

Town and Country Planning Act 1990

**Local Planning Authority Statement of
Case**

**APPEAL RELATING TO LAND EAST OF BOTTOM
ROAD, SUMMERHILL, WREXHAM, LL11 4TR**

**PINS Refs: APP/H6955/A/17/3183371
LPA Planning Refs: P/2016/0738**

1.0 THE SITE

- 1.1 The site subject to this appeal is formed of some 2.94ha of land which stretches in a northerly and westerly direction from the settlement boundary of Gwersyllt.
- 1.2 The site is bounded on its northerly and westerly fringes by a narrow rural country lane. The eastern site boundary the site is open as the land gently falls away towards neighbouring agricultural land.

2.0 PROPOSAL

- 2.1 The planning application subject to this appeal has been made in outline with all matters save for access reserved for further approval. The proposal consists solely of residential use with an indicative number of dwellings shown as a maximum of 59.

3.0 PLANNING CONTEXT

- 3.1 The application site is located outside of the settlement limit and partially within a Special Landscape Area (as defined by the Wrexham unitary Development Plan (UDP)). The site is currently defined as agricultural land with no previous use, therefore a greenfield site. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, EC2, EC4, EC5, EC13, H5, H7, CLF5 and T8 of the (UDP) are applicable.
- 3.2 These policies are amplified in Local Planning Guidance Notes (LPGN) 10 - Public Open Space in New Developments, 16 - Parking Standards, 17 - Trees and Development, 27 - Developer Contributions to Schools, 28 – Affordable Housing, 30 - Residential Design Guide and 32 - Biodiversity and Development. The Council's LANDMAP assessment guidance document is also applicable.
- 3.3 National Planning Policy is contained in Planning Policy Wales (PPW) Edition 9 and Technical Advice Notes (TAN) 1 - Joint Housing Land Availability Studies, 2 - Planning and Affordable Housing, 5 - Nature Conservation and Planning, 12 – Design, 15 – Development and Flood Risk and 18 - Transport.

4.0 THE COUNCIL'S CASE

- 4.1 The Council's case is set out in its report to its Planning Committee which can be found in Appendix 1 of this statement.
- 4.2 The Council notes that a significant amount of additional detail has been submitted with the Appellants Grounds of Appeal which was not considered as part of the Planning Application. This is considered in detail below.

4.2 Drainage

In relation to reason for refusal no. 3, the Council has reviewed the technical submissions. The flood consequence assessment submitted in support of the Appellants grounds of appeal has provided additional information that was not available at the time of determination of the original planning application. Additional soakaway testing and investigations have been undertaken, along with discussions with Welsh Water regarding securing a sustainable means of surface water disposal. Evidence has been submitted that indicates soakaway is not an option for the site, there is no watercourse nearby into which to secure a direct discharge and Welsh Water have confirmed acceptance in principle of surface water flows, albeit at an attenuated rate, into the local public surface water sewer. This will require the provision of a significant attenuation area on site, the indicative size of which appears confused between the body of the FCA and conclusions. It is essential that future management and maintenance of this system is secured to ensure its function over the life of the development. This has not been defined within the FCA. If the Inspector is minded to allow the appeal, a suitable condition would be requested to ensure the future design detail of a drainage scheme for the site - details of which are included in section 5 of this statement.

4.3 Highways

Additional technical information has been presented by the appellant to demonstrate a low anticipated trip demand. This information has been considered outside the scope of the planning application process and the Council's response limited to consultation with its own Highways engineers. That said, the Council considers that the level of anticipated traffic movements from the site will still be at a level that will be detrimental to highway users, especially to those exiting the site to the north.

- 4.4 The land in question north and east of the application site is severely restricted in terms of width and its geometry is such that forward visibility, particularly along the eastern street of the lane leading down towards the A541 (Mold Road), is so poor that even a small increase in traffic movements would lead to an increased risk to road users and overall public safety. The loss of highway mitigation measures originally proposed (albeit detrimental in visual amenity terms) would further increase this risk.

- 4.5 The Council would respectfully request that the Inspector pays particular attention to the context of this rural lane on their site visit.

4.6 Ecology

Again, the a further detailed submission has been presented by the Appellant, the detail of which has been submitted outside the scope of the planning application process.

- 4.7 The mitigation measure as presented are likely to result in a high standard of remediation of the site to cater for the development and absorb the impact of the built development. However, the Council remains of the opinion that the benefits of the mitigation measures as proposed are not outweighed by the harm of allowing the principle of residential development in this location. If the Inspector is mindful to allow the appeal, the Council would accept that the technical information as presented would seek to mitigate any ecological impact that may occur. This could be reflected in conditions which are recommended in section 5 of this statement.

