



Planning Statement of Common Ground

Between:

Mrs Margaret Crewe (Appellant) and
Wrexham County Borough Council (Council)

Site:

Home Farm, Gresford Road, Llay,
Wrexham LL12 0NW

Date:

October 2016

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Final – 12 October 2016
For and on behalf of GVA Grimley Limited

1. Introduction

- 1.1 Bilfinger GVA is instructed to act on behalf of Mrs Margaret Crewe (the appellant) in respect of her appeal against the decision of Wrexham County Borough Council (the Council) to refuse outline planning permission.
- 1.2 This document comprises the Planning Statement of Common Ground (PSoCG) between the appellant and the Council (the main parties). It has been prepared with regard to guidance set out in the *Procedural Guidance: Planning Appeals and Called-In Planning Applications – Wales* published by the Planning Inspectorate July 2015.
- 1.3 A Draft PSoCG was submitted with the appellant's Grounds of Appeal. This PSoCG supersedes the Draft PSoCG.

Statement Structure

- 1.4 The remainder of this PSoCG is structured as follows:
- **Section 2: The Proposal** – This section sets out a brief history of the application, identifying the plans and documents on which the Inspector should base their decision. It also sets out the Council's decision and the appeal submission, and proposes an appeal stage revision in terms of the description of development to be considered by the Inspector at their discretion. It concludes by setting out the key issues for the Inquiry as distilled from the reason for refusal.
 - **Section 3: The Appeal Site** – This section provides a brief description of the appeal site and surrounding area, and addresses the planning history of the site.
 - **Section 4: Planning Policy Framework** – This section sets out the planning policy framework with reference to relevant development plan policies and other material considerations, their status and the suggested weight to be attached to them.
 - **Section 5: Matters Agreed** – This section identifies matters agreed between the main parties.
 - **Section 6: Matters in Dispute** – This section identifies matters in dispute on which the Inquiry should focus.
 - **Section 7: Conditions & Obligations** – This section lists agreed conditions and obligations.

2. The Proposal

The Application Submission

2.1 The planning application, dated 2 December 2014, was submitted on behalf of the appellant by Michael Cunningham Architects (MCA) (now part of the Mersey Design Group). The application was given the reference: P/2014/0905.

2.2 The description of development given on the application form (as revised) was:

“Outline application for 365 residential dwellings and 300 square metre retail unit – all detailed matters reserved.”

2.3 It is agreed between the main parties that the application initially comprised the following plans and documents:

- Application form and certificates (subsequently superseded).
- Revised application form and certificates.
- Location Plan (Dwg Ref: 15.543-01).
- OS Map (Application Red Line) (Dwg Ref: 653 P (00) 001).
- Topographical Survey (Sheets 1 & 2) (Dwg Ref: 6880/01).
- Site Layout (Dwg Ref: 653 SK (00) 033 / Dwg Ref: 653 P (00) 002).
- Environmental Impact Statement (MCA, undated) (subsequently superseded).
- Environmental Impact Statement Rev A / Non-Technical Summary (MCA, undated).
- Design and Access Statement (MCA, November 2014+).
- Landscape and Visual Appraisal, including Tree Survey (BCA Landscape, November 2014).
- Transportation Assessment (Curtins, December 2014).
- Interim Travel Plan (Curtins, December 2014).
- Agricultural Land Classification (Soil Environmental Services Ltd, November 2014).
- Assessment for Mineral Potential (David L Walker Limited, April 2014).

- Initial Observations relating to Prior Mineral Extraction (Cuesta Consulting Limited, March 2014).
- Trial Pit Logs – TP1, TP3 & TP7 (August 2014).
- Correspondence from North Wales Minerals and Waste Planning Service (Email, 12 August 2014).
- Subsidence Consultants Report (Coal Authority, November 2014).
- Non-Residential Coal Authority Mining Report (Coal Authority, November 2014).
- Ecological Assessment (TEP, June 2014).
- Air Quality Assessment (Miller Godall, November 2014).
- Environmental Noise Report (Soundtesting, December 2014).

2.4 In addition, it is agreed between the main parties that, following validation of the application but prior to its determination, the following additional plans and documents were submitted:

- Indicative Building Heights Plan (Dwg Ref: 653 P (00) 003).
- Landscape and Visual Appraisal (BCA Landscape, August 2015) and alternative Landscape Strategy (Dwg Ref: 14.543-09 Ver 2).
- Three Arm Compact Roundabout (Dwg Ref: TPMA5021_19).
- General Great Crested Newt Mitigation Strategy.
- Daytime Contours map (supersedes Daytime Contours map in Environmental Noise Report, Soundtesting, December 2014).
- Desk Based Assessment (Cornerstone Archaeology, January 2015).
- Geophysical (Gradiometer) Survey (Cornerstone Archaeology, March 2015).
- Summary Report: An Archaeological Evaluation (Cornerstone Archaeology, March 2015).
- Soakaway Results and Calculations (Kane Design, August 2015).
- Developer Impact Assessment (Welsh Water, August 2015).
- Llay Village Centre: Health and Education Note (MCA, undated).

- Llay Village Centre Existing Plan (Dwg Ref: 907 P (00) 001).
- Llay Village Centre Proposed Plan (Dwg Ref: 907 P (00) 002).
- Correspondence from MCA (Letter, 23 December 2014).

Plans/Documents Status

- 2.5 The application is in outline, with all matters reserved. Other than the OS Map (Application Red Line) (Dwg Ref: 653 P (00) 001), all plans are therefore for indicative/illustrative purposes only.
- 2.6 An alternative Landscape Strategy (Dwg Ref: 14.543-09 Ver 2) was submitted following submission of the application, but prior to its determination. This put forward an alternative access arrangement for Gresford Road, to that put forward in the Landscape Strategy within the Landscape and Visual Appraisal (BCA Landscape, November 2014), replacing two mini roundabouts with one three arm compact roundabout. The Council based their decision on the alternative Landscape Strategy (Dwg Ref: 14.543-09 Ver 2). However, as the application is in outline, with all matters reserved, the details shown are not formally part of the application and are not for determination at this outline stage.
- 2.7 The Llay Village Centre Proposed Plan (Dwg Ref: 907 P (00) 002) shows a potential scheme for delivering improved community infrastructure. It is not intended that the proposed development deliver the scheme, but was submitted to demonstrate how additional school and medical capacity could be provided.
- 2.8 It is agreed between the main parties that the plans should be treated on the basis as outlined in paragraphs 2.5-2.7 in the appeal. All of the documents listed paragraphs 2.3 and 2.4, with the exception of the superseded application form/certificates, Environmental Impact Statement and Daytime Contours map, should be taken into account.
- 2.9 The application documents on which the Inspector should base their decision are set out in the core documents list at Appendix 1.

The Council's Decision

- 2.10 Planning permission was refused by the Council's Planning Committee at its meeting on 5 October 2015. This was against the recommendation of the report of the Head of Community Wellbeing and Development (the officer's report). The formal Decision Notice, was issued on 5 October 2015 and sets out a single reason for refusal as follows:

“The proposed development lies in open countryside outside settlement limits as defined in the adopted Wrexham Unitary Development Plan. The scale of development is also too great in proportion to the size of Llay and it does not represent a logical extension to the existing settlement. To allow the development would be contrary to PS1, PS2 and H5 of the adopted Wrexham Unitary Development Plan.”

The Appeal Submission

- 2.11 The appeal was lodged online on 23 March 2016, with a full set of documents, including all required supporting documents, provided on 29 March 2016. On the 11 May 2016, the Planning Inspectorate issued an Environmental Impact Assessment (EIA) Screening Direction confirming that the proposal is not EIA development. On the 16 May 2016 the Planning Inspectorate confirmed the start of the appeal, which is following the inquiry procedure, and that the appeal will be determined by Welsh Ministers, taking account of the Inspector's report.

Procedural Matters

- 2.12 The initial application form gave the description of development as:

“Outline application for 365 residential dwellings on land at Home Farm, Gresford Road, Llay, with all matters reserved.”

- 2.13 However, the revised application form amended the description of development, to better reflect the proposal by including the proposed retail unit, as follows:-

“Outline application for 365 dwellings and erection of 300 square metre retail unit – all detailed matters reserved.”

- 2.14 As part of this appeal, the appellant has requested a minor amendment to the description of development, as follows (addition in bold):

*“Outline application for **up to** 365 dwellings and erection of 300 square metre retail unit – all detailed matters reserved.”*

- 2.15 The Council have agreed to this request and correspondence in this respect is provided at Appendix 2. The amendment is minor and the main parties agree that the appeal proposal is not, therefore, materially different to the application proposal, and, as such, that no interests are prejudiced. The main parties, therefore, respectfully request that the appeal is determined on the basis of the description of development as set out above at paragraph 2.14

Key Issues

2.16 It is agreed between the main parties that the reason for refusal can be distilled into the following key issues, and it is respectfully requested by the main parties that these are the matters on which the Inquiry focuses, that is:

- Whether the development is acceptable in principle being outside the defined settlement limit of Llay.
- Whether the development represents an appropriately sized and logical extension to Llay.
- Whether there are any material considerations that justify departing from any provision of the adopted development plan with which the proposal conflicts.
- Whether the benefits that would be delivered by the proposal would outweigh any adverse impacts.

3. The Appeal Site

The Site

- 3.1 The site is outlined in red on the OS Map Dwg Ref: 653 P (00) 001 and comprises 15.86ha of agricultural land, including cattle sheds and areas of hardstanding used for parking of farm vehicles. The site comprises a series of fields with hedgerows and, in some instances, walls on their boundaries. A belt of trees are on the site boundary along Gresford Road running north west from Home Farm.

Designations

- 3.2 Taking account of the *Wrexham Unitary Development Plan* (UDP) Urban and Rural Village Insets Map 3, the site is **not** subject to the following designations:
- Green Barrier.
 - Special Landscape Area.
 - Biodiversity Conservation.
 - Conservation Area.
 - Development and Flood Risk.
- 3.3 In addition, the site is **not** subject to any other historic environment designations, such as listed buildings and ancient monuments, nor is it subject to a Tree Preservation Order.
- 3.4 The site is, however, partially subject to a Protection of Mineral Resources designation, as shown on the UDP Urban and Rural Village Insets Map 3.
- 3.5 The description of the site, as set out at paragraphs 3.1-3.4, is agreed between the main parties.

Surrounding area

- 3.6 The site is located at the B5373 Gresford Road and B5102 Straight Mile junction (the Crown crossroads) and lies immediately to the north-east of the settlement of Llay. To the south-west the site is bounded continuously by, predominantly, residential properties on the B5373 Gresford Road. Development continues on the south-western side of the B5373 beyond the site, with

residential properties to the south and the Llay Industrial Estate to the north. The north-eastern side of the B5373 comprises open countryside with sporadic development. This development includes the residential properties of Home Farm and adjacent barn conversion scheme (Old Meadow Court), which are bounded by Gresford Road and, on all other sides, the site. In addition, there are two residential properties (Maes y Rhedyn and Y Bwthyn) immediately to the south east of the site, with further residential properties to the south taking development to the Gegin Lane junction. In addition there are clusters of residential properties to the north-west on Chapel Lane, beyond Straight Mile, and further north-west on the B5373 Rackery Lane.

- 3.7 Llay developed in the early twentieth century as a mining village, with the involvement of Parker and Unwin, pioneers of the Garden City Movement. Historically it developed to the south-east of the colliery and to the south-west of the Nant-y-gaer Wood valley. The colliery closed in the 1960s and Llay Industrial Estate now stands on the colliery site, and is similar in size to the village itself. In addition, the village continued to expand with residential development in the 1970s and 1980s, including to the north-east of the valley. This includes the residential properties immediately south-west of the site, which have a typical suburban character. There has, however, been little growth of the village since then. The Council's *Local Development Plan Background Paper 2: Settlement Hierarchy and Development Potential* paper, revised February 2016, identifies the approximate population of Llay as 4,413 and number of dwellings as 1,880.
- 3.8 The Llay community is supported by a range of facilities, including: a nursery and primary school; health centre; library/resource centre; shops, including convenience stores and a post office; four churches; and three drinking establishments. The Llay Industrial Estate is a key strategic employment site in the County Borough. In addition, Llay is approximately 6.5km to the north of Wrexham, the County Borough's main town and an important services and employment centre. There are four bus services accessible in the vicinity of the site, providing a total of 11 services on a weekday and nine services on a Saturday. The number 28A in particular provides a regular service into Wrexham, a journey that is timetabled to take approximately 11 minutes from the Crown crossroads.
- 3.9 The description of the surrounding area, as set out at paragraphs 3.6-3.8, is agreed between the main parties.

Planning history

- 3.10 It is agreed between the main parties that the site does not have any planning history of relevance to the appeal proposal.

4. Planning Policy Framework

- 4.1 It is agreed between the main parties that the starting point for determining the appeal proposal is S38(6) of the Planning and Compulsory Purchase Act 2004, which requires determination to be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

- 4.2 The current development plan comprises the UDP, which was adopted in February 2005. The UDP was prepared to cover the period 1996-2011.
- 4.3 It is agreed between the parties that current development plan comprises the UDP. The weight to be attached to its policies is, however, a matter of dispute.

