

APPLICATION NO:
P/2016 /0189

LOCATION:
LAND EAST OF TAN Y BONT MAIN
ROAD RHOSROBIN WREXHAM
LL11 4RL

DATE RECEIVED:
19/02/2016

COMMUNITY:
Gwersyllt

DESCRIPTION:
OUTLINE APPLICATION FOR
RESIDENTIAL DEVELOPMENT (UP
TO 189 DWELLINGS) WITH ALL
MATTERS RESERVED EXCEPT FOR
ACCESS

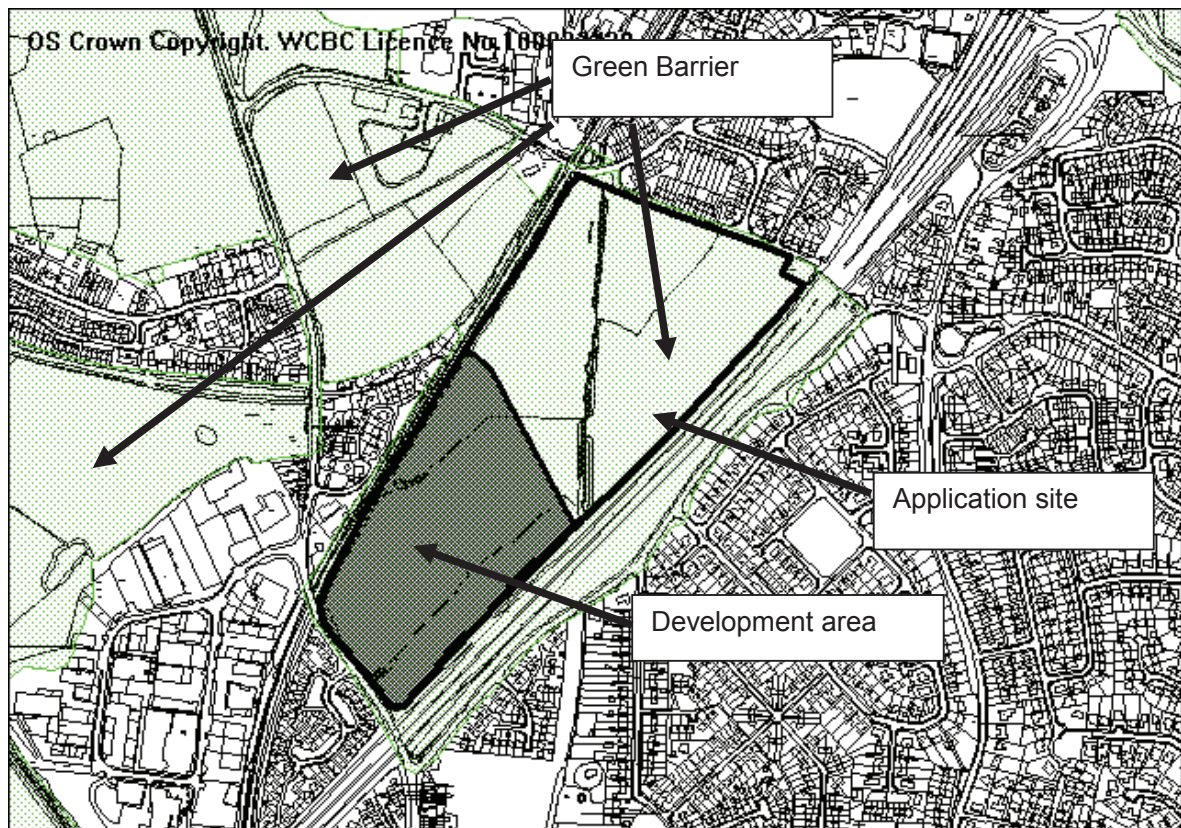
CASE OFFICER:
MP

WARD:
Gwersyllt East & South

APPLICANT(S) NAME:
WELSH TOWN PLANNING AND
HOUSING TRUST AND

AGENT NAME:
CASSIDY AND ASHTON

THE SITE



PROPOSAL

As above. Approval for the main site accesses is sought at outline planning permission stage. Layout, appearance, scale and landscaping are reserved for subsequent approval.

