

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
LAND EAST OF TAN Y BONT MAIN ROAD RHOSROBIN WREXHAM**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2016/0189

PINS REF: 3182282

1.0 THE SITE

- 1.1 The appeal site is a 15.78 hectare area of agricultural land located to the north-west of Wrexham. The site is bounded by the B5425 Main Road to the south-west, the Wrexham-Chester railway line to the north west, Plas Acton Road to the north-east and the A483 trunk road to south-east.

2.0 PROPOSAL

- 2.1 Outline planning permission is sought for up to 189 dwellings. Approval for access is sought at this stage with all other detailed matters reserved for subsequent approval.

3.0 NATIONAL PLANNING CONTEXT

- 3.1 Planning Policy Wales
- 3.2 Technical Advice Note 1: Joint Housing Land Availability Studies
- 3.3 Technical Advice Note 12: Design
- 3.4 Technical Advice Note 18: Transport
- 3.5 Guidance contained in Cadw's Conservation Principles for the sustainable management of the historic environment in Wales is also considered applicable.

5.0 LOCAL PLANNING CONTEXT

- 5.1 The relevant development plan is the Wrexham Unitary Development Plan (UDP) adopted 14 February 2005.
- 5.2 The following policies are directly relevant to the appeal:
- PS1: Strategic Policy
 - EC1: Green Barriers
- 5.3 The following policies are also considered relevant to the appeal proposals:
- GDP1: Development Objectives
 - GDP2: Capacity of Community Infrastructure
 - EC2: Agricultural Land
 - EC4: Hedgerows, Trees and Woodland
 - EC6: Biodiversity Conservation
 - EC11: Archaeology
 - H5: Housing in the Countryside
 - H7: Affordable Housing
 - CLF5: Open Space Requirements from new Residential Developments
 - T8: Parking

- MW9 Protection of Mineral Resources

5.4 The policies of the UDP are supplemented by a Local Planning Guidance Notes (LPGN). The LPGNs applicable to the appeal proposals are:

- LPGN10: Public Open Space in New Housing Development
- LPGN16: Parking
- LPGN27: Developer Contribution to Schools
- LPGN28: Affordable Housing
- LPGN30: Design

6.0 THE COUNCIL'S CASE

6.1 The Council's case is set out in the Report of the Head of Environment and Planning dated 6 March 2017, specifically the section Special Considerations pages 29-34. The report and the addendum report are included in appendices 1 and 2. A copy of the Strategic Green Wedge Review Stage 1 is included in appendix 3. The report refers to a relevant appeal decision; this is included in appendix 4.

6.2 The Local Development Plan housing requirements referred to on page 31 of the above mentioned report have subsequently been amended slightly. The Deposit LDP will make provision for approximately 8525 homes (which includes a 10% contingency allowance) for the 2013-2028 period. Taking into account existing supply of homes (around 2,027), an allowance for windfall developments (approximately 2,145) and completions between 2013-2017 (980) this equates to a requirement for additional land to be brought forward for approximately 3,373 new houses.

6.3 Following the determination of the application, an appeal was lodged in respect of another refusal within the Green Barrier in close proximity to the site. A copy of this is included in appendix 5.

6.4 In respect of the appeal decisions referred to above, it is recognised that cases were considered on their own merits. However the Council contends that given the proximity to the appeal site they are considered to be of relevance to this case.

6.5 Taken together, all three development proposals demonstrate that the area to the north-west of Wrexham is facing considerable development pressure and arguably emphasises the fragility and vulnerability of the Green Barrier in this location. An application to erect dwellings on land between Gwersyllt and Rhosrobin further serves to demonstrate the development pressures in the locality (see appendix 6).

7.0 GROUNDS OF APPEAL

7.1 The appellant has questioned the Council's approach to meeting the future housing needs of the County Borough as set out in the LDP Preferred Strategy. However it is the Council's view that the deliverability of the key strategic sites referred to in that document or

indeed other sites is a matter outside of the scope of this appeal and will be a matter for the LDP Inspector to consider when the LDP Deposit Plan is subject to examination.

