

PRE-INQUIRY STATEMENT OF CASE

Section 78 Appeal by Glyndwr University

Land at Holt Road, Wrexham

Outline planning application for the erection of up to 74 dwellings together with vehicular/pedestrian access from Holt Road, open space which can be used with adjoining land to the west to create a formal sports pitch, site landscaping, sustainable drainage and other related infrastructure



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1.0 Introduction

1.1 Narvo Asset Management has been instructed by Glyndwr University (the Appellant) to act on their behalf in respect of the appeal against the refusal of outline planning application ref P/2018/0673.

1.2 This statement is submitted pursuant to the Town and County Planning (Inquiries Procedure) (Wales) Rules 2003.

1.3 The appeal is against the refusal by Wrexham County Borough Council (Wrexham CBC) for the following:

Outline planning application for the erection of up to 74 dwellings together with vehicular/pedestrian access from Holt Road, open space which can be used with adjoining land to the west to create a formal sports pitch, site landscaping, sustainable drainage and other related infrastructure

1.4 The application was validated by Wrexham CBC on 10 August 2018. The application included a package of supporting information including:

- Original Planning Application Form plus Ownership Certificate and Agricultural Holdings Certificate, 12th June 2018
- Revised Planning Application Form plus Ownership Certificate and Agricultural Holdings Certificate, 14th June 2019
- Cover Letter of 4 August 2018
- Site Location Plan (531-17-4-AL-100-001)
- Existing Site Plan (531-17-4-AL-100-002)
- Parameters Plan (531-17-4-AL-00-002)
- Indicative Masterplan (531-17-4-AL-00-001)
- Topographical Survey (531-17-4-AL-100-003)
- Pre-application consultation report produced by Narvo Asset Management
- Preliminary Ecological Appraisal produced by RPS
- Energy Statement produced by Futureserv
- Flood Consequence Assessment and Drainage Strategy produced by Scott Hughes
- Framework Travel Plan produced by ITP
- Landscape Design Strategy produced by TPM
- Landscape and Visual Impact Assessment produced by Axis

- Landscape Layout (3060-101-A)
- Statement on Historic Environment Matters produced by EDP
- Design and Access Statement produced by Day Architecture
- Planning Statement produced by Narvo Asset Management
- Transport Assessment produced by ITP
- Tree Survey Assessment produced by Indigo
- Tree Constraints Plan (18164-S4-TCP-01)
- Utility Statement produced by Futureserv
- Height Parameter Statement

1.5 A full list of all documents will be provided with the Statement of Common Ground (SoCG).

1.6 The application was determined by Wrexham CBC's Planning Committee on 1 July 2019. The report to committee included an officer recommendation to approve the application. When considering the proposals, the Officer who drafted the Committee Report considered that the provision of high quality open space as part of the development proposal would outweigh the loss of the informal open space that presently exists.

1.7 In particular, the Officer observed that while the site has a presumption of protection from development (see PPW and TAN 16),

"it cannot be ignored that the application site and the neighbouring land is in private ownership or ownership where there is no specific right to use the land for the purposes of sport or recreation. Whilst land ownership is not a material planning consideration, it would be remiss to ignore the fact that the land in question is in private ownership and could be closed off from all public access at any time. Signage around the site appears to indicate this to be the case. I am not aware of any specific legal rights for any members of the public, local clubs or organisations to utilise the site."

1.8 The Appellant agrees with the Officer's conclusion on this issue that

"...taking on board the clear local and national planning policy steer and the conclusions of the 2016 open space study I consider that there are other material considerations that should be afforded greater weight in favour of the proposal. There is availability of other sites in the locality of the same type, especially on the northern side of Holt Road, of greater quality. The provision of a significant level of housing within a sustainable location, with the opportunity to introduce high quality and policy compliant open space provision, in the wider interest of the County Borough will ultimately reduce the pressure to accept sites outside of defined settlements. This should also carry significant weight. I am therefore satisfied that the proposed development should be considered acceptable "

1.9 The Planning Committee disagreed with the recommendation and determined to refuse the application. The Appellant appealed the refusal via a Section 78 appeal.

