

Town and Country Planning Act 1990

Local Planning Authority Statement of Case

**APPEAL RELATING TO LAND AT THE
BUNGALOW, DARLAND LODGE, OFF
DARLAND LANE AND GAMFORD LANE,
ROSSETT, WREXHAM, LL12 0BA**

**PINS Refs: APP/H6955/A/17/3173915
LPA Planning Refs: P/2016/0712**

1.0 THE SITE

- 1.1 The site subject to the appeal consists of agricultural land split into two parcels. The site extends to an area of 2.3ha and is located immediately adjacent Rossett settlement on the east of the village.
- 1.2 The land is consistent in its level and is characterised by mature vegetation on the field boundaries, more particularly a mature hedgerow where the site boundary sits adjacent to Gamford Lane.

2.0 PROPOSAL

- 2.1 The appeal relates to the refusal by Wrexham County Borough Council to grant outline planning permission (with all matters reserved for subsequent approval) for the erection of up to 47 dwellings and associated infrastructure.

3.0 PLANNING POLICY CONTEXT

- 3.1 The relevant development plan for this appeal is the Wrexham Unitary Development Plan (UDP) as adopted by the Council in 2005. For the purposes of this appeal, the following policies are applicable:-
 - PS1, PS2, PS3 and PS4 – Strategic policies relating the broad location of new development;
 - GDP1 – General development principles relating design;
 - GDP2 – Capacity and infrastructure contributions;
 - EC1 – Appropriate development in green barrier designations;
 - EC2 – Development on agricultural land;
 - EC4 – Development and hedgerows, trees and woodland;
 - EC5 – Special Landscape Areas
 - EC13 – Surface water run-off
 - H5 – Housing in the countryside;
 - H7 – Affordable Housing provision;
 - CLF5 – Open space requirements from new residential developments; and
 - T8 – Parking.

- 3.2 The wording of the above UDP policies referred to has been included as part of the Council's questionnaire.
- 3.3 Paragraph 4.1 of the UDP states that the Council will, from time to time issue supplementary planning guidance with the aim of encouraging high standards of development and design. Accordingly, Local Planning Guidance Notes 13 – Housing in the Countryside, 16 – Parking Standards, 17 - Trees and Development, 21 – Space Around Dwellings, 27 – Developer Contributions to Schools, 28 – Affordable Housing and 30 – Residential Design Guide are relevant.
- 3.4 The Council considers that Planning Policy Wales Edition 9 (PPW) is relevant along with its suite of Technical Advice Notes (TANs). The following TANs are considered applicable in this instance:-
- TAN 1 – Joint Housing Land Availability Studies;
 - TAN 2 – Planning and Affordable Housing;
 - TAN 5 – Nature Conservation and Planning;
 - TAN 12 – Design;
 - TAN 15 – Development and Flood Risk; and
 - TAN 18 – Transport.

4.0 THE COUNCIL'S CASE

- 4.1 The Council refused to grant planning permission for the five reasons. For clarity, the Council's Statement of Case is structured in a manner to provide its position in relation to each reason for refusal.
- 4.2 *The proposed development lies outside settlement limits and within a designated green barrier. The proposed development would represent an unacceptable incursion into the green barrier and would not form a logical extension to the existing settlement. To allow the development would therefore be contrary to policies PS1, PS2, H5, EC1 and GDP1 of the adopted Wrexham Unitary Development Plan.*

4.2.1 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. As the proposed development does not accord with either of these policies the Council

considers the development represents a departure from the adopted development plan.

4.2.2 **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. The Council acknowledges that under the provisions of TAN1: Joint Housing Land Availability Studies (JHLAS) it has a statutory duty to monitor housing land supply on an annual basis in the form of a JHLAS. However, in accordance with paragraph 8.1 of TAN1 (Jan 2015), Wrexham County Borough Council is 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.

4.2.3 In the absence of an up-to-date Unitary Development Plan (UDP) and adopted Local Development Plan (LDP), in accordance with latest Welsh Government Guidance on Joint Housing Land Availability Studies (JHLAS), TAN1, January 2015, there is no requirement for a Local Authority to produce a JHLAS and the authority is considered to have a zero land supply. However, in order to inform the level of housing provision required in the forthcoming LDP, it is still necessary to monitor the housing land supply within the County Borough along with the number of annual completions.

