

Town and Country Planning Act 1990

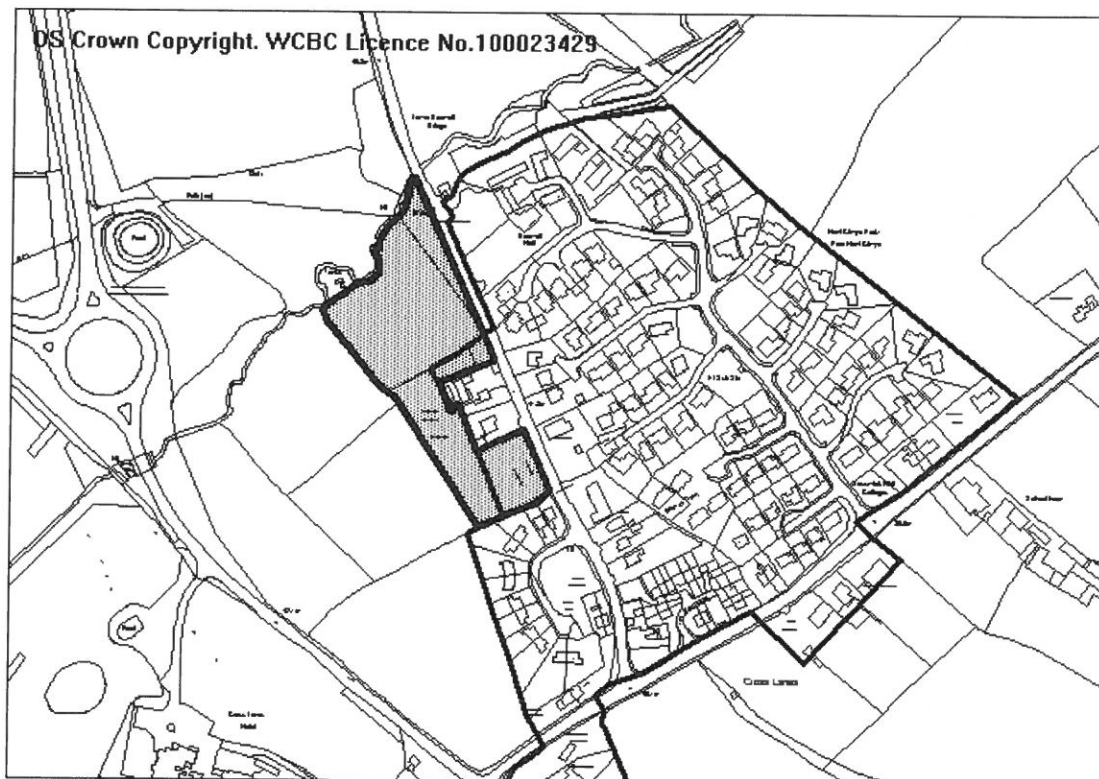
Local Planning Authority Statement of Case

**APPEAL RELATING TO LAND WEST OF BEDWELL
ROAD, CROSS LANES, WREXHAM**

**PINS Refs: APP/H6955/A/17/3179242
LPA Planning Refs: P/2016/0273**

1.0 THE SITE

- 1.1 The application site is shown below for the purposes of identifying the site. The annotations on the plan show the extent of the application site (shaded) in comparison to the village of Cross Lanes and its defined Wrexham Unitary Development Plan (UDP) settlement limit.
- 1.2 Cross Lanes is a small village located some 2.6km south east of Wrexham (approx. 4km from the town centre) in its rural hinterland. Cross Lanes is located on the A525 Wrexham to Whitchurch road.



2.0 PROPOSAL

- 2.1 The appeal relates to an outline application for planning permission with some matters reserved for further approval for residential development of the site for up to 24 dwellings. Approval for the means of access is sought at this stage.

3.0 PLANNING POLICY CONTEXT

- 3.1 A significant proportion of the site is located outside the settlement limit of Cross Lanes as defined by the Wrexham UDP. The site is currently defined as agricultural land with no previous use, effectively a greenfield site.

- 3.2 The Council considers that the following adopted planning Policies within the UDP are relevant and have been included within the Council's questionnaire.
- PS1, PS2, PS3, PS4, GDP1, GDP2, EC1, EC2, EC4, EC5, EC12, EC13, H5, CLF5 and T8.
- 3.3 These policies are amplified in a series of Local Planning Guidance Notes (LPG). The following are considered to be applicable.
- 10 - Public Open Space in New Developments, 16 - Parking Standards, 17 - Trees and Development, 27 - Developer Contributions to Schools, 30 - Residential Design Guide and 32 - Biodiversity and Development.
- 3.4 Relevant national planning policy is contained in Planning Policy Wales (PPW) Edition 9 and Technical Advice Notes (TAN) 1 - Joint Housing Land Availability Studies, 2 - Planning and Affordable Housing, 5 - Nature Conservation and Planning, 12 - Design, 15 - Development and Flood Risk and 18 - Transport.