- 7.2 It is accepted that Wats Dyke is not presently subject to any management regime and that were planning permission granted for the appeal proposals, it would be possible to impose a condition to require the measures set out in the Total Heritage Scheduled Ancient Monument Management Plan to be implemented. These measures would be beneficial to the long term preservation of the Wats Dyke. However none of the measures proposed is directly dependent upon the proposed development taking place and there is no reason why the landowners could not implement most, if not all, of the proposed measures irrespective of whether planning permission is granted.
- 7.3 If the proposals were viewed in the context of enabling development then the guidance set out on pages 32-33 of Cadw's 'Conservation Principles' should be applied. The Council contends that no case has been advanced that the development is the minimum necessary to secure the future of the Scheduled Ancient Monument. The Council would also contend that the harm to the Green Barrier in terms of the loss of openness and considerable erosion of the distinct identities of Wrexham and Old Rhosrobin decisively outweighs the benefits of the works proposed in the Management Plan.
- 7.4 The appellants have referenced four planning decisions that they suggest act as a strong precedent for the allowing of the appeal proposals, however the Council disagrees. The Home Farm, Llay site and Land at the former Hafod Tileries are not directly comparable. Whilst both sites lie outside of a settlement limit neither lies within a Green Barrier. Both appeal decisions confirm the significant weight that should be afforded to the County Borough's lack of a five year housing land supply as well as the recognised need for housing in the County Borough. However they are also arguably an acknowledgement of the fact that both sites are not subject to the same planning policy constraints as the appeal site, or indeed the sites subject to the appeal decisions referenced by the Council above.
- 7.5 The Council acknowledges that the Boozy Fields and Land South of Chestnut Court lie within a Green Barrier, however each application was considered on their own merits. The fact that the Council has accepted development in the Green Barrier in other parts of the County Borough does not set a precedent for the release of further sites.

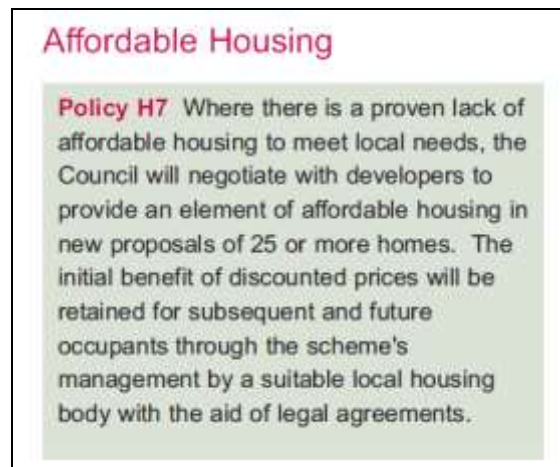
8.0 OTHER MATTERS

- 8.1 Should the Inspector be minded to allow the appeal the Council respectfully requests that permission should not be granted unless an Obligation under Section 106 of the Town and Country Planning Act 1990 has first been completed to secure:

- i) The provision of 25% of the total number of dwellings as affordable houses;
- ii) The payment of a commuted sum in order to secure the full 25% affordable housing as required by Local Planning Guidance Note 28;
- iii) Financial contributions towards Wats Dyke County Primary School
- iv) The management and maintenance on-site public open space;