4.2.4 **Green Barrier**

The site lies on the south eastern side of Darland Lane. It is an open area of flat agricultural land characterised by mature hedgerows and established hedgerow trees. To the north east of the site are various buildings which lead onto the grounds of Darland Hall. A small group of properties sit to the south west of the site fronting onto Gamford Lane. To the south of the site the land is formed by open tracts of agricultural land. The land forms part of the green barrier as defined by policy EC1 the UDP.

4.2.5 Policy EC1 of the UDP only permits development within green barriers if it is for *'...agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other use of land which maintain the openness of the Green Barrier and do not conflict with the purposes of including land within it'*.

- 4.2.6 Planning Policy Wales (PPW) also defines the types of acceptable development in green barriers in line with those set out in policy EC1. The Council considers that the proposal does not fall within any of those development types specified and is therefore inappropriate development within a green barrier. There is a presumption against inappropriate development in green barriers.
- 4.2.7 Both policies EC1 and PPW allow other uses in the green barrier where it can be demonstrated that openness is maintained. Openness is considered to be a key attribute of green barriers and whilst not specifically defined in planning policy it has previously been accepted that it relates to the absence of urban sprawl and encroachment into the countryside. It has further been accepted that openness does not purely relate to the impact of a development upon the landscape character. The proposed development would present a significant amount of built development into flat agricultural land which would cause a significant amount of urban sprawl and encroachment into the open countryside.
- 4.2.8 The location and site area of the development on the edge of the Rossett settlement limit is significant. Given the purposes of including land within the green barrier i.e. preventing the coalescence of urban areas with other settlements; safeguarding against encroachment and to protect the setting of an urban area, I am satisfied that the nature and location of the development will conflict with the purposes of including the site in question within the green barrier. For this reason the Council considers that the development would be inappropriate and therefore contrary to policy EC1 of the UDP and PPW.

4.2.9 **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*.

- 4.2.10 Although the site is located immediately adjacent to the Rossett settlement, a village within the County Borough which is deemed to be sustainable given the level and location of services it offers to the population, it is nevertheless within the open countryside. The site has no significant defensible boundary to the south. In order to make the development acceptable in highway safety terms a significant length of mature hedgerow forming the northern and western site boundary with Gamford Lane would require removal (discussed below). This would visually open up the site and would still represent a significant extension of the settlement into the open countryside.
- 4.2.11 It is accepted that the inability for the Council to demonstrate a 5 year housing land supply must carry significant weight in this instance. It is also acknowledged that the number of dwellings proposed on the

indicative site plan (47) would represent a significant contribution to the Council's housing requirement. However, the Council considers that the development would represent an encroachment into the countryside which risks changing the landscape character impacting up the setting of the urban area. It also sets a precedent for the release of similar locations for residential development. The reasons for including the land in question within the green barrier are not outweighed by the benefits of the development. It further considers that the applicant has not presented any very exceptional circumstances which justify the development in this instance.

- 4.3 *The proposed development would be located within an area designated for its special landscape character. The nature of the development would represent a significant urbanising change to the existing rural setting and would be detrimental to the landscape character. To allow the development would be contrary to policy EC5 of the Wrexham unitary Development Plan.*

4.3.1 **Special Landscape Area**

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. Development other than for agriculture, small-scale farm-based and other rural enterprises, and essential utility service development will be strictly controlled.

- 4.3.2 The proposal will result in a significant amount of built development into the open countryside from the edge of the Rossett settlement. There is an existing defensible boundary feature to the settlement in this location which would likely be lost to allow for highway improvements to be carried out (discussed below). The character of the site is assessed in the Council's LANDMAP assessment as low-lying, flat, intensively farmed landscape with abundant hedges and hedgerow trees. Rural villages such as Rossett are under development pressure which is weakening rural character. In general the integrity of the landscape is highly vulnerable to continuing development and recreational pressures, and to economic changes which threaten traditional farming. The relevant LANDMAP extract is shown at Appendix 1.
- 4.3.3 The Council considers that the development will have an impact upon the character of the SLA. Whilst it would be possible to carry out the development in a manner to incorporate existing hedgerows and hedgerow trees, the increase in the urban form will change the rural character of the field parcels. The likely loss of the mature hedgerow which forms a defensible site boundary with the edge of the existing village will be lost and will further erode this existing character.
- 4.3.4 Immediately prior the determination of the application by the Council's Planning Committee, a further report was presented by the applicant

which could not be considered and did not form part of the determined suite of documents. However, the Council does not consider that the findings of the report detract from its concerns regarding the visual impact of the development and its impact upon the wider landscape character.