4.0 THE COUNCIL'S CASE

- 4.1 The Council will substantially rely upon its report presented to its Planning Committee which can be found at Appendix 1. However the following matters have arisen as a result of the appellants grounds of appeal. The Council will discuss these matters in the order in which they have been addressed by the appellant.

4.2 Drainage and flood risk

The Council is aware that as part of this appeal, the appellant has presented a further Flood Risk Assessment (FCA) along with an amended indicative layout plan. This seeks to address partly the second and fully the third reason for refusal.

- 4.3 With regards to the management of surface water generated by new development on the site, the Council agrees with the information provided. Whilst the report indicates that soakaway is unlikely to be a feasible means of disposal, it is based on a desk study and not site investigation and infiltration testing. In the absence of these tests the applicant is proposing to discharge surface water at the equivalent greenfield runoff rate into the adjacent watercourse. The appellants have also demonstrated that sufficient area is available on site to provide the required attenuation storage. The report also indicates an intention to adopt SuDS techniques into the design.
- 4.4 The Council is satisfied that a suitable scheme for surface water management can be achieved on this site and, if the inspector were minded to approve, would accept a suitably worded condition that

required the detailed drainage design to be approved prior to commencement of works on site. Provision would also be expected to ensure all future maintenance and management of any proposed scheme is secured over the life of the development.

4.5 The Council will rely upon the comments received by Natural Resources Wales (NRW) attached at Appendix 2 in response to the submitted FCA.

4.6 The Inspector will note that NRW's concerns relate to the following:

- The validity of the Hydraulic & Hydrological Model data (2009) used given the passage of time since its collection;
- Climate Change impacts have not been based on a review of modelled data; and
- The FCA has failed to account for potential physical blockages to the watercourse which could impact upon flood water behaviour.

4.7 The Council considers that in the absence of a suitable FCA it is not possible to establish whether the principle of development on the site as proposed can safely be achieved. The development would therefore fail to satisfy the requirements of UDP policy EC12 and Welsh Government TAN 15.

4.8 Ecology

The Council considers that the application failed to adequately demonstrate that there will be no adverse impacts on species protected by European legislation.

4.9 There are numerous trees on site which could support roosting bats, there are also several known roosts in the vicinity including a large brown long-eared roost at Bedwell hall adjacent and a lesser horseshoe bat roost along the same stream corridor. The field and adjacent stream corridor certainly provide a prime location for foraging and commuting bats but the application contains insufficient information in order to assess the impact of the development.

4.10 The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision. This would accord with guidance issued in Welsh Government Technical Advice Note 5 at paragraph 6.2.2

4.11 Great crested newts are known to be present in the area and have been monitored as part of the Wrexham Industrial Estate Link Road (South) design and construction. The presence of GCN and importance to maintain linkages between the ponds was considered at

design stage for this road. The Council would expect investigations into how the loss of this habitat will impact on the modelling work which has already been completed on GCN populations in the area.

- 4.12 The Council is also concerned regarding the potential impact of the development on the stream corridor. Otters have been recorded recently using this waterbody.

4.13 Unilateral Undertaking

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

- 4.14 The proposed development as shown in the description of development would fall below the Council's requirements for the provision of affordable housing.
- 4.15 The Council will require the provision of open space within the development and would expect that control of the communal areas and open spaces be transferred into a management company, to be secured as part of a unilateral undertaking.
- 4.16 The Council would expect to be party to a unilateral undertaking prior to the determination of the appeal as part of a review process.

5.0 CONCLUSION

- 5.1 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.

6.0 SUGGESTED CONDITIONS

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

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any

development begins and the development shall be carried out as approved.

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

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

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

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

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

4. The permission shall provide for a maximum of 24 dwellings.

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

5. No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a period for its implementation; and
- iii) provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that 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.

8. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 43 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

Reason: To ensure that adequate visibility is provided at the proposed point of access to the highway.

9. 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 the interests of the amenities of the future occupants of the buildings.

10. No development shall commence until a biosecurity risk assessment has been submitted to and proved in writing by the local planning authority. The scheme shall deal include appropriate measures to control invasive and non-native species (INNS) on site and measures to prevent INNS being introduced to the site for the duration of construction and operational phases of the proposal. The

development shall be carried out in accordance with the scheme as may be approved.

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

11. No part of the development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with Method Statement as is approved. The Method Statement shall include the following:

- 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- 2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- 3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone , including any related sections and method for avoiding damage to retained trees;
- 4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires; and
- 5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;

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

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

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

Reason: In the interests of the amenity of the neighbouring occupiers of the site and to ensure that development works do not cause detriment to highway safety.

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

Reason: In the interests of providing on site open space provision for the residents of the development and the wider community.

