

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
LAND TO THE REAR OF BRIARSWOOD AND LAND OFF MAIN ROAD
RHOSROBIN WREXHAM**

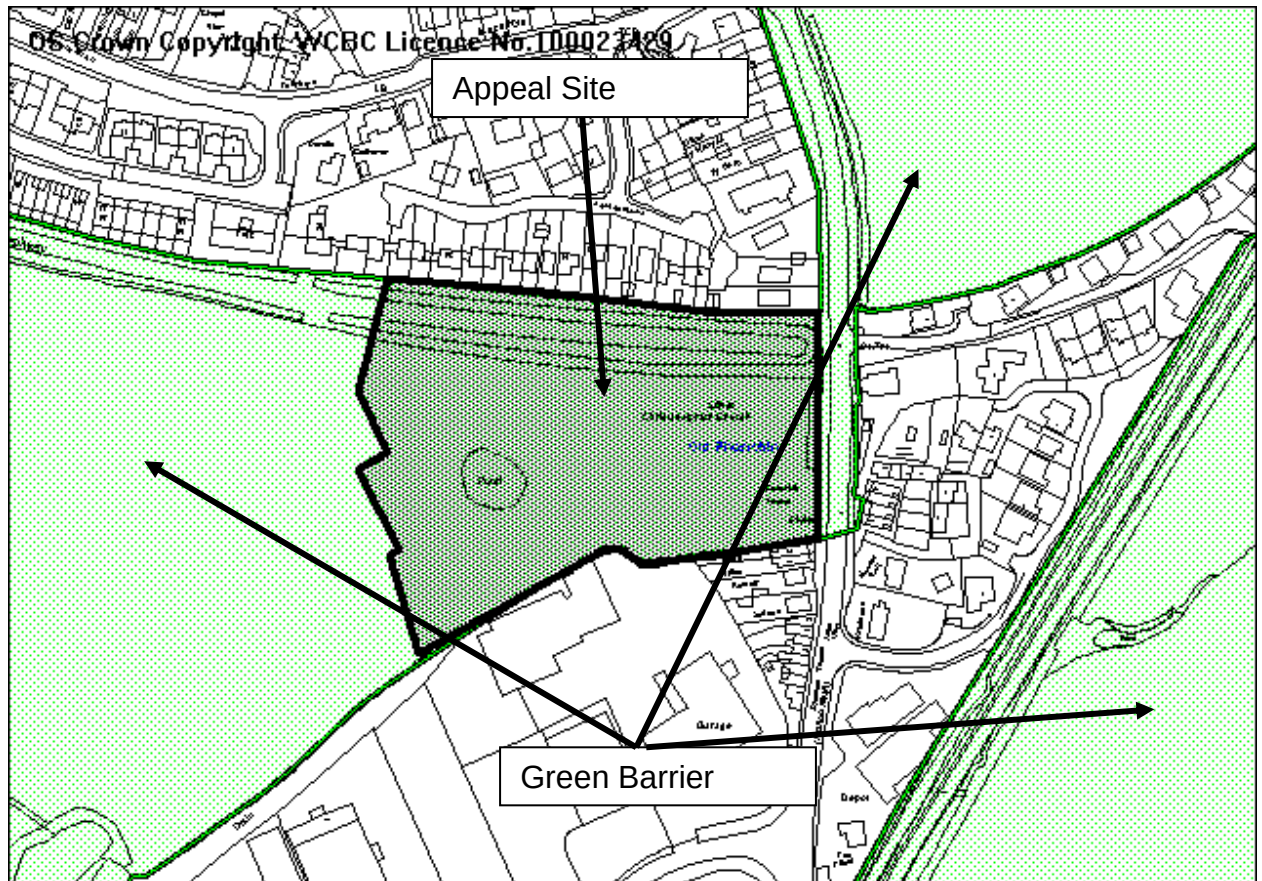
COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2015/0875

PINS REF: 3166936

1.0 THE SITE

- 1.1 The appeal site fronts onto the B5425 Main Road and lies between two areas of built development comprised of 11 dwellings and the Rhosddu Industrial Estate to the south and New Rhosrobin to the north. The majority of the site is currently agricultural land, although the formation of a dismantled railway lines runs from east to west along the northern part of the site.



2.0 PROPOSAL

- 2.1 The appellant is seeking outline planning permission for the erection of up to 50 dwellings with all matters reserved for subsequent approval.

