

Agent

Garston, Charles and Partners,
2 Overton Arcade,
High Street,
Wrexham,
LL13 8LL

Date received [3rd March 1988]

Decision date [9th May 1988]

Town and Country Planning Acts 1971/72

Town and Country Planning General Development Orders 1977-85

Refusal of Outline Planning Permission

W.O. APPEAL

LOCATION AND DESCRIPTION OF DEVELOPMENT

SUMMERHILL ROAD, HIGHER GWERSYLLT

see letter dated
17 Jan '89

RESIDENTIAL DEVELOPMENT AND CONSTRUCTION OF NEW
VEHICULAR ACCESS

DISMISSED

PARTICULARS OF DECISION

OUTLINE PERMISSION REFUSED FOR THE REASON(S) STATED BELOW

- 01 The site is located outside a recognised settlement as defined in the deposited Local Plan for Wrexham Maelor and to allow the proposed development would therefore be contrary to proposal H9 contained in that document.
- 02 The site is located in a "green barrier" as defined in the deposited Local Plan for Wrexham Maelor where there is a strong presumption against any development which might affect its open character. To allow the development would be contrary to proposal D3 contained in that document.
- 03 Summerhill Road/Top Road is of sub-standard width and is devoid of footways or any alternative form of pedestrian refuge. Residential development of the site would result in a substantial increase in both pedestrian and vehicular traffic, to the detriment of highway safety.

G. J. Evans

Officer appointed for this purpose

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

Y Swyddfa Gymreig

Parc Cathays

Caerdydd CF1 3NQ



Welsh Office

Cathays Park

Cardiff CF1 3NQ

Telex 488226

Telephone (Switchboard) 0222 825111 GTN Code 2064

(Direct Line) 0222 825670

18 JAN 1989

Messrs T D Morgan Norman & Co
Solicitors
26 Exchange Street East
LIVERPOOL 2

Ein Cyf Our reference

P16/490

Eich Cyf Your reference

Dyddiad Date

17 JAN 1989

W.O.
APPEAL
DECISION

G/GWE/15040

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY SINCLAIR DEVELOPMENTS LIMITED
APPLICATION NO: GWE 15040

1. I have been appointed by the Secretary of State for Wales to determine the above mentioned appeal against the decision of the Wrexham Maelor Borough Council to refuse outline planning permission for residential development and construction of new vehicular access at Summerhill Road, Higher Gwersyllt, Wrexham. I held a local inquiry into the appeal on Tuesday and Wednesday, 29-30 November 1988.

2. The appeal site is located at Summerhill Road/Top Road, Gwersyllt, near Wrexham. It is a roughly rectangular area comprising about 5.5 ha of sloping grassland which at its highest, northern end gives way to a thick belt of trees, some of them fine specimens. The land beyond them is used for housing and some industrial storage; that on the other side of the road that runs along its 230 m eastern boundary is also residentially developed; and intruding into the site's south-eastern corner is a modern 2-storey house. The land beyond the western boundary drops steeply downwards through a mainly broad-leaved woodland known as Moss Wood before levelling out to the valley floor which is a long, fairly narrow but well maintained area of grassland used for recreational purposes. On the other side of which, on ground rising higher than that the highest part of the appeal site, is the settlement of Bryn Teg. The land immediately adjoining the southern end of the site is present unused.

3. The detailed evidence you adduced from a greatly experienced local estate agent clearly shows that in Gwersyllt there is still a high and unsatisfied demand for medium price housing of the type your client wishes to build here, and which a sister company has recently built and successfully marketed at Old Mold Road, Gwersyllt; that much of that demand emanates from local people, many of them youngsters already living in the village for whom local authority housing is rarely available; and that in Gwersyllt new and older properties sell very readily, and at much lower prices than commonly obtain in other villages such as Gresford and Marford which seem to cater more for "in-comers" than local people's needs.

4. The site itself, you claim, is ripe for development and waiting for it to occur. Within its original format, planning permission for the erection of the house "Ridge Mount" (Plan A), was granted by the former Council in 1967, and over 50% of its southern boundary adjoins land which although shewn by the Council as being unused (Plan E), has the benefit of two 1988 planning permissions for either 4 executive homes or a residential home for the elderly, with a third application for a leisure centre there as yet undetermined. All that land is in the same local plan

Green Barrier as the appeal site; "Green Barrier" being a concept that derives from non-statutory planning documents produced by the Old Flintshire County Council (Document 12). Although in 1978, planning permission was refused for a dwelling on the north-east corner of the appeal site, about two-thirds of its total periphery is already, or will be bounded by development. In terms of the Structure Plan Written Statement it should therefore be considered as being within the "confines" (Document 7, App "E"), of the existing settlement of Gwersyllt where in accordance with Policies 3 and 5 of the same Plan (ibid, App "A"), the strategy is to permit limited expansion which, as this, would improve the urban environment.