4.8 Unilateral Undertaking

In accordance with policy GDP2 of the UDP, the Council will expect contributions to be made where there is an identified shortfall in infrastructure provision. There has been an identified shortfall in primary education provision and it is expected that a contribution be made towards improving provision in the locality. This would be required in accordance with formula set out in LPG 27 – Developer Contributions to Schools.

- 4.9 The proposed development as shown in the description of development would also require a mechanism to secure the provision of affordable housing in accordance with the definition laid out in Welsh Government Technical Advice Note 2 - Planning and Affordable Housing.
- 4.10 The Council will require the provision of open space within the development and would expect that control of the communal areas and open spaces be transferred into a management company, to be secured as part of a Unilateral Undertaking.
- 4.11 The appellant has provided the Council with a draft Unilateral Undertaking. This has been reviewed and is considered to be acceptable in terms of the required planning obligations. It is understood that a signed Unilateral Undertaking will be provided by the appellant.

5.0 SUGGESTED CONDITIONS

- 5.1 Should the Inspector be minded to allow either appeal, the Council respectfully requests that consideration be given to the following conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and

approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

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

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

4. The permission shall provide for a maximum of 59 dwellings.

Reason: In order to define the terms of the planning permission and to ensure that adequate provision is made in terms of infrastructure provision.

5. No part of the development shall commence 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.

Reason: To ensure that the development can provide for suitable foul and surface water drainage provision without impacting upon amenity or environmental character.

6. As part of the reserved matters application detail of public open space provision together with the timing of the construction and landscaping of the open space area shall be submitted. The public open space shall be provided on site in accordance with the scheme as approved and thereafter permanently retained.

Reason: In order to ensure that suitable open space provision is made within the development to serve the local population.

7. Prior to commencement of development a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to ensure compliance with policy H7 of the Wrexham Unitary Development Plan.

8. The detail as required by condition no.1 (the reserved matters) shall take into account the mitigation measures as outlined in the Ecological Enhancement Plan of Delta-Simons (Project No. 16-0267.03).

Reason: In order to ensure the protection of the natural environmental including species which are afforded statutory protection.

9. No part of the development shall commence until an 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 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, 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; and
- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;

Reason: To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of trees on the site.

10. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and to protect the amenity of the neighbouring occupiers of the site.

11. The development shall be carried out in accordance with the drawing numbered CAL020216 05 D.

Reason: In order to define the terms of the planning permission, especially relating to the access provision, approval of which is sought at this outline stage.

6.0 CONCLUSION

- 6.1 The site is located outside any defined settlement limit. The Council acknowledges that it is unable to demonstrate a 5 year housing land supply and this is a significant consideration in the planning balance. However the proposal will result in an increased level of traffic using a

wholly substandard highway network, the proposed mitigation measures for which are considered to be inadequate and inappropriate. The proposal is also considered to be inappropriate in terms of its overall design and would have a significant detriment upon the openness of the countryside. These concerns are not outweighed by the Council's need to provide housing land and the Council respectfully requests that the appeal is dismissed.