APPENDIX 1

Council's original report to Planning Committee

REPORT OF THE HEAD OF ENVIRONMENT AND PLANNING
6th FEBRUARY 2017

APPLICATION NO:
P/2016 /0273

LOCATION:
LAND WEST OF BEDWELL ROAD
CROSS LANES WREXHAM
LL13 0TR

DATE RECEIVED:
17/03/2016

COMMUNITY:
Sesswick

DESCRIPTION:
OUTLINE APPLICATION FOR
RESIDENTIAL DEVELOPMENT (24
DWELLINGS) INCLUDING MEANS
OF ACCESS TO THE SITE

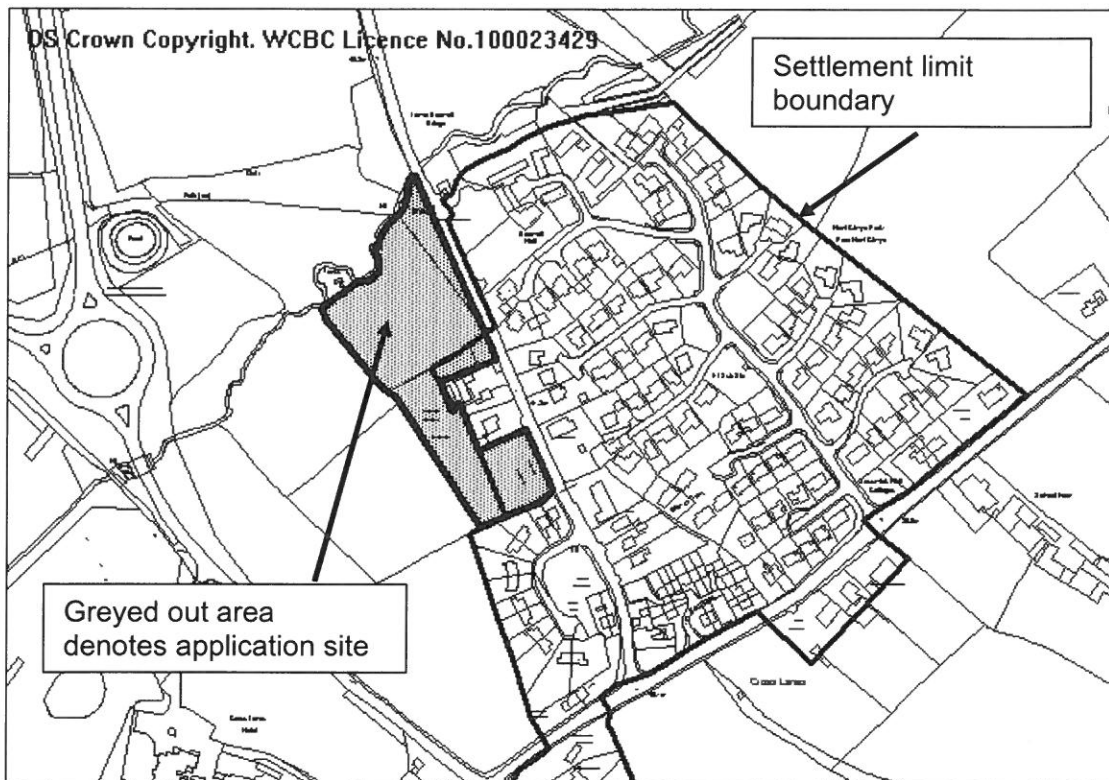
CASE OFFICER:
PF

WARD:
Marchwiell

AGENT NAME:
D S JONES & CO
MR STEVE JONES

APPLICANT(S) NAME:
RESIDENTIAL LAND PROMOTIONS
LTD

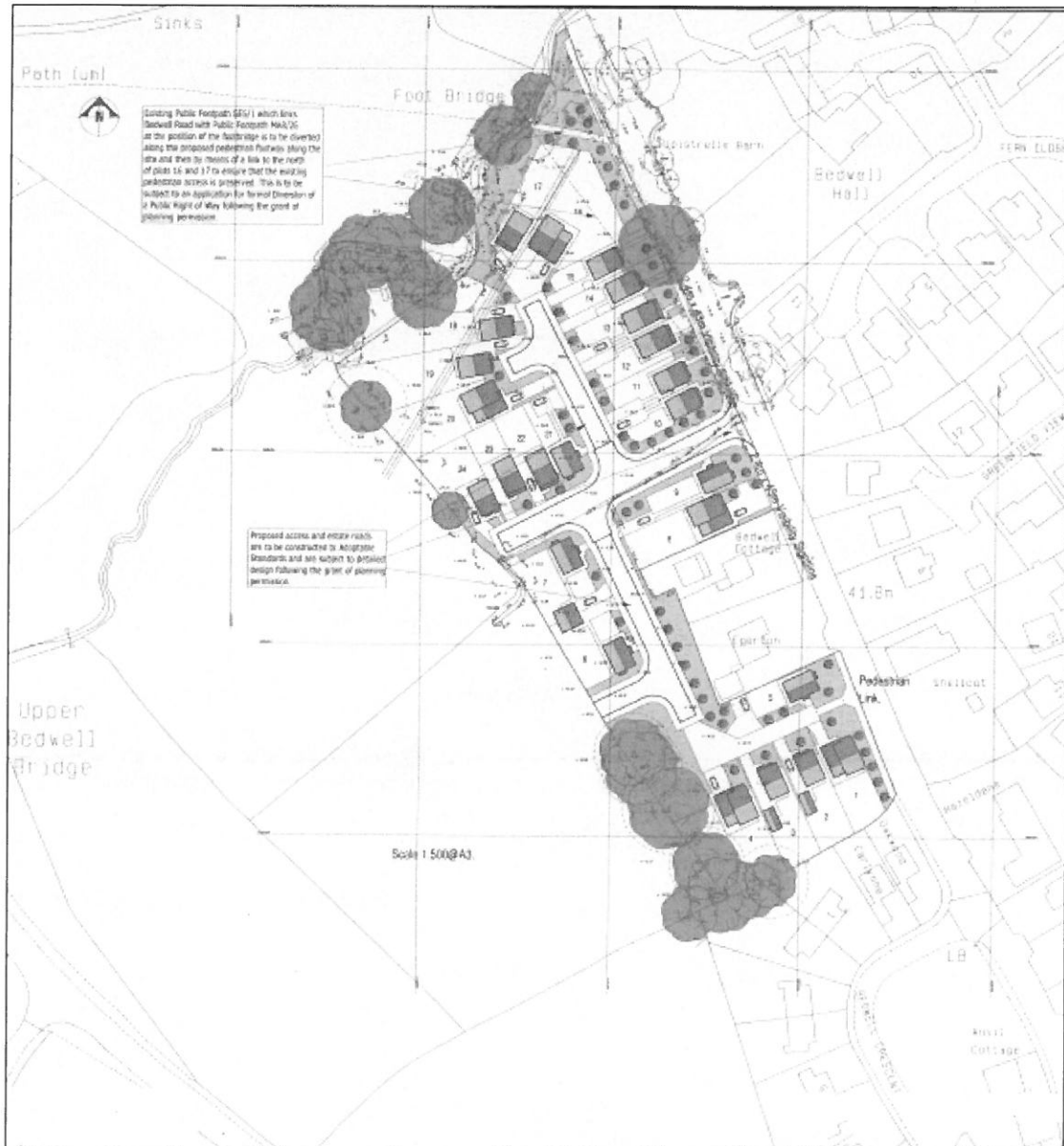
THE SITE



PROPOSAL

Planning permission is sought in outline with some matters reserved for further approval for residential development of the site for up to 24 dwellings. Approval for the means of access is sought at this stage. The submitted indicative masterplan is shown below:

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Indicative site layout plan

HISTORY

None.

DEVELOPMENT PLAN

A significant proportion of the site is located outside the settlement limit of Cross Lanes as defined by the Wrexham Unitary Development Plan. The site is currently defined as agricultural land with no previous use, effectively a greenfield site. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, EC1, EC2, EC4, EC5, EC13, H5, CLF5 and T8 of the Wrexham Unitary Development Plan (UDP) are applicable. These policies are amplified in Local Planning Guidance Notes (LPGN) 10 - Public Open Space in New Developments, 16 - Parking Standards, 17 - Trees and Development, 27 - Developer Contributions to Schools, 30 - Residential Design Guide and 32 - Biodiversity and Development.

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NATIONAL PLANNING POLICY

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

CONSULTATIONS

Community Council:

Opposes the application. It contravenes many policies within the UDP and would place a strain on this small rural community. The following points are made:

- The infrastructure around Cross Lanes is poor and could not support a development of this size;
- The only facility in the village is one shop. Parking on the roads there already causes congestion;
- There are no surplus places in neighbouring schools. Extra traffic movements would be generated transporting pupils further afield;
- Public transport is very limited and bus times do not correlate to train services in Wrexham. Car ownership at the site would be essential;
- Bedwell road is a narrow country lane. It could not handle the additional traffic flows from the planned volume of cars;
- The village already has less than the statutory amount of open space amenity. The plans make no provision for children's play areas, so the deficit would be exacerbated.
- The development would encroach into greenfield areas outside the settlement limit.
- This area is predominantly heavy clay. Discharge of surface water via infiltration to nearby Bedwell Brook could lead to flooding affecting properties. It is uncertain whether onsite attenuation would work;
- Concerns that the brook may be polluted from the use of harmful domestic substances at the development;
- Fifteen of the proposed garages do not have garages (essential for security in the countryside) and the front gardens are small. Three and four bedroom houses will potentially have 3-4 cars per households. This implies the possibility of street parking if drives cannot provide sufficient room for off- road parking;

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- The plans seem to refer to out- of- date environmental records. It is questionable for there to be no great- crested newts recorded at the site since 2011 and no bat activity since 1994. An otter has recently been seen 100 metres from the site; and
- There have been electricity problems for many years until improved supply was put in place. The same could occur.