5. The Clwyd County Structure Plan was approved and became operative in the summer of 1982, and is currently going through a review process. The Alteration Plan highlights the need to provide additional housing, with Wrexham Maelor having to find sufficient land for 4,500 units between 1986 and 1996 (ibid, App "B"). The Inspector's Report on the Public Inquiry into the Draft Wrexham Maelor Local Plan has only very recently been issued, and the Plan itself has not been adopted and is therefore liable to be changed. Its Policy H.1 states that Urban Villages, of which Gwersyllt is one, are amongst those areas where most new housing development will take place. This northern part of Gwersyllt is in need of that stimulation of its economic base which the local plan ascribes to new development, and which has already taken place in southern Gwersyllt.

6. The Gwersyllt Community Council's opposition to this, as to all other proposals for further development in the village, is largely based on what it sees as a shortfall in social and communal facilities. In fact, the actual provision of residential open space, playgrounds, other large playing fields and parkland is here generally much greater, and never less, than the levels set by either the Structure Plan or the National Playing Fields Association. Letters from the County Education Officer (ibid, App "F"), refute suggestions about there being a lack of accommodation in local schools. It has been estimated that the present scheme would be unlikely to add more than 45 pupils to the primary school rolls, and that would not impose any great strain on those schools; even less on the local High School.

7. The Structure Plan strategy to encourage residential development in the urban villages is not proving to be universally successful because in some of these villages previous mining activities have created unstable ground conditions. Such sites are often unattractive both to developers and those seeking new homes, being expensive to build on, often located in poor environments with poor access roads, and bedevilled by multiple or unknown land ownership problems. Certainly some of the land allocations in the Draft Local Plan are impracticable. No such major problems exist here, and such others as there may be are capable of being solved by the making of a substantial improvements to the main road junction, access and pedestrian footways. The site would make a strategically valuable as well as an attractive addition to both Wrexham Maelor and the County's housing stock.

8. Welsh Office Circular 47/84 wants sites for new housing to be well related in scale and location to existing development so that they can be integrated into the local settlement pattern through good accesses, and with minimum demands on public services. This is just such a site and would form a logical rounding off to Higher Gwersyllt by bringing it up to its natural boundary at the upper edge of the Moss Valley. It would bring into use land that was formerly Grade 3 agricultural land, which was sold off because farming it was becoming increasingly difficult through its being hemmed in by urban development and the attendant problems of vandalism and sheep worrying. It is so well screened by trees, to which a landscaping scheme would add more, that the introduction of new houses on to it would not harm the appearance of the valley or neighbouring areas.

9. So far as housing land availability is concerned, attention is drawn to the fact that of the 1,667 units identified (Document 4, App 3, para 4.b), 1,091 are on

sites capable of accommodating 10 or more units, but of them a large proportion, 717 in all, are Category 2 sites where development cannot take place immediately but where it is thought that the constraints in question are likely to be removed within 5 years. That in itself creates a measure of uncertainty and is in conflict with central Government advice about sites being truly available. The figures are significantly short of what is agreed to be the anticipated annual growth of 450 units, and therefore the stance of the Council fails effectively to meet the private sector housing demand. A shortage of new houses will force up prices, adversely affect young people, and may restrict the availability of the manpower needed for the continuing prosperity of the area.

10. In its statement to the Local Plan Inquiry, the Council claimed that in addition to the 1,121 units with planning permission, it had allocated further sites which it thought capable of accommodating some 1,769 units, thereby taking the estimated total land supply to 2,890. Whilst that might indicate that the Structure Plan review figure of 454 units per annum could be met, it needs to be remembered that this is a long term forecast and does not represent "genuinely available" land in terms of the Circular. Furthermore, in the Council's statement (*ibid*, App 5, Section "C"), there must be question marks against some of those Local Plan allocations. In particular attention is drawn to its Items 12-16, which purport to identify sites for a total of 86 units, but 19 of these have no acceptable access, and the others are unattractive sites that have not created any genuine interest amongst developers. They cannot be considered to be "where potential home owners are prepared to live", and should be disregarded.

11. Although the Local Plan Inspector was satisfied that a reasonable supply of land for the housebuilding requirements to 1991, had been made within the framework of the 1982 Approved County Structure Plan, and that no modification was necessary, he seems to have done so on the basis that it would be improper to alter that framework pending consideration of its Review by the Secretary of State. It is evident that he did consider that a review of the policies and of the housing provision in them was urgently needed. It seems therefore that all concerned are in agreement that the supply of residential land has been constrained by the outdated policies of the Approved Structure Plan; and that is unacceptable. Attempts to remedy this situation have been hampered by the provisions of the Circular which indicate that land supply should be related to the policies in the Approved Structure Plan.

12. This frustration of Government policy should not be allowed to persist, and it is submitted that the contents of paragraph 5 of Annex A to Circular 47/84 imply that if circumstances have changed, any plan constraints which do not cater for up to date requirements are not an acceptable reason for failure to comply with the Circular's general advice that there must always be an adequate and continuous supply of suitable land for housebuilding. In this respect the contents of paragraph 11 of Annex B to Circular 47/84 are very relevant, particularly the initial and final parts which in the present circumstances legitimate use of proposed structure plan alterations for land supply calculations. Attention is also drawn to paragraph 17 of the same Circular with its reference to regard being had to "other material considerations": here the Development Plan's provisions being admittedly inadequate is just such a consideration.