APPENDIX 1

Report to Planning Committee

APPLICATION NO:
P/2016 /0738

LOCATION:
LAND EAST OF BOTTOM ROAD
SUMMERHILL WREXHAM
LL11 4TR

DATE RECEIVED:
29/07/2016

COMMUNITY:
Gwersyllt

DESCRIPTION:
OUTLINE APPLICATION FOR
RESIDENTIAL DEVELOPMENT

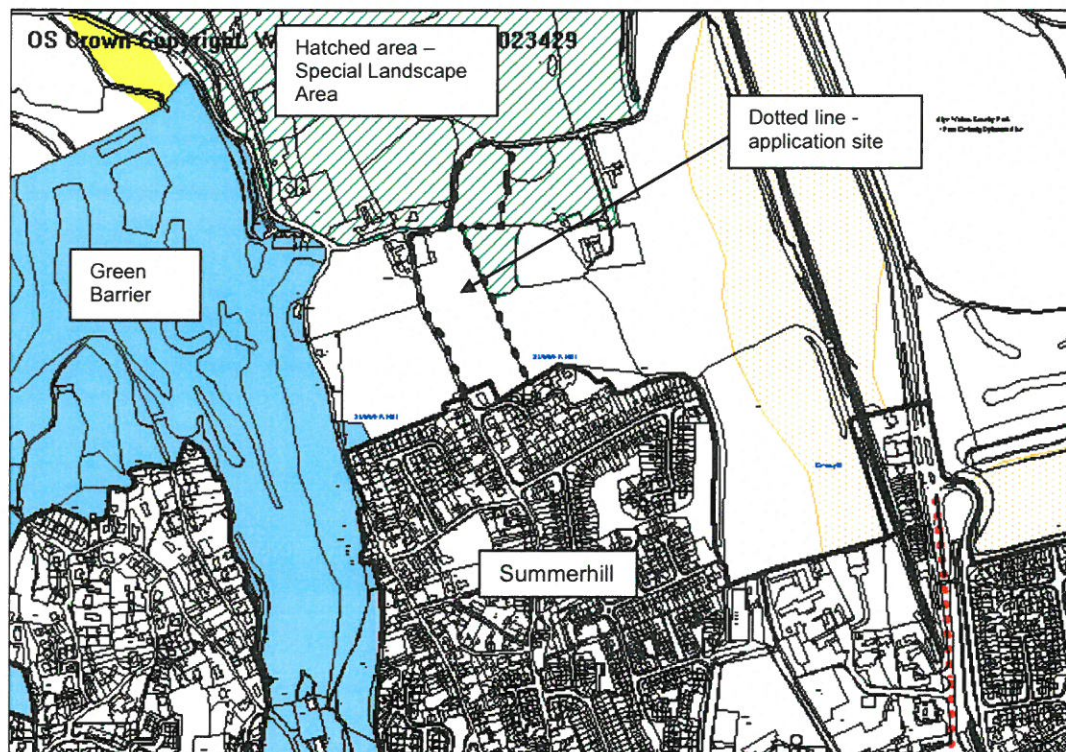
CASE OFFICER:
PF

WARD:
Gwersyllt North

APPLICANT(S) NAME:
SITE PLAN UK LLP

AGENT NAME:
AAH PLANNING
CONSULTANTS
MR PAUL BOOTH

THE SITE

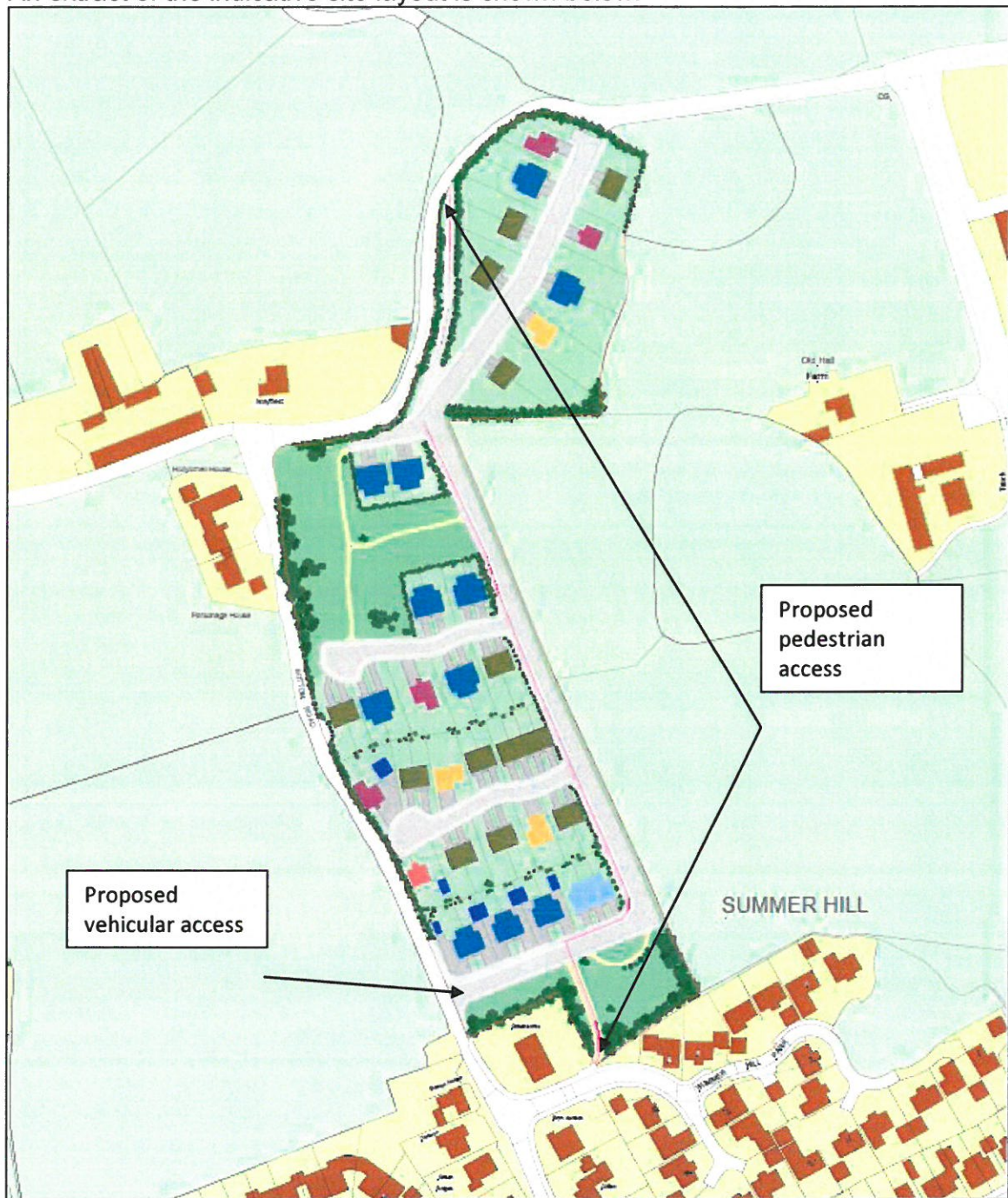


PROPOSAL

Planning permission is sought in outline for residential development. All detailed matters save for access, are reserved for further approval. In accordance with legislation, an indicative site layout has been submitted which details the nature of the proposed development of the site in terms of layout, movements around the site and development density. The application has been presented with the following supporting information.

- Planning Statement;
- Design and Access Statement;
- Flood Consequences Assessment;
- Transport Assessment;
- Landscape and Visual Impact Assessment;
- Contamination Study; and
- Ecological Report.

An extract of the indicative site layout is shown below:-



Proposed indicative site layout

HISTORY

The following planning history relates to a small portion of the application site to the North West.

P/2009/0274	Extension to existing agricultural building for the storage of hay and associated materials. Prior approval not required.
P/2010/0453	Erection of new barn for the storage of hay-haylage, tractor and agricultural implements. Granted 06.09.2010
P/2015/0667	Renewal for planning application P/2010/0453 to enable the erection of new barn for storage of hay – haylage and storage of tractor and agricultural implements. Granted 12.01.2015

DEVELOPMENT PLAN

The application site is located outside of the settlement limit and partially within a special landscape area. The site is currently defined as agricultural land with no previous use, therefore a greenfield site. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, EC2, EC4, EC5, EC13, H5, H7, CLF5 and T8 of the Wrexham Unitary Development Plan (UDP) are applicable. These policies are amplified in Local Planning Guidance Notes (LPGN) 10 - Public Open Space in New Developments, 16 - Parking Standards, 17 - Trees and Development, 27 - Developer Contributions to Schools, 28 - Affordable Housing, 30 - Residential Design Guide and 32 - Biodiversity and Development. The Council's LANDMAP assessment guidance document is also applicable.

NATIONAL PLANNING POLICY