4.4 *The proposed development is not considered to be satisfactory in terms of design and would not provide sufficient measures to secure a satisfactory form of sustainable development. In particular the proposal to discharge surface water generated by the development to the combined sewer network is deemed unacceptable and would not meet the sustainability criteria laid out in Section 8 of Welsh Government Technical Advice Note 15 - Development and Flood Risk. The proposal also includes inadequate provision for the disposal of surface water generated from the site which would lead to the possibility of local flooding. To allow the development would be contrary to policy EC13 of the Wrexham Unitary Development Plan.*

4.4.1 The site is located in Zone A as defined by TAN 15 and the Welsh Government's Development Advice Map. The development would not be considered to be at risk from fluvial flooding.

4.4.2 Part of the site is known to suffer from surface water flooding. An extract from the NRW surface water flooding map is shown at Appendix 2. The Council is also aware of anecdotal reports in representations that the application site acts as a holding area for highway surface water – the plan would appear to support these observations. There is a known blockage of an existing surface water outfall which is believed to cause the surface water flooding. This blockage has occurred due to building activity at land to the rear of Pippin Lane, the approximate position is shown at Appendix 3.

4.4.3 A Flood Consequences Assessment and Surface Water Management Plan (SWMP) accompanied the application prior to its determination. The SWMP identified that the '*....main constraint evident on site ...is due to the fact there is currently no identifiable surface water ditches which may be discharged to, and the use of infiltration, across the site has been initially precluded based on the local geology type. Therefore, surface waters generated may need to be discharged to the local sewerage network....*

4.4.4 The Council referred to national planning guidance in considering this issue. 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*

- 4.4.5 The SWMP discounted the use of soakaways on site, albeit this conclusion was reached without any supporting information to consider where existing surface water drains to or any information to confirm whether any on-site infiltration testing has been carried out. Bore hole tests were carried out and concluded that the geology of the site is inadequate to deal with surface water on site.
- 4.4.6 The plan proposed to attenuate excess surface water on site in a holding pond and then discharge this to the combined sewer network. Welsh Water confirmed that they would not wish to support the discharge of surface water into the combined sewer network and the additional loading of the system and the eventual treatment of such waters is not a sustainable method of surface water disposal. This viewpoint is reiterated at Appendix 4 (para A4.5) of TAN15.
- 4.4.7 The only other method of surface water disposal would be to a local watercourse. This had been discounted in the SWMP provided and also confirmed by the Council's Flood Management Officer. There are known issues in the locality with local drainage network which have resulted in repeated instances of localised surface water flooding on and around the site. It would therefore be inappropriate at this stage to allow further development which would increase surface flows into this network which would only act to increase risks to both the highway network and neighbouring property. This would not accord with the principles of TAN15 or policy EC13 of the UDP.
- 4.4.8 As part of the site acts as a form of holding area for existing excess surface water, the Council considers that the proposed development may displace and exacerbate surface water flooding elsewhere. This would need to be considered as part of any overall drainage strategy and design for the site to ensure that the situation is not made any worse elsewhere.
- 4.4.9 The Council considered that insufficient information had been submitted to consider whether a sustainable drainage system could be implemented on site. The proposal to discharge surface waters to the combined sewer network is not considered acceptable and would not accord with national and local planning policy.
- 4.4.10 Immediately prior the determination of the application by the Council's Planning Committee, a further report was presented by the applicant which could not be considered. The report of Kane Design dated 4th February 2017 entitled 'Drainage Appraisal for Proposed Residential Development at Darland Lane, Rossett, Wrexham, LL12 0FA has been presented with this appeal by the appellant. Whilst this document did not form part of the Council's determined suite of documentation, consideration to its contents has been given to its conclusions.
- 4.4.11 If there is no means of disposal then it is wrong to establish the principle of development. For this site the only potential option for

disposal is soakaway as WW have confirmed no surface water to sewer and the local watercourse network is not functioning with known flooding issues.