Relevant Policies

- 4.4 The decision notice states that in reaching their decision the Council had regard to the relevant policies in the UDP, which it lists as follows:

“CLF5	<i>Open space requirements from new residential developments</i>
CLF7	<i>Informal recreation – countryside and water resources</i>
EC2	<i>Agricultural Land</i>
EC4	<i>Hedgerow, Trees and Woodland</i>
EC6	<i>Biodiversity Conservation</i>
GDP1	<i>Development objectives</i>
GDP2	<i>Capacity of infrastructure and community facilities</i>
H5	<i>Housing in the countryside</i>
H7	<i>Affordable housing within new developments</i>
MW9	<i>Protection of mineral resources</i>
PS1	<i>Settlement limits</i>
PS2	<i>Development and the environment</i>
S6	<i>Local need shopping</i>
S7	<i>Retail sales in the countryside</i>
T8	<i>Parking”</i>

- 4.5 The Council have confirmed that Policy CLF7 Informal Recreation – Countryside and Water Resources is not relevant, and that the decision notice should have referred to Policy CLF6 Informal Recreation – Public Rights of Way in its place.
- 4.6 It is agreed between the main parties that the proposed development is not contrary to aforementioned policies of the UDP as deemed relevant but not referred to in the reason for refusal, including Policy CLF6 Informal Recreation – Public Rights of Way. The main parties agree that any conflict with Policy EC2 Agricultural Land and Policy S7 Retail Sales in the Countryside is negated by other material considerations. This is addressed in Section 5 Matters Agreed.
- 4.7 The reason for refusal refers to three of the aforementioned UDP policies, as follows:

Part 1: Strategic Policies

- PS1 Settlement Limits: *“New development for housing, employment and community services will be directed to within defined settlement limits/employment areas.”*
- PS2 Development and the Environment: *“Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.”*

Part 2: Specific Policies

- H5 Housing in the Countryside: *“Outside defined settlement limits new dwellings will only be permitted where: a) proposals accord with Policies H3, H4, and H8; or proposals comprise infilling subject to Policy GDP1; or c) an essential need to house a full time agricultural or forestry key worker can be established ...”.*
- 4.8 The degree of conflict between the proposed development and Policies PS1, PS2 and H5 is a matter of dispute between the main parties.

Other Material Considerations

Adopted Policies/Guidance

- 4.9 Other than Policies PS1, PS2 and H5 of the UDP, the reason for refusal does not refer to any other local policies or supplementary planning guidance. It is therefore agreed between the main parties that the proposed development is not contrary to any other local policies or supplementary planning guidance.

- 4.10 Notwithstanding the above, it is agreed between the main parties that the Council's Local Planning Guidance Notes (LPGNs) may be considered of relevance and given weight accordingly.
- 4.11 In addition, it is agreed between the main parties that the following national policies and guidance are of relevance:
- **Planning Policy Wales (PPW):** It is agreed between the main parties that Edition 8 of PPW, published January 2016, contains the Welsh Government's most up-to-date land use planning policies and is a material consideration of particular relevance to the appeal that should be accorded great weight.
 - **Technical Advice Notes (TANs):** It is agreed between the main parties that Welsh Government Guidance as contained within TANs can be considered of relevance, and that *TAN1: Joint Housing Land Availability Studies* (2015), which provides guidance on the preparation of Joint Housing Land Availability Studies (JHLAS), is of particular relevance to the appeal and should be accorded great weight.
 - **Circulars:** It is agreed between the main parties that Welsh Government/Office/National Assembly Circulars (and circular/policy clarification letters) can be considered of relevance, in particular *WGC 016/2014: The Use of Planning Conditions for Development Management* and *WOC 13/97: Planning Obligations*, which should be given weight when considering conditions and obligations in relation to the appeal proposal.

Emerging Local Development Plan (LDP)

- 4.12 The Council submitted the LDP(1) for examination in September 2011. The examination began on 25 January 2012, but due to fundamental concerns raised by the Planning Inspectors conducting the examination the hearing sessions were suspended and the plan was withdrawn on 16 March 2012. It is agreed between the main parties that the *Inspectors' Preliminary Findings* report, February 2012, is a material consideration. However, the weight to be attached to this report is not agreed.
- 4.13 LDP(2) is currently being prepared, and on adoption will replace the UDP. Following stakeholder consultation on the *Vision, Objectives and Strategic Growth and Spatial Options* document March-April 2015, the *Preferred Strategy* was issued for public consultation running from 12 February 2016 to 1 April 2016. Further consultation is to take place on the Deposit Plan, which the Council have advised is now indicatively timetabled for mid-2017. Consequently,

submission to the Welsh Government for independent examination is anticipated late 2017. Whilst dependent on the examination timetable and the outcome, adoption is, therefore, anticipated autumn 2018. Consequently, given the early stages of the preparation of LDP(2), it is agreed between the main parties that it can be afforded little weight.

- 4.14 Notwithstanding the above, Chapter 2 of the *Preferred Strategy* sets out the Context, Key Issues and Drivers, and it is noted at paragraph 2.1 of the *Preferred Strategy* that “*This understanding has emerged from the extensive evidence base and background assessments compiled as part of the LDP preparation process.*” Consequently, it is agreed between the main parties that this Chapter is more matter of fact than a policy direction of travel and, as such, should be accorded some weight, despite the early stage of the LDP(2) preparation. It is also agreed that supporting evidence base documents, as to matters of fact, may be given some weight, together with the Sustainability Appraisal.
- 4.15 It is agreed between the main parties that the appeal proposal does not raise any issues of prematurity – that is, it does not prejudice the forthcoming LDP.

Housing Land Supply

- 4.16 It is agreed between the main parties that the Council's *Housing Land Monitoring Statement 2015*, published April 2015, contains the Council's most up-to-date published position in respect of housing land supply, and supersedes previously published JHLASs, the last being for 2014, as published January 2015.
- 4.17 It is agreed between the main parties, as a matter of fact, that the *Housing Land Monitoring Statement* sets out that the Council has a zero housing land supply. At paragraph 1.1 it states:
- “In the absence of an up-to-date Unitary Development Plan (UDP) and adopted Local Development Plan (LDP) in accordance with the latest Welsh Government Guidance on Joint Housing Land Availability Studies (JHLAS), TAN1, January 20015 [sic], there is no requirement for a Local Authority to prepare a JHLAS and the authority is considered to have a **zero land supply.**”*
- 4.18 This position follows a trend of decreasing housing land supply, as demonstrated by JHLASs 2007-2014, in which supply fell to 3.1 years in the last JHLAS, which was published 31 January 2015 and presented the supply position at the base date of 1 April 2014. This is illustrated in Table 4.1, which is reproduced from the officer's report for the application and is the historic housing land supply position as agreed between the main parties.

Table 4.1: Agreed historic housing land supply position

JHLAS	Housing Land Supply (years)
2007	14.99
2008	7.52
2009	6.08
2010	5.35
2011	3.9
2012	3.5
2013	3.4
2014	3.1

4.19 Whilst the Council is not in a position to undertake a JHLAS, in line with TAN1, the housing land supply position is assessed on an annual basis in preparation for the LDP(2) examination. In this respect the *Housing Land Monitoring Statement 2016* is to be published in due course. This does not include a five year housing land supply calculation, as there is no currently adopted housing provision target. However, taking that of the LDP(2) *Preferred Strategy*, a five year housing land supply figure can be estimated. This calculation is set out in Appendix 3 and shows a housing land supply of 1.14 years, which represents a shortfall of 3,558 dwellings.

4.20 In light of the above, it is agreed between the main parties that paragraph 6.2 of TAN1 applies, which states:

“The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2...), 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.”

4.21 Policy/guidance documents considered to be of particular relevance to the appeal are set out in the Core Documents List provided at Appendix 1. However, each party reserves the right to refer to other policies/guidance in their evidence.

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5. Matters Agreed

Key Issues

Whether the development is acceptable in principle being outside the defined settlement limit of Llay

- 5.1 It is agreed between the main parties that the site falls outside the Llay Settlement Limit as shown on the UDP Urban and Rural Village Insets Map 3. It is also agreed that the proposed development does not fall within the exceptions set out in Policy H5 Housing in the Countryside.

Whether the development represents an appropriately sized and logical extension to Llay

- 5.2 It is agreed between the main parties that:
- The site is not covered by any landscape designations.
 - The proposed development will have a visual impact, but that this is inevitable when greenfield sites are developed.
 - The visual impact will be limited to the immediate locality, primarily Gresford Road, together with the approach from Rackery Lane, Chapel Lane and Straight Mile.
 - The topography of the wider landscape, together with features within it, such as trees, hedgerows and buildings, will prevent a material impact on longer distance views of the site.
 - The Zone of Theoretical Visibility is shown on the plan at Appendix 4.

Whether there are any material considerations that justify departing from any provision of the adopted development plan with which the proposal conflicts

- 5.3 It is agreed between the main parties that housing land supply is a material consideration.

Whether the benefits that would be delivered by the proposal would outweigh any adverse impacts

5.4 It is agreed between the main parties that the proposed development would deliver the following benefits:

- A significant contribution to meeting housing need within the County Borough.
- A contribution to meeting the County Borough's need for affordable housing.
- Improved access to retail opportunities for existing residents on the eastern side of Llay.
- Construction phase employment, together with indirect (supply chain) expenditure, which would generate further jobs.
- Operational economic benefits arising from household expenditure generated from new residents of the proposed developed being spent locally.
- Provision of open space and landscaping giving public access to the site for leisure and recreation and potential biodiversity enhancements.

Other Matters

Design

5.5 It is agreed between the main parties that:

- The indicative/illustrative plans demonstrate that the site can accommodate the proposed development, with due regard to living conditions of occupiers of adjacent dwellings and provision of open space, and sufficient space to accommodate adequate parking.
- The proposed development is not contrary to UDP Policies CLF5 Open Space Requirements from New Residential Developments or T8 Parking.
- Detailed layout and design is for consideration at the reserved matters stage.

Transportation

5.6 It is agreed between the main parties that:

- The application was supported by a Transport Assessment and Interim Travel Plan, the validity of which was not questioned by the Council as Highway Authority.
- The Council as Highway Authority raised no objection to the application, but recommended conditions be attached to any permission.
- Footways along Gresford Road and Straight Mile should be improved and that these could be routed within the site behind the hedgerow/wall in order to retain existing boundary features.
- The Council's Parks, Countryside and Rights of Way Team raised no objection.
- The site is in a sustainable location, and that the proposed retail unit will contribute to the sustainability of the development and the eastern side of Llay.
- Transportation does not form part of the reason for refusal and the proposed development is not contrary to UDP Policies GDP1 Development Objectives, of which objectives (d) and (e) relate to transportation, GDP2 Capacity of Infrastructure and Community Facilities, or T8 Parking. The proposal is also not contrary to UDP Policy CLF6 Informal Recreation – Public Rights of Way.

Community Infrastructure

5.7 It is agreed between the main parties that:

- The Health Board did not respond to the application consultation.
- The Council as Education Authority raised no objection to the application, but require contributions towards primary and secondary education.
- Capacity of community facilities does not form part of the reason for refusal and the proposed development is not contrary to UDP Policy GDP2 Capacity of Infrastructure and Community Facilities.

Drainage

5.8 It is agreed between the main parties that:

- Welsh Water undertook an assessment of the impact of the proposed development on Gresford Waste Water Treatment Works, which was submitted as part of the application

and concludes that the development can be accommodated without a developer contribution.

- In a letter dated 14 August 2015, Welsh Water removed their objection to the application, but recommended conditions in respect of foul and surface water drainage.
- Natural Resources Wales (NRW) raised no objection and welcomed the intention to dispose of surface water run-off using a sustainable drainage system.
- Drainage does not form part of the reason for refusal and the proposed development is not contrary to UDP Policies GDP1 Development Objectives, of which objectives (g) and (i) respectively relate to public services and flooding, or GDP2 Capacity of Infrastructure and Community Facilities.

Agricultural Land

5.9 It is agreed between the main parties that:

- The proposed development would result in the loss of agricultural land.
- The Agricultural Land Classification report submitted in support of the application was reviewed by Welsh Government Land, Nature and Forestry Division (LNFD) and that, consequently, the land is considered to be predominantly non-Best and Most Versatile (BMV), with the exception of 2.7ha (around 17% of the site) that the LNFD consider should be classified as Grade 3a.
- PPW (paragraph 4.10) is of relevance and states that: *“Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable ...If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”*
- Taking account of PPW:
 - The housing land supply position could represent an overriding need for the development.
 - As set out in Chapter 2 of the LDP(2) Preferred Strategy, there is a lack of brownfield capacity to accommodate the County Borough’s housing need.