National Planning Policy is contained in Planning Policy Wales (PPW) Edition 9 and Technical Advice Notes (TAN) 1 - Joint Housing Land Availability Studies, 2 - Planning and Affordable Housing, 5 - Nature Conservation and Planning, 12 – Design, 15 – Development and Flood Risk and 18 - Transport.

CONSULTATIONS

Community Council:

Objects for the following reasons:

- The proposed siting of the development is particularly ill-considered as the site forms part of the green barrier and is outside the settlement limit. The development would represent an unnecessary and undesirable encroachment into the countryside and the proposal is contrary to a number of existing planning policies that have been put in place to protect green barrier land from inappropriate development and to

safeguard the character of existing settlements.

- The proposed development will generate a significant increase in the amount of local traffic and the Council has concerns about the impact on road safety particularly having regard to the unsuitability of the existing local highway network. Bottom Road is narrow in places and this sometimes makes it difficult for traffic to move freely. The proposed development will exacerbate this problem causing traffic congestion and making it difficult for emergency services to access the area. The creation of unsafe conditions on the road and the potential danger to pedestrians cannot be over emphasised. The single track access road linking Bottom Road to the A541 Mold Road is in a rural environment and little more than a 17th century lane bounded by hedgerows. It is totally unsuitable for the increase in traffic flows that the development would generate and the Council strongly contends that if the site were developed this would cause unacceptable harm to the character and appearance of the area.
- The Council also has concerns about the adverse effects on wildlife in this rural environment.
- Concerns regarding the impact of the development on the existing, local infrastructure. Local facilities such as schools and doctors' surgeries are already under pressure and the Council considers that the existing infrastructure cannot cope with the increase in population the scheme would bring about.
- The Council considers that little regard (if any) has been paid to the Wales Spatial Plan in bringing the application forward for discussion by the Planning Committee. It is particularly concerned that the community of Gwersyllt is becoming a regular target for new development at a time when the preparation process for the Wrexham