4.4.12 The Council can confirm that no new works have been undertaken to date to rectify a known blocked watercourse. Discussions have taken place in order to secure access to reinstate flow within the watercourse but these are still in the initial stages with no timescale for resolution available, if agreement can be reached.

4.4.13 The subsequently submitted drainage appraisal aims to demonstrate that there is a feasible means of sustainably draining the site. It summarises the results of a single soakaway test to try to demonstrate that soakaway is a feasible means of surface water disposal. The normal procedure for undertaking soakaway testing is contained within BRE365 (widely accepted as the industry standard). This involves excavation of an appropriately sized trial pit which is then filled and monitored 3 times in close succession to best represent the soakaway function and ground conditions post construction. This is likely to show varying infiltration rates across the 3 tests, with the worst case being chosen for design purposes.

4.4.14 The drainage appraisal soakaway test was based on a trial pit that was only filled with water once and the rate of fall monitored once. The Council would anticipate if repeat tests were undertaken as per the normal procedure then lower infiltration rates would have been determined as ground conditions locally became wetter. The determined rate of 3.7×10^{-6} m/s has then be used to determine an outline design of a soakaway system that would cater for the 1% + climate change rainfall event.

4.4.15 BRE 365, as summarised within section 2.3 of the drainage appraisal, requires a soakaway to drain to 50% of its capacity (i.e. half empty) within 24hrs to enable any system to cope with subsequent rainfall events. The submitted calculations indicate that a total storage volume of 1237.7m^3 would be required (a minimum footprint of 1378.7m^2 according to the infiltration structure design table) to manage the design event. This structure would have a half drain time of 3642 minutes, which equates to 60 hours and 42 minutes, significantly exceeding the BRE365 standard of 24 hours.

4.4.16 The Council considers it has not been demonstrated that soakaway would be a suitable means of disposal. If the soakaway test had been undertaken in accordance with BRE365 (using the lowest determined infiltration rate of 3 tests) it is likely that larger soakaway volume would be required and that half empty times would be increased. This ultimately could result in an unacceptable flood risk both to the site and surrounding areas, with increased, uncontrolled runoff from any future development having a detrimental effect on the known flooding issues at the junction of Darland and Gamford Lanes.

- 4.4.17 The Drainage Appraisal does also indicate that if soakaway were not deemed feasible then an attenuated discharge into the watercourse would be considered. As previously mentioned, this would not be acceptable as it would exacerbate the known flooding issues in the locality.
- 4.4.18 Therefore the Council does not agree with the summary of the drainage appraisal. The submitted information does indicate infiltration rates are marginal and that the indicative design provided would not satisfy the BRE365 recommendation for half drain time when considering the size of soakaway that would be required. With no watercourse in a condition to accept an attenuated discharge and Welsh Water's stance on additional surface water flows to the public sewer, it has not been demonstrated that surface waters generated by new impermeable surfaces on the site could be acceptably and sustainably managed.
- 4.5 *Insufficient information has been submitted to 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 therefore conflicts with policy GDP1 of the Wrexham Unitary Development Plan.*
- 4.5.1 There are known species to be present which are protected by domestic and international legislation. The impact of development proposals upon the conservation status of such species was a material planning consideration.
- 4.5.2 The Council considered the application in line with the submitted ecological report. The Council considered that the adequacy of the survey detail was insufficient. Those concerns were in line with the guidance contained in TAN5 which requires that the presence of protected species to be established as part of the decision making process.
- 4.5.3 **Great crested newt**
- 4.5.4 The site is in an area of high great crested newt presence with known breeding records within 200m from the site. There are additional ponds not examined within the ecological survey and no great crested newt survey work could be completed due to the time of year. The council considers that further surveys of all ponds adjacent to the site should be carried out prior to ruling out the presence of the species on site.