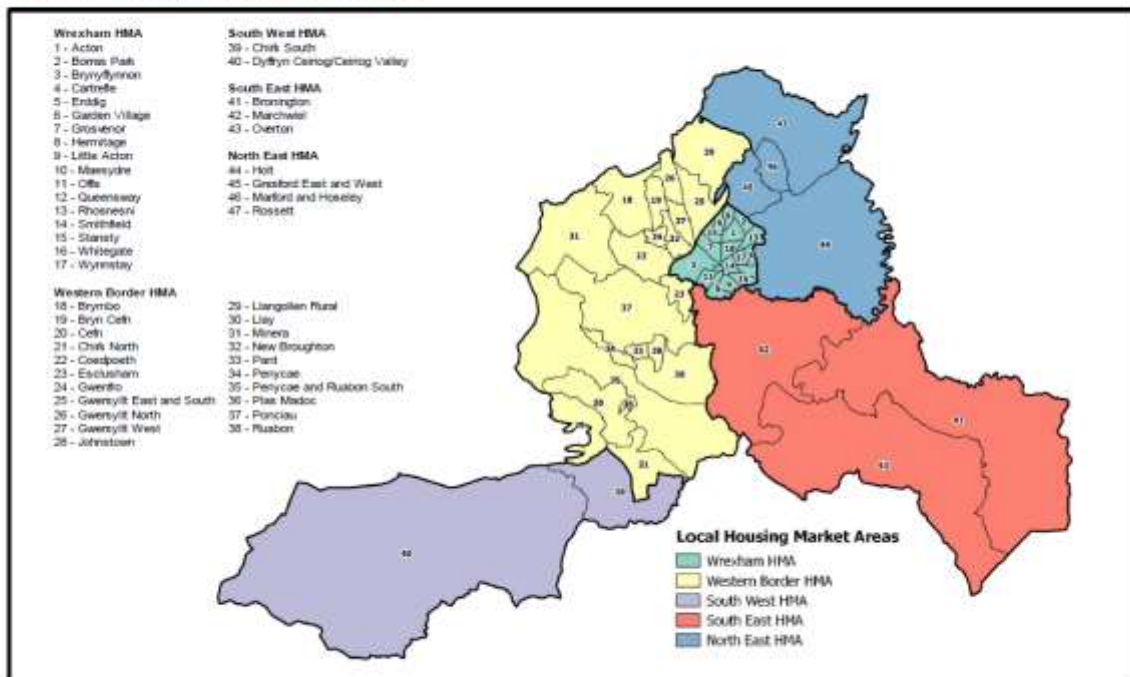
Affordable Housing

- 8.2 Policy H7 of the Unitary Development Plan sets out the Council's requirements in respect of affordable housing:



- 8.3 Local Planning Guidance Note 28: Affordable Housing advises that 25% of total site capacity should be affordable. It also advises that where the on-site affordable site requirement results in the fraction of a dwelling, the Council will expect the fraction to be provided as a commuted sum. A copy of LPG28 is enclosed with this statement.
- 8.4 A Housing Market Assessment (HMA) was completed in March 2015 and identifies the requirements for affordable housing throughout the County Borough. The HMA was commissioned primarily to inform the preparation of the Local Development Plan however it is the most up to date assessment of affordable housing needs and is therefore also a material consideration in determining planning applications.
- 8.5 The HMA divides the Country Borough into 5 sub-areas. The appeal site lies within the ward of Gwersyllt East and South which lies within the Wrexham Border sub-area –see below

Map 3.1: Wrexham Housing Market Sub-areas



March 2015



- 8.6 The table on page 68 of the LHMA confirms that there is an annual requirement for 69 affordable dwellings in that area (see below). This equates to 345 over a 5 year period.