REPORT OF THE CHIEF PLANNING OFFICER – Date – 3rd APRIL 2017

	Local Development Plan 2 for 2013-2028 has yet to be completed. This is putting the community under great pressure contrary to the spirit of the Wales Spatial Plan which promotes the building of sustainable communities whilst retaining their character and distinctiveness.
Local Member:	Has expressed a personal and prejudicial interest in the application.
Site notice:	Expired 14.02.2017
Press notice:	Expired 30.08.2016
Highways:	Object and recommends refusal. The roads giving access to the site are by reason of their inadequate width, their horizontal alignment and their substandard pedestrian / cycle provision, unsuitable to accommodate the increase in traffic likely to be generated by the development.
Public Protection:	No objection. Conditions and informatives recommended regarding construction phase controls and nuisance measures.
Flood Management Officer:	Requisite information to demonstrate that surface water can be dealt with on site has not been provided. In the absence of such information planning permission should be refused.
NRW:	Raise the following concerns: • Planning permission should only be granted if it can be demonstrated that surface water can be dealt with by way of soakaways; • Private drainage systems will not be acceptable in areas with foul drainage infrastructure; • The Local Planning Authority should ensure statutorily protected species are considered and the landscape value of the site should be managed to enhance the ecological value of the site.
Welsh Water:	No objection subject to conditions to prevent surface water being disposed of in the public sewer network and the submission of a comprehensive drainage design prior to commencement of development.
Neighbouring occupiers:	37 neighbouring occupiers notified. 45 responses received. 44 objecting to the development on the following grounds:

Planning Policy

- An LDP candidate site of which this forms part of has identified that whilst it complies with their preferred strategy, there are site constraints which are unlikely to be overcome to allow the site to be developed;
- The land is classed as best and most versatile agricultural land and should not be developed;
- The development has started residential creep which will only encourage more developments of this kind;
- The land is outside any defined settlement limit and with Green Barrier;
- There are numerous brownfield sites in Wrexham town centre that could be built upon;

Amenity

- The proposal will result in an increased demand upon the existing schools and facilities;
- The building process will lead to disturbance of existing neighbouring occupiers such as vibrations, dust and noise;
- The proposed development would cause significant detriment to the visual amenities of the area and would adversely affect the landscape character as the site provides a landscape buffer to the existing built form. It provided an intrinsic green buffer which is highly sensitive and can be seen from extensive public viewpoints;
- The site includes an area of Special Landscape Area which would be lost forever;
- Some of the houses will directly overlook other properties resulting in a loss of privacy and peaceful enjoyment of homes;

Traffic/Highway Safety

- The roads are not suitable for any more traffic as additional houses would mean additional vehicle movements;

- There are known instance of traffic congestion in the locality causing highway safety concerns;
- Bithell's Lane is a single track one car width road which is inadequate for additional traffic movements;
- Improvements suggested would serve no purpose other than to destroy an established hedgerow;
- Access to the site from Wrexham is also problematic due to its narrowness along portions of its length. Any increase in traffic would be detrimental to pedestrians;
- Parking is extremely limited at nearby community facilities;
- Additional dwellings would result in additional demand upon the existing bus services making it difficult for users with mobility problems;
- Putting traffic lights along Bithell's Lane will not solve the problem. There are no pedestrian facilities;
- The siting of a pedestrian access to the north of the site between two passing places is not a safe measure;
- Existing lighting is poor;
- More traffic will move to Top Road as there are no speed restrictions;
- The proposed site entrance will be an accident black spot;

Flooding

- The site cannot cope with additional drainage problems;
- Bottom Road and parts of Bithell's Lane are prone to surface flooding after heavy rain and snow;

Other matters

- Any attempt to widen Bottom Road of Bithell's Lane would result in the removal of ancient hedges around the site which would impact upon nesting endangered species;
- The Council should look at managing existing roads and hedges rather than compounding the problem with additional houses;

- Part of the northern end of the site is linked to a Thomas Telford canal plan;
- The land does not belong to the applicant;
- Existing bus services are not sufficient due to a recent cut in service and would not allow people to get to work in time who work out of Wrexham;
- The applicants supporting statement is inaccurate with distances to local facilities;
- Whilst the site may be close to public transport, it is at the top of a steep hill where people may not choose to use it;
- There are good views from existing dwellings and assurances were given that no further development would occur;
- There would be additional noise impact upon the locality;

1 supporting the development on the following grounds:

- Whilst the loss of green fields would be unfortunate the proposal will provide affordable housing allowing existing resident's and families to remain where they live;
- Improvements to the local adjacent road network which currently has no footpaths or street lighting as it is quite dangerous at present;
- The proposal will also for a footpath link between the two areas of significant open space in the county Borough (Alyn Waters and Moss Valley);

SPECIAL CONSIDERATIONS

Policy:

Principle of development

Policy PS1 of the UDP directs all new residential development to within defined settlement limits. Residential development in the open countryside is permitted in limited circumstances where it is as a result of conversion of an existing suitable building, replacement of an existing dwelling, limited infilling, key worker dwellings or instances of justified affordable housing. Policy H5 refers. The proposed development does not accord with either of these policies and therefore represents a departure from the adopted development plan.

For the sake of clarity, the site is **not** designated as Green Barrier. Policy EC1 of the UDP does not apply in this instance.