4.5.5 **Bats**

Bat activity surveys are required to determine the baseline bat activity on the site. Development and associated light can have impacts on

bats abilities to forage, commute and breed successfully. Presently this site is outside the settlement and is not subject to any significant artificial lighting. The proposal will also result in the loss of a significant section of hedgerow at the front of the site which may be used by foraging or commuting bats. The Council considers that activity surveys should be completed prior to determination.

- 4.6 *The proposed highway improvement to widen Gamford Lane will involve the removal of a significant amount of mature hedgerow (130 metres) which currently forms a defensible boundary to the site and Rossett settlement limit. Its removal will have a detrimental impact upon the wider visual amenity of the area and have an adverse effect upon the rural integrity of Gamford Lane. To allow the development would be contrary to Wrexham Unitary Development Plan.*

- 4.6.1 The Inspectors attention is drawn to the conclusions set out in paragraphs 4.3.1 to 4.3.4.

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 in accordance with normal practice:

5.1.1 Schedule of suggested conditions

1. Details of the access, 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 47 dwellings.

Reason: In order to define the terms of the planning permission.

5. No development shall take place until details of the implementation, maintenance and management of a surface water drainage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the drainage system throughout its lifetime.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

6. No part of the development shall commence until a sewage scheme to satisfactorily accommodate the foul discharges from the development has been submitted to and approved in writing by the local planning authority. No part of the redevelopment shall be occupied until the water system has been fully implemented and brought into use in accordance with the approved scheme.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

7. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment.

8. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The site shall thereafter be

remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the local planning authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

Reason: In the interests of the amenities of the future occupants of the buildings.

9. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 8 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupants of the buildings.

10. Development shall not begin until 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 or the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupants of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupants of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to provide adequate provision for affordable housing needs in the locality in accordance with policy H7 of the Wrexham Unitary Development Plan.

11. An ecological management plan and ecological method statement shall be submitted to and approved in writing by the local planning authority, as part of the reserved matters application. This information shall demonstrate how existing features of ecological interest will be protected, how the development will be cleared of any Great Crested

Newts, identify areas of compensation and demonstrate management in the long term, and how this will be funded. The recommendations as approved shall be fully implemented in accordance with timescales to be agreed in writing as part of the approved plan.

Reason: In order to protect wildlife interests, which are afforded special protection.

12. Prior to the first occupation a scheme for the provision of street lighting shall be implemented in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.

Reason: In order to protect wildlife interests, which are afforded special protection and in the interests of the visual amenity of the area.

13. The existing trees, shrubs and hedges shown on drawing no. GLR/MS/01 to be retained shall not be cut down, grubbed out, lopped or uprooted within five years of the date of first occupation of the development. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased within this time shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.

Reason: In order to protect wildlife interests, which are afforded special protection and in the interests of the visual amenity of the area.

14. No equipment, machinery, plant or materials of any kind in connection with the development shall be brought onto the site until tree protection fencing and ground protection measures have been fully implemented. The fencing shall consist of a scaffold framework in accordance with Figure 2 of British Standard 5837:2012 comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 metres. Onto this, 2.1 metre weldmesh panels shall be securely fixed with wire or scaffold clamps. This fencing shall be erected at the extent of each tree(s) Root Protection Area, as set out in British Standard 5837:2012 or as shown as the Construction Exclusion Zone on the approved Tree Protection Plan Ref. GLR/MS/01. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.

Reason: In order to protect wildlife interests, which are afforded special protection and in the interests of the visual amenity of the area.

15. The tree protection fencing and ground protection measures approved in connection with condition no. 14 shall be kept in place until all external site works have been completed and the removal of the fencing has been approved in writing by the Local Planning Authority.

Reason: In order to protect wildlife interests, which are afforded special protection and in the interests of the visual amenity of the area.

16. The development shall be carried out in accordance with the approved Arboricultural Method Statement with document reference TRE/GL dated 24th July 2016.

Reason: In order to protect wildlife interests, which are afforded special protection and in the interests of the visual amenity of the area.

17. No development shall take place, including any site clearance works, 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.

Reason: In order to protect the amenity of neighbouring occupiers who may otherwise be harmed by construction activity.