- As concluded in the LDP(2) Initial Sustainability Appraisal greenfield development will reduce BMV agricultural land.
- The irreversible loss of a small element of the lowest grade BMV agricultural land is outweighed by housing need and the inevitable requirement to release greenfield land for development, including the release of BMV agricultural land.
- Loss of agricultural land does not form part of the reason for refusal.

Minerals

5.10 It is agreed between the main parties that:

- The site is partially subject to a Protection of Mineral Resources designation.
- The application was supported by the following documents: Initial Observations relating to Prior Mineral Extraction; Assessment of Mineral Potential; and Trial Pit Logs.
- North Wales Minerals and Waste Planning Service confirmed in an email 12 August 2014, which was submitted as part of the application, that prior extraction is not feasible.
- Minerals do not form part of the reason for refusal and the proposed development is not contrary to UDP Policy MW9 Protection of Mineral Resources.

Land Stability

5.11 It is agreed between the main parties that Coal Authority reports were submitted with the application and, on that basis, land stability does not form part of the reason for refusal and the proposed development is not contrary to UDP Policy GDP1, of which objective (i) relates to land stability.

Ecology

5.12 It is agreed between the main parties that:

- The site is not subject to Biodiversity Conservation designations.
- An Ecological Assessment was submitted with the application, and a General Great Crested Newt Mitigation Strategy was submitted during the application process.

- The Ecological Assessment and General Great Crested Newt Strategy were reviewed by NRW and no objection was raised, subject to conditions/obligations.
- Ecology does not form part of the reason for refusal and the proposed development is not contrary to UDP Policies GDP1, of which objective (h) relates to nature conservation and wildlife interest, or EC6 Biodiversity Conservation.

Air Quality

5.13 It is agreed between the main parties that:

- An Air Quality Assessment was submitted with the application and, on that basis, the Council's Public Protection Team raised no objection.
- Air quality does not form part of the reason for refusal and the proposed development is not contrary to UDP Policy GDP1, of which objective (f) relates to air quality.

Noise

5.14 It is agreed between the main parties that:

- An Environmental Noise Assessment was submitted with the application and reviewed by the Council's Public Protection Team, who did not raise an objection, but recommended conditions.
- Noise does not form part of the reason for refusal and the proposed development is not contrary to UDP Policy GDP1, of which objective (f) relates to noise.

Archaeology

5.15 It is agreed between the main parties that:

- A Desk-Based Assessment, Geophysical (Gradiometer) Survey, and Summary Report: An Archaeological Evaluation were submitted during the application process.
- With reference to the submitted archaeological evaluation, Clwyd Powys Archaeological Trust raised no objection to the proposed development and confirmed that no additional investigation is required.
- Archaeology does not form part of the reason for refusal.

Retail

5.16 It is agreed between the main parties that:

- The proposed development, due to the inclusion of a 300sqm retail unit, is theoretically contrary to UDP Policy S7 Retail Sales in the Countryside, but given that the retail unit would form part of a wider residential development, and thus would be part of the built up area rather than in the open countryside, that UDP Policy S6 Local Need Shopping should apply.
- The proposed retail unit accords with the provisions of Policy S6 in that it would not exceed 300sqm and, through the reserved matters stage, could be located so that it is safely accessible for customers on foot and does not harm residential amenity or give rise to traffic problems.
- The proposed retail unit will contribute to the sustainability of the development and be of benefit to existing residents on the eastern side of Llay.
- Retail concerns do not form part of the reason for refusal.

Ground Conditions

5.17 It is agreed between the main parties that:

- NRW raised no objection.
- Ground conditions can be addressed by condition/s.
- There is no evidence that the site was affected by the Singret Farm Anthrax outbreak and, as such, the outbreak is not of relevance to the proposed development.
- Ground conditions do not form part of the reason for refusal and the proposed development is not contrary to UDP Policy GDP1, of which objective (f) relates to ground conditions.

Welsh Language

5.18 It is agreed between the main parties that:

- Taking Account of LPGN31 The Welsh Language and Welsh Communities, Llay is not a language sensitive ward and, as such, there is no requirement for a Welsh Language and Community Impact Statement.

- Welsh language does not form part of the reason for refusal and the proposed development is not contrary to UDP Policy GDP1, of which objective (j) relates to Welsh language.

6. Matters in Dispute

Key Issues

Whether the development is acceptable in principle being outside the defined settlement limit of Llay

- 6.1 The main parties are in dispute as to weight to be given to Policy PS1 Settlement Limits and Policy H5 Housing in the Countryside of the UDP.

Whether the development represents an appropriately sized and logical extension to Llay

- 6.2 The main parties are not in agreement on this matter.

Whether there are any material considerations that justify departing from any provision of the adopted development plan with which the proposal conflicts

- 6.3 Whilst the main parties agree that the Council has zero housing land supply, they are in dispute as to whether this, together with other material considerations, justifies departure from the provisions of the adopted development plan.

Whether the benefits that would be delivered by the proposal would outweigh any adverse impacts

- 6.4 Whilst it is agreed between the main parties that that the transportation impacts of the proposed development can be satisfactorily accommodated with mitigation measures, any wider benefits that may arise from the mitigation measures are not agreed.
- 6.5 The main parties are not in agreement as to the overall planning balance, in particular the weight to be accorded to the benefit of increasing the supply of housing and the degree of compliance with development plan policies.

7. Conditions & Obligations

Conditions

Agreed Conditions

- 7.1 The following conditions are broadly derived from the officer's report and agreed between the main parties. These conditions are put forward for the Inspector's consideration and redrafting as deemed appropriate.

Reserved Matters

1. Approval of the following details (hereinafter called 'the reserved matters') for each phase of development shall be obtained in writing from the Local Planning Authority before any part of the development in that phase is commenced:
 - a) The layout of the buildings to be erected in that phase.
 - b) The scale of the buildings to be erected in that phase.
 - c) The appearance of the buildings to be erected in that phase.
 - d) The means of access to the site and buildings to be erected in that phase, to include details of how the phase will be accessed from the B5102/B5373 and details of the internal site roads, pedestrian footways and cycleways to be provided within that phase.
 - e) The landscaping of the site within that phase.
2. The first reserved matters application shall include a plan showing the first phase of development and location of all subsequent phases of development (hereinafter the 'phasing plan'). The phasing plan shall include the percentage of affordable housing in each phase, which, across the phases, shall consist of not less than 25% of the total number of dwellings to be built. All subsequent reserved matters applications shall be submitted in accordance with the phasing plan as approved, unless otherwise agreed by the Local Planning Authority.
3. Plans and particulars of the reserved matters for phase 1 referred to in Condition 1 shall be submitted in writing to the Local Planning Authority before the expiry of two years from the date of this permission, with reserved matters for subsequent phases submitted before the

expiry of 3 years of the date of this permission. The development of each phase shall only be carried out in strict conformity with such details as are approved.

4. The development hereby approved shall be commenced before the expiry of three years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters, whichever is later.
5. The development hereby permitted shall be carried out in accordance with the following approved plan: OS Map (Application Red Line) Dwg Ref: 653 P (00) 001.

Ecology

6. The submissions made in respect of Condition 1 for the first phase shall include details of the surveys recommended in paragraphs 7.8 (Bat Transect Surveys) and 7.14-7.15 (Great Crested Newts) of the TEP Ecological Assessment (Reference 4358.01.001) Version 1.0 dated June 2014. The surveys shall be carried out for the whole site subject to this permission. The submissions made in respect of Condition 1 for the first and all subsequent phases of the development shall also include:
 - i) Details of how the findings of these surveys have informed the final layout of the development within that phase.
 - ii) Any schemes of mitigation/compensation that are to be provided within that phase as may be necessary.
 - iii) A biosecurity risk assessments for that phase.
 - iv) Long term management and monitoring plan(s) for any mitigation/compensation area(s).

Where mitigation/compensation is necessary the development shall take place in strict accordance with the mitigation/compensation scheme(s) as approved and any habitat mitigation/compensation area(s) shall thereafter be managed in strict accordance with the approved long term management and monitoring plan(s).

7. Development shall not commence in each phase until a scheme of remediation in respect of the presence of Japanese Knotweed within the site has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter only take place in that phase in strict accordance with the scheme as approved.

Contaminated Land

8. No part of the development shall commence in each phase until a scheme to deal with potential contamination within that phase has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring.
9. No dwelling in an area subject to remediation shall be occupied until a Verification Report, which demonstrates that the remedial works approved as part of Condition 8 have been carried out, has been submitted to and approved in writing by the Local Planning Authority.

Trees

10. No part of the development shall commence in each phase until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority for that phase. All development within that phase shall take place in strict accordance with the approved Method Statement. The Method Statement shall include the following:
 - i) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012.
 - ii) 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.
 - iii) A full specification for any access, driveway, path, underground services or wall foundations within any retained tree Root Protection Area or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees.
 - iv) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires.
 - v) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority.
 - vi) Method for protecting retained trees during demolition works.

- vii) Details of all proposed tree works, including felling and pruning.

Drainage

11. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Urban Drainage Systems (SUDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SUDS scheme is to be implemented, 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 receiving ground water and/or surface waters.
- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation.
- iii) Provide a management and maintenance plan for the lifetime 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.

The development shall be implemented in accordance with the approved details.

12. Development shall not commence until a scheme for the provision of foul sewerage infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of and be informed by a Hydraulic Modelling Assessment. No dwelling shall be occupied until foul sewerage infrastructure has been provided in full and in strict accordance with the scheme as approved.

Transportation

13. No part of the development shall commence until a scheme of improvements for the junction of the B5102, the B5373 and Chapel Lane has been implemented in full in strict accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.

14. No dwelling shall be occupied until a Traffic Regulation Order in respect of speed limit reductions along the B5102 Straight Mile has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
15. The submissions made in respect of Condition 1 shall include details of the location and layout of off-street vehicular parking and turning areas for each dwelling. No dwelling shall be occupied until the vehicular parking and turning area for that dwelling has been be laid out, surfaced and drained in strict accordance with the details as are subsequently approved. The parking and turning areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.
16. The submissions made in respect of Condition 1 that include the retail unit shall include details of the location and layout of off-street vehicular parking, turning and loading/unloading areas for the retail unit. The retail unit shall not be brought into use until the vehicular parking, turning and loading/unloading areas have been be laid out, surfaced and drained in strict accordance with the details as are subsequently approved. The parking, turning areas and loading/unloading areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.
17. No dwellings in a phase shall be occupied until a Final Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. This plan shall include details of an annual monitoring report which shall be submitted to the Local Planning Authority for written approval following the anniversary of the occupation of the first dwelling and every year after up to and including the fifth anniversary.

Construction Management

18. Development in a phase shall not commence until a Construction Environment and Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction shall thereafter be carried out in strict accordance with the details as approved.

Noise

19. Development in a phase shall not commence until a scheme of noise mitigation for the dwellings within that phase has been submitted to and approved in writing by the Local Planning Authority. Each dwelling requiring noise mitigation shall not be occupied until the

mitigation measures as approved have been implemented in accordance with the scheme as approved.

20. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

Public Open Space

21. The site layout and landscaping details for each phase that are required by Condition 1 shall include an area or areas of public open space / green space to be provided within that phase together with a scheme that includes the following details:

- i) The siting, size, layout and appearance of any formal play equipped play areas;
- ii) Hard and soft landscaping of the open space / green space area(s); and
- iii) The timing of the construction and landscaping of the open space / green space area(s).

Public open space / green space shall be provided on site within each phase in accordance with the scheme as approved and thereafter permanently retained.

Affordable Housing

22. The details submitted in respect of Condition 1 for each phase shall include a scheme for affordable housing in that phase. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN2 or any future guidance that replaces it. The scheme shall include the numbers, type, tenure and location on the site of the affordable housing provision to be made, in accordance with the phasing plan as referred to in Condition 2.

Extent of Permission

23. This development makes provision for a maximum of 365 dwellings that do not exceed two and a half storeys in height.
24. The sales floor area of the retail unit shall not exceed 300 square metres.

Obligations

Agreed Obligations

7.2 The following obligations are agreed between the main parties.

Affordable Housing

7.3 The obligation is to secure:

- Provision of affordable housing, which is to comprise 25% of the total number of dwellings built on the site.
- The payment of a commuted sum in order to secure the full 25% affordable housing as required by LPGN28 in the event of part of the affordable housing requirement being less than a full dwelling unit.

Public Open Space

7.4 The obligation is to secure the arrangements for the management and maintenance of on-site public open space / green space.

Ecology

7.5 The obligation is to secure the long term management and maintenance of any on-site habitat mitigation.

Education

7.6 The obligation is to secure financial contributions towards primary and secondary education.

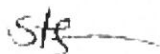
Transport

7.7 The obligation is to secure financial contributions towards the monitoring of the Travel Plans.

7.8 The details of the obligations are being negotiated between the main parties. The obligations will be secured through a Unilateral Undertaking, which the appellant has made available to Council for comment. The Unilateral Undertaking will be submitted in accordance with the Inquiry timetable.

