

PRE-INQUIRY STATEMENT OF CASE

Section 78 Appeal by Glyndwr University

Land at Gatewen Road, Wrexham

Outline planning application for residential development, up to 112 dwellings, together with vehicular / pedestrian access from Gatewen Road, open space, landscaping, sustainable drainage and other related infrastructure.



December 2019

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/2018/0674.

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 residential development, up to 112 dwellings, together with vehicular / pedestrian access from Gatewen Road, open space, 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
- Existing Site Plan (531-17-5-AL-100-002)
- Parameters Plan (531-17-5-AL-00-002)
- Indicative Masterplan (531-17-5-AL-00-001)
- Topographical Survey (531-17-5-AL-100-003)
- Tree Survey, Arboricultural Implications Assessment and Method Statement produced by Indigo
- Pre-application Consultation Report produced by Narvo Asset Management
- Preliminary Ecological Appraisal produced by RPS
- Preliminary Ecological Appraisal and Interim Protected Species Survey Report 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 Layout (3060-102-B)

- Landscape and Visual Impact Assessment produced by Axis
 - Heritage Impact Statement 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 Constraint Plan (18164-S3-TCP-01/02)
 - Utility Statement produced by Futureserv
 - Cover Letter of 3 August 2018
 - Height Parameter Statement
- 1.5 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. The Planning Committee disagreed with the recommendation and determined to refuse the application. The Appellant appealed the refusal via a Section 78 appeal.
- 1.6 The refusal contains two separate reasons for refusal:
- 1) *The Council consider that the additional traffic generation from the proposed development will cause a significant detrimental impact upon the local highway network. This will result in significant queuing issues at the Gatewen Road B5433 junction with Berse Road (B5101) and Berse Road (N) B5101 / Rhyd Broughton Lane / Berse Road (W) roundabout during AM and PM peak hour movements. To allow the development would be contrary to Wrexham Unitary Development Plan policy GDP1 (d).*
 - 2) *The proposed development lies outside defined settlement limits and represents inappropriate development for sites within Green Barriers. To allow the development would therefore conflict with Wrexham Unitary Development Plan policies PS1 and EC1.*
- 1.7 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.
- 1.8 Whilst the lack of a Planning Obligation was not listed as a Reason for Refusal, it is acknowledged by the Appellant that a Planning Obligation 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

1.9 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

- 2.0 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.
- 2.1 The application site extends to 4.743 hectares (11.7 acres) and is situated to the north of Gatewen Road. The site is roughly triangular. To the east and north is a significant residential development site which has recently been completed by Bloor Homes. To the west is an existing area of public open space and beyond this, the urban edge of New Broughton. To the south is Gatewen Road and beyond this, an established residential area.
- 2.2 Topographically, the site is undulating, with various high and low points across the site. This is discussed further within the Design and Access Statement which accompanies this application. There are no public rights of way which cross the site.
- 2.3 The surrounding area is primarily residential or public open space. Moss Valley Country Park is beyond the newly constructed residential development site to the north and east.
- 2.4 The site is currently used for the grazing of horses. It does not form part of a wider agricultural holding and exists as a pocket of grazing land, which is located on the edge of a settlement.

3 Appeal Proposals

- 3.1 The application was submitted in outline with all matters reserved save for the means of access. 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 112 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.
- 3.3 The appellant proposes a “policy compliant” level of 25% affordable housing, which is to be secured by a Planning Agreement. The appellant will set out the need for this housing to come forward within Wrexham and the policy context for the appeal scheme.
- 3.4 An Illustrative Masterplan has been submitted to demonstrate how the appeal site can deliver the development proposed, at the density of 35 dwellings per hectare outlined above. The illustrative masterplan also demonstrates how the open space is configured.

Landscape and Green Barrier

- 3.5 The appellant will provide evidence on the circumstances which have changed since the Wrexham UDP allocated the site within the Green Barrier, including the significant residential development to the east and the need for new housing to come forward both within a future development plan, but also the important requirement for housing to come forward in advance of a future plan being adopted, to meet the pressing need for new housing within Wrexham.
- 3.6 The appellant will look at the role of the green barrier and the evidence base for the new Wrexham Local Plan, which seeks to remove the site from the green barrier and instead allocate the site for residential development.

Highways and Traffic Generation

- 3.7 In addressing the first reason for refusal, the appellant will further examine the evidence on potential impacts to traffic movements on the wider highway network arising from the development proposals. Given the Local Planning Authority are also seeking to allocate the site for up to 127 dwellings in the new Wrexham Local Plan, the appellant will examine the evidence base which supports the new plan.

4 Relevant Planning History and Documents

- 4.1 The site has not previously been the subject of a planning application for residential development. 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 weight that should be attached to GDP1 (d), PS1 and EC1
 - The significant housing shortfall and need to address this via the development management process.
 - Planning Policy Wales

- Technical Advice Note One
- The emerging Wrexham Local Plan and evidence base which supports it, including the Green Wedge Review and a draft allocation on the site for 127 dwellings.

4.2 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/2018/0673). 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 agrees 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 any such issues in the planning balance. The appellant will balance any impacts against the significant housing shortfall within Wrexham, the draft allocation for 127 dwellings within the emerging Local Plan and the Officer's Report, which recommended approval of the application.