13. Uncertainty about housing land availability cannot be allowed to continue until 1990, which is when the Secretary of State is likely to decide on the Structure Plan Review, least of all in Gweryllt where an interruption in the house building programme that has brought about the regeneration sought by the Structure Plan could have particularly unfortunate repercussions. The Council's reliance on windfall sites to meet demand is unrealistically high, and was not agreed to in the joint statement to the Local Plan Inquiry. The Council has increased the numbers of such sites, a recent re-assessment having extended them to 197 in 1986-87, and 209 in 1987-1988, whereas previously the figure was only 91. These windfalls do demonstrate

the increased growth of interest and the regeneration resulting from demand. This is further illustrated by the rapid take-up of land which can be seen by comparing some of the figures for March 1988 (Document 10, App 5, Sites 1-4 and 11), with those for the same sites in October 1988 (Document 11). Those figures show that the main sites have been substantially completed in a very short time.

14. The Council's response is that the Wrexham Maelor Local Plan is the up to date planning framework within which this proposal ought to be considered. That Plan (Document 10, App 1 - extracts), is currently being considered for the public deposit of proposed modifications following receipt of the Inspector's Report on the public inquiry held in May-June of this year (Document 5 - extracts). The Plan's housing proposals amplify the strategic guidance of the relevant Structure Plan policies (Document 10, App 2). The central issue in this case is whether or not residential development of the appeal site would form an appropriate extension to the settlement of Gwersyllt. This site lies outside that settlement as prescribed in the Local Plan and is not allocated for development therein. The Plan provides that outside the confines of existing settlements land uses should mostly remain undisturbed. The planning permissions granted on the southern land adjoining the appeal site (above, para 4), had been in recognition of that land having previously been the site of a large house, now demolished.

15. This proposal would also be contrary to the general guidance in the Structure Plan's policy 5, about the location and distribution of new housing development; it allows for limited expansion in urban villages, of which Gwersyllt is one, provided it is an orderly form of urban development that leads to an improvement in the urban environment. This proposal is an unwarranted extension of development into the open countryside and does not enhance the urban environment. In drawing settlement boundaries the Council gave careful consideration to central Government policies, the provisions of the Approved Structure Plan, and the need to ensure an adequate supply of suitable housing land to meet foreseeable demand. In pursuance of that, the Local Plan (Proposal H2), provides that new housing will normally take place on land that has existing planning permission, is allocated for such use on the proposals map, or comprises infilling or rounding off within recognised settlements. Outside them, only new dwellings needed for essential agricultural purposes will be permitted.

16. Development of the appeal site would undesirably extend the settlement into the countryside to the detriment of its appearance, and be contrary to the locational advice in Circulars 40/80, and 47/84 (paragraph 6). It would also be an undesirable precedent creating further pressure for the release of more land to the west of Summerhill Road which planning policy has here consistently and correctly recognised as the natural boundary between settlement and countryside. In character and appearance the site is essentially rural, forms a pleasant setting to the settlement and is an integral part of the strategic green barrier between Gwersyllt and Wrexham, and New Broughton and Bryn Teg (Proposal D3 of the Local Plan). "Green barriers" are strategically important for the retention of countryside between settlements, and the Clwyd Structure Plan Policy 100 whereby they are established, raises a strong presumption against any development that might affect their open character. Housing development on this large, topographically and visually conspicuous site would reduce the impact of the "green barrier", and the incentive to secure the development of existing vacant and derelict land within settlements.

17. The Joint Housing Land Availability Study, 1987 (Document 13), shows a borough wide, 5 year land supply amounting to 1,677 additional units which far exceeds the dwelling requirements in the context of Circular 47/84. It calls for enough housing land to be made available to enable the policies and proposals in approved Structure Plans and adopted Local Plans to be carried forward. The approved Clwyd Structure Plan provides for 3,800 new dwellings to be built in Wrexham Maelor between 1978 and

1991, which is an annual rate of 292 units. Between 1 July 1978, and 31 March 1987, some 3,857 new houses were completed, being 57 more than for the whole Structure Plan period, so that in terms of the Circular there is no residual need for any additional housing land. However, to compensate for the unrealistic projection in the Structure Plan, the Local Plan provides for a total housing allocation of 3,300 (including the 1,677 shown in the Study), for the period 1985-1991, being an annual rate of 550.

18. The Joint Study suggests that an alternative method of estimating future housing land requirements would be through draft estimates in the Structure Plan Alterations which will probably be ready for submission some time next year. The Study emphasises (paragraph 5.1, 5-6), that the present figures have not been subject to detailed examination, are subject to change both at county and higher levels, and must therefore be treated with caution. The analysis based on those figures is valid only for comparison purposes and does not provide an acceptable basis for the policy context of assessing future housing land availability. On 1 April 1987, it was agreed with Clwyd County Council and the Land Authority for Wales (Document 10, App 3), that there was land for 1,677 dwellings available for development within 5 years, most but not all with planning permission. If all the housing land proposals in the Local Plan are included, the total is 2,890.