Housing need

PPW requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing. Members will be aware that under the provision of TAN1: Joint Housing Land Availability Studies (JHLAS) the Council has a statutory duty to monitor housing land supply on an annual basis in the form of a JHLAS. In accordance with paragraph 8.1 of TAN1 (Jan 2015), Wrexham County Borough Council is now unable to demonstrate whether it has a 5 year housing land supply because the UDP plan period has expired. At paragraph 6.2 of TAN1, it advises that ***the need to increase supply should be given considerable weight*** when dealing with planning applications provided that the development would otherwise comply with national planning policies. In this regard, as policy PS1 of the UDP was worded on this basis of population projections and housing allocations at the time of its adoption, the inability for the Council to now demonstrate a sufficient supply of land means that its requirements can no longer be met within existing defined settlements. As such policy PS1 is out of date and can therefore now only be afforded limited weight in this instance.

Special Landscape Area

The northern part of the site is located within a Special Landscape Area (SLA). Policy EC5 of the UDP requires priority to be given to the conservation and enhancement of the landscape in such designations. Development other than for agriculture, small-scale farm-based and other rural enterprises, and essential utility service development will be strictly controlled. The policy wording also goes on to require that a high standard of design and landscaping will be required and special attention will be required to minimise the impact of development upon nearby and distant viewpoints. Detailed discussion regarding the overall design (indicative layout and massing) is discussed later in this report but is considered to be poor.

There is an existing defensible boundary hedge which continues north from the settlement along Bottom Road and would form the western site boundary of any development. This continues on to envelop the portion of the site which forms the SLA portion of the site. Landscaping is matter reserved for further approval and would depend very much upon any final layout design. The hedge has significant habitat and amenity value represents Welsh priority habitat as well as providing positive permeability of the landscape for species and contributes to a locally distinct historical landscape. The proposal as presented would result in the loss of significant stretches of this hedgerow to facilitate highway improvements (discussed later in the report). However, such a loss would be considered detrimental to the local landscape in terms of habitat quality and would result in the loss of species which are identified as having status in law. It is therefore considered that overall changes to the

existing mature landscaping of the site along with a poor level of design would be detrimental to the Special Landscape Area.

Exceptional circumstances

Paragraph 3.1.2 of PPW states that the Council is only required to determine planning applications in accordance with the adopted development plan ***unless material considerations indicate otherwise.***

The inability for the Council to demonstrate a 5 year housing land supply must carry significant weight in this instance. It is acknowledged that the number of dwellings proposed on the indicative site plan (59) would represent a significant contribution to the Council's housing requirement. However, there are a number of site specific matters which must be considered in the round and balanced against this positive housing supply contribution. These are discussed in detail below.

Location of development: Each site that comes forward for residential development will be considered on its own merits with the principal considerations focusing on whether the site meets all the other planning detailed general development principles considerations and whether it represents a sustainable form of development. PPW confirms that there is ***a presumption in favour of sustainable development.***

PPW outlines where development should be directed. In broad terms it should be directed in order to achieve a sustainable development pattern, and it is possible to extrapolate from this the role and functions key settlements should perform. They should:

- be well connected to transport infrastructure including sustainable travel options;
- provide a range of retail and community services;
- have a range of employment opportunities;
- be well serviced by existing infrastructure; and
- co-locate housing and employment.

In a recent piece of evidence gathering carried out by the Council to feed into the preparation of the Local Development Plan (LDP), the Settlement Hierarchy and Development Potential background paper describes Gwersyllt as a 'Tier 2' settlement. These are villages with key local facilities but with reliance upon facilities in the primary settlement of Wrexham. There is also moderate to good transport provision and they will have moderate to important economic/employment function.

I am satisfied that the principle of development in this location is broadly acceptable. The site is easily accessible to key local provisions and there are a range of public transport modes which would reduce the need to automatically travel out of the village and where it is necessary to do so, there is not a specific reliance upon the car to do so. It must be acknowledged that whilst this document forms part of an evidence gathering exercise for the emerging LDP and holds no weight, it is referenced in this instance to aid a

comparison against the locational criteria set out in PPW and the context of the setting of the proposed development.

Concerns made by local residents regarding the reduced level of bus service provision in the area and the capacity of the local medical centre are noted. However, these issues are related to demand and were additional development permitted in the future, market demand would regulate additional frequency of services. The local health board also have a duty to ensure that their services are provided on the basis of population demand. The Gwersyllt area is one such area where population increase is inevitable.

Design:

Site area

Whilst the broad location of the housing development may be acceptable there must be significant consideration given to the layout and form of the development. The layout of the proposed development takes the form of a long narrow protrusion from the northern edge of the Gwersyllt settlement and is limited to existing field boundaries. The applicant has presented an LVIA with the application which concludes that the visual impact of the development would be minor given the varied and complex form of the northern side of the Summerhill settlement. The characteristic undulating hill slopes would be relatively unaffected and only indirect effects would occur to the setting of Windy Hill to north. Views toward Wrexham and the lowlands from Bottom Road and Top Road would be affected but beyond this would quickly dissipate. The LVIA further concludes that there would be no more than a minor impact upon the wider West Wrexham Ridges and Valleys LANDMAP sub area due to its proximity immediately adjacent to the existing modern housing layout.