Other Matters

- 7.9 The Council's Parks, Countryside and Rights of Way Team have requested that the development provides for upgrades to Footpath 5 south of Straight Mile to the Gresford Road and a footpath along Straight Mile to link Footpath 5 and Footpath 3 and potentially Footpath 2. The appellant does not have sufficient title to land to deliver the requested improvements. Moreover, whilst the requested improvements may be desirable, it is agreed between the main parties that they are not necessary to make the development acceptable in planning terms and, as such, do not meet the Regulation 122 tests for planning obligations as set out in the Community Infrastructure Levy Regulations 2010.

Signed by**Stephenie Hawkins, Bilfinger GVA****On behalf of Mrs Margaret Crewe**.....
12 October 2016**Signed by****Matthew Phillips****On behalf of Wrexham County Borough Council**.....
12 October 2016



Appendix 1 Core Documents List

Ref No	Document	Submission Details (First submission where duplicate submissions)
Application Documents		
CD1	Revised application form and certificates, dated 2 December 2014	Part of appeal submission (Hard Copy Tab (A)2)
CD2	Location Plan (Dwg Ref: 15.543-01)	Part of appeal submission (Hard Copy Tab (A)3)
CD3	OS Map (Application Red Line) (Dwg Ref: 653 P (00) 001)	Part of appeal submission (Hard Copy Tab (A)4)
CD4	Site Layout (Dwg Refs: 653 SK (00) 033 & 653 P (00) 002)	Part of appeal submission (Hard Copy Tabs (A)5 & (A)6)
CD5	Indicative Building Heights Plan (Dwg Ref: 653 P (00) 003)	Part of appeal submission (Hard Copy Tab (B)70)
CD6	Topographical Survey (Sheets 1 & 2) (Dwg Ref: 6880/01)	Part of appeal submission (Hard Copy Tab (A)7)
CD7	Environmental Impact Statement Rev A (Michael Cunningham Architects, undated) & Environmental Impact Statement Non-Technical Summary (Michael Cunningham Architects, undated)	Part of appeal submission (Hard Copy Tabs (A)9 & (A)10)
CD8	Design and Access Statement (Michael Cunningham Architects, November 2014+)	Part of appeal submission (Hard Copy Tab (A)11)
CD9	Landscape and Visual Appraisal (BCA Landscape November 2014), including: Appendix A: Explanation of Landscape and Visual Assessment (LVIA) Methodology; Appendix B: Tree Survey; and Appendix C: Plans and Illustrations	Part of appeal submission (Hard Copy Tabs (A)12 to (A)15)
CD10	Landscape and Visual Appraisal (BCA Landscape August 2015), including: Appendix A: Explanation of Landscape and Visual Assessment (LVIA) Methodology; Appendix B: Tree Survey; and Appendix C: Plans and Illustrations (including alternative Landscape Strategy (Dwg Ref: 14.543-09 Ver 2)	Part of appeal submission (Hard Copy Tabs (B)58 to (B)61)
CD11	Transport Assessment (Curtins, 2 December 2014)(Document Ref: TPMA5021/TA), including: Appendix A: Highway Safety Records; Appendix B: Indicative Masterplan Drawing; Appendix C: Committed Development Surveyed Traffic Flows; Appendix D: Committed Development Traffic Assignment; Appendix E: TRICS Outputs; Appendix F: SWS Census Distribution Summary; Appendix G: Proposed Committed Development Access Junction; and Appendix H: Junction Modelling Outputs	Part of appeal submission (Hard Copy Tabs (A)16 to (A)24)
CD12	Three Arm Compact Roundabout (Dwg Ref: TPMA5021_19)	Part of appeal submission (Hard Copy Tab (B)71)
CD13	Interim Travel Plan (Curtins, 2 December 2014)(Document Ref: TPMA5021/ITP), including: Plans; and Appendix A: Indicative Masterplan Drawing	Part of appeal submission (Hard Copy (A)25 to (A)27)
CD14	Agricultural Land Classification (Soil Environmental Services Ltd, November 2014)(Document Ref: SES/MCA/HF/#3), including Appendix A: Climatological Data	Part of appeal submission (Hard Copy (A)28 & (A)29)
CD15	Assessment for Mineral Potential (David L Walker Limited, April 2014)(Document Ref:L35/I/LLAY), including Plans; Appendix 1: Copy Correspondence from Wrexham County Borough Council dated 5 December 2013; Appendix 2: Copy of Pre-Application Diagram of Proposals; Appendix 3: Extract of BGS Mapping; Appendix 4: Coal Authority Report re 510000306015001 dated 4 June 2013; and Appendix 5: Extract of Cuesta Consulting Limited Report	Part of appeal submission (Hard Copy Tabs (A)30 to (A)36)

CD16	Initial Observations relating to Prior Mineral Extraction: Desk Study Report (Cuesta Consulting Limited, 4 March 2014)(Document Ref: C/MCA/002)	Part of appeal submission (Hard Copy Tab (A)37)
CD17	Trial Pit Exercise on Land at Llay – Logs TP1, TP3 & TP7 (5 August 2014)	Part of appeal submission (Hard Copy Tab (A)38)
CD18	Correspondence from North Wales Minerals and Waste Planning Service (Email, 12 August 2014)	Part of appeal submission (Hard Copy Tab (A)39)
CD19	Subsidence Consultants Report (Coal Authority, 10 November 2014)	Part of appeal submission (Hard Copy Tab (A)40)
CD20	Non-Residential Coal Authority Mining Report (Coal Authority, 10 November 2014)	Part of appeal submission (Hard Copy Tab (A)41)
CD21	Ecological Assessment (TEP, June 2014)(Document Ref: 4358.01.001), including: Appendix A: Desktop Study Information; Appendix B: Target Note Report; Appendix C: Suggested Plant Species for Planting Scheme; Appendix D: Examples of Habitat Enhancement Measures for Bats and Birds; Appendix E: HIS Results and Pond Locations; and Drawings	Part of appeal submission (Hard Copy Tabs (A)42 to (A)48)
CD22	General Great Crested Newt Mitigation Strategy	Part of appeal submission (Hard Copy Tab (B)72)
CD23	Air Quality Assessment (Miller Godall, 19 November 2014)(Document Ref: 1001002), including: Appendix A: Planning Practice Guidance; Appendix B: Traffic Data used in the Air Quality Assessment; Appendix C: Receptor Location Plan; and Appendix D: Glossary of Terms	Part of appeal submission (Hard Copy Tabs (A)49 to (A)53)
CD24	Environmental Noise Report (Soundtesting, 4 December 2014)(Document Ref: 6794E Rev 2), including: Appendix 1: Figures 1 and 2; Appendix 2: Email from Paul Campini to Mike Cunningham requesting the Noise Assessment Measurement Results; and Measurement Results	Part of appeal submission (Hard Copy Tabs (A)54 to (A)57)
CD25	Daytime Contours Map (supersedes Daytime Contours Map in Environmental Noise Report, Soundtesting, December 2014)	Part of appeal submission (Hard Copy Tab (B)73)
CD26	Desk Based Assessment (Cornerstone Archaeology, 31 January 2015)(Document Ref: 1032), including Appendix 1: Sites of Archaeological/Historic Interest Referred to in the Text	Part of appeal submission (Hard Copy Tabs (B)62 & (B)63)
CD27	Geophysical (Gradiometer) Survey (Cornerstone Archaeology, 4 March 2015) (Document Ref: 1032)	Part of appeal submission (Hard Copy Tab (B)64)
CD28	Summary Report: An Archaeological Evaluation (Cornerstone Archaeology, 25 March 2015)(Document Ref: CS1032)	Part of appeal submission (Hard Copy Tab (B)65)
CD29	Llay Village Centre: Health and Education Note (Michael Cunningham Architects, undated), and Llay Village Centre Existing Plan (Dwg Ref: 907 P (00) 001) & Llay Village Centre Proposed Plan (Dwg Ref: 907 P (00) 002)	Part of appeal submission (Hard Copy Tabs (B)66 to (B)68)
CD30	Soakaway Results and Calculations (Kane Design, 13 August 2015)(Document Ref: 1266SWA)	Part of appeal submission (Hard Copy Tab (B)69)
CD31	Developer Impact Assessment (Welsh Water, August 2015)	Part of appeal submission (Hard Copy Tab (B)74)
CD32	Correspondence from Michael Cunningham Architects (Letter, 23 December 2014)	Part of appeal submission (Hard Copy Tab (B)75)
Decision Documents		
CD33	Decision Notice	Part of appeal submission (Hard Copy Tab (C)76)
CD34	Officer's Report	Part of appeal submission (Hard Copy Tab (C)77)

CD35	Officer's Report Addendum	Part of appeal submission (Hard Copy Tab (C)78)
National Planning Policy & Guidance		
CD36	Planning Policy Wales (Edition 8, January 2016)	N/A
CD37	TAN1: Joint Housing Land Availability Studies (January 2015)	N/A
CD38	TAN12: Design	N/A
CD39	TAN 18: Transport	N/A
Local Planning Policy & Guidance		
CD40	Wrexham Unitary Development Plan 1996-2011 – Policies PS1, PS2, GDP1, GDP2, EC2, EC4, EC6, H5, H7, S6, S7, CLF5, CLF6, T8, & MW9	Part of LPA Questionnaire Enclosures (23f) (Except Policies GDP2 & CLF5 – submitted with PSoCG Appendix 5)
CD41	Local Planning Guidance Note 10: Public Open Space in New Housing Development	Part of LPA Questionnaire Enclosures (23g)
CD42	Local Planning Guidance Note 16: Parking Standards	Part of LPA Questionnaire Enclosures (23g)
CD43	Local Planning Guidance Note 17: Trees and Development	Part of LPA Questionnaire Enclosures (23g)
CD44	Local Planning Guidance Note 27: Developer Contributions to Schools	Part of LPA Questionnaire Enclosures (23g)
CD45	Local Planning Guidance Note 28: Affordable Housing	Part of LPA Questionnaire Enclosures (23g)
CD46	Local Planning Guidance Note 30: Design	Appendix 5 PSoCG
CD47	Local Planning Guidance Note 31: The Welsh Language and Welsh Communities	Appendix 5 PSoCG
Correspondence from Statutory/Technical Consultees		
CD48	Memorandum from Senior Service Manager, dated 20 May 2015 (Transportation)	Part of LPA Questionnaire Enclosures (21d.i)
CD49	Rights of Way emails, 7 January 2015 & 8 January 2015, with plan attachment (Rights of Way)	Part of LPA Questionnaire Enclosures (23c)
CD50	Welsh Government letter (Department for Economy Science and Transport), dated 5 February 2015 (Trunk Roads)	Part of LPA Questionnaire Enclosures (21d.i)
CD51	Welsh Government email (Land, Nature, Forestry Division), dated 12 March 2015 (Agricultural Land)	Part of LPA Questionnaire Enclosures (21d.i)
CD52	Natural Resources Wales letter, dated 9 January 2015 (Flood Risk, Protected Species/Sites, Pollution Control and Land Contamination)	Part of LPA Questionnaire Enclosures (21d.i)
CD53	Natural Resources Wales email, dated 7 April 2015 (Bats and Great Crested Newts)	Part of LPA Questionnaire Enclosures (21d.i)
CD54	Memorandum from Head of Housing and Public Protection, dated 12 January 2015 (Contaminated Land and Environmental Protection)	Part of LPA Questionnaire Enclosures (21d.i)
CD55	Public Protection emails , dated 12 May 2015 and 13 May 2015 (Noise and Air Quality)	Part of LPA Questionnaire Enclosures (21d.i)
CD56	Public Protection email, dated 22 May 2015 (Anthrax)	Part of LPA Questionnaire Enclosures (23c)
CD57	Clwyd-Powys Archaeological Trust email, dated 8 April 2015 (Archaeology)	Part of LPA Questionnaire Enclosures (21d.i)
CD58	Welsh Water letters, dated 22 January 2015 & 14 August 2015 (Sewerage and Sewage Treatment)	Part of LPA Questionnaire Enclosures 23(c) & (21d.i)

CD59	Email from Denise Garland, dated 18 March 2015 (Education)	Part of LPA Questionnaire Enclosures (23c)
CD60	Email trail with Wales NHS, dated December 2104 to March 2015 (Health – non-substantive)	Part of LPA Questionnaire Enclosures (23j)
Other Correspondence		
CD61	Amended Description	PSoCG Appendix 2
Appeal Documents		
CD62	Grounds of Appeal	Part of appeal submission
CD63	Statement of Case – the Council	Submitted at 6 week stage
CD64	Statement of Case – Appellant	Submitted at 6 week stage
CD65	Planning Statement of Common Ground	By 4 weeks before Inquiry
CD66	Transport Statement of Common Ground	By 4 weeks before Inquiry
CD67	Evidence – Matthew Phillips	By 4 weeks before Inquiry
CD68	Evidence – Stephenie Hawkins	By 4 weeks before Inquiry
CD69	Evidence – Tom Hollick	By 4 weeks before Inquiry
CD70	Evidence – Alex Vogt	By 4 weeks before Inquiry
CD71	Unilateral Undertaking	By 10 days before Inquiry

11 October 2016



Appendix 2 Description of Development

Hawkins, Stephenie (Bilfinger GVA)

From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Sent: 22 March 2016 12:34
To: Hawkins, Stephenie (Bilfinger GVA)
Cc: Mike Cunningham - MDG (mike@mdg.design)
Subject: RE: Home Farm, Llay - Description of Development

Stephenie,

I confirm that I would have no concerns regarding the minor change to the description.