HISTORY

6/16216 Residential development, children's play area and construction of new vehicular and pedestrian access. Refused 6.3.89
P/2014/0876 Outline application for a maximum of 338 dwellings and approval of two new vehicular and pedestrian accesses. Refused 5.10.15

NATIONAL PLANNING POLICY

Planning Policy Wales, in particular:

Chapter 4: Planning for Sustainability
Chapter 6: The Historic Environment
Chapter 8: Transport
Chapter 9: Housing

Guidance in the following Technical Advice Notes (TAN) is also relevant:

TAN1: Joint Housing Land Availability Studies
TAN5: Nature Conservation and Planning
TAN11: Noise
TAN12: Design

DEVELOPMENT PLAN

Outside of settlement limit, within Green Barrier. Policies PS1, PS2, GDP1, GDP2, EC1, EC2, EC4, EC6, EC11, H5, CLF5, CLF7, T8 and MW9 apply.

CONSULTATIONS

Gwersyllt CC:

Object for the following reasons:

- the site in question is outside the settlement limit
- the site forms part of the green barrier and the proposal is contrary to a number of existing planning policies which have been put in place to protect belts of open countryside and to safeguard the character of villages
- 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 Local Development Plan 2 for 2013-2028 has yet to be completed. This is putting the community under great pressure and is, in the Council's opinion, contrary to the spirit of the Wales Spatial Plan which promotes the building of sustainable communities whilst retaining their character and distinctiveness.

- furthermore, the Council considers that there are strong reasons to refuse planning permission in this case on grounds of prematurity particularly having regard to the following:
 - the development plan is still in preparation and has yet to be adopted or approved
 - the submitted development proposals are so substantial that any decisions need to be taken in the context of an approved development plan
 - the proposals would have a significant impact on the nearby settlements

Rhosddu CC:
Councillor David Griffiths:
Councillor Bernie McCann:
Councillor Andy Williams:
Councillor I David Bithell:
Public Protection:

Notified 3.3.16

Notified 26.2.16

Notified 26.2.16

Notified 3.3.16

Notified 3.3.16

Have made the following comments:

- There is the possibility of made ground on the development site due to potential infilling of a pond. Conditions recommended to ensure any potential contamination issues are adequately addressed
- Conditions/notes recommended in respect of construction impacts;
- The noise report does not give predicted noise levels for outdoor areas (gardens, patios) which is a matter of concern.
- Plot specific recommendations should be required once the final site layout has been determined. Calculations should be provided to demonstrate the effectiveness of the proposed noise mitigation measures to achieve WHO

	recommended levels of indoor living rooms, bedrooms and outdoor amenity areas.
Parks, Countryside, RoW: Flood Management Officer:	Consulted 26.2.16 The indicative scheme design does demonstrate that SuDS techniques can be incorporated into the scheme to fully manage surface waters generated by the development. No information is included with regards to future maintenance or management of this scheme. Recommend a condition requiring the submission, approval and implementation of a sustainable drainage scheme.
Highways:	Have made the following comments: - The development itself only increases traffic around the Stansty Road/Prices Lane junction by approximately 2%. Welsh Government guidelines provides advice that a 5% increase in traffic using any junction as being material; - Traffic flow at the Plas Acton Road/B5425 Llay Road junction will be improved with a traffic signal controlled junction. - It is difficult to justify refusal on highways grounds; - Conditions recommended in the event of permission being granted.
Education:	Consulted 3.3.16
Wales and West Utilities:	Consulted 26.2.16
Dee Valley Water:	Consulted 26.2.16
Welsh Government (Trunk Roads):	Directs that permission be withheld until further notice while additional information is sought in respect of the proposed noise barrier along the boundary of the development with the A483.
Welsh Government (Land Use Planning):	Provided the following advice on the previous application: - The Agricultural Land Classification Report submitted has not been completed in accordance with the <i>Revised Guidelines and Criteria for Grading the Quality of Agricultural Land (MAFF 1988)</i>; therefore the Welsh Government do not consider the report or its findings to be valid.