19. In terms of the building rates envisaged by the Approved Structure Plan (292 per annum), those figures show there to be a land supply of between 5.7 and 9.9 years, and even applying recent average completion rates, which is a method not favoured by Circular 47/84, there is a sufficient land supply for between 3.8 and 6.5 years. Additional to these are the figures for windfall and conversion sites which a recent re-assessment (Document 10, App 4), shows as having produced planning permissions for 177 units between 1 April 1987, and 31 March 1988; and 209 between 1 April 1987, and 31 March 1988. Such windfalls clearly provide a significant addition to the 5 year land supply, and it would be on the conservative side to expect that in the future they will produce 100 dwellings per annum. Whilst there may be difficulties in developing some of the sites allocated for development, they have historically been taken up at a satisfactory rate and changing market forces should ensure that this continues to be the case in the future.

20. The Local Plan shows Gwersyllt to be an urban village where an appropriate level of new housing in the urban area will stimulate the local economy, improve the environment and ensure that the maximum benefit is obtained from existing infrastructure and facilities. Outside Wrexham, it is the largest settlement in the Borough, and has had a 17% increase in population between 1971 and 1981, and housing completions there for the period 1976 to 1987, produced 664 additional units. At March 1988, within its boundaries a further 34 dwellings were under construction, and there were planning permissions for yet a further 122 units the building of which had not begun. In addition to all that, sites capable of accommodating about 86 new dwellings have been allocated for Gwersyllt in the Local Plan. The latest update on the current situation is that in the Schedule (Document 11), and shows that there is no need for further housing that would extend Gwersyllt into the surrounding countryside.

21. The County Council filed a pre-inquiry statement (Document 6), in support of its Direction to the Council to refuse the application subject of appeal, and despite the improvements offered by the Appellant, the County Council is still opposed to the proposal on highway grounds. The site is located along the westerly side of Top Road and extends from its junction with Summerhill Road for a distance of approximately 230 m along Top Road. Top Road is a Class III road and a local distributor linking mainly residential areas, it is approximately 4.5 m wide in the vicinity of the site and is devoid of footways. Summerhill Road up to its junction with Top Road is also a Class III road and a direct route to the A541 which links

Mold to Wrexham. It has a carriageway width of average 6 m and is devoid of footways until it reaches Wheatsheaf Lane, a distance of approximately 280 m from the site. A speed limit of 30 mph is in operation on both Summerhill Road and Top Road.

22. The County Council's principal objection is that Summerhill Road and Top Road are both sub-standard to cater for the proposal and devoid of footways or alternative form of pedestrian refuges. Visibility at the junction of Summerhill Road and Top Road is severely restricted for traffic entering into Summerhill Road, and the horizontal highway geometry at this junction is inadequate to allow proper vehicle manoeuvres. Even the improvements shown by the Appellant's drawing (Plan E) are not enough to remove these highways objections. It needs to be brought up to the standard shown in Layout No 27 (Document 14, App 5, back). The other drawing (Plan F, red line), shows the footway the company is willing to provide into the Council estate, but it only runs as far as No 54 Third Avenue beyond which the existing footway is inadequate, obstructed by hedges, poorly lit and poorly constructed. There is also a dangerous break of 100 m or so between the end of the proposed new footway and the start of the existing one in Summerhill Road. An unclassified turning count was carried out on 10 October 1988 at the 'Y' junction of Top Road/Summerhill Road and this indicates at the peak am and pm periods there were traffic generations of 128 and 201 vehicles respectively (Document 14, App 1). Between 1985 and 1987 there have been 5 accidents in the vicinity of the site between the bottom section of Summerhill Road, which is devoid of footways, and the Crown Inn Public House which is located north of the site along Top Road. Four of the accidents were damaged only with one fatal injury at the junction of Summerhill Road, Wheatsheaf Lane and Moss Road. A plot of the accidents has been submitted (ibid, App 2).

23. The vehicular traffic impact on adjacent roads will not prejudice traffic flows; Summerhill Road and Top Road are however classified roads and by reference to the Department of Transport's Technical Advice Note TA 20/84, Design Bulletin No 32 and Clwyd County Council's Highways Design Guide, these roads are geometrically sub-standard and do not cater for pedestrian movement (ibid, App 3 and photo 2). If this site area of 5.439 hectares, is developed for housing, it would generate at a peak am period a further 156 units at the Summerhill Road/Top Road junction the majority of which would be making a right turn from Top Road and travelling along Summerhill Road to exit into the A541 Mold/Wrexham Road. The proposal would therefore increase the risk of vehicular accidents at the Summerhill Road/Top Road junction due to inadequate visibilities and sub-standard horizontal alignments. Pedestrian traffic would also be at risk due to the lack of footway provision from the site along the main desired pedestrian route down Summerhill Lane leading to Wheatsheaf Lane.

24. Gwersyllt Community Council appeared at the inquiry in order to give its support to the Council in opposition to this proposal. Its Clerk and Financial Officer enlarged upon the reasons given in its letters of 8 June and 10 November 1988 (Document 3). The village has been subject to too rapid a growth rate and needs a period of stability so that the great development of recent years which has taken so much agricultural land and open space can be assimilated into the community. The 2/3 bedroom houses envisaged by this proposal will increase the number of children with more pressure on schools; such recreational facilities as exist are too far removed from this site to be usable. It objects most strongly to land in the green barrier being taken for even more housing when the local plan raises a strong presumption against any development in such an area.