Local Member:

Notified 23.03.2016

Site notices:

Expired 13.04.2016

Press notice:

Expired 15.04.2016

Highways:

The following observations are made:

- It would appear possible to provide adequate visibility from the proposed access subject to the removal of a significant length of hedgerow/vegetation/trees.
- Bedwell road has little or no footway provision along its length. A 2m wide footway would normally be required along the length of the site frontage to link with the existing footway. This would not be possible because of the existing dwellings outside the control of the applicants;
- Acknowledging layout is a reserved matter, comments are made regarding poor highway layout on parts of the indicative plan;
- Parking provision should comply with LPG16;
- Cross Lanes may be considered to be an unsustainable location for a development of this scale. Footway provision around Cross Lanes is inadequate and there are few public services. The development would not appear to meet the requirements of settlement policies detail in TAN18.

PRoW Officer:

Consulted 19.04.2016

Public Protection:

No objection. Requests that conditions and informatives are added regarding construction nuisance.

Flood Officer:

Concerns are raised on the following matters:

- A portion of the site is identified as falling within TAN15 flood Zone C2. Highly vulnerable development should not be permitted. Any development here should be supported by an FCA. It is unclear from the submitted plans if the indicative layout encroaches into this C2 area.
- The application states that surface water will be discharged to the existing neighbouring watercourse. No additional details have been submitted. An

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indicative drainage proposal should be submitted to ensure a feasible surface water management scheme is available for the site.

Education: A contribution will be required towards primary education. At the time of consultation, a contribution will not be required towards secondary provision but this proposal would take the school to capacity. A contribution may be required if any further applications are approved in the interim.

NRW: The following comments are made:

- Flood risk
The site lies entirely within a C2 flood zone as defined by TAN15. This has not been addressed in the application submission. TAN15 advises that an FCA should be submitted to justify the consequences of development in such zones.
- Protected Species
The submitted ecological survey has been completed to a satisfactory standard. Recommendations relating great crested newts, bats, otter, water voles and badgers. Conditions and further surveys will be required as part of a detailed scheme design;
- A biosecurity risk assessment will be required to the satisfaction of the LPA.

Welsh Water: No surface water should enter the public sewerage network. A detailed drainage design should be submitted and approved prior to the commencement of development.

North Wales Police: Standard advice issued relating to Designing out Crime.

Ramblers Assoc.: Consulted 19.04.2016

Neighbouring occupiers: 17 neighbouring occupiers notified. 12 representations received.

10 representations object to the application on the following grounds:

- Bedwell Road, up until recently, has been used as the main route to the Wrexham Industrial Estate. Since the opening of the new link road and the reduction in the speed limit to 30mph, the road is still used as a 'rat run' and the speed limit is not observed. It is still used by HGVs and a potential accident black spot. North Wales Police have refused to station officers to monitor speed as it is not safe. How is it possible to then allow residential properties along the road on this basis?

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- No promised amenities for the village on the back of the WIE link road have materialised
- Bedwell Road is dangerous for pedestrians because of the lack of footways;
- There are no cycle paths for the proposed cycles spaces in the development;
- The road surface of Bedwell Road and the Nant Clwyd Estate is poor and neglected since the opening of the WIE link road;
- The existing grocery store on the junction of Bedwell Road and Holt Road is inadequate in terms of parking provision exacerbated by HGV parking. The development will increase this problem;
- What will the Council do about resident's concerns about traffic, litter, parking, public transport, children's play areas;
- The development is not sustainable. There is insufficient community and social infrastructure. WCBC should consider utilisation of brownfield sites before taking away a piece of agricultural land;
- Concerns about the devastation to wildlife;
- The development will lead to additional traffic congestion, noise impact and light pollution for the village;
- Concerns raised regarding the loss of privacy to neighbouring occupiers by way of overlooking;
- The site agricultural land and was not identified for residential development as part of the LDP process;
- The density of the proposed development is unacceptable;
- The development may cause ground stability issues and pose potential flood risk together with contaminated runoff water to the neighbouring river;
- The development will result in the considerable loss of hedgerow;
- The preservation of the green belt should be championed by WCBC;
- The road bridge in close proximity to the site is not strong enough;
- The existing dwellings along Bedwell Road are rural in character by reason of their design and use of materials. The site is also in close proximity to Bedwell Hall, sympathetically

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restored and developed in 2003. The proposed development would dramatically change this situation by surrounding these houses with high density housing;