- The whole of the current site and an area to the north west was surveyed in detail by the Welsh Office in 1993. This shows the current site to be predominantly ALC Subgrade 3a (approximately 11.83 hectares) with an area of Subgrade 3b (approximately 3.96 hectares) in the centre.
- Welsh Water: Recommend planning conditions, including a Grampian condition to protect the public sewer assets by ensuring that a Hydraulic Modelling Assessment any re-enforcement work is undertaken prior to occupation.
- Natural Resources Wales: **Flood Risk**
- The updated flood map for surface water suggests that there are areas of the site that could be subject to surface water flooding. These areas have been highlighted in the Applicant's Flood Consequences Assessment (FCA) (Tier Environmental Limited, T/14/1400/FCA, 12 January 2016). We note that the "indicative site layout plan" shows that there will be no built development in these potential risk areas, and this is to be welcomed.
- Management of surface water runoff**
- The FCA proposes to direct surface water runoff from the developed site using infiltration techniques. The Applicant, and the FCA, have failed to submit supporting data (e.g. results of onsite soakaway tests) to prove that such techniques are viable across the developable areas of the site. As there are no watercourses on, or in vicinity of, the site to dispose of surface water, and since Welsh Water have not provided confirmation that surface water could be directed to the public sewer network, then there is a risk that a viable means of surface water disposal could not be achieved at this site. It is our recommendation that this issue be resolved, in conjunction with your drainage department, PRIOR to the grant of any planning approvals.
- Foul drainage**
- Dwr Cymru/Welsh Water should be consulted on the proposals and be

requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development.

Protected Species

Bats

- The report identifies that there are several trees on site with the potential to support bats.
- Should bats be found to be using the trees as roosting sites then we would expect you to propose and deliver appropriate mitigation and/or compensation schemes, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.
- We advise that any permission includes a condition requiring the submission of a lighting scheme prior to the commencement of development to be approved to the satisfaction of the local planning authority.
- As recommended in the report, hedges should be retained as far as possible in order to maintain habitat connectivity.

Reptiles

- The Ecological Assessment Report identifies that the site generally has low potential to support reptiles and there are limited opportunities within the wider landscape that may allow reptiles to disperse to the site although some areas of suitable habitat exist within areas of transitional scrub vegetation.
- As recommended in the report, a precautionary approach with regard to vegetation clearance is recommended.

Nesting Birds

- As recommended in the report any removal of vegetation should be undertaken outside of the nesting bird season (March – August inclusive). If this is not possible a pre-clearance check should be made by an ecologist no more than 24 hours in advance of removal.

Invasive Species

- As identified in the Ecological Assessment Report, the presence of invasive species needs to be confirmed.

Waste Management

- We recommend that a Site Waste Management Plan (SWMP) is drawn up prior to scheme's commencement in order to ensure full duty of care is complied with.

Cadw:

Have submitted the following comments following a number of discussions between them and the archaeologists employed by the applicants:

- The management plan produced in response to our previous letter of 19 April 2016, which set out our concerns about the adverse impact of this housing development on the setting of the scheduled monument known as Wat's Dyke: Section W of Ty-Gwyn (DE151). Our subsequent letter of 22 July noted that whilst we maintained our view that the proposed development will have a significant impact on the setting of this monument, we accepted that this impact could in principle be compensated for by a comprehensive management plan for the monument. The submitted management plan addresses the whole of this 410m scheduled section of Wat's Dyke, which falls within the same ownership. Having reviewed the management plan we consider that, if fully and successfully implemented, it will compensate for the impact of the proposed development on the setting of the southern end of the scheduled area of Wat's Dyke: Section W of Ty-Gwyn. The plan will also see the installation of interpretative materials that will help to raise local awareness of its significance and consequently aid its longer term conservation;
- Our comments have also been requested on the proposed drainage scheme for the development. The proposed scheme entailed the crossing of the Dyke by a conventional drainage pipe running to a pond towards the north-eastern side of the site. We had

previously expressed concerns that the scheme would result in a direct impact on the upstanding earthwork and any associated buried archaeology and potential further impacts on undesignated archaeology in the vicinity of the proposed pond. However, having revisited the site in conjunction with the engineering report, it is accepted that the proposed drainage option is likely to be the only viable option due to the topography of the site and the constraints preventing other forms of drainage;

- Discussions at the site meeting of 7 September established a potential crossing point for the drainage pipe at a point where a field access has entirely removed the earthworks of the Dyke above ground and where its original form and extent is now unclear. We consider the proposed laying of a conventional pipe, with the width of the affected section of the scheduled area subjected to a full archaeological excavation in advance, to be acceptable;
- With reference to Cadw's Conservation Principles (Feb 2011) the limited localised destruction of buried remains by a pipe trench of 1.5m or less in width would in our opinion be outweighed by the information retrieved by an archaeological excavation about the character of the monument at this point and the potential for dating evidence from buried soils. The archaeological excavation followed by construction will require an application for scheduled monument consent from the Welsh Ministers (via Cadw).

North Wales Police:

CPAT:

Recommend secure by design measures are incorporated into the development. The new layout is a significant improvement on the previous design with all development confined to a smaller area to the south west of the scheduled monument. Offa's Dyke is no longer hemmed in on both sides by housing and there appear to be no new or enhanced pedestrian crossings of the dyke.