6.0 OTHER PROCEDURAL MATTERS

6.1 Planning Obligations

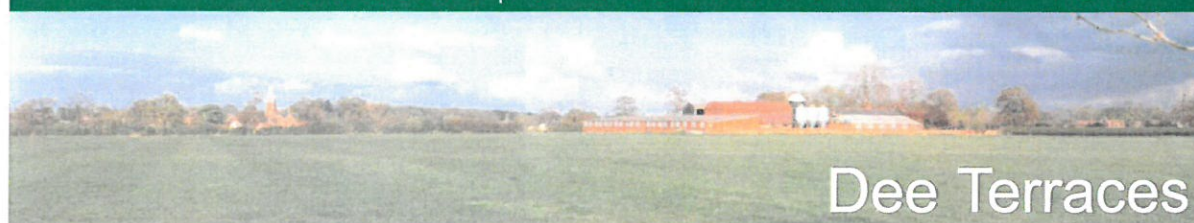
- 6.1.1 It is anticipated that a Unilateral Undertaking will be provided by the appellant. Without prejudice to its position, the Council make the following comments regarding planning obligations relevant to the development proposal.
- 6.1.2 In considering the proposal at the application stage the Council's Education officers confirmed a contribution would be required in relation to Darland High School to meet a shortfall in infrastructure capacity. As the proposal is made in outline it is anticipated that a final monetary figure would be based on the formula stated in LPG27.
- 6.1.3 Policy H7 and LPG28 require new developments of more than 25 dwellings to provide affordable housing at a rate of 25%. I have no reason to believe that the viability of the development of a greenfield site would prevent the provision as required by the policy. Provision would normally be secured by way of a planning obligation.
- 6.1.4 Policy CLF5 and LPG10 require the provision of onsite open space. The applicant's indicative site plan shows an intention to provide open space within the proposed development. The council has no reason to believe that this could not be achieved in a final scheme. The specification and related management plan for such open space would be included in the obligation.

7.0 CONCLUSION

- 7.1 The Council considers that the proposal would represent an inappropriate and unsustainable form of development in the open

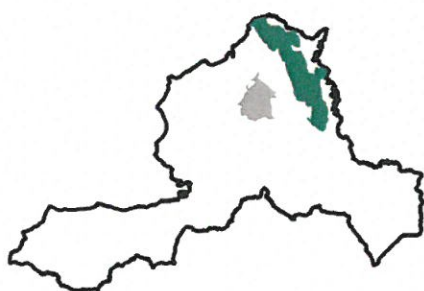
countryside that would not accord with the principles of established national and local policy relating to new residential development. The Council therefore respectfully requests that the Inspector dismisses the appeal.

APPENDIX 1
LANDMAP extract



Dee Terraces 13c

This is one of a series of Local Planning Guidance Notes based on Wrexham LANDMAP (adopted November 2004), setting out recommendations for each Landscape Character area.



Dee Terraces summary

- Low-lying, flat, intensively farmed landscape
- Field ponds, roadside and field ditches common
- Abundant hedges and hedgerow trees
- Dispersed farms, hamlets and villages, often built in red brick
- Holt is built at an ancient crossing point on the Dee
- Horticultural and intensive farming uses surround Holt on grade 1 farmland
- Rural character under pressure
- Loss of tranquillity near A483