- Upgrades to Bedwell Lane have coincidentally occurred in the proximity of the proposed development to include a speed limit reduction and new LED light. It would appear that the development of the land has been pre-planned prior to the receipt of the application;
- Adjacent field parcels appear to have been sold and presumably this is a precursor to additional residential development. The proposed development would dramatically alter the character of the area;
- Additional properties emptying sewage into Bedwell Brook is unacceptable because of the potential smell;
- Whilst the need for additional land for development is accepted Cross Lanes has never been identified as an area for new development. Previous LDP works sought to restrict new development in rural locations without adequate community facilities and transport infrastructure and to protect areas of high quality landscape;
- The proposal makes provision for additional service road to serve future development. This will lead to additional traffic generation;
- Public transport in the village is infrequent
- The village has few amenities such as playgrounds and public spaces;
- The notion that additional dwellings will increase natural surveillance is nonsense. An additional population with no facilities will lead to anti-social behaviour in the future;
- What would happen to the public footpath that crosses the site; and
- Problems occur with drainage in the village;

2 representations supporting the application on the following grounds:

- A developer with an offer to buy the land questions whether sufficient weight is being given to the Council's lack of 5 year housing supply when considering the sustainability of the site. Support is offered to the development

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of the site which could occur in the short term;
and

- A local employer close to the site (Fairfield Meat Company) employ 40 people. They support the application on the basis that a number of employees are seeking to live closer to the site to be able to cycle to work.

SPECIAL CONSIDERATIONS

Policy:

Principle of development

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

Housing need

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

Location of the Development

Members will note that there are portions of the site that fall within the Cross Lanes settlement limit. Development in these areas is acceptable in principle (see UDP policy PS1) but will be required to accord with policy GDP1. I am required to consider this application as a whole – the vast majority of the development would fall within open countryside (albeit adjoining the existing settlement limit).

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

The proposal represents a significant development area in comparison to the existing settlement of Cross Lanes. PPW outlines where development should be directed. In broad terms it should be directed in order to achieve a sustainable development pattern, and it is possible to extrapolate from this the role and functions key settlements should perform. They should:

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

In a recent piece of evidence gathering carried out by the Council to feed into the preparation of the Local Development Plan (LDP), the Settlement Hierarchy and Development Potential background paper described Cross Lanes as a 'Tier 4' settlement. These are villages with limited facilities with some access by none car modes. As a village, it is considered that Cross Lanes is a settlement with no key facilities, devoid of education facilities, key retailing provision offering a broad range of services to the community and very limited public transport provision. The settlement is located 4km south of Wrexham town and 2km south of Wrexham Industrial Estate. It must be acknowledged that whilst this document forms part of an evidence gathering exercise for the emerging LDP and holds no weight, it is referenced in this instance to aid a comparison against the locational criteria set out in PPW and the context of the setting of the proposed development.

I consider that the proposed development goes well beyond what could be justified in this poorly served location. It is acknowledged that the Council's 5 year housing land supply is currently set at zero. However, all residential development sites that are put forward on site located outside of settlements are considered on their own merits and there is no planning policy argument which dictates that all other material planning considerations should be given little or no weight set against the Council's housing land supply. In this instance, I consider that the site selection criteria set out in PPW (para 9.2.8) is particularly relevant and does not justify the location and scale of the development as proposed. There should be a presumption for the re-use of previously developed land within settlements, then settlement extensions and then new development around existing settlements with good transport links. I consider that this development would represent an unsustainable development in an area of limited community facilities and services where ready access to jobs, shops and services would place a heavy reliance upon the car. Community facilities

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are limited to one single 'top-up' convenience shop. There are no leisure or community facilities and bus services are limited to 4 a day in each direction between Wrexham and Whitchurch. Highways also reaffirm these concerns. The development would not accord with section 3.4 of TAN18 which requires location selection for new housing development to consider good access to services by all modes of transport.

To allow the development would ultimately result in an unsustainable form of development, resulting in detriment to the open character of the. As such I do not consider the principle of development in this location is acceptable.

Flooding and drainage: A portion of the northern end of the site is defined as a flood Zone C2 by TAN15 (despite NRW suggesting the site lies entirely within the flood Zone C2). These are areas of flood plain which do not have significant flood defences in place. TAN15 puts residential development into a 'highly vulnerable' category and the LPA is required to determine whether development in such locations is justified. In the absence of an FCA (as is the case with this application), TAN15 confirms that the application should be refused.

Concerns have also arisen from the Council's Flood Officer that insufficient investigations have been carried out to determine an appropriate method of surface water disposal from the site. As a greenfield site, TAN15 requires developments to dispose surface water at a rate no higher than the current runoff rate and that the use of SuDs should be considered in the first instance. Whilst discharge to the watercourse may be an acceptable method of disposal, no detail has been provided to consider that attenuation can occur on site to accommodate this proposal.

Highways: Approval of the site access as shown on the indicative plans is sought at this outline stage. Highways are satisfied that the access is achievable in accordance with the required Welsh Government standards set out in TAN18. However, to achieve this, a significant stretch of existing boundary hedgerow will require removal. Whilst this would be unfortunate, I am satisfied that this could be mitigated as part of the overall scheme design were the proposal to be accepted. I do not consider that this would be a sufficient reason alone to recommend refusal of planning permission.