The principal open views to and from the scheduled monument are largely preserved although there will still be some visual impact to the south west which may be partly alleviated by appropriate natural screening.

There are no impacts to the prehistoric ring ditch burial features located on the eastern margin by the evaluation work. We note that landscaping is proposed within the permanent green barrier area on the west side of the dyke. There should preferably be no new groundworks here with the area preserved more or less as it is with existing tree cover, pasture and hedgerows. New tree or hedge screening would be approved on the eastern development boundary only.

Overall the Trust finds this proposal to be more sympathetic to the setting of the dyke and it will have no significant impact upon non-designated archaeology. The Trust would therefore support this initial layout design in principle.

The comments of Cadw must be sought with regard to the setting of the dyke and the proposed landscaping on the western side. Cadw's comments will take precedence over ours with regard to the scheduled monument.

Ramblers Association:

Have made the following comments:

- The footpath on the ground and boardwalk over the wet area are on a different line than on the plans submitted which I believe was put in by WCBC in the wrong place. The line of the path as distinguished by WCBC is not the one shown on the plans and this must be sorted out before any plan is accepted;
- The area by Wat's Dyke has now been flooding since the installation of the Wrexham Bypass as no drain was put in to allow for water removal.

Network Rail:

Recommends measures be put in place and conditions be imposed to ensure the development does not adversely impact upon the adjacent railway line.

Site Notices (x3):

Expired 24.3.16

Press Notice:

Expired 31.3.16

Neighbours:

The owners/occupiers of 69 nearby properties notified 3.3.16

7 representations received **objecting** to the development on the following grounds:

- Traffic
- Capacity of local schools
- Capacity of doctors surgeries and hospital
- Loss of green space
- Pond on site that houses newts
- Loss of habitat
- The site is situated on Green Belt land
- Insufficient information to consider impacts upon adjacent properties
- Site layout is unclear;
- Visual impact
- The land is classed as Green Barrier in the UDP. Until WCBC produced a new LDP this land such be classed as such and not for development;

2 representations received in **support** of the application and making the following comments:

- The inclusion of permanent green areas either side of Wats Dyke is well considered and a reasonable compromise when one accepts the current need for housing;
- There is an opportunity not to be missed to require the developer to further development the existing children's play park situated in the north east corner of the site of Plas Acton Road.
- Consideration should be given to traffic management at the Plas Acton/Main Road junction.

SPECIAL CONSIDERATIONS

Background: Outline planning permission was sought in 2014 for up to 400 dwellings to be erected on the application site. Access to the site would have been via Plas Acton Road to the north and New Road to the south. By the time the application was reported to Planning Committee in October 2015 the proposals had been amended, including a reduction in the maximum number of dwellings to 338. Planning permission was refused for 3 reasons:

1. *The site lies outside of a settlement limit and within a Green Barrier. The development will result in the coalescence of Wrexham, Old*

Rhosrobin and Pandy. It is therefore contrary to policies PS1 and EC1 of the Wrexham Unitary Development Plan.

2. *The site will not be provided with adequate means of access to the highway and the development will have a detrimental impact upon the free flow of traffic along the local highway network and upon highway safety. It is therefore contrary to policy GPD1(d) of the Wrexham Unitary Development Plan.*
3. *The development will have a significant and detrimental impact upon Wat's Dyke, a scheduled ancient monument, and its setting. Accordingly the development does not accord with policy EC11 of the Wrexham Unitary Development Plan.*

The current proposals seek to overcome the above reasons for refusal in the following ways:

- A substantially reduced built up area and a corresponding reduction in the maximum number of dwellings proposed to 189;
- The submission of a Scheduled Ancient Monument Management plan in respect of Wat's Dyke;
- Vehicular access via New Road only.

Policy: The proposals do not accord with any of the circumstances set out in policy H5 that permit small scale residential development on sites outside of settlement limits and therefore conflicts with that policy as well as PS1. In addition to lying outside of the settlement boundary the site lies within a Green Barrier and the development will lead to the irreversible loss of land that has an Agricultural Land Classification of Grade 3a (around 75% of the site is classified as Grade 3a with the remainder Grade 3b as confirmed by the Welsh Government) thus the proposals conflict with both policies EC1 and EC2.

Notwithstanding the above, it is necessary to consider whether there are relevant material considerations that justify departing from one or more policies of the UDP. These will be discussed in more detail below.