Regards

Matthew Phillips

Planning Officer/Swyddog Cynllunio
Community Wellbeing and Development/Adran Lles Cymunedol a Datblygu
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Hawkins, Stephenie (Bilfinger GVA) [mailto:Stephenie.Hawkins@gva.co.uk]
Sent: 21 March 2016 12:06
To: Matthew Phillips
Cc: Mike Cunningham - MDG (mike@mdg.design)
Subject: Home Farm, Llay - Description of Development

Dear Mathew,

Further to earlier correspondence, in advance of submission of an appeal against refusal of outline planning permission (application ref: P/2014/0905), the appellant formally requests that the Council consider a minor amendment to the description of development, to better reflect the proposal, as follows (addition in bold):

*"Outline application for **up to** 365 dwellings and erection of 300 square metre retail unit – all detailed matters reserved."*

We trust the suggested amendment is acceptable to the Council, and would appreciate written confirmation of this at your earliest convenience, and if possible by Thursday 24 March 2016. Whilst it would be at the Inspector's discretion whether or not to accept the amended description, with the Council's agreement to the amendment, we would request that the appeal is determined on the basis of the amended description.

We look forward to hearing from you.

Regards

Stephenie

Stephenie Hawkins, Associate, Planning, Development & Regeneration, Bilfinger GVA
Direct Dial: 0121 609 8338 - Email: stephenie.hawkins@gva.co.uk Mobile: 07827 232 608
Web: www.gva.co.uk - National Number: 08449 02 03 04 - Fax: 0121 609 8314



Appendix 3
Five Year
Housing Land
Supply
Calculation, at
1 April 2016

Five Year Land Supply Calculation, at the 1 April 2016		
A	Total Housing Requirement (as set out in LDP(2) Preferred Strategy	11,715
B	Completions from start of plan period (2013) to base date (April 2016) (large and small sites) ¹	649
C	Residual requirement (A-B)	11,066
D	Five Year Requirement (C/number of years of plan period remaining (12) x 5)	4,610
E	Annual Need (D/5)	922
F	Total 5 Year Land Supply (based on Housing Land Monitoring Statement 2016)	1,052
G	Land Supply in Years (F/E)	1.14

¹ Based on Past Completions Data, Appendix 2 *Housing Land Monitoring Statement 2016*, as follows:

Year	Large Sites	Small Sites	Total
2013-2014	151	64	215
2014-2015	160	75	235
2015-2016	132	67	199



Appendix 4 Zone of Theoretical Visibility



653 LLAY HOUSING

PLAN 04: ZONE OF THEORETICAL VISIBILITY I

19 OLD HALL STREET
LIVERPOOL
L3 9JQ
TELEPHONE +44 (0)151 242 6161
FACSIMILE +44 (0)151 236 4467
office@bcalandscape.co.uk
www.bcalandscape.co.uk

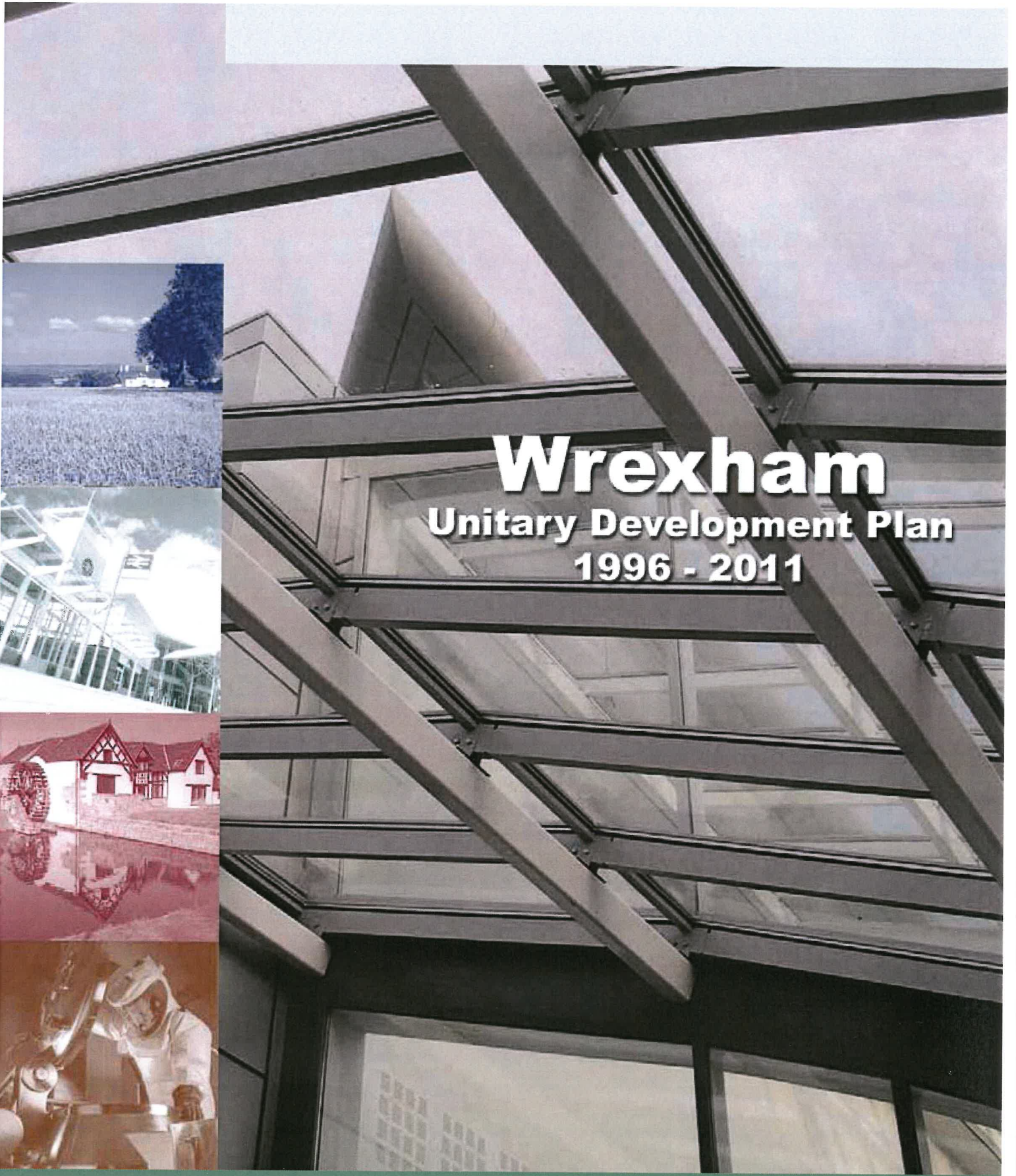


BCA Landscape
15.543-04

PLAN 04: ZONE OF THEORETICAL VISIBILITY
1:5000



Appendix 5
Core
Documents
(not previously
submitted)



Wrexham

Unitary Development Plan

1996 - 2011

Adopted February 2005



Capacity of Infrastructure and Community Facilities

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

4.5 Community benefits, related to proposed development and necessary for the grant of planning permission, can reasonably be sought providing they are fairly and reasonably related in scale and kind to the proposed development. A developer may reasonably be expected to pay for, provide in kind, or contribute to, the provision of infrastructure or community facilities which would not have been necessary but for this development, or which would otherwise have created a consequential and significant planning loss to the community (e.g. reduction in local transport standards, exceeding the capacity of local schools, etc.). It is not only large scale developments which can adversely impinge on existing infrastructure or community facilities. All new



development will, in some way, affect the existing situation and cumulatively over a period of time the impact can be significant, particularly at a time of severe public sector financial constraint. This policy will be particularly relevant to securing the implementation of proposals within the Ruthin Road Development Area.



4.6 Changes in population resulting from new housing can exert pressure on the availability of school places. Locally, there is an increasing mismatch of education demand and supply. Generally, school capacity surpluses exist in both rural and urban villages where development is severely constrained by environmental, topographical, infrastructure, or marketing constraints. However, many schools are full. The Council intends to rectify this imbalance by reducing surplus places through the conversion of surplus premises to community use, the adjustment of feeder schools to secondary to more efficiently match capacity to roll, and possible mergers and/or closures. This will be balanced by the improvement and/or replacement of older schools, the provision of new schools in areas of significant population growth and requirement, and the continued development of adult, further, and higher education.

Playing Fields, Children's Play Areas and Open Space

Policy CLF 4 The redevelopment of sports grounds, playing fields, children's play areas and informal open spaces and allotment gardens for uses other than sport and recreation will not be permitted unless:-

- a) redevelopment of only a small part of the site would allow the retention and enhancement of that existing facility; or
- b) the long term requirement for the facility has ceased and it would not lead to, or increase an existing shortfall of that facility in the immediate locality; or
- c) the loss can be replaced with an equivalent or greater provision in the immediate locality. Alternative sites should be within settlement limits or, in exceptional circumstances, adjacent to settlement limits provided that associated buildings, lighting, and parking facilities are not intrusive in the landscape and user accessibility is not reduced.

9.5 Over 70% of local communities exhibit deficits in playing fields provision; deficits are particularly severe in Wrexham, Cefn Mawr, Broughton, Coedpoeth, and Penycae. Approximately 90% of local communities also exhibit deficits in the provision of children's play areas. Significant emphasis will be placed on the protection of existing playing fields, which will be safeguarded from development and retained for recreational use. Increasing importance is placed on the contribution to the character of the local landscape and townscape and residents' quality of life made by open space through both its active recreational and visual contribution. The National Playing Field

Association standards of provision for playing fields and public open space (i.e. a minimum of 2.4 hectares of outdoor playing space per 1000 population) will be used in assessing the level of existing provision. The provision of facilities with synthetic or other surfaces capable of intensive use does not justify the release of grass facilities.

Open Space Requirements from new Residential Developments

Policy CLF5 New development of ten dwellings or more must provide informal public open space within the site at a minimum level of 0.4 hectare per 50 dwellings, be conveniently located for users, and usable for playing field(s) and/or equipped children's play area(s) and open amenity area(s). In exceptional circumstances, the application of these standards may be varied, in the case of small urban infill housing development, where the developer enters into a legal agreement for financial contributions towards the cost of public open space provision where:-

- a) the site is unsuitable for public open space provision; or
- b) the development would not place significant additional pressure on public open space facilities in the vicinity of the site.

9.6 New housing can place additional pressure upon existing local public open space and other informal recreation facilities unless increased provision is made as an integral part of the development. It is necessary, therefore, to ensure that significant new housing developments of 10 or more dwellings should incorporate an adequate amount of informal public open

space. Provision should be made at a minimum level of 0.4 hectare per 50 dwellings and include an equipped children's play area (s), and / or informal open space(s), and, where the necessary open space requirements is 0.6 hectare or more, a playing field(s). The policy recognises that in the case of small urban infill sites, it may not be practical to provide public open space in accordance with the required standards, and allows a developer to enter into a legal agreement for financial contributions towards the costs of public open space. Furthermore, developers should provide commuted sums to aid the Council in its adoption and long term maintenance of public open space. The off-site public open space provision should be directly relevant to the proposed development, meeting the standard requirements of planning obligations as given in Welsh Office Circular 13/97 (i.e. necessary, relevant, related, reasonable).

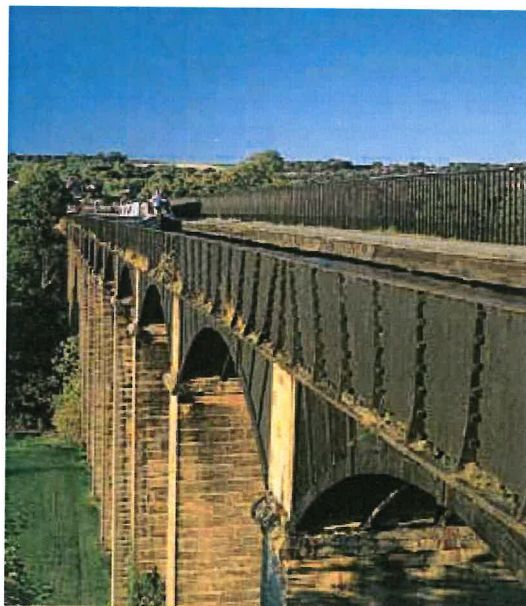
Informal Recreation

Policy CLF6 The existing pattern of public rights of way will be protected, maintained and improved and any potential new routes will be identified and safeguarded.