I concur with the general conclusions of the LVIA that from the immediate viewpoints selected within its assessment, a form of development would effectively be viewed in the context of the existing built form of the modern housing layout at the northern end of Summerhill. The main immediate approaches to the site (i.e. from the western and southern approaches of Bottom Road and from Ffos-y-Go) afford limited glimpses into the site and subject to appropriate design a scheme could be facilitated.

Layout

Whilst the proposal is currently in outline, the local planning authority are required to pay attention to the indicative layout presented as part of the submission as a broad indication of the intended final design. PPW further emphasises that *'good design should promote the efficient use of resources, including land...'* and *'the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs'*.

Paragraph 5.11 of TAN 12 – Design is explicit on the merits of good housing design in that it should *'...create places with the needs of people in mind,*

which are distinctive and respect local character’ and ‘...focus on the quality of places and living environments for pedestrians rather than the movement and parking of vehicles’. I consider the design solution presented to be extremely poor without any attention given to the local settlement pattern and density and represents an inefficient use of land. The highway network within the development is overly rigid and governs the overall layout without have any form of hierarchy. It is a lacklustre layout that would ultimately result in a bland and car dominant scheme. The position of the highway within the site also presents a very hard edge to the site boundary. I consider that this represents a poor juxtaposition between the proposed continuation of the urban landscape and the existing rural landscape.

I also have concerns regarding the density of the dwellings proposed. In order for the council to justify the release of land for housing purposes outside defined settlement limits, it must be satisfied that the development would be deliverable to justify counting towards the housing land supply requirement as well as presenting an efficient and sustainable use of land. In this case I do not consider that the proposal would represent an efficient use of the overall application site to justify its release contrary to the strategic and site specific policies of the UDP which seek to protect the countryside and areas of special landscape character.

Highways: The site is located at the northern fringe of the Gwersyllt settlement. Approval for the position of the proposed access is sought at this outline stage at the southern end of the site approximately 50 metres north of the existing mini roundabout on to Summerhill Park. A pedestrian access is also proposed to the southern end of the site and also to the northern site boundary linking existing public rights of way through the development site.

Highways have raised strong objections to this proposal on the grounds that the roads giving access to the site are of inadequate width and of poor horizontal alignment. The road also provides for substandard pedestrian and cycle provision and is unsuitable to accommodate the increase in traffic likely to be generated by the development. The applicant has carried out a traffic count as part of their Transport Assessment indicating a 78% increase in traffic movements at morning peak and 48% increase at evening peak. Whilst the traffic count was carried out during a school holiday period (against good practice) it still represents a significant increase in traffic movements on a substandard highway network and ultimately it would not be possible to support the traffic movements associated with an additional 59 dwellings.

The applicant has provided a series of highway improvement proposals along Bottom Road as it heads down towards Ffos-y-Go and the junction with Mold Road (A541). These consist of the following:

- The provision of carriageway widening and a priority system adjacent to the proposed access;
- Junction widening and marking to the north west of the site boundary;
- Widening of the highway to provide a footway link and improved forward visibility on the bend to the north of the site;

- The provision of a priority traffic light system where the road passes under the railway line; and
- The provision of three new passing places and the improvements to existing passing places.

Highways do not consider that these alterations will overcome the concerns addressed above and in some instances could result in increased speeds on an already substandard network (i.e. where road widening is proposed) and congestion (i.e. where limited stacking occurs at the proposed traffic signals).

There are also proposed improvements and formalisations to existing passing bays. The benefit of carrying out these changes will be limited as the facilities already exist.

The proposed traffic signals will effectively make the road 'one way' over a 200m distance during green phase potentially increasing vehicle speeds causing danger to pedestrians, cyclists and horse riders using the road. The Council is also not generally supportive of using traffic signals on rural roads to control traffic flows.

Where a traffic prioritisation scheme is proposed in the proximity of the narrow pinch point adjacent to the proposed access, there is concern that the forward visibility of this facility has not been established and could not be achieved due to an existing third party wall. The sudden decrease in the improved carriageway width from 5.5m to 2.95m is likely to represent a hazard to all road users.

Ecology: The highway improvements will result in the removal and replanting of approximately 250m of native hedgerow. This is considered to represent a significant detriment to existing habitat. It is acknowledged that the benefits of the proposed development must be weighed against this potential harm. However, I also have in mind that the removal of the identified stretches of hedgerow would be required to facilitate a highway improvement strategy which would not overcome the negative impacts of the development.