Housing Land Supply: Planning Policy Wales (paragraph 9.2.3) 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.

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies advises that where a local planning authority does not have an adopted Local Development Plan or where an adopted UDP is outside of the plan period, they will not be able to produce a JHLAS and therefore will not be able to demonstrate whether they have a 5 year housing land supply or not.

Because the UDP plan period expired in 2011, Wrexham is now unable to demonstrate whether it has a 5 year housing land supply. Furthermore the emerging Wrexham Local Development Plan will need to make provision for

around 8,460 new homes (this includes provision for a 10% contingency) to meet the housing needs of the County Borough over the 2013-2028 period. Taking into account existing deliverable supply this equates to a requirement for sufficient land to be brought forward for around 4,000 houses to be built. It is therefore clear that there is a need to significantly increase the supply of land available for housing in the County Borough.

In addition to the above, the Council will have to be able to demonstrate that it has a 5 year housing land supply when the LDP is adopted and in order to be able to do that, deliverable sites will need to continue to be brought forward for development between now and LDP adoption.

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies advises that where the local planning authority has been unable to undertake a study (as is now the case for Wrexham – see previous paragraph), TAN1 (paragraph 6.1) the need to increase supply should be **given considerable weight** when dealing with planning applications, provided that the development would otherwise comply with development plan national planning policies.

This development would make a significant contribution to the supply of housing land in Wrexham and this is a consideration that weighs heavily in its favour.

Weight afforded to policy PS1: The existing settlement limits reflect the housing requirements identified in the UDP that were informed by migration led projecting, using mitigation trends from 1996. The LDP housing requirements are informed by far more up to date information. It will not be possible to meet the County Borough's future housing requirements without the release of greenfield sites and in light of this, policy PS1 is now outdated and therefore afforded less weight in the determination of planning applications. Despite this it does not automatically follow that **all** proposals to development sites located outside of settlement limits should be granted planning permission, particularly if those sites are afforded greater protection by other UDP policies.

Loss of Green Barrier: The UDP designation of Green Barriers is consistent with the Green Wedges referred to in Planning Policy Wales. Planning Policy Wales advises that inappropriate development should not be permitted within Green Wedges. The construction of new buildings is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;

- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

None of the above applies to this proposal and it is therefore inappropriate development.

Green Wedges/Barriers do not have the permanence of a Green Belt (there being no Green Belts in Wrexham) and should be reviewed as part of the development plan process. The existing Green Barrier designations are being reviewed (Strategic Green Wedge Review) as part of the process of preparing Wrexham's Local Development Plan and not all land currently designated Green Barrier will necessarily be afforded the same protection when the LDP is adopted.

The area of Green Barrier that includes the application site was subject to Stage 1 of the Strategic Green Wedge Review which was completed in February 2016. Its conclusions are set out below:

The gaps between the various settlements (Wrexham town, Rhosrobin, Gwersyllt, and Bradley) are narrow; with all settlements in close proximity to each other (nowhere is there a gap of more than approximately 0.3 km (0.18 miles) between the settlements in closest proximity to each other). The close proximity of settlements means that the relative openness of the green wedge is important, and the openness would not be maintained to the same extent should it be covered by a general open countryside policy. The number of candidate sites in the area also demonstrates development pressure in the area. The designation therefore serves the function of preventing coalescence in an area of development pressure. The designation is set along defensible boundaries, serving to manage the urban form in this location and separating settlements in close proximity to each other. It also serves to safeguard the countryside from encroachment. Overall it is considered that there is justification for the retention of the green wedge designation in this location.

I have already acknowledged above that in order to provide the land needed to meet the housing requirements of the County Borough, the release of greenfield land outside of existing settlement limits will be required. This may include land currently designated as Green Barrier. Indeed the conclusions of Stage 1 of the Strategic Green Wedge Review are subject to the caveats that consideration must be given to ensuring that a sufficient range of land is made available and that amendments to the Green Barrier (or Green Wedge as they will be called in the LDP) may be needed should sites be deemed suitable for allocation for development at LDP deposit stage. In my opinion the decision whether sites within the current Green Barrier surrounding Old and New Rhosrobin and Pandy are released for development should be one taken as part of the LDP plan preparation and not via individual planning applications.

There must be very exceptional circumstances to grant individual planning applications for housing development in Green Barriers. It is clear there is a **considerable** need to increase the supply of land available for housing in the County Borough. In appropriate cases this could be considered to be a very exceptional circumstance sufficient to outweigh the Green Barrier designation. However the importance of the site in the context of the Green Barrier it lies within must also be carefully considered.