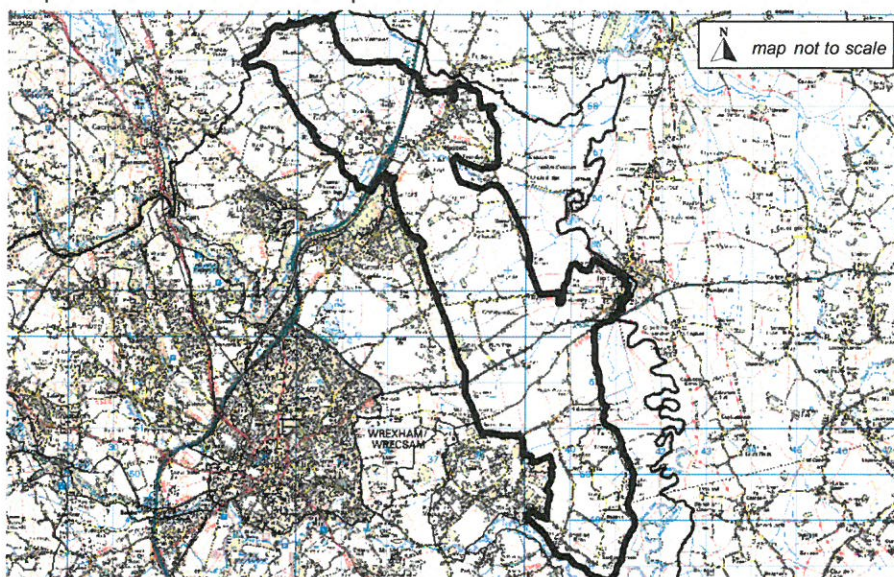


Extensive flat rural lowland, with scattered farmsteadings and expanding villages, above the level of the Dee floodplain

Landscape context

This area, within the agricultural lowlands landscape type, is similar in many ways to the Cheshire and North Shropshire Plain beyond the Wrexham boundary but is characterised by its flatness, although it lies above the River Dee floodplain. The other areas within this landscape type are the English Maelor to the east of the River Dee and the Welsh Maelor to the west

Map of Dee Terraces Landscape Character Area



Character Area boundaries should be considered transitional rather than precise
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Key characteristics

Visual character:

- Uniformly low-lying flat open farmland with long views where hedgerows permit
- Field pattern is medium to large scale, with fields regular and semi regular in shape
- Dispersed pattern of attractive villages, hamlets and farms, traditionally of red brick
- Rural villages - Rossett and Holt, both under development pressure weakening character
- A483 is a physical barrier and source of noise

Geological character:

- The Dee terraces have been formed from fluvioglacial drift consisting of till (boulder clay) and alluvial deposits. The eastern edge of the terrace is defined by a low scarp
- At Holt the River Dee cuts through the Chester Pebble Beds (red sandstone), which has been quarried for local building stone. South of Holt Castle, two river terraces can be seen. The Castle, castle quarry site, and terraces are designated or potential Regionally Important Geological sites
- Soils are mainly derived from glacial till, with general grade 3 agricultural land classification

- Rossett, Burton and Holt are built on better drained areas with grade 2 sandy and coarse loamy soils
- Around Holt the agricultural land is the best in Wrexham, classified as grade 1

Ecological character:

- Much of area is agriculturally improved grassland, intensively farmed with some arable cultivation, of little biodiversity interest apart from green network of hedges and mature hedgerow trees
- Abundant ponds, formerly marl pits, are of high value
- Small areas of woodland including mixed sycamore, ash and oak woodland, and wet woodland of high value. Some plantations
- Remaining areas of lowland pasture are of high value, with a distinctive area of small strip fields at Common Wood characterised by damson blossom in spring
- Rivers, streams and abundant field and roadside ditches providing aquatic habitats of high value

Historical character:

- Part of Wrexham lowlands characterised by relict medieval open field systems with ridge and furrow
- Important designed gardens at Trevalyn Hall and Trevalyn Hospital
- 17th century water mill at Rossett plus the later Marford Mill are prominent buildings
- Planned settlement with medieval origins at Holt, above ancient river crossing point
- Pre-19th century dense scattered settlement at Isycoed
- Rossett, Trevalyn, Burton - mainly 19th/20th century settlements, with planned settlement at Greenfields

Overall management strategy:

Conservation and sustainable rural development

Management guidance

Aims	Guidelines
Conserve rural character	● The character of barns and farmsteads are particularly sensitive to residential conversion - resist ● Areas for Horticulture are to conserve traditional field boundaries and avoid the proliferation of fences, structures and buildings within the countryside, where this would erode character
Preserve geodiversity	● Maintain integrity of landform and assess new exposures
Manage farmland for increased biodiversity	● Maintain and enhance ponds ● Maintain and enhance hedgerows - allow development of new hedgerow trees ● Protect species associated with farms eg bats, barn owls, swallows and swifts
Preserve and evaluate archaeological heritage	● Encourage preservation of surviving landscape features ● Carry out field and desk study of ridge and furrow, mills, leats, communications and wider landscape ● Assess villages - Holt, Isycoed, in wider context i.e. field systems, lanes ● Preserve town structure of Holt, evaluate in advance of development
Maintain and support cultural character	● Maintain existing character of Rossett, consider Conservation Area status ● Support existing local community initiatives