Policy CLF7 The development of countryside and water resources for informal recreation will be permitted provided that it does not harm visual amenity or nature conservation interests. Built development (e.g. information centres, toilets and car parking) should be small scale and directly related to the use of the resource.

9.7 Shorter working hours, early retirement, and a longer life expectancy have increased people's leisure time and created an

increased demand for leisure facilities. Both the public and private sectors have invested in improved and new largely informal rural visitor facilities which have secured increased job opportunities, local incomes, and the range of leisure facilities available to local residents. Most people do not take part in organised recreation activities. Informal outdoor recreation such as picnicking, nature study, or visiting places of interest is becoming increasingly important. Opportunities exist to develop informal facilities in the existing Country Parks at Alyn Waters and Ty Mawr (including a new visitor centre with adjacent facilities); at Fenns Moss; at various privately owned countryside sites; and along the extensive network of public rights of way, including the Maelor Way recreation footpath, Offa's Dyke Long Distance Path and the Clywedog Trail. The Llangollen Canal, Pontcysyllte Aqueduct, and Trevor Wharf are valuable local water recreation attractions that could be enhanced by small-scale developments directly related to the recreational use of the canal. Where rights of way are illegally obstructed the Borough will take the necessary action to remove the obstruction immediately.



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*This leaflet is available
in alternative formats*

DESIGN

**A Guide for Developers and Architects
when Designing Residential Developments**



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This document is available a variety of accessible formats including large print, Braille and on audio cassette or computer disk.

If you would like a copy in an accessible format or in a language other than English or Welsh or would like someone to explain it to you please contact:

Planning Department
Wrexham County Borough Council
Lampit Street, Wrexham LL11 1AR
Telephone: 01978 292016

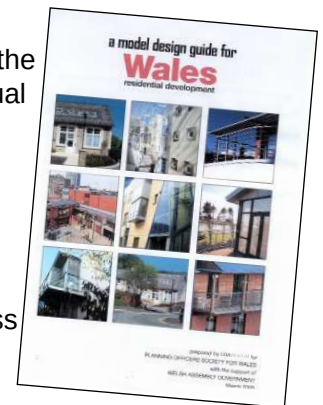
Introduction

This guidance note amplifies development plan policies on encouraging good design (in particular policies PS2 and GDP1 of the adopted Wrexham UDP) and outlines the Council's requirements for sustainable buildings. It will form a material consideration in the determination of all relevant planning applications.

The Local Development Plan, in accordance with guidance and policy from the Welsh Assembly Government, requires sustainable building principles to be adopted in order to reduce the impact upon the natural environment and reduce reliance on non-renewable energy sources.

The Guidance Note follows the general policy principles set out in Welsh Assembly Government Planning Policy Wales on Design TAN 12 (2002). It is supported by A Model Design Guide for Wales: Residential Development, March 2005, produced by the Planning Officers Society for Wales and the Welsh Assembly Government. The Manual for Streets (Department of Transport March 2007) also provides guidance for people involved in the planning, design, provision and approval of new residential streets

Well designed development and the desirable places that it creates to live, need not cost more, but could attract a higher level of market demand. A well thought out and justified design will save you time when you apply for planning permission. Early consultation with planning officers and with neighbours will help to smooth the process and avoid the unexpected. The Council offers a 'Development Team Approach' for larger proposals to help scope the issues and opportunities.



Good design is about working with all elements of the natural and built environment. To create sustainable development, design must go beyond the appearance of a scheme and include social, environmental and economic aspects of the development, its construction and its relationship to its surroundings. 'It is also about creating places we can be proud of

Applications of poor design or not justified in the Design and Access Statement will be refused.

A Sustainable Approach

Sustainable development is a key objective of planning. All residential schemes must be environmentally sustainable. The Council's Development Plan, in accordance with guidance and policy from the Welsh Assembly Government, requires sustainable building principles to be adopted in order to reduce the impact upon the natural environment and reduce reliance on non-renewable energy sources. Sustainable development is an integral part of the design process and these aspects must be considered at the earliest stage.

In achieving an environmentally sustainable design solution it is important new development incorporates measures to ensure an efficient that use of land, energy and water; minimises waste and encourages recycling of materials; maximises least harmful forms of movement and transport and protects and enhances the natural and built environment. The design process should also ensure that development contributes to tackling the causes of climate change and is designed to meet zero-carbon standards from the outset.

Good design in residential development can:

- help improve people's wellbeing and quality of life
- reduce greenhouse gas emissions
- benefit public health
- increase property values
- cut crime.
- promote a sense of community and belonging
- promote biodiversity and protect wildlife
- reduce fuel bills

The Council will ensure sustainability features are incorporated into the Design Solution by the use of nationally recognised and quality assured standards. All new residential development must meet a minimum of Level 3 of the Code for Sustainable Homes or recognised equivalent scheme and provide 10% of the future energy requirements of the building through renewable energy sources.

Code for Sustainable Homes

The Council considers that the Government developed Code for Sustainable Homes Scheme provides the best rating system for the construction of sustainable homes and the use of this scheme is encouraged. If an alternative scheme is used the criteria and an explanation of this scheme will need to be provided with the application.

A design stage certificate completed by an accredited assessor indicating which level of the Code is likely to be achieved should be submitted as part of the application. The post-completion certificate will be required by condition.



Renewable Energy

In addition to ensuring that the building itself is constructed in a sustainable manner the Council

requires that **10% of the future energy production of the development be sourced from renewable energy sources.**

There are a various means by which energy from renewable sources can be harnessed, details of which are contained in Wrexham's Planning Information Sheets on Renewable Energy. Renewable energy technology should form an integral part of the building and be considered and incorporated at an early stage of the design process.

The Council does not seek to impose specific types of renewable energy sources on developers and will accept a mixture of technology including schemes on individual houses and community schemes providing that the 10% target is achieved.

The Council will require a renewable energy statement to be submitted with your application which indicates the sources from which the renewable energy is to be obtained.

Inclusive Design

The design solution should ensure ease of access to the widest range of people possible. Consideration should be given to all sectors of society including elderly people, children and disabled people. Designing for all means that consideration should include the needs of all, including people with mobility impairments, with sensory impairments and learning difficulties. The Council will require these aspects to be addressed within the scheme and the Planning Application will need to be accompanied by a **Design and Access Statement** which explains how they have been considered. Details of the content of a **Design and Access Statement** can be obtained from a Council Planning Information Sheet.



The Design Process

To ensure high standards of design are achieved in new residential developments, applicants are encouraged to undertake the following three-step process to shape and influence their design. This will ensure design principles are considered from the start, rather than being treated as an afterthought, at a later stage when there is less flexibility to respond to design opportunities.

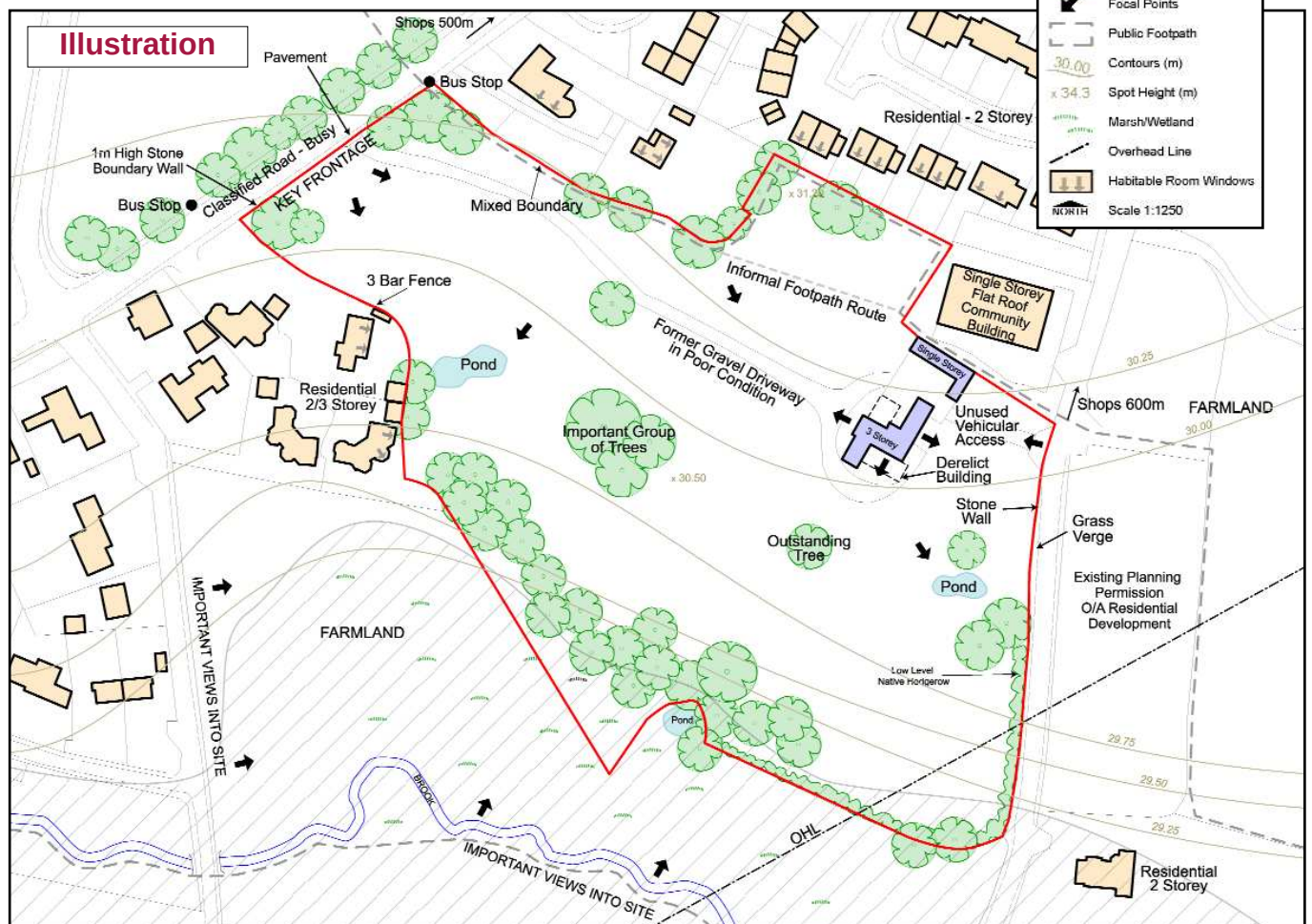
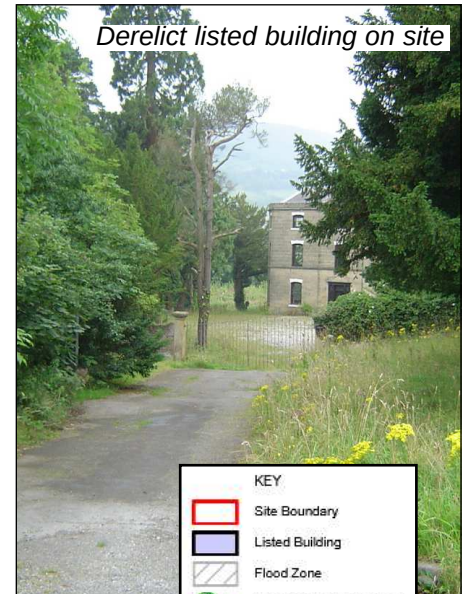
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Step I - Site Appraisal

An appraisal of areas of natural resources and site features is the starting point for achieving a sustainable design solution. Maximum benefit from the site and its features can only be obtained if a full survey of the site and its setting is carried out. It should consider existing key features and surroundings which contribute to its character and local distinctiveness as well as those factors which constrain development.

New development should harness the site's natural features and identify opportunities and constraints. It should focus on site assets and resources such as the development form, slope/topography, drainage, landscape, solar and wind energy as well as wildlife habitats and species. The appraisal should consist of text, plan and photos.



Site Description

Undulating site which is overgrown with vegetation and mature trees, with some areas important areas for wildlife. Mature trees within the site provide a parkland landscape character. The site contains a farmhouse (listed building) which is in poor condition with some parts now derelict. The nearest bus stop is 200m from the site entrance and the nearest railway station is Wrexham General at 2.5km from the site. Local shops and amenities are located within 500m of the site. Footpaths to these amenities are level and in good condition with tactile paving at crossing points.

A Site Appraisal should address the following

- Site boundaries - their position, construction and condition.
- Levels - the contours should be shown on a large site or spot levels on a smaller infill site indicating clearly the falls across the site and adjoining land.
- Trees and hedges - positions, accurate canopy spread and species along with an indication of condition (a full arboricultural assessment may be required).
- Ponds - wetland areas, ditches, watercourses, position, depth and flood levels.
- Ecological constraints - protected species and wildlife habitats e.g. badger setts.
- Existing Infrastructure - overhead wires, drains, sewers, pipelines.
- Walls and Fences - position, height, construction and condition.
- Existing buildings - location, construction, condition and potential for re-use.
- Footpaths and public rights of way.
- Roads - width, class and distance to main junction.
- Visibility at junctions.
- Planning history - Planning permissions granted or current applications on the site and adjacent land.
- Designations - Listed Buildings, conservation areas archaeology etc.
- Public transport routes.
- Important views into and out of the site.
- Relationship with adjacent buildings, uses, features, trees, hedges ponds etc.
- The form and character of the surrounding area where appropriate.
- Microclimate - shelter, shade and sun.