Members will be aware that planning permission for the erection of 117 dwellings on land to the north-west of this site was refused in November 2014 (reference P/2014/0480) on the grounds that the site lay outside of the settlement limit and within a Green Barrier. The subsequent appeal was dismissed with the Inspector concluding that:

In this instance it serves to prevent coalescence of the adjacent settlements of, Old and New Rhosrobin, and Pandy. The green barrier in proximity of the site extends over a wide arc from the south east to the north and west, and it serves to constrain the urban villages of Old and New Rhosrobin and Pandy. The development of the site would result in the distinction between the villages being lost and would therefore be contrary to national and local policies that seek to prevent the coalescence of settlements.

I appreciate that the Inspector was only considering the merits of the site subject to the appeal however the 'wide arc' of Green Barrier he refers to arguably also includes the application site. In addition to the above a number of other appeals have been dismissed due to the sites in question being located in the Green Barrier. Again I appreciate that each case will have been looked at on their own merits; however it is clear that Inspectors have consistently determined that the shortage of land available housing will rarely justify granting permission in Green Barriers.

Whilst the western side of Main Road is almost continuously built up from Wrexham to just beyond the Rhosddu Industrial Estate, with only the A483 and Wrexham to Chester railway line separating the built development, the eastern site of the road is noticeably less well developed. Indeed the application site provides a very clear visual break between Wrexham and Old Rhosrobin. Although the A483 and Wrexham to Chester railway line bound the site and would continue to provide a degree of continued separation if the site were developed it would be significantly less so than at present. Indeed the development of the site would result in there being no clear distinction between Wrexham and Old Rhosrobin to the extent that they would be considered to be part of the same built up area rather than two separate settlements.

The application site also provides a very clear buffer of undeveloped land between Rhosrobin and Pandy. Whilst considerably less of the site would be developed than the under the previous proposals, the development would still represent a significant intrusion into the Green Barrier separating Old Rhosrobin and Pandy, particularly when viewed from the A483. One of the key features of land designated Green Barrier its openness. Whilst not

defined in PPW or the UDP, openness can be considered as the absence of built development. The proposed development would therefore still significantly harm the openness of the Green Barrier, despite its reduced scale compared to the previous proposals.

Whilst I acknowledge that the contribution the development can make towards housing land supply is a significant benefit, as would be the provision of up to 47 affordable houses, the development will significantly and detrimentally impact upon the openness of the Green Barrier and result in the coalescence of Wrexham and Old Rhosrobin as well as a significantly eroding of the existing gap separating Old Rhosrobin and Pandy. I do not consider housing land supply issues constitute the very exceptional circumstances to set aside the Green Barrier objections to the development in this instance.

Loss of Grade 3a Agricultural Land: Planning Policy Wales advises that the agricultural land classed as Best and Most Versatile (BMV) (Grades 1, 2 and 3a) should only be developed if there is an overriding need for the development.

The applicant has submitted an agricultural land classification report that concludes that the site is likely to be classed as Grade 3b land. However this assessment was not carried out in accordance with the correct guidelines. The site was last surveyed by the Welsh Office in 1993 and this found that 75% of the site to be Grade 3a and therefore BMV land. The remainder was classified as Grade 3b.

Notwithstanding the above, the site is physically separated from any other agricultural land by roads, a railway line and built development. In my opinion this is likely to make it more difficult (although not impossible) to utilise the land as part of a larger agricultural holding. It is also worth noting that the site currently divided between by 3 separate landowners so is not necessarily available to be farmed as a single unit. Given these constraints as well as the fact that there is a significant need for additional housing land in the County Borough, I am of the opinion that the conflict with policy EC2 would not, in this particular case, be a valid reason for refusal.

Design/visual impact: All detailed design matters are reserved for subsequent approval. The application is accompanied by an indicative masterplan, which is included below:



In addition to the above plan, other submitted details confirm that the density of development would vary between 20 and 30 dwellings per hectare. The dwellings would be 2 and 2.5 storeys high and an illustrative street plan confirms that the general form of development is likely to be broadly comparable to existing residential developments in the area.

The development would have a significant impact upon the appearance of the site however this is inevitable when green field sites are developed. Whilst the site has considerable value in terms of its Green Barrier function, as well as preserving the setting of Wat's Dyke (discussed separately below), it is not high quality landscape. I accept that there are features of value within the site, notably mature trees and hedges, however it would be possible to consider how best to preserve these and to require new/replacement planting at reserved matters stage. The implementation of an arboricultural method statement would help ensure the trees are protected during construction and this could be secured by condition. I therefore do not consider there to be valid reasons to refuse planning permission on design/visual impact grounds.