- 1.10 The refusal contains two separate reasons for refusal:
- 1) *The proposed development would result in the loss of a playing field in an area deficient of such provision. As no alternative provision of equivalent community benefit is made available, its loss would be detrimental to the amenity offered to the community, contrary to Wrexham Unitary Development Plan policy CLF4 and Welsh Government TAN 16.*
 - 2) *The Council consider that the additional traffic generated by the proposed development will have an adverse impact on the Greyhound public house roundabout on Holt Road, which already operates beyond its design capacity. To allow the development would be contrary to Wrexham Unitary Development Plan policy GDP1 (d).*
- 1.11 A full list of all the submitted documents and drawings will be set out in the joint Statement of Common Ground between the appellant and the LPA.
- 1.12 Whilst the lack of a Planning Obligation was not listed as a Reason for Refusal, it is acknowledged by the Appellant that a section 106 Planning Agreement is required to deal with the following matters:
- 1) The provision of affordable housing
 - 2) The provision, maintenance and management of Public Open Space
 - 3) A contribution toward primary education capacity required as a result of the proposals
- 1.13 This statement of Case set out the arguments which the Appellant intends to present in support of the case that planning permission for the appeal proposals should be granted. This statement will describe areas of evidence to be presented and identifies documents and information which may be presented in support of the Appellant's Case.

2 Site Description

2.1 The Appellant will describe the nature of the appeal site and its relationship with the surrounding area and the role which it has historically performed, together with the position the site is currently in. The application site extends to 3.267 hectares (8.07 acres) and is situated within the urban area of Wrexham, approximately one mile north east of the town centre.

2.2 The site is broadly rectangular shaped being bounded:

- to the north by the rear gardens of Denbigh Close and Monmouth Road;
- to the east by the rear gardens of housing fronting onto Goulbourne Avenue;
- to the south by Holt Road and the rear gardens of properties on Landford Close;
- to the west by the rear of properties fronting onto Dean Road.

The site is open to the west and unofficial access is currently taken to the western portion of the site by the general public. The eastern portion of the site is currently fenced off, which prevents public access being taken.

2.3 Topographically, the site is generally flat and there are no public rights of way which cross the site. The surrounding area is primarily a residential suburb and therefore housing is the predominant land use. There are also a number of local schools and facilities within the local area. These are outlined in detail with the evidence provided on highways and transport.

3 Appeal Proposals

3.1 The application was submitted in outline with all matters reserved. A Screening Opinion pursuant to the Town and County Planning (Environmental Impact Assessment) (Wales) Regulation 2017 was submitted on behalf of the Appellant on 10 July 2018. Wrexham CBC responded on 1 August 2018, confirming that the application does not require an Environmental Statement.

Housing

3.2 The proposal is for 74 dwellings. Details on house types, sizes and tenures are to be determined via a future reserved matters application. The new dwellings would be two storeys in height and would have the following parameters:

- A maximum height of nine metres from finished floor to ridge level
- A minimum height of four and a half metres from finished floor to ridge level
- A minimum of 4.5 metres width and a maximum of 13 metres width
- A minimum of 4.5 metres length and a maximum of 13 metres length

Affordable Housing

- 3.3 The Appellant proposes a policy compliant level of 25% affordable housing, which is to be secured by a Planning Agreement, and which is a substantial contribution to the affordable housing need that should be attributed significant weight.

Site Layout

- 3.4 An Illustrative Masterplan has been submitted to demonstrate how the appeal site can deliver the development proposed, at a density of 35 dwellings per hectare outlined above. The illustrative masterplan also demonstrates how the open space is configured.