25. It also strongly supports the Council's opposition based highways considerations. It is constantly in receipt of complaints about traffic conditions along Summerhill Road where there have already been fatal accidents, and where major

improvements have been needed for many years; it is the main road for Gwersyllt people into Wrexham. The Community Council has unsuccessfully opposed other housing proposals, and those that have recently been allowed on appeal will produce something like an extra 70 dwellings which ought also be taken into account. This present scheme is even more unacceptable than those others; this is the only one that involves development in a green barrier.

26. Four other persons whose names and addresses are appended to this letter also appeared at the inquiry to object to this proposal. The representative from the Council for the Protection of Rural Wales adhered to what is said in the letter from that body dated 21 June 1988 (Document 3), about its opposition to development beyond the settlement boundaries of Gwersyllt, and in particular about any erosion in the green barriers. The site adjoins Moss Valley Country Park, and any houses built on the site would be seen from the valley and from the other side of it. Such a visual intrusion into an otherwise rural area would be most unfortunate after the Council's efforts in restoring that valley floor as a Country Park. The line of development as shown on the drawing (Plan E), is far too close to Moss Wood to be acceptable in any circumstances.

27. Many of the relevant planning policies made by the 3 local residents in opposition to this proposal were by way of a reiteration and re-emphasis of some of those made in the Council's case about this being visually intrusive development in a pleasant, highly rural part of the green barrier that was overlooked from Bryn Teg across the valley, dangerous traffic conditions, the need for more and better footways for pedestrians, and the claim that there is already adequate land available for housing needs. There was also support amongst them for the Community Council's view that pressure on education facilities was already a problem which would be made worse by this scheme. The fear was expressed that this development would diminish the value of, or even extinguish certain legal rights of way. The permissions granted for the development of the southern land had been in recognition of the fact that land had formerly been occupied by a large family house known as "Harraps Hall", which had once been used as a club, and most recently as a home for the elderly.

28. Consideration of all the evidence and argument in the light gained from my inspection of the appeal site and its surroundings leads me to believe that the central issue between the parties is whether the benefit of developing this land in the way proposed is outweighed by the land use policy objections raised against it. Whether it is so outweighed depends to some extent on what kind of presumption operates in its favour. In addition to the general presumption in favour of development that has existed for decades and which is emphasised and restated in various current Government guidelines, there is a special, and additional presumption in favour of private housing proposals when, in accordance with structure plan policies, a 5 year supply of land for housing, is not available.

29. Although the application is in outline only with all matters of detail reserved for subsequent consideration, the illustrative drawing (Plan E), shows one way in which this land could be developed so as to provide a layout of 156 units. Whilst that total is likely to be reduced as a result of your client's willingness to accept all the conditions suggested by the Council (Document 4, para 5), that drawing gives a helpful indication of the sort of scheme the company has in mind. Furthermore, study of that drawing in conjunction with the other papers (Plan D and Document 7, Apps C & D), which show the land on which your client now holds an option to purchase, suggests that suitably worded conditions could remove most of the points of objection about access and footways that have been raised by the local authority (Documents 6 and 14).

30. The only major such issue not amenable to one form or another of that treatment relates to the construction of a footway along Summerhill Road. It would be in addition to that from the site through Bryn Coed to Third Avenue (Plan F, marked red), which your client is willing to provide. There is no disagreement amongst the parties about the desirability of providing such a facility at least as far as Wheatsheaf Avenue. The County Surveyor has been pressed for many years to improve highway safety in this area, but although programmed for action, funds have not been able to be found to put the work in hand. My own observations in the course of visiting the site before and during the inquiry revealed the care that has to be taken by pedestrians walking along that road, but since this problem already exists it would be unfair to burden the appellant with the expense of rectifying it, even assuming the problem of acquiring all the necessary land could be solved. I do not therefore consider the highway's objections as being of determinant importance.

31. It is not in dispute that in Wrexham Maelor, 57 more houses have already been built than the 3,800 provided for by the Approved Clwyd Structure Plan in the period between 1978 and 1991. In theory the Council does not need to make any more land available prior to 1991, and I take the view that, strictly speaking, the wording of paragraph 3 of Welsh Office Circular 47/84, which introduced that particular additional presumption, does not apply to this case. When, however, as here, that Structure Plan projection is categorised by the Council itself as being unrealistic, to compensate for which the Local Plan provides for a total housing allocation of 3,300 new units for the period 1985-91, there may be said to have been a real, as distinct from a notional shortfall that needed to be remedied. The Council accepts that even these additional allocations may not suffice, and will adopt the expedited process to update and modify local plan housing allocations in accordance with the Structure Plan Review's higher, but as yet unsettled figures once they have been formally submitted to the Secretary of State.

32. The preliminary conclusion I have reached is that this proposal enjoys the normal presumption in favour of planning permission being granted, plus some extra degree of welcome in recognition of the need to compensate for what are agreed to be the inaccurate forecasts of the Approved Structure Plan. The need to make some such compensation is a view that appears to be shared by all the authorities participating in the Joint Land Availability Study of April 1987 (Document 13). I remind myself of the wording in the Circular about it being "essential that the planning system should cater effectively for the demand for private sector housing and that there should be an adequate supply of land available to meet that demand" ... (para 2). It is a matter of some urgency that additional land for housing be found in Wrexham Maelor, and it is with that in mind that I shall continue to make my appraisal of the parties' cases.