Table 6.5 Needs Assessment Summary by sub-area

Element and step in calculation	Calculation	Sub-area					Total
		North East	South East	South West	Western Border	Wrexham	
Total households >>>		5030	3774	1959	29072	19422	59257
C. CURRENT NEED							
1. Existing households in need of alternative housing		487	365	218	2841	2706	6617
2. plus Current non-households in need	%	61	11	9	221	149	451
	No.	41	22	35	28	49	175
3. minus cases where they can afford to meet their needs in the market	1+2-3	200	79	77	806	1320	2482
4. equals Total current housing need		348	297	150	2256	1535	4586
A. AVAILABLE STOCK TO OFFSET NEED							
5. Current occupiers of affordable housing in need		27	6	27	856	771	1687
6. plus Surplus stock		0	0	0	0	0	0
7. plus Committed supply of new affordable units		12	9	11	205	128	365
8 minus planned units to be taken out of management		0					0
9. equals Total available stock to meet current need	5+6+7-8	39	15	38	1061	899	2052
10. equals Total Current Need	4-9	309	281	112	1195	636	2534
11. times quota progressively to reduce level of current need	Policy judgement	20%	20%	20%	20%	20%	20%
12. equals Annual need to reduce level of current need	10x11	62	56	22	239	127	507
N: NEWLY ARISING NEED							
13. New household formation (gross p.a.)		23	4	3	131	193	353
14. times proportion unable to buy or rent in the market		57.20%	57.20%	57.20%	57.20%	57.20%	57.20%
15. plus existing households falling into need		5	10	5	159	17	197
16. minus potential out-migrants unable to afford market housing			2		20		22
17. plus in-migrants unable to afford market housing	(13x14)+15-16+17		2	5	63		71
18. equals newly-arising need		18	13	12	277	127	448
S. SUPPLY OF AFFORDABLE UNITS per year							
19. Net supply of social re-lets		26	21	23	447	280	797
20. plus supply of intermediate housing available for re-let or resale at sub-market levels	19+20	0	0	0	0	0	0
21. equals Affordable supply		26	21	23	447	280	797
NET SHORTFALL OR SURPLUS							
22. Overall shortfall or surplus (annual imbalance)	12+18-21	54	48	12	69	-26	157

- 8.7 Within the Western Border sub-area there are currently extant outline planning permissions for:
- A maximum of 300 dwellings on the former Hafod Tileries of which 20% or 60 are required to be affordable;
 - A maximum of 319 dwellings on land at the Ruabon Business Park site, south of Ruabon, of which 25% or 79.75 are required to be affordable;
 - A maximum 365 dwellings on land at Home Farm in Llay which is subject to a planning obligation requiring 25% affordable housing provision which equates to a maximum 91.25 affordable dwellings.
- 8.8 None of the above developments have (at the time of writing) progressed to reserved matters stage but have the potential to deliver 231 affordable houses. It is therefore clear that an unmet need for affordable housing remains.

Education

- 8.9 Policy GDP2 sets out a requirement for a planning obligation to secure additional infrastructure capacity and/or funding towards the provision of the additional capacity where existing infrastructure is unable to accommodate the new development:

Capacity of Infrastructure and Community Facilities

Policy GDP2 Where the capacity of infrastructure, including community facilities, is likely to be deficient as a consequence of new development, a planning agreement/obligation will be negotiated whereby the developer provides the additional capacity either on or off-site, and/or provides funding for the Council to provide the additional capacity itself. Requirements will be fairly and reasonably related in scale and kind to the proposed development.