Highways have raised concerns regarding the connectivity of the site to the rest of the village. A requirement has been recommended for a 2 metre wide footway across the entire site frontage. This could not be achieved because of limitations in the ownership of land, namely where *Egerton* and *Bedwell Cottage* front the development site. The applicant has proposed to create a footway link within the site in order to tie into the existing footway to the east of Bedwell Road. Bearing in mind that the scheme is currently at outline stage with layout reserved for further approval, I am of the opinion that a satisfactorily safe pedestrian link from the development to the rest of the village could be achieved.

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I have no reason to believe that the level of traffic that would be generated from the site would have a detrimental impact upon the condition of Bedwell Road. I understand that the stretch of road which passes the site is subject to a 30mph speed limit and a weight restriction is imposed on the narrow bridge to the north of the site. The type of traffic from the proposed development would not impact upon its safe operation.

Visual impact: The layout plan submitted with the application documentation is for masterplan purposes at this outline stage. However, it carries significant weight in that it provides an indication of the developer's intentions to provide a final scheme layout should outline planning permission be granted.

I have concerns regarding the form and orientation of the development, more specifically the density of dwellings in certain locations and the way that they are laid out leading to an overly uniform and bland form of development. The layout plan also does not make provision for adequate public open space as stipulated in UDP policy and guidance (discussed below). Because of the reliance upon this plan at outline stage I consider that to accept the proposals on this basis would result in a substandard form of development which would adversely impact upon the wider landscape character. However, I do not consider that the form of development would harm the amenity of the neighbouring occupiers by way of loss of privacy or natural daylight.

Developer contributions: Education have confirmed that the local primary school currently has insufficient capacity and a contribution would not be required in relation to Penley High School. As this application is made in outline, final proposed numbers are not known. A final monetary figure would be based on the formula stated in LPG27.

There is no requirement in accordance with policy H7 and LPG28 to require any affordable housing provision as the number of proposed units falls below the threshold (25).

Policy CLF5 and LPG10 require the provision of onsite open space for schemes of more than 10 units. The masterplan (upon which the LPA can rely upon as an indication of the intended design of the site for decision making purposes) does not make provision for this. The plan shows no intention to provide open space. Coupled with the probable need to rethink the layout to take account of the flood zone, a significant redesign of the masterplan would be required. There is little open space provision in Cross Lanes and should any development be accepted in this location, good quality open space provision would be expected to form part of the overall design in accordance with LPG10.

Conclusion: Legislation and national planning policy require the Council to determine planning applications in accordance with the adopted development plan unless material considerations indicate otherwise. The site is located outside any defined settlement limit. Whilst the Council is unable to demonstrate a 5 year housing land supply, the location of the proposal is considered to be unsustainable and will represent an inappropriate form of

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development in the open countryside. The Council's lack of designated land for housing development is not considered to outweigh this impact.

There is insufficient detail with the application to demonstrate that the proposal can sustainably control surface water runoff from the new development, nor has it been proven that the risk from fluvial flooding is acceptable. I therefore recommend accordingly.

RECOMMENDATION: That permission be REFUSED

REASON(S)

1. The proposed development would be unsatisfactory and undesirable because the development involves a greenfield site and it is located outside any settlement limits as defined in the Wrexham Unitary Development Plan. The development therefore conflicts with Policies PS1, PS2, PS4, GDP1 and H5 of the Wrexham Unitary Development Plan.
 2. 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 an existing watercourse is not based on any site investigations to determine whether the site could attenuate excess surface water to allow it to discharge at or below the existing greenfield run-off rate, nor has the applicant demonstrated whether sustainable drainage systems can be employed on site in accordance with guidance contained in Technical Advice Note 15 - Development and Flood Risk;
 - 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
 - The development will result in an unattractive built environment and the wider landscape without making provision for suitable levels of public open space. For the above reasons, to allow the development would be contrary to policies GDP1, EC12, EC13 and CLF5 of the Wrexham Unitary Development Plan.
 3. A portion of the application site lies in an area identified as being at high risk of flooding (flood zone C2) as defined by the Welsh Government Technical Advice Note 15 - Development and Flood Risk (TAN 15). The applicant has failed to accurately assess the level of flood risk to the proposed development and impact on flood risk elsewhere. As such it has been unable to demonstrate that the proposals are appropriate given the potential level of flood risk. Nor has it been demonstrated that the proposals will not have a detrimental impact to adjacent properties / land areas. This is contrary to the requirements of TAN15 and policy EC12 of the Wrexham Unitary Development Plan.
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APPENDIX 2

Response to appeal notification from Natural Resources Wales

Philip Forster, Planning Officer
Wrexham County Borough Council
Guildhall
Wrexham
LL11 1AY

Date: 16th August 2017

Dear Mr Forster,

Section 78 Appeal at: LAND WEST OF, BEDWELL ROAD, CROSS LANES, WREXHAM, LL13 0TR
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (24 DWELLINGS) INCLUDING MEANS OF ACCESS TO THE SITE

Thank you for notifying us of the above planning appeal, which we received on the 20th July 2017.