Open Space

- 3.5 The proposed scheme features two separate elements of open space, as detailed below. The 0.82 hectares of land proposed for sports use is a material consideration. This land is currently used for junior football, although no formal arrangement currently exists to allow this use to take place, and it can be prevented by the landowner at any time. The application seeks to secure this use via a planning agreement. The site's configuration in land uses is set out within the following table:

Overall site area	3.27 hectares
Land proposed for sports use	0.82 hectares
Land for ancillary greenspace	0.25 hectares
Net developable area for 74 units	2.20 hectares

4 Relevant Planning History, Appeal Procedure and Presentation of Evidence

4.1 The site has not previously been the subject of a planning application for residential development.

4.2 The Appellant will present evidence on the following key policies, which are relevant in the determination of the appeal proposals:

- The status of the Wrexham Unitary Development Plan (UDP) 1996-2011, the age and relevance of the policies within the UDP and the proper approach to and weight that should be attached to CLF4
- The significant housing shortfall and means of addressing this via the development control process.
- Technical Advice Note 16
- Planning Policy Wales, including paragraph 4.5.4
- The relevant evidence base for the emerging Wrexham Local Plan, including the Open Space Surveys of 2009 and 2016.

4.3 It is anticipated that a Statement of Common Ground between the appellant and the LPA will conclude that there is agreement on the following headline issues:

- Format of the planning application and supporting material
- Environmental impact Assessment
- Five-year housing land supply
- Prematurity
- Development Plan Designations
- Principle of Development
- Facilities and Accessibility
- Landscape and Visual Impact
- Design
- Impact on Residential Amenity
- Flooding and Drainage
- Affordable Housing
- Ecology
- Trees
- Ground Conditions and Contamination
- Heritage
- Infrastructure
- Noise and Air Quality

- Highway Safety

5.0 Appeal Procedure and Potential Co-joining of Appeal

- 5.1 The Appellant considers that a Public Inquiry would be the most appropriate appeal procedure in this case. The proposals are for a relatively large housing scheme, and the evidence will need to explore the interaction between the extant and emerging development plans as well as the housing land supply position. The transport evidence is likely to be of a highly technical nature.
- 5.2 It is anticipated that a Statement of Common Ground will be produced with Wrexham CBC, which will significantly narrow down the scope of issues in dispute. The remaining issues are however complex and require testing through formal questioning of expert witnesses by an advocate, which would not be possible via the Informal Hearing and/or Written Representations procedures. It is unlikely that the evidence could be properly examined within 1 or 2 days as would be required for a hearing.
- 5.3 As explained previously, this particular proposal is one of two sites that the Appellant is appealing, following their respective refusals by Wrexham CBC's Planning Committee on 1 July 2019. Whilst each individual site has specific issues there is merit in seeking to co-join this appeal with an application on an additional parcel of land owned by Glyndwr University (application ref P/2018/0674). Both sites are owned by the Appellant and their disposal is part of an on-going programme to generate capital receipts which will be spent by Glyndwr University on redeveloping and improving the operational Estate of the University. Evidence will be presented on that particular issue, and so conjoining the appeals would avoid duplication of that process. The process is likely to make the best use of both the parties', and the Inspectorate's time.

Proofs of Evidence

- 5.4 On the basis that the Planning Inspectorate agree to this appeal being dealt with under the Public Inquiry procedure, the Appellant will prepare written evidence in advance of the Public Inquiry to address the reasons for refusal. This evidence will also consider any other valid issues raised by third party objectors and/or statutory consultees. At this stage, it is envisaged that the evidence will be presented on planning, highways, and on the role and function of the University within the community, the local economy, and the nature of its estates programme.
- 5.5 The Appellant reserves the right to introduce additional witnesses as necessary to address any other issues that may be raised by the Planning Authority and/or any other Parties.
- 5.6 The Appellant will identify the key benefits of the proposed development and will attribute weight to each of these for the purposes of the overall planning balance.

- 5.7 The Appellant will also address the adverse impacts of granting planning permission and the relative weight that should be attributed to these. It will be for Wrexham CBC to demonstrate with evidence why they reach a different conclusion and why the adverse impacts of granting planning permission would significantly and demonstrably outweigh those benefits.