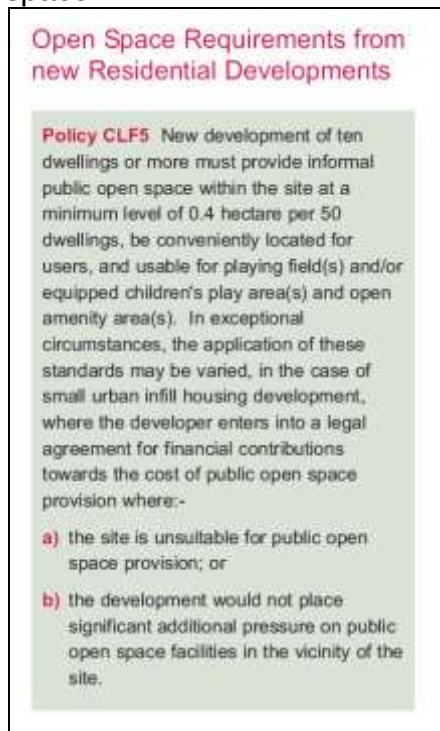
- 8.10 Local Planning Guidance Note 27: Contributions to Schools sets out formulae that will be applied to determine the contributions required for individual developments where school capacity is insufficient to cater for the likely demand arising from a new development. This is considered fair and proportionate given that larger housing developments are likely to generate greater demand for school places than smaller developments. In turn this will involve a requirement for greater investment if additional school capacity is needed to accommodate that additional demand. A copy of LPG27 is enclosed with this statement.
- 8.11 Wats Dyke School is the nearest primary school to the site. It currently has capacity for 315 pupils and currently has 287 pupils, giving surplus capacity of 28 spaces. Using the formula set out in LPG27 the development has a capacity to generate 53 primary school aged pupils and as such there is currently insufficient capacity at that school to cater for the potential level of demand associated with the development. A full breakdown of the existing capacity at the school is included below:

NAME OF PRIMARY SCHOOL	Nursery	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	TOTAL NO OF PUPILS	TOTAL NO OF FT PUPILS	TOT NO ON ROLL
Wrexham (Wat's Dyke C.P.)	43	38	43	40	45	45	38	38	43	287	315
Spaces	2	7	2	5	0	0	7	7	2	28	
% Spaces	4.44%	15.56%	4.44%	11.11%	0.00%	0.00%	15.56%	15.56%	4.44%	8.89%	

- 8.12 There is currently only one other planning obligation that secures financial contributions towards primary schools located within the Rhosnesni High School catchment area (which includes Wats Dyke School) and none specifically that seek contributions towards Wats Dyke School.

Public Open Space

- 8.13 Policy CLF5 of the Unitary Development Plan sets out a requirement for on-site open space:



- 8.14 Where open space is provided on site it is essential that adequate provision is made for its long term ownership and management to ensure the open space area(s) remain usable and do not fall into a state of disrepair to the detriment of the amenity of occupiers of the development as well as the appearance of the site. Local Planning Guidance Note 10: Public Open Space in New Housing Development provides advice regarding the finance and future maintenance of open space. A copy is enclosed with this statement.
- 8.15 Historically, public open space has been transferred to the Council along with a commuted sum payment towards future maintenance costs. LPG10 does however allow for developers to make other arrangements, such as a resident's management company.
- 8.16 The Council is generally now unwilling to take on the ownership and management responsibility for open space provided on new housing developments. It is therefore the case that long term responsibility for managing areas of open space needs to be vested with another organisation such as resident's management company.

9.0 CONCLUSION

- 9.1 The site lies outside of a settlement limit and within a Green Barrier. The development will result in the coalescence of Wrexham and Old Rhosrobin and significant harm to the openness of the Green Barrier separating Old Rhosrobin and Pandy. The development is therefore

contrary to policies PS1 and EC1 of the Wrexham Unitary Development Plan. The Council therefore respectfully requests the appeal be dismissed.

APPENDICIES

- i. Appendix 1: Report of the Head of Environment and Planning – 6 March 2017**
- ii. Appendix 2: Addendum to the report of the Head of Environment and Planning – 6 March 2017**
- iii. Appendix 3: Strategic Green Wedge Review Stage 1 – February 2016**
- iv. Appendix 4: Appeal Decision reference APP/H6955/A/14/22294: Land Opposite St Peters Close, Off Llay New Road, Rhosrobin**
- v. Appendix 5: Appeal Decision reference APP/H6955/A/17/3166936: Land to the rear of Briarswood and land off Main Road, Old Rhosrobin.**
- vi. Appendix 6: Planning decision and location plan for P/2016/0694, Land at Woodlands Farm, Dodds Lane, Gwersyllt.**
- vii. Appendix 7: Schedule of suggested conditions in the event of the appeal being allowed.**