33. It seems to me that the local plan which has so recently been subject to public scrutiny and consideration by another Inspector acknowledges that this land is of special importance. It lies on the far side of Summerhill Road beyond the generally built-up area of Gwersyllt and has in my opinion been correctly identified as capable of fulfilling the important strategic role of a barrier, a green barrier, between that settlement and others nearby. The fact that permission has been granted for diverse development of the land adjoining it to the south does not in my judgment detract from the strategic importance of the appeal site. Those 2 permissions appear to me to have been a reasonable response to the particular planning history of that other land, and do not reduce the importance of keeping the appeal site open, and should not be allowed to undermine the Council's efforts to do so. Whilst I remain puzzled by the planning rationale that brought the house "Ridge Mount" into existence, I do not see that single instance as having been an abandonment of the constraint policy which I consider proper to this vulnerable area between settlement and woodland/country park.

34. It may be, indeed I consider it probable, that to meet the Borough's increased housing needs when they have been authoritatively identified in the Altered Structure Plan, even more additional housing than that already allocated will need to be found. It may even be that to meet that level of need existing settlements will have to be extended, but before allowing such extension to occur here, it would need to be shown that such need had actually come into being and was not merely in expectation, and also that no less strategically valuable land was available upon which the required houses could be constructed. Even if not all the sites allocated in the local plan are either particularly attractive, easy to develop or immediately available, and even if the Council is being unduly sanguine about the continuing productivity of windfall sites, I consider that the release of this particular parcel land would be both so damaging to the character and appearance of the locality, and so contrary to structure and local plan policies as to be acceptable only reluctantly and in extremis, I do not believe that the need for more housing land either in Gwersyllt or in the Borough as a whole is so acute as to justify such a drastic step.

35. I have considered all the other matters raised, but find them outweighed by those that lead to my decision. For the reasons briefly outlined above, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



SHANE REESE LLB(Hons) LMRTPI Solicitor
Inspector

APPEARANCES

FOR THE APPELLANT

Lord Hoosen QC

- Instructed by Mr P Cook, Solicitor of Messrs T D Morgan, Norman and Company, Solicitors, 26 Exchange Street East, Liverpool 2.

He called:

Mr D M Charles FRTPI

- Appellant's Planning Adviser.

Mr R W Logan DipEP MRTPI

- Consultant Planner - Housing Land Availability.

Mr J A Little FRICS FSVA

- Consultant Surveyor and Valuer.

FOR THE PLANNING AUTHORITY

Mr G Little

- of Counsel, instructed by Borough Solicitor, Wrexham Maelor Borough Council, Guildhall, Wrexham, Clwyd LL11 1AY.

He called:

Mr G J Evans BA MA MRTPI

- Chief Planning Officer, Wrexham Maelor Borough Council.

Mr J J Cunliffe AHTTA

- Highway Planning and Transportation Officer, Clwyd County Council.

FOR THE COMMUNITY COUNCIL

Mr K Bryan

- Clerk to Gwersyllt Community Council, 22 Old Mold Road, Gwersyllt, Clwyd.

INTERESTED PERSONS

Mr M Williams

- "Ridge Mount", Summerhill Road, Gwersyllt, Clwyd LL11 4SP.

Mrs A Davies

- "Rose Cottage", Little Mountain, Summerhill Road, Gwersyllt, Clwyd LL11 4SP.

Mr B Heaton BArch RIBA

- Council for the Protection of Rural Wales, "Ty Gwyn", 31 High Street, Welshpool, Powys SY21 7JP.

Mr J R D Chalmers

- "Tyn-y-coed", Moss Road, Wrexham, Clwyd LL11 6HA.

DOCUMENTS

Document 1 - List of persons present at the inquiry.

- " 2 - Council's pre-inquiry circular letter, and circulation list.
- " 3 - Bundle of 6 letters from Community Council and interested persons.
- " 4 - Council's statutory statement and its 5 original appendices.
- " 5 - Council's late additional representations ("Appendix 6").
- " 6 - County Council's pre-inquiry statement.
- " 7 - Bundle of 6 appendices ("A-F") to Mr Charles' proof of evidence.
- " 8 - Letters dated 13 October 1988 and 2 November 1988 exchanged between Appellant and Council concerning Gwersyllt villages and Council houses in them.
- " 9 - Four appeal decision letters dated 16 July 1986; 24 November 1986; 14 April 1987; and 21 November 1988 (per Mr Charles).
- " 10 - Bundle of 5 appendices to Mr Evans' proof of evidence.
- " 11 - "Appendix 5b": being an up to date mid-October 1988, of housing land availability figures in Document 10 App 5 (per Mr Evans).
- " 12 - Extract from the Clwyd Approved Structure Plan (per Mr Evans).
- " 13 - Joint Land Availability Study; Clwyd; 1 April 1987.
- " 14 - Bundle of Appendices to Mr Cunliffe's proof of evidence.
- " 15 - Letters dated 2 March 1988 and 14 November 1988 from Clwyd County Council to (1) Gwersyllt Community Council, and (2) Appellant's Agents (per Mr Cunliffe).