Pictures

- 1 Hedges at site boundary.
- 2 Undulating site with important trees.
- 3 Stream and habitat corridor.
- 4 Visibility at main Junction.
- 5 Typical local building style and materials.



Step II - The Constraints/ Opportunities Plan and the Design and Access Statement

This plan will interpret the findings of the site appraisal into an annotated sketch plan, an example is shown in Fig 2 on Page 7. This should show in broad terms how the site could be developed in response to the opportunities and constraints revealed in the site appraisal.

It is at this stage that applicants are encouraged to seek advice from the Planning Department as the site appraisal will establish the basis for discussion and ultimately the design solution. The Council operates a Development Team Approach and pre-application consultations can save much unnecessary redesign and frustration. Our aim is to assist you to produce good, innovative design which will make a positive contribution to the County Borough.

Applicants should present their constraints/opportunities plan as part of their application. It will also form the basis of the Design and Access Statement which is required to accompany a planning application. "A Design and Access Statement (DAS) is not part of the planning application but is required by legislation to accompany all planning applications" (Welsh Assembly Government TAN 12 Design) with few exceptions.

The Design and Access Statement is a written statement setting out the vision and design principles adopted for the proposed development, together with illustrative material, where appropriate, demonstrating how the chosen design will respect and benefit the local environment.

The Design and Access Statement should explain how the objectives of good design and sustainability have been considered in the preparation of your proposals. It should explain and justify how you have arrived at a sustainable design solution. It should not simply describe the proposal but to explain how the objectives of good design have been applied, or where they have not been applied, the reason.



Small Scale
Renewable Energy
Generation and Energy
Efficiency

*Cynhyrchu Ynni
Adnewyddadwy
ar raddfa fach ac
Effeithlonrwydd Ynni*



The Design and Access Statement should also demonstrate how the proposed development meets Level 3 of the Code for Sustainable Homes and in what ways 10% of the future energy production of the development will be sourced from from renewable energy sources

Design Statement Checklist

i) Has the site layout been devised to

- Harness energy from renewable sources?
- Maximise use of solar energy?
- Safeguard existing valuable natural and built site features?
- Protect natural habitats and species?
- Reflect the general pattern and character of development in the area?
- Provide adequate space around buildings?
- Ensure satisfactory access from the public highway and space for car parking?
- Protect neighbouring amenities?
- Give maximum natural surveillance for crime prevention?
- Minimise the need to travel with provision for cycling, walking and public transport within and beyond the site?
- Avoid overshadowing effects, particularly from trees and nearby buildings?
- Provide wind protection?
- Provide facilities for recycling?

ii) Does the form of the buildings

- Respect and complement the scale, form and character of adjacent buildings?
- Provide a good range/mix of house types?
- Have a unifying design approach?
- Vary in roofscape?
- Ensure roof design allows for the potential use of solar technology?
- Utilise the roof space to avoid building another storey?
- Allow for 10% of the energy consumption to be sourced from renewable energy sources?

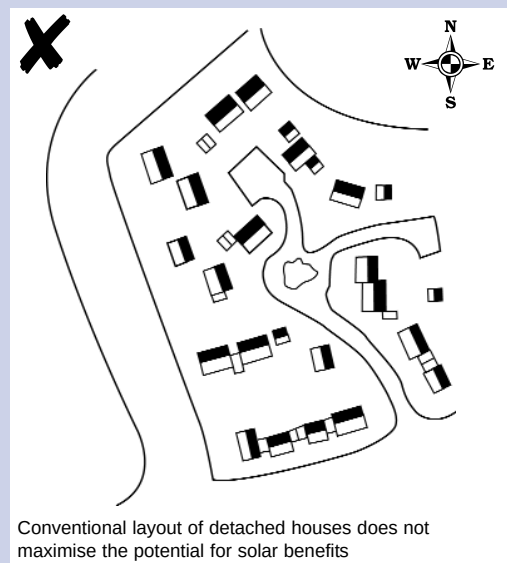
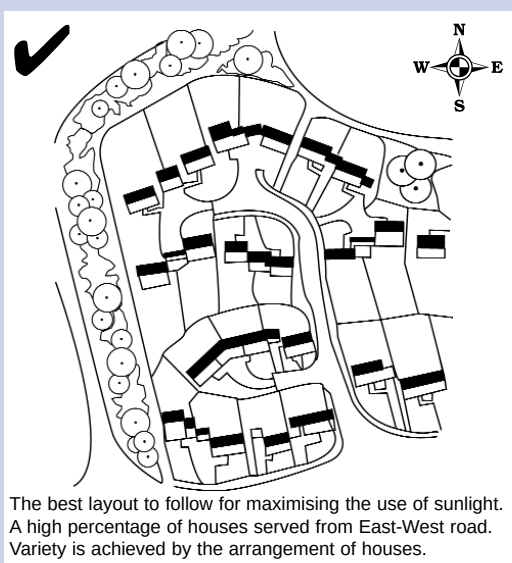
iii) Does the external appearance

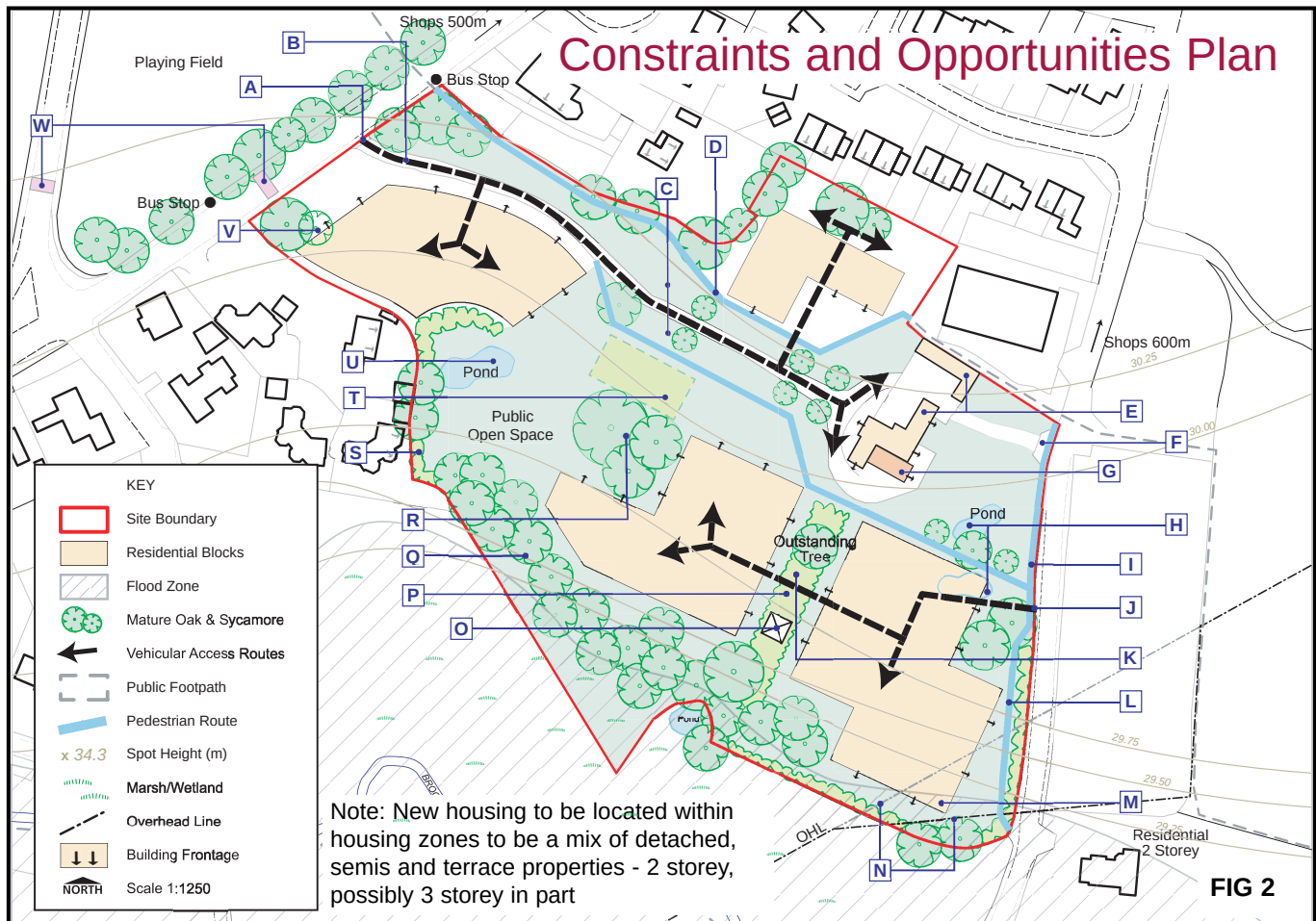
- Accurately reflect the form and character of adjoining buildings where appropriate?
- Have a balanced pattern of windows and doors in the front façade?
- Reflect the range of local materials?
- Incorporate any recycled materials?

- Have a sense of proportion with resolved details, suitable to the chosen form and character?

iv) Does the landscaping

- Retain and enhance existing valuable landscape features?
- Is the public open space centrally located and benefit from natural surveillance?
- Reflect or enhance the landscape/townscape setting of the site (especially the boundary treatment)?
- Include an adequate long-term scheme of management and maintenance?
- Maximise the opportunity to support wildlife and in particular native species?
- Incorporate green wedges, buffers and links which provide routes and networks between existing landscape features for nature conservation?
- Allow for the creation of new habitats within and around sites?
- Retain trees of important visual amenity value?



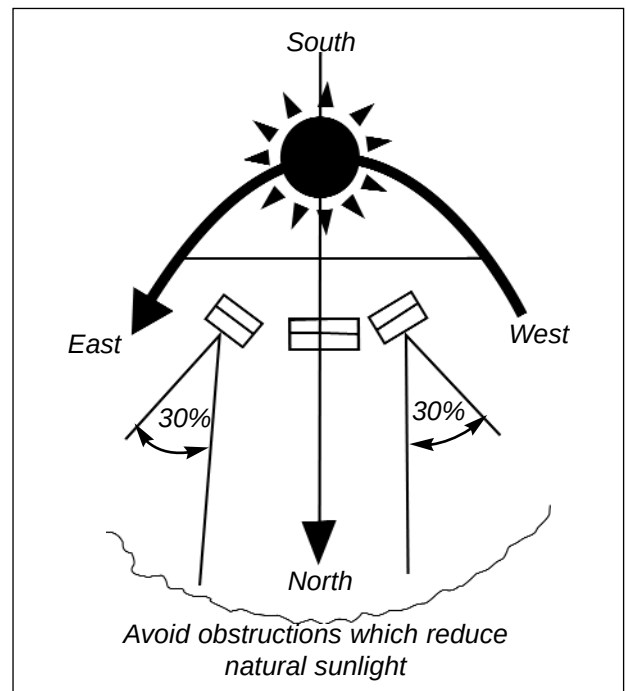


- A** Provide appropriate gateway feature at entrance.
- B** New access road to follow line of old driveway leading to listed building.
- C** Provide an avenue of green space and trees leading to the Listed Building to provide improved setting.
- D** Divert public footpath along new line to reflect informal footpath.
- E** Convert listed building into residential apartments and provide sympathetic subdivision of large unused building.
- F** Close existing vehicular access but maintain gate and opening to form link to new footpath to enable good access to local shops and community hall.
- G** Extension to listed building to restore derelict part of building.
- H** Form new pond and habitat to replace nearby pond.
- I** Provide new footpath on inside of existing wall to retain wall.
- J** Remove poor form tree to allow new vehicular access point to maximise safety.
- K** Provide new focal area in front of listed building to protect important view across the site.
- L** Provide footpath behind hedgerow to maintain hedge.
- M** Carry out hydrological assessment to verify requirements for flood plain area.
- N** Redirect overhead line with agreement with adjacent housing developer to provide a balanced scheme. Assess impact in relation to existing trees.
- O** Provide new community focal point.
- P** Provide adequate separation between new housing and existing tree and proposed planting to allow for future growth and to limit overshadowing.
- Q** Retain trees as focal point.
- R** Retain trees and investigate management scheme for their future maintenance.
- S** New hedge to improve setting of wetland habitat area and to provide additional security for adjacent housing.
- T** Provide new formal play area to be overlooked by adjacent housing.
- U** Enhance existing wetland area.
- V** Remove diseased tree for safety reasons.
- W** Improve pedestrian crossing to adjacent playing field and bus stop.

Step III - The Design Solution

Having followed the first two steps you will be in a better position to draw up detailed plans. You should ensure, as a minimum, the items identified on the validation checklist, are submitted as part of your application. This will ensure we have all the relevant information at the start of the planning process and will avoid unnecessary delay.