Cultural character:

- Attractive rural villages of Rossett and Holt, popular with commuters
- Part of wider Welsh Maelor cultural area, with declining role of traditional agricultural land uses and increasing commuter influence
- Easily accessible area strongly affected by transport routes

Landscape sensitivity:

The integrity of the Dee Terraces landscape is highly vulnerable to continuing development and recreational pressures, and to economic changes which threaten traditional farming

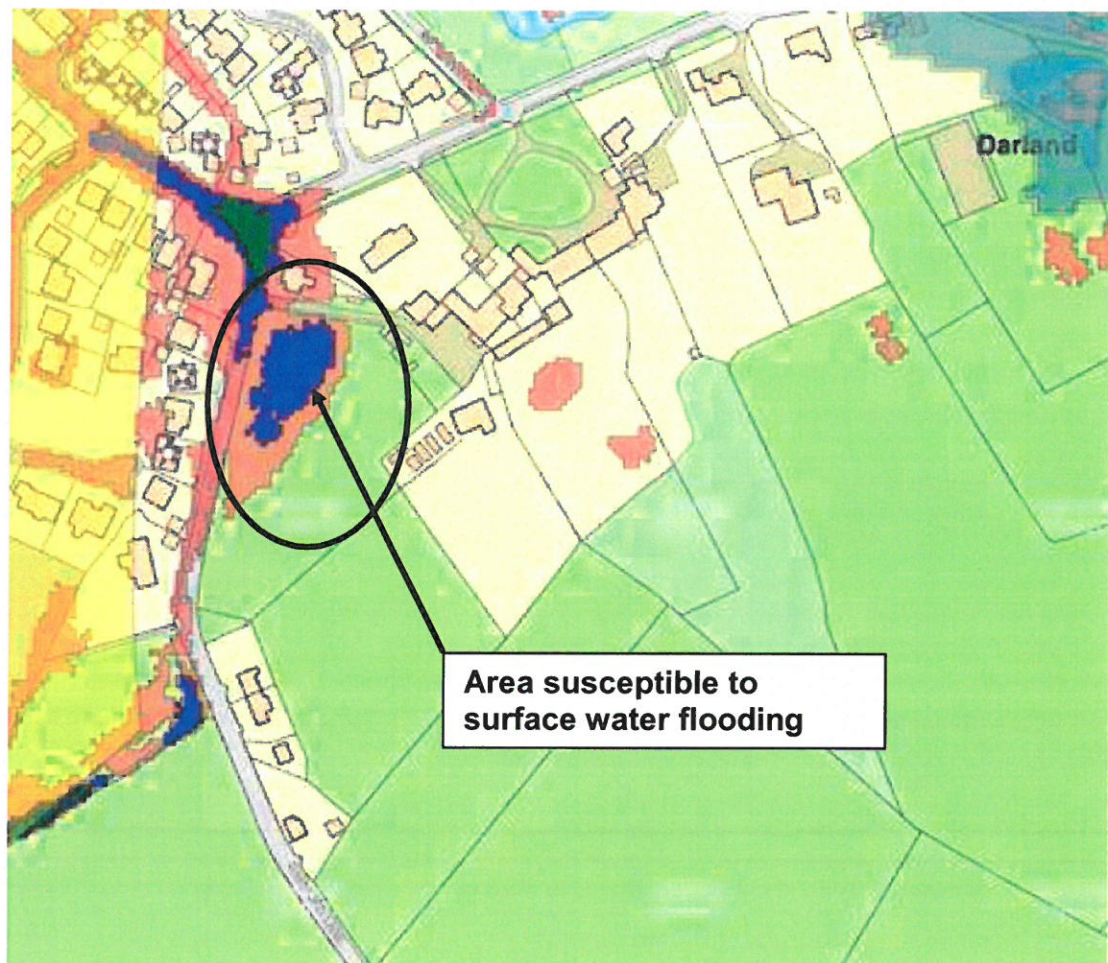
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All our information is available in accessible formats



APPENDIX 2
NRW surface water flooding map



Surface water outfall blockage position