The applicant has presented a bat report. Of particular concern is the large number of noctule passes recorded indicating the presence of a nearby roost. Loss of the boundary hedgerow, the provision of light and infrastructure associated with a residential development could provide a barrier to the species dispersal and reduction of available foraging habitats. The low activity level for bats at the site is challenged on the basis of the methodology used.

For this reason, on balance, I consider that the loss of the hedgerow would be unacceptable and would have a long term impact upon species which are afforded protection through the planning system.

Drainage: Welsh Water have removed an objection to the proposal on the grounds their initial concern about the capacity of the foul drainage system was as a result of overloading from surface waters flows. They have

recommended that should planning permission be granted, conditions be imposed to prevent surface water flows into the public sewer network and that a detailed drainage scheme be submitted for further approval.

The site is located in Zone A as defined by TAN 15 and the Welsh Government's Development Advice Map. The site is therefore not considered to be at risk from fluvial flooding. UDP policy EC13 and TAN 15 requires proposals to seek the sustainable disposal of surface water generated by developments.

TAN15 confirms that '*...the susceptibility of land to flooding will be a material planning consideration...*' and '*...development should not increase the risk of flooding elsewhere.*' It also confirms that '*Developers will need to give good reason why SuDs (Sustainable Drainage Systems) could not be implemented. If a conventional drainage system does not improve the status quo or has a negative impact then this can be a valid reason for refusal*'.

The applicant's Flood Consequences Assessment (FCA) suggests there are two options for management of surface waters generated by the development. Indicative soakaway sizing has been submitted based on assumed infiltration rates. If soakaways are not a viable option for managing surface waters, the only other identified means of disposal would be to mains sewer. Welsh Water have indicated that additional surface water flows would not be accepted into the existing foul/combined system.

In order to demonstrate compliance with local and national planning policy it is necessary to demonstrate that ground conditions are sufficient to enable a suitable surface water management scheme to be developed. This has not been carried out and it is therefore not possible to determine this sufficiently.

Other matters: The applicant's supporting documentation has classified the land as Grade 3b. The loss of such graded land would accord with policy EC2 of the UDP which seeks to prevent the irreversible loss of only Grade 1, 2 and 3a land.

Concerns have arisen in representations that part of the site subject to the application is not within the sole control of the applicant. The applicant has provided a declaration that the requisite notice has been served on all known land owners. Any discrepancies are a civil matter between the parties involved.

Conclusion: Legislation and national planning policy require the Council to determine planning applications in accordance with the adopted development plan unless material considerations indicate otherwise. The site is located outside any defined settlement limit. The Council acknowledges that it is unable to demonstrate a 5 year housing land supply and this is a significant consideration in the planning balance. However the proposal will result in an increased level of traffic using a wholly substandard highway network, the proposed mitigation measures for which are considered to be inadequate and inappropriate. The proposal is also considered to be inappropriate in terms of

its overall design and would have a significant detriment upon the openness of the countryside. These concerns are not outweighed by the Council's need to provide housing land and I recommend accordingly.

RECOMMENDATION: That permission be REFUSED

REASON(S)

1. The highway network surrounding and giving access to the site, being of limited width with poor horizontal alignment and sporadic pedestrian and cycle provision is considered to be substandard and insufficient to cope with the additional traffic movements associated with the development. The development is therefore considered to represent a detrimental impact upon the safety of motorists, cyclists and pedestrians and would be contrary to policy GDP1 of the Wrexham Unitary Development Plan.
 2. The proposed development would be unsatisfactory and undesirable because the development involves a greenfield site, partly designated as a Special Landscape Area and it is located outside any settlement limits as defined in the Wrexham Unitary Development Plan. The development is considered to represent a poor standard of design in terms of its indicative layout, density and highway alignment and is overly suburban in its character. As such the proposal is considered to have a detrimental effect upon the wider environmental character representing an illogical extension of the existing settlement and does not seek to preserve or enhance the character of the Special Landscape Area. To allow the development would not accord with policies PS2, GDP1 and EC5 of the Wrexham Unitary Development Plan or the principles of Welsh Government Technical Advice Note 12 - Design.
 3. The proposal fails to satisfactorily determine whether the site could attenuate excess surface water to allow it to discharge at or below the existing greenfield run-off rate, nor has the applicant demonstrated whether sustainable drainage systems can be employed on site in accordance with guidance contained in Technical Advice Note 15 - Development and Flood Risk. As such it would not be possible to determine whether the proposal accords with policy EC13 of the Wrexham Unitary Development Plan
 4. The submitted protected species report has is not to satisfactorily assess the impact that the development will have on statutorily protected species. In the absence of such information, the development will prejudice the favourable conservation status of those species and would not accord with policy EC6 of the Wrexham Unitary Development Plan; and the guiding principles set out in Technical Advice Note 5 - Nature Conservation and Planning.
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