3.0 PLANNING HISTORY

- 3.1 P/2014/0515 OUTLINE APPLICATION FOR THE ERECTION OF 24 NO. DWELLINGS. Refused 11.9.2014
- 3.2 P/2015/0260 OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (50 DWELLINGS) WITH ALL DETAILED MATTERS RESERVED FOR FURTHER APPROVAL. Withdrawn.

4.0 NATIONAL PLANNING CONTEXT

4.1 Planning Policy Wales, in particular Chapters 4 and 9.

4.2 Guidance in the following Technical Advice Notes is also relevant:

- TAN1: Joint Housing Land Availability Studies
- TAN5: Nature Conservation and Planning
- TAN12: Design
- TAN18: Transport

5.0 LOCAL PLANNING CONTEXT

5.1 The following policies of the Wrexham Unitary Development Plan are directly applicable to this appeal:

- PS1: Strategic Policy
- PS2: Strategic Policy
- EC1: Green Barriers

5.2 The following policies are applicable to the appeal proposals:

- GDP1: Development Objectives
- EC4: Hedgerows, Trees and Woodland
- EC6: Biodiversity Conservation
- H5: Housing in the Countryside
- H7: Affordable housing within new developments
- CLF5: Open space requirements from new residential developments.
- T8: Parking
- T10: Walking and cycling route safeguarding.

5.3 Although not listed on the decision notice policy EC2: Agricultural Land is also applicable.

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

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

6.0 THE COUNCIL'S CASE

Policy

6.1 Policy PS1 directs new housing development to sites within settlements limits. The appeal site lies outside of a settlement limit and therefore the proposed development does not accord with policy PS1. Policy H5 allows for housing development to take place outside of

settlement limits through the conversion of suitable buildings, the subdivision of an existing dwelling, up to two dwellings on an infill plot, small scale affordable housing schemes on sites adjacent to a settlement limit and key rural worker housing. None of these apply to the appeal proposals.

- 6.2 In addition to lying outside of the settlement limit the site is located within a Green Barrier. This will be discussed in more detail below.
- 6.3 The Welsh Government Department for Natural Resources advised the Council when consulted about a previous application (P/2015/0260) that there is a reasonable chance of some of the site being Best and Most Versatile (BMV) agricultural land. When the appeal proposals were submitted to the Council they were not accompanied by an agricultural land classification assessment therefore in the absence of any information to demonstrate otherwise, the Council determined the application on the basis that some or all of site is BMV land. The development will lead to the irreversible loss of agricultural land so conflicts with policy EC2.
- 6.4 Whilst there is clear conflict with a number of UDP policies the Council accepts that this must be balanced against other material considerations.

Housing Land Supply

- 6.5 Planning Policy Wales (paragraph 9.2.3) requires Local Planning Authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing.
- 6.6 In accordance with Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies, because the UDP plan period has now expired Wrexham is unable to demonstrate whether it has a 5 year housing land supply or not. In such circumstances the Council accepts that the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with development plan and national planning policies.
- 6.7 In addition to the above, the emerging Wrexham Local Development Plan will need to make provision for around 8,460 new homes (this includes provision for a 10% contingency) to meet the housing needs of the County Borough over the 2013-2028 period. Taking into account existing deliverable supply this equates to a requirement for sufficient land to be brought forward for around 4,000 houses to be built. It is therefore clear that there is a need to significantly increase the supply of land available for housing in the County Borough.
- 6.8 The need to increase housing supply is a material consideration that weighs heavily in favour of the appeal proposals.

Weight afforded to policy PS1

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

Development within the Green Barrier

- 6.10 The UDP designation of Green Barriers is synonymous with the Green Wedges referred to in Planning Policy Wales. Planning Policy Wales advises that inappropriate development should not be permitted within Green Wedges. The construction of new buildings is inappropriate development unless it is for the following purposes:
- justified rural enterprise needs;
 - essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the green wedge and which do not conflict with the purpose of including land within it;
 - limited extension, alteration or replacement of existing dwellings;
 - limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
 - small scale diversification within farm complexes where this is run as part of the farm business.
- 6.11 None of the above applies to the appeal proposals and therefore they are inappropriate development.
- 6.12 Green Wedges/Barriers do not have the permanence of a Green Belt (there being no Green Belts in Wrexham) and should be reviewed as part of the development plan process. The existing Green Barrier designations are being reviewed (Strategic Green Wedge Review) as part of the process of preparing Wrexham's Local Development Plan and not all land currently designated Green Barrier will necessarily be afforded the same protection when the LDP is adopted.
- 6.13 The area of Green Barrier that includes the application site was subject to Stage 1 of the Strategic Green Wedge Review (see appendix 1)

which was completed in February 2016. Its conclusions are set out below:

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

- 6.14 The Green Wedge Review will inform the preparation of the LDP and cannot be afforded any significant weight in the determination of this appeal. Nevertheless, it confirms that the appeal site and other nearby sites perform a valid and valuable Green Wedge function in preventing the coalescence of villages.
- 6.15 In order to provide the land needed to meet the housing requirements of the County Borough, the Council accepts that the release of greenfield land outside of existing settlement limits will be required. This may include land currently designated as Green Barrier. Indeed the conclusions of Stage 1 of the Strategic Green Wedge Review are subject to the caveats that consideration must be given to ensuring that a sufficient range of land is made available and that amendments to the Green Barrier (or Green Wedge as they will be called in the LDP) may be needed should sites be deemed suitable for allocation for development at LDP deposit stage.
- 6.16 Notwithstanding the above, the Council maintains that the decision whether sites within the Green Barrier surrounding Old and New Rhosrobin are released for development should be one taken as part of the LDP plan preparation and not via individual planning applications.
- 6.17 There must be very exceptional circumstances to justify the release of Green Barrier land for development. It is clear there is a considerable need for land to be brought forward for housing development in the County Borough. In appropriate cases this may be considered to be a very exceptional circumstance sufficient to outweigh Green Barrier objections. However the importance of the site in the context of the Green Barrier it lies within must also be carefully considered.

- 6.18 The erection of 117 dwellings on land to the north-east of this site was refused in November 2014 (reference P/2014/0480) on the grounds that the site lay outside of the settlement limit and within a Green Barrier. The subsequent appeal (reference APP/H6955/A/14/2229480 – see appendix 2) was dismissed with the Inspector concluding that:

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

- 6.19 The Council accepts that the Inspector was only considering the merits of the site subject to the appeal however the ‘wide arc’ of Green Barrier he referred to arguably also includes the site subject to this appeal given that it forms part of the Green Barrier that lies to the west of the site he considered.
- 6.20 The appeal site provides a clear break in the built up frontages of Old Rhosrobin to the south and New Rhosrobin to the north and is therefore critical to the maintenance of the distinct identities of these two settlements. Whilst the indicative plan shows dwellings set back from Main Road behind an area of landscaped open space, the development would nevertheless be a significant encroachment of urban development into the gap separating the two settlements and in turn would result in their distinct identities being lost. This would be in clear conflict with one of the key objectives of a Green Barrier/Wedge to prevent the coalescence of settlements.
- 6.21 The Green Barrier that the site lies within has come under considerable pressure in recent years (see appendix 3). If the appeal proposals were allowed, it would make it difficult to resist applications for further development in other parts of this Green Barrier. The result would be an almost continuous built up area extending from Wrexham through Old Rhosrobin, New Rhosrobin, Pandy and Gwersyllt.
- 6.22 The appeal site is not a logical extension to the existing built up area. Whilst the land begins to slope downwards at western edge of the site the changes in ground level are not significant enough define a logical boundary for the development. Furthermore there are no other clear landscape features within the site that help define a logical boundary for the development, such as traditional field boundaries. As such the development would be an undesirable intrusion into the countryside that separates Old Rhosrobin from New Rhosrobin.

- 6.23 In light of the above the Council contents that the need to provide additional housing does not outweigh Green Barrier objections to the development in this instance.

Loss of BMV Agricultural Land

- 6.24 Planning Policy Wales advises that the agricultural land classed as Best and Most Versatile (BMZ) (Grades 1, 2 and 3a) should only be developed if there is an overriding need for the development.
- 6.25 There is clearly a considerable need to increase the supply of housing land in Wrexham and it is likely that a significant proportion of this need will be met through the development of greenfield sites. Wrexham and the larger villages (i.e. the most sustainable settlements) will be the focus for future housing growth in the LDP. However many of these are bounded by areas of BMW land. It is therefore inevitable that high quality agricultural land will be lost to development in order to meet Wrexham's future housing needs. Taking all of these factors in to account, the Council is satisfied that the conflict with policy EC2 does not justify refusal of planning permission in this instance.