You will be aware that our response to the planning application included significant concerns as the application was not supported by a Flood Consequence Assessment (FCA), in accordance with TAN15.

A FCA was submitted in support of the applicant's Appeal against your local planning authority's decision to refuse the application, which was received on 28th July 2017. We have reviewed the FCA and can now confirm that had the assessment been submitted during the planning application consultation stage, our significant concerns would not have been overcome, as the FCA is deficient in terms of compliance with TAN15 criteria and any planning permission should only be granted if the scheme can meet the following requirements. As the application is now in Appeal following your local authority's refusal of the application, our advice to the Planning Inspector is that the Appeal is dismissed as the following requirement has not been met.

Requirement – Submission of a revised FCA as specified below, to address deficiencies in the submitted FCA

Flood Risk

The site lies partially in Zone C2 as defined by Welsh Government's Development Advice Map (DAM) referred to within TAN15: Development & Flood Risk. Our Flood Map information confirms that the site lies partially within the extreme flood risk outline.

Requirement – Submission of a revised FCA as specified below to address deficiencies in the submitted FCA

NRW expressed significant concerns when consulted on the planning application, as a Flood Consequences Assessment (FCA) had not been submitted with the planning application, and we note that this was one of the reasons of refusal for the application. We were advised that a Flood Consequences Assessment (Betts Hydro Consulting Engineers, HYD217_Bedwell.Road_FCA &

DMS. 27 June 2017) had been produced to support the planning appeal. We have now completed a review of the submitted FCA and can advise that we have a number of concerns, and that further assessments are required.

Hydraulic & Hydrological Model

We note that the FCA has referred to outputs from a hydraulic and hydrological modelling study completed on behalf of the Local Authority in 2009. This is the principal source of information used within the FCA to establish the potential fluvial flood risks at the site. A number of years have lapsed since the completion of this study, and NRW would typically expect a review of the hydraulic and hydrological modelling study to be completed as part of the FCA. This is necessary to ensure that outputs from the study remain fit for purpose. There may have been changes in the catchment that have not been represented in the hydraulic model, and in addition, there have been advancements in the calculation of predicted flood flows which may result in different calculations to those used in the study completed in 2009. We would recommend reference to our hydraulic modelling guidance:

<http://naturalresources.wales/media/5568/gpq-101-producing-flood-risk-hydraulic-models-and-flood-consequence-assessments-for-development-planning-purpose-english.pdf>

Impacts of Climate Change

It appears that the original hydraulic and hydrological modelling study from 2009 has considered how climate change could affect peak flood flows. However, we advise that the FCA should use the latest climate change guidance provided by the Welsh Government:

<http://gov.wales/topics/planning/policy/policyclarificationletters/2016/cl-03-16-climate-change-allowances-for-planning-purposes/?lang=en>

The climate change guidance recommends that an assessment of risk is made using the upper end estimate, which for the Dee River Basin District represents a 45% increase in peak flood flows. The information derived from this assessment should be used to inform mitigation measures that help ensure the long-term resilience of the development.

Impacts of Blockage of Hydraulic Structure(s) Adjoining the Site

Lower Bedwell Bridge is located on the northern boundary of the site, and this conveys the Clywedog Stream beneath it. The FCA has failed to consider how a blockage of this structure could affect flood risk to the site, and to the proposed development and users of it. Section A1.6 of TAN15 recognises that the physical landscape can often change under extreme flood conditions. In particular, trees can be uprooted and debris can be swept down watercourses, which can often cause a damming effect of bridge and culvert structures. TAN15 requires developers in their FCAs to consider the possibility of flooding caused by blockage and particular attention given to the flooding consequences of such blockage on the development.

Whilst we recognise that it appears to be the Applicant's intention to steer all development away from the flood risk areas identified within the FCA, we would advise that the issues listed above should be addressed in a revised FCA. This is necessary to ensure that the proposed flood risk mitigation measures are adequately designed to protect the proposed residential development from flooding over its lifetime.

Management of Surface Water Runoff

We would recommend that the Lead Local Flood Authority (Wrexham County Borough Council) are re-consulted, to review the acceptability of the Applicant's proposed surface water drainage strategy. Further advice and guidance relating to this is available on your Local Authority's website at:

http://www.wrexham.gov.uk/english/planning_portal/publications/surface_water.htm

To conclude, although we recognise that the application was refused as a FCA was not submitted, we maintain that we have significant concerns with the proposed development due to the deficiencies in the FCA, submitted in support of the appeal.

If you have any queries concerning the above, please contact me on the details below.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

Cynghorydd Cynllunio Datblygiad / Development Planning Adviser

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cc: wales@pins.gsi.gov.uk