PLANS

Plan A - Copy application plan.

- " B - Location plan.
- " C - Shows villages comprised in Gwersyllt community.
- " D - Shows land available for highway improvement.
- " E - Illustrative layout.
- " F - Land uses plan.

PHOTOGRAPHS

Photo 1 - Set of 3 card mounted aerial photographs ("A", "B" and "C"), showing the appeal site and its surroundings.

- " 2 - Set of 4 paper mounted photographs showing Summerhill Road and Top Road, and the junction between them.

Appendix 2: Consultation response Senior Service Manager (Highways)

MEMORANDUM

From:	Senior Service Manager	To:	Head of Planning
Our Ref:	P/2017/0651	Your Ref:	P/2017/0651
Date:	24 January 2020		

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

Location: O. S Grid Ref: 3100 5333 Land west of Top Road, Summerhill
Development: Erection of 82 dwellings (including provision of affordable housing), new access, realignment and improvement to Top Road and formation of public open space

I refer to your revised consultation in respect of the above.

The site is located with a proposed access on to Top Road Summerhill, a classified highway subject to a 30 mph speed limit. The junction of Top Road with Summerhill Road / Bottom Road is below current design standards.

There is very limited provision for pedestrians along Top Road; there is inadequate footway provision between the proposed site access and Wheatsheaf Lane.

The application proposes to construct 82 new dwellings off a revised junction arrangement at Top Road junction with Summerhill Road. The revised junction provides improvements to visibility and alignment. A new footway is also proposed along the frontage of the site leading up Top Road.

In response to concerns raised about the lack of footway provision along Summerhill Road the applicant has now proposed the construction a new footway to link the site with Wheatsheaf Lane.

This footway is only 0.9m wide in part before widening progressively to 1.7m. A 0.9m wide footway is not of adequate width to allow a parent to walk alongside a child and I would question whether this width is acceptable. A minimum 1.2m width should be provided. The introduction of a footway results in the loss of approximately 7m of the existing stone boundary wall. The road width will also reduce to 5.5m. Whilst a road width of 5.5m is acceptable in principle, the presence of a stone boundary wall alongside the carriageway results in vehicles actually being driven approximately 0.7m away from the wall. The actual usable road width will therefore be reduced to approximately 4.8m which is below preferred standards, which is not considered acceptable when it is the main access to serve 82 proposed new dwellings.

Peak hour traffic generation from the proposed development is estimated at around 67 movements in the morning peak hour, the vast majority of whom will travel along Summerhill Road towards the Wheatsheaf Lane / Moss Road junction. This equates to just over 1 additional vehicle per minute.

The net impact of the development will result in a traffic generation increase of 25% at the Top Road / Summerhill Road junction. This would be of serious concern if the junction layout wasn't being improved; however given the proposed improvements the traffic increase is considered acceptable at this junction.

An 11.7% increase at the Moss Road / Wheatsheaf Lane junction is above the figure Welsh Government deems to be significant where there are already constraints within the highway. Whilst the gradient of the Wheatsheaf Lane junction on to Summerhill Road is below current design standards, the junction operates fairly well and my visits to site at peak hours I have seen little sign of queueing traffic.

The traffic increase going to Mold Road roundabout from Summerhill Road is shown to be just 1.2%; well below the 5% increase deemed significant by Welsh Government. It is therefore difficult to justify a refusal on highway grounds.

I am unable to support the application for the following reason:

The proposed development is likely to generate an increase in vehicular and pedestrian traffic along a highway lacking in adequate footway provision with consequent additional danger to all road users.



Service Manager Environment

Appendix 3

SCHEDULE OF SUGGESTED CONDITIONS IN THE EVENT OF THE APPEAL BEING ALLOWED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of two years from the date of this permission.
2. The development shall be carried out in strict accordance with the details shown on the drawings and documents listed in the Schedule of Plans and Documents appended to this decision.
3. The site shall be developed in accordance with the ground and finished floor levels shown on drawing no.300 Revision P11
4. No development shall take place until a ground stability report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. The remedial measures shall be carried out in accordance with a timetable to be specified in the report.
5. 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 Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - c) A full specification for any access, driveway, path (to include the path required by condition 08), 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.
6. Development shall not commence until a scheme of remediation in respect of the presence of Japanese Knotweed within the site, to include a Biosecurity Risk Assessment, has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter only progress in accordance with the scheme as approved.
7. Notwithstanding the details shown on drawing no. 300 Revision P11, the construction of any dwelling hereby permitted shall not begin until until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an

assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

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

8. Development shall not commence until a scheme for the provision of a footway to the east of Summerhill Road has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall thereafter be implemented in full prior to the first occupation of any dwelling.

9. Within three months of the commencement of development a scheme of boundary treatment, to include details of the means of enclosure and retaining structures to be erected within garden areas of each dwelling, shall be submitted to and approved in writing by the Local Planning Authority. Each dwelling shall thereafter be provided with the mean of enclosure in accordance with the details as approved prior to it being first occupied.

10. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

11. Within three months of commencement of development, full details of a hard and soft landscaping scheme, including a timescale for implementation of the landscaping works, shall be submitted to and approved in writing by the Local Planning Authority. Hard and soft landscaping shall thereafter be carried out in strict accordance with the approved scheme.

12. The landscaping scheme submitted in respect of condition 11 shall include a scheme of tree planting. The details shall include the species, stock size and planting location of each tree. Tree planting shall be carried out in strict accordance with the details and timescales as approved.

13. No dwelling shall be occupied until the site access and the realigned section of Top Road has been constructed in accordance with the details shown on drawing no. TRS-SP01 Revision H.

14. Plots 1 to 3 and plots 44 to 59 shall not be occupied until a 2.0m wide pedestrian footway has been constructed along the full side frontage in accordance with the details shown on drawing no. TRS-SP01 Revision H.

15. No lighting shall be installed on any part of the site until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details demonstrating how the street lighting has been sited and designed so as to minimise the potential impact upon bat species. Street lighting shall thereafter only be installed in accordance with the scheme as approved.

16. Within three months of the commencement of development a scheme for the provision of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the details as approved. The bat boxes shall thereafter be permanently retained. The scheme shall provide for the following:

i) The location and specification of the bat boxes

ii) The timing for their installation

17. Prior to its first use the re-aligned Top Road/Bottom Road/Summerhill Road junction shall be provided with the visibility splays shown on drawing nos. TRS-SP01 Revision H. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility

18. Nothing shall be planted, allowed to grow or erected to a height greater than 1 metre in height above the level of the nearside edge of the adjoining highway for a distance of 2.4 metres measured back from the adjoining highway along the entire site frontage. The splays shall be provided prior to first use of the development and shall thereafter be permanently retained clear of any such obstruction.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

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

3. To protect the amenities of the occupiers of nearby properties and occupiers of properties within the development in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

4. To ensure the safety of future occupiers of the site as well as land in the vicinity of the site in accordance with policy GDP1(f).

5. 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.

6. To remove and control the spread of an invasive species In order to protect wildlife interests, which are afforded special protection in accordance with policy EC6 of the Wrexham Unitary Development Plan

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

8. For the safety and convenience of all pedestrians in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

9. To ensure an acceptable standard of appearance of the development and standard of amenity is afforded to the occupiers of those plots in accordance with policy GDP1 (a) and (f) of the Wrexham Unitary Development Plan.

10. 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.

11. 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.

12. 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.

13. To ensure that a properly constructed access is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of road users and pedestrians in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. For the safety and convenience of all pedestrians in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
15. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
16. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
17. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
18. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan

NOTE TO APPLICANT

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.

Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty.

The person carrying out development must ensure that the notice is:

- a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- b) Legible and easily visible to the public without having to enter the site; and
- c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Appendix 4

Schedule of Plans and Documents

Site layout

TRS-SP01 Revision H

Site and Finished Floor Levels

300 Revision P11

Floor Plans and Elevations

TRS-BAN-PL01.1 Banbury – Floor Plans – Plot 1

TRS-BAN-PL02.1 Banbury – Elevations- Plot 1

TRS-BAN-PL01 Banbury – Floor Plans

TRS-BAN-PL02 Banbury - Elevations

TRS-BUR-PL01 Burlington – Floor Plans

TRS-BUR-PL02 Burlington - Elevations

TRS-CHA-PL01.1 Chatsworth –Floor Plans – Plots 59

TRS-CHA-PL02.1 Chatsworth – Elevations – Plots 59

TRS-CHA-PL01 Chatsworth – Floor Plans

TRS-CHA-PL02 Chatsworth – Elevations

TRS-EDI-PL01 Edinburgh – Floor Plans

TRS-EDI-PL02 Edinburgh – Elevations

TRS-FEN-PL01 Fenwick – Floor Plans

TRS-FEN-PL02 Fenwick – Elevations

TRS-HTR-PL01 Heatherington – Floor Plans

TRS-HTR-PL02 Heatherington – Elevations

TRS-HTRS-PL01 Heatherington Special – Floor Plans

TRS-HTRS-PL02 Heatherington Special - Elevations

TRS-KIN-PL01 Kingston – Floor Plans

TRS-KIN-PL02 Kingston - Elevation

TRS-W-PL03 Warwick & Stratford – Floor Plans – Plot 22 & 40

TRS-W-PL04 Warwick & Stratford – Elevations – Plot 22 & 40

TRS-W&S-PL01 Warwick & Stratford – Floor Plans

TRS-W&S-PL02 Warwick & Stratford – Elevations

TRS-WEN-PL01 Wentworth Floor Plans

TRS-WEN-PL02 Wentworth Elevations

TRS-GD.01 Single Garage Details – Floor Plan and Section

TRS-GD.02 Single Garage Details – Elevations

TRS-GD.03 Double Garage Details – Floor Plan and Section

TRS-GD.04 Double Garage Details – Elevations

Ecology and Biodiversity Risk Assessment

Pearce Environment Limited Ecology Appraisal dated 23.8.2017

Pearce Environment Ltd Biodiversity Risk Assessment dated 23.8.2017