Design

- 6.26 All detailed design matters are reserved for subsequent approval however the indicative layout plan demonstrates that the site can accommodate 50 dwellings in accordance with the space around dwelling standards recommended by Local Planning Guidance 21.
- 6.27 The former railway line that runs along the northern boundary of the site is safeguarded by Policy T10 of the UDP for a future walking/cycling route. The development would not prejudice the delivery of this route. Indeed it would be possible to secure the delivery of a walking/cycling route across the site via a condition and/or at reserved matters stage were planning permission granted.
- 6.28 Occupiers of properties in Briarswood have expressed concerns the potential risk to their security if the walking/cycling route referred to above is provided. This matter could be considered in more detail at reserved matters stage to ensure that the development was designed so as not to put existing properties at significantly greater risk of anti-social behaviour than at present.

Noise

- 6.29 The site adjoins the Rhosddu Industrial Estate. A noise assessment has been carried out and this makes a number of recommendations in order to ensure that future occupiers are afforded an adequate standard of amenity. The indicative plan also shows open space and/or parking areas being sited so as provide a buffer between the industrial estate and the boundaries of the dwellings nearest to it.

Subject to the implementation of noise mitigation measures as well as the provision of a buffer along the southern boundary of the site, the proximity of the industrial estate should not prejudice the amenity afforded to future occupiers of the development.

Ecology

- 6.30 The appeal proposals are accompanied by a mitigation scheme in respect of GCN, including the provision of a mitigation area outside of the appeal site but on part of the applicant's 18.5ha land holding. There is also evidence of a badger set within the vicinity and measures to take account of this have also been proposed.
- 6.31 The delivery of habitat mitigation and compensation can be secured by condition and the long term management of the habitat mitigation area can be secured via a planning obligation. A condition can also be imposed in respect of mitigation for badgers.

Highways

- 6.32 The development will inevitably increase the amount of traffic using Rhosrobin Road but the Highway Authority has advised that the existing highway network has the capacity to cater for it. Furthermore they have also confirmed that it will be possible to provide an access that meets current highway design requirements.
- 6.33 The provision of splitter islands at the side access a footway/cycleway along the former railway formation crossing the site and the widening of the existing footpath along the site frontage could be secured at reserved matters stage when the site access details are submitted.
- 6.34 The Highways Authority have expressed concerns about the use of parking courtyards however there is no UDP planning policy or local planning guidance note advising against their use and in some cases they can be the most appropriate way to provide parking in order to achieve an acceptable form of development. Nevertheless, the submitted layout plan is indicative and further consideration would need to be given to the provision of off-street parking at reserved matters stage.

7.0 PLANNING OBLIGATION REQUIREMENTS

- 7.1 If the Inspector were minded to allow the appeal the Council respectfully requests that permission should not be granted unless an Obligation under Section 106 of the Town and Country Planning Act 1990 has first been completed to secure:
- i) 25% of the dwellings are affordable houses in accordance with Local Planning Guidance Note 28 requirements ;
 - ii) The management and maintenance on-site public open space;

- iii) The long term management and maintenance of off-site habitat mitigation.

7.2 The requirement in respect of affordable housing is supported by the findings of the 2015 Local Housing Market (HMA). The HMA divides the County Borough into sub-areas. The appeal site lies within the Western Boarder sub-area where the HMA identifies a need for 69 affordable houses per year – see appendix 4

8.0 CONCLUSION

8.1 The benefits of increasing the supply of land available for housing are, in this instance, outweighed by the harm arising from the impact the development would have upon the Green Barrier as a result of the coalescence of Old and New Rhosrobin and the fact that it represents and undesirable intrusion into the countryside. The proposals are therefore contrary to policies PS1, PS2 and EC1 of the Wrexham Unitary Development Plan.

8.2 A list of suggested conditions in the event of the Inspector being minded to allow the appeal can be found in appendix 5. Given the need to increase the supply of land for housing it is considered necessary to encourage the appellants to bring the site forward the Council suggests a reduction in the normal time limits for the submission of reserved matters and commencement of development from 3 and 5 years to 2 years and 3 years respectively.

A APPENDICIES

Appendix 1 Green Wedge Strategic Review Stage 1 February 2016

Appendix 2 Appeal decision APP/H6955/A/14/2229480

Appendix 3 Development Pressure within the Green Barrier

Appendix 4 Local Housing Market Assessment 2015

Appendix 5 Suggested conditions in the event of the Inspector being minded to allow the appeal.