The indicative plan includes does not make reference specifically to the provision of public open space (POS), however it does show that all of the land to the north-east of the proposed built development being retained as a green barrier. Whilst this would be peripheral rather than integral to the scheme, its position is dictated by the need to protect the setting of Wat's Dyke. It would be readily accessible on foot by future occupiers of the development. Indeed part of the land is already used for informal recreation purposes – footpath Gwersyllt no.24 crosses the site along the alignment of Wat's Dyke.

The area of land between the proposed built development and Wat's Dyke is shown on the submitted plans as being 2.6ha in area. To accord with policy CLF5, 189 dwellings would require just over 1.5ha of open space. In my opinion the indicative plan provides significant scope for the provision of an adequate area of informal open space and could be given further consideration at reserved matters stage. A planning obligation to secure the long term management of open space would be required.

Whilst Parks, Countryside, Rights of Way have not commented on this application they did comment on the previous one by recommending improvements to and expansion of the existing play area adjacent to the north-east corner of the site as well as contributions towards off-site playing fields. Contributions towards off-site open space provision could be secured via a Planning Obligation and the expansion of the play area could be considered in more detail at reserved matters stage.

Amenity: I am satisfied that the site can be developed without prejudicing the amenity of occupiers of properties close to the site by way of loss of light, privacy or by being visually overbearing. I also have no reason to believe that the site cannot be developed in a way that provides future occupiers with an adequate standard of amenity.

The development will need to incorporate noise mitigation due to the site being bounded by the A483 and the Wrexham to Chester railway line. Subject to this matter being given further consideration prior to approval being sought for the site layout as well as the inclusion of appropriate noise mitigation measures, I am confident that it would be possible to ensure the amenity of future occupiers is not unduly impacted by noise from road and/or railway traffic. The inclusion of adequate noise mitigation could be secured via an appropriately worded condition.

There is inevitably likely to be some disruption during construction, both as a result on noise from plant and machinery used on site, dust as well as construction traffic travelling to and from the site. I am however of the opinion that these impacts could be managed and minimised through the implementation of a Construction Environment Management Plan that could be secured by planning condition.

Highways: Approval for the site access is sought at outline planning permission stage. A four exit roundabout junction on Main Road is proposed

that will give access to the development as well as to the Top Farm Road housing estate directly opposite the application site. Highways have not expressed any concerns about the site access and I therefore have no reason to conclude that it will present a risk to highway safety.

Whilst it is inevitable that the development will increase traffic on local roads, Highways have advised that they do not consider the impact to be sufficient to justify refusal of the application. The Transport Assessment accompanying the application includes proposals to provide traffic signals at the Plas Acton/B5425 Llay Road junction to the north of the site. This will help to improve traffic flow at that junction and off-set the impact of additional traffic to/from the site using those roads. Subject to the implementation of those works, which could be secured by way of a Grampian style condition, and in the absence of any evidence to the contrary I have no reason to conclude that the local road network has insufficient capacity to safely accommodate traffic from the proposed development.

Archaeology: Wat's Dyke, a Scheduled Ancient Monument, crosses the site in a north-south direction. The Dyke survives as an embankment for over 295 metres of its 370 metres length across the site.

Unlike many other sections of the Dyke in and around Wrexham, which are either inaccessible or viewed within a narrow corridor, within the application site the Dyke is set within open fields that provide a semi-rural setting. Indeed this is the last area in the locality where the Dyke can be viewed in anything like its original rural setting.

Whilst the indicative plans propose a significantly reduced area of built development compared to the previous application, Cadw initially remained concerned about the impact the development would have upon the setting of the Dyke. The applicant's archaeologist has liaised extensively with Cadw to address their concerns.

The indicative plan shows considerable undeveloped landscaped buffer either side of the Dyke. In addition the application is now accompanied by a Scheduled Ancient Monument Management Plan that proposes measures to improve the appearance and setting of the Dyke, such as the removal of scrub and low quality trees, the removal of dumped material close to the Dyke, repairing, replacing and construction of fences, repair to eroded areas, as well as long term management of the Dyke and undeveloped land around it to help preserve it in the long term.

Cadw have confirmed that the development will have a significant impact upon the setting of the Dyke, however they accept that this impact can be mitigated and compensated for via the management plan. The development also presents an opportunity to enhance the local awareness of the Dyke via interpretive materials i.e. information boards. The implementation of these measures could be secured by planning condition.

In light of the advice received from Cadw as well as the consultation response from CPAT, whilst it is clear that whilst the development would still have a significant impact upon the setting of Wat's Dyke, the current proposals would have considerably less impact than the development proposed by the previous application. What is more, the current application includes proposals for measures to help off-set those impacts. It must also be remembered that the Dyke is not subject to any proactive scheme management at present, so the proposals do present an opportunity to secure measures that will assist preserve it in the longer term. I am therefore satisfied the current proposals address the archaeological reason for refusal of the previous application.

Ecology: The site has been subject to an ecological assessment and NRW have confirmed that in light of the assessment, they are satisfied that the development is unlikely to adversely impact upon statutorily protected species. This is however subject to the implementation of recommendations made within the report regarding mitigation.

Mitigation can be secured by planning condition and, should outline planning permission be granted, the reserved matters details in respect of layout and landscaping would need to be informed by the recommendations made within the report and by NRW's comments. Subject to this and in light of both the report and NRW's advice I am satisfied the site could be developed without adverse impact upon statutorily protected species.

Drainage:

Foul Drainage

Welsh Water initially objected to the previous application on the grounds that the development would overload the existing sewerage system. However following discussions with the applicant they lifted their objection and recommend Grampian style condition is imposed to prevent development taking place until a scheme for the provision of foul sewerage infrastructure has been submitted to and approved by Local Planning Authority and then prevent any dwelling being occupied until the scheme as approved has been implemented in full. The scheme will need to be informed by Hydraulic Modelling Assessments. Their response to this application reaffirms that advice.

Surface Water

The site has been assessed to determine whether the ground conditions are suitable to enable soak away type drains to be used. The drainage assessment recommends that land to the east of Wat's Dyke is suitable for infiltration drainage and suggests the formation of an infiltration drainage pond on that part of the site. I am satisfied the submissions demonstrate that the site is suitable for sustainable urban drainage systems and as a consequence the development is unlikely to significantly increase the risk of on or off-site surface water flooding. The detailed design and implementation of a surface water drainage scheme could be secured by planning condition.

Minerals: Approximately half of the site is subject to policy MW9. The policy applies to areas where there are potentially exploitable mineral reserves and states that non-mineral development will not be permitted unless it has been demonstrated that no exploitable mineral reserves existing within the site. Alternatively a development must make provision for the removal of the mineral resources.

The areas of the site subject to the policy lie close to existing residential development fronting Plas Acton Road and Top Farm Road and lie adjacent to the A483 and the Wrexham to Chester railway line. It would not be possible to work any exploitable mineral reserves under the site without severely compromising the amenity of nearby residents and/or causing significant disruption to local transport infrastructure. Whilst no part of Wat's Dyke lies within those parts of the site subject to the policy, the northern section of the Dyke is immediately adjacent. Accordingly there would be a significant risk of mineral extraction works damaging sections of the Dyke. Mineral extraction would also impact significantly upon the setting of the Dyke. It is therefore unlikely that any mineral extraction works would take place within the site and accordingly I find no conflict with policy MW9 in this instance.

Community Infrastructure: I have not received a consultation response from Education, however they did comment on the previous planning application by advising that contributions towards primary education were required. I am unaware that circumstances have changed significantly since the determination of the previous application. A planning obligation would be required to secure the contributions.

Education did not previously request contributions towards secondary school provision and I have not been presented with any evidence to demonstrate that circumstances have changed. I therefore have no reason to conclude that there is insufficient secondary school capacity to cater for an increase in demand for places as a result of the development.

Objectors have expressed concerns about the capacity of local health care services to cater for additional demand. There is no UDP policy or Local Planning Guidance Notes that impose a specific requirement for the developers to provide or make contributions towards other infrastructure such as health care facilities. In the absence of any evidence that the development will severely prejudice the effective delivery of local healthcare services these concerns do not present a valid reason to refuse planning permission.

CONCLUSION

Whilst acknowledging the significant contribution the development could make towards the supply of housing land, this benefit is significantly outweighed by the harm the development would have upon the Green Barrier as a result of the virtual coalescence of Wrexham and Old Rhosrobin and the considerable erosion of the gap separating Pandy from Old Rhosrobin and Wrexham.

RECOMMENDATION: That permission be REFUSED

REASON(S)

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.