In terms of the Design Solution, a range of potential design opportunities will arise having followed the first two steps. The aim should be to create variety and distinctiveness in the layout and design of housing so as to avoid residential developments which lack character and identity. The following design principles may assist you in the preparation of detailed plans. This corresponds to the checklist set out in Step II.



i) Site Layout

- Create organic road layout which is well connected with a staggered building line.
- Ensure the development responds to existing natural features and the wider landscape (usually identified by constraints plan).
- Vary the sense of openness, enclosure, privacy, and views at key locations within the development through the spatial arrangement of buildings, boundary walls, railings and planting.
- Site buildings to provide natural surveillance to public areas and communal garage courts. (refer to Guidance Note 24 - Designing Out Crime).
- Make sure development is well connected with seamless links to the wider road, footpath and cycle path network.
- Maximise the number of dwellings which have windows in the sun's path. Fewer and small windows should generally be located on northern elevations.
- A good standard of privacy can be achieved by attention to detailed design, eg staggered building lines, careful grouping and orientation of dwellings, different sizes and positions of windows and doors and the erection of screen walls, fencing and planting.
- Unless it can be demonstrated that privacy can be maintained through design, there should normally be a minimum separation of 22m between directly facing habitable room windows. (Standards set out in Wrexham Local Planning Guidance Note 21).
- Try to design traffic calming through the site layout (avoid the introduction of ramps/cushions later). 'Pinch points' are an opportunity to introduce variety and landscaping into a layout.
- Avoid providing parking spaces to the front of dwellings. Car parking areas are beneficial in removing visual clutter from the streetscene. (Parking Standards set out in Local Planning Guidance Note 16).
- Consider the use of shared surface areas to allow for turning movements of delivery/service vehicles ie not necessarily a formal turning head, eg square with focal point. Suggest spaces for turning as opportunities to create focal points for the development'.
- Ensure pedestrian routes and cycleways have the most direct access to the existing road network and facilities whilst avoiding excessive gradients.
- Design in easy access to public transport eg direct pedestrian access to bus stops. Loop or spine routes should be provided to allow buses to enter large sites.
- Consider issues of movement and connectivity. The intention should be to create more people-oriented streets in line with the principles set out in Manual for Streets.
- Design layouts to minimise the need to travel with provision for cycling, walking and public transport within and beyond the site.
- Consider potential for re-using buildings. Proposals involving demolition will have to demonstrate the recycling of existing on-site materials.
- Avoid overshadowing effects, particularly when the site adjoins nearby buildings, trees and fences.
- Design site layouts for wind protection. Group or stagger buildings, avoid long passages and short gaps between buildings. To avoid channelling wind and creating areas of high wind speeds taller buildings should be carefully positioned, consider the use of trees as windbreaks.
- Consider the need for space for the storage of refuse bins, recycled materials and compost areas. The Council will expect all developments to consider new techniques for separation and storage of waste.





ii) Building Form

- Use a range/mix of house types and develop small clusters of buildings.
- A unifying design approach should be used throughout the whole of a large development to install an identifiable sense of place, eg same door/windows designs but changing other aspects.
- Avoid plots which are uniform in size. Try to ensure they respond to natural bends and curves, irregularities in plot boundaries, respect the natural landform and avoid excessive engineering solutions.
- Consider creating focal points, whether formal or informal. This adds to the character and sense of place of an area.
- Vary roof heights and styles.
- Use landmark buildings, positioned at key inter-sections where they terminate views and create visual interest and character or add height on some corners.
- Use landscape features such as walls, railings, planting and paving to reinforce the sense of cohesiveness and visual continuity within the development.
- The position of garages should be sited to form an integral and seamless part of the layout, not isolated features stuck out on a limb.
- Roof pitches should allow for the incorporation of solar technology if this renewable energy source is chosen.
- Include photovoltaic (pv) modules and active solar panels to produce energy.
- Use building materials that will enhance wildlife eg 'green' turf roofs which will also reduce rainwater run off.
- Main habitable rooms should be on the south side (S or SE-SW).
- Avoid overglazing which will lead to overheating in summer and loss of heat in winter.
- Maximise natural energy sources eg wind, water and sun and other renewable energy technologies, eg geothermal, biomass and anaerobic digestion.
- On large schemes consideration should be given to combined heat and power (CHP) for community and space heating. CHP is a single process to provide both electricity and heat.
- Consider foul and surface water drainage at the earliest stage eg establish the suitability of using Sustainable Drainage Systems (SUDS) to control flooding and pollution.

iii) External Appearance

- New dwellings should be well proportioned, with windows well balanced within the elevation and should respect but not necessarily mimic the style and character of their surroundings.
- Use building materials to reflect the style of building and local townscape characteristics.
- Site house entrances away from prevailing winds and protect with a porch or lobby.
- Use recycled materials where possible. Most materials provided their construction qualities and appearance are suitable, are capable of being reclaimed and reused eg stone, slates, tiles, timber, paving and bricks. Weathering of building materials needs to be considered.
- Wrexham's Planning Department will provide a portfolio of appropriate building materials.
- Where possible, building materials should be recycled where they reflect local vernacular building materials.
- Windows should be recessed rather than positioned directly flush with the building façade.
- Elevations should be balanced with separate smaller openings in preference to one large opening. Large openings should be located so that they do not form part of the public view of the building.



- Front doors should be the focus of attention, positioned in clear view of the street. It should not appear subservient to adjacent integral garage doors.
- The style of the door and its surround should indicate the status of the building.
- The roof detail and material should suit the dwelling style (eg a heavily detailed eaves would not be appropriate on a small house/cottage).
- Roofs should be proportionate to other elements with dormers used sparingly and kept as simple as possible.
- Chimneys are of great importance as a vertical emphasis and traditionally are sited at the ridge ends.

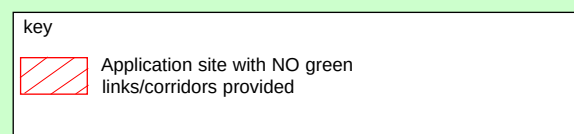
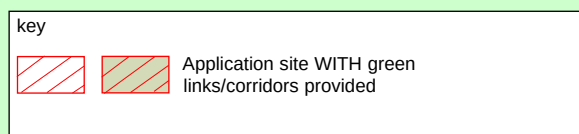


iv) Landscape Proposals

- Provide landscaping details as part of a full application. Landscaping is an integral part of the scheme and should not be considered as an afterthought.
- Public open space should form an integral part of the site layout. Ideally, this should be centrally located and benefit from natural surveillance from adjoining dwellings (further guidance can be found in Local Planning Guidance Note 10).
- Avoid the creation of a high number of small areas of POS. These are difficult to manage and their contribution is less in terms of the wider visual amenity of the area.
- Consider use of hard surface areas to define public and private space.
- The retention of mature trees, hedges and vegetation are particularly important in helping new development blend into the locality, add maturity to the scheme and conserve biodiversity.
- Make effective use of street furniture and lighting. Avoid visual clutter by co-ordinating street furniture, signage and using materials that are appropriate to the context and maximise opportunities for wall mounted signage and lighting.
- Consider the use of hard landscaping as part of the POS provision to create a focal point or square (a sense of place).
- Existing walls and hedges should be retained wherever possible.
- The use of close boarded or other solid fencing should be avoided on front boundaries and site boundaries onto open countryside.
- Retain and enhance biodiversity and provide new habitats and links such as green wedges, buffers and links between existing landscape features within and adjacent to the site to connect habitats. Provide new woodlands, hedgerows, water and wetland habitats as part of a landscape master plan for the site.
- The use of brick or stone walls which blend with adjacent buildings and often abut areas of POS are generally preferable and will be encouraged.
- Consider Public Art or Public Realm works which can help create a sense of local distinctiveness and identity.



- Does the development maintain/enhance opportunities for biodiversity and how will it maintain and improve habitat connectivity through integration of green spaces.
- Incorporating a SUDS scheme into the open space will serve the dual purpose of enhancing the ecological value of a site whilst improving its sustainability credentials.
- Consider a sustainable approach to drainage and water supply e.g. SuDs permeable hard surfaces, green roofs and walls, swales and attenuation ponds to manage runoff. Minimising water use through demand management, rainwater harvesting and choice of low water dependant grass and plant species.
- Maximise the opportunity to support wildlife and in particular native species.
- Incorporate green wedges, buffers and links which provide routes and networks with existing landscape features.
- Provide a variety of new habitats within and around sites eg woodlands, hedgerows, water and wetland habitats.
- Retain trees of significant and potential visual amenity value and ensure sufficient space is available for large street trees within the site layout.
- Native trees and shrub planting is preferred along site boundaries, the edge of POS and in the creation of new habitat areas. Avoid a 'scatter gun' approach, with an overly mixed range of plant species and colours and avoid mass single species planting.
- Ensure services avoid key areas of planting within the development.
- Avoid building roads under the crowns of retained trees.





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Further Information

● **Wrexham County Borough Council**

Wrexham Unitary Development Plan
 Adopted 2005
 Supplementary Planning Guidance
 16 - Parking Standards
 17 - Trees and Development
 21 - Space Around Buildings
 24 - Designing Out Crime.
 Information leaflets on Renewable Energy
www.wrexham.gov.uk/planning

● **Communities and Local Government**

The Code for Sustainable Homes
www.communities.gov.uk

● **Welsh Assembly Government**

Improving your home A Climate Change Guide
www.new.wales.gov.uk

● **MIPPS**

Planning for Sustainable Building
www.wales.gov.uk

● **Department for Transport**

Manual for Streets
www.dft.gov.uk

● **Design Commission for Wales**

A Model Design Guide for Wales for
 Residential Development (POSW)
 Design and Access Statements in Wales,
 Why, What and How
www.dcfw.org/publications

● **The Commission for Architecture and the Built Environment (CABE)**

Design and Access Statements - How to Write them
 Building for Life
 A Sense of Space
 Sustainable Design, Climate Change and the
 Built Environment
 This Way to Better Streets
 Design Champions
www.cabe.org.uk/publications



The Welsh Language and Welsh Communities

This guidance note reflects national and local objectives and amplifies development plan policies contained in the Wrexham Unitary Development Plan designed to protect the Welsh language and Welsh communities. It provides guidance on how the Council will assess the likely future impact of relevant developments, individually or cumulatively, on the wellbeing of the Welsh language and Welsh Communities. The note will form a material consideration in the determination of all relevant planning applications for development.

1. Introduction

1.1 Local planning authorities are advised not to discriminate against individuals on the basis of their linguistic ability or control housing occupancy on linguistic grounds. The future wellbeing locally of the Welsh language and its contribution to Welsh cultural heritage is dependent on a variety of key factors such as education, demographic change and community activities as well as economic prosperity. The planning system can also take account of the needs and interests of the Welsh language and its wellbeing by preventing development that could have a significantly harmful affect.

1.2 20.8% of the population of Wales can speak Welsh. Within the County Borough, this figure is 14% of the population and they are mainly located in the following wards:

- Ceiriog Valley, Pant and Ponciau which contain 25% or more Welsh speakers (2001 Census); and
- Coedpoeth, Johnstown, Penycae and Minera which contain the average number of 20.8% (2001 Census) or more Welsh speakers

2. Planning Policy Context and Guidance

2.1 National planning policy requirements are contained in Planning Policy Wales (July 2010) and Technical Advice Note 20 The Welsh Language (June 2000). Guidance is also contained in

Planning and the Welsh Language - The Way Ahead (December 2005).

2.2 Local policies are contained in the Wrexham Unitary Development Plan. Development proposals will be assessed for their likely impact on the Welsh language and Welsh communities under Policy GDP1, criterion j) which states that all new development should:

- have regard to the need to safeguard those areas that possess a strong Welsh cultural and / or linguistic identity from development that could harm this identity

3. Welsh Language and Community Impact Statement

3.1 Specific thresholds of development in the language sensitive wards of Ceiriog Valley, Pant, Ponciau, Coedpoeth, Johnstown, Penycae and Minera will require a Welsh Language and Community Impact Statement for the following developments on all applicable outline, full and change of use applications:

- a) all residential applications for 25 or more units;
- b) all employment proposals of 2ha or more or those creating more than 50 jobs;
- c) all retail development greater than 2,000sqm; or
- d) other developments which provide individually or cumulatively for significantly more than local needs

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*Available in
alternative formats*



comparison with local market demand

3.2 In the language sensitive wards, development which individually or cumulatively is likely to have a significantly detrimental impact on the needs, interests and wellbeing of the Welsh language and identity will be resisted.

3.3 The purpose of the Welsh Language and Welsh Communities Impact Statement is to allow the Council to screen the development for likely significant linguistic and community impacts. This will help to decide what measures could be put in place to reduce the impact

(planning conditions or section 106 legal agreements) on the language and the community. It will also allow the Council to decide if the proposal would have such an impact on the language and community of the area to warrant a refusal of permission.

3.4 Even if the development proposal does not in itself meet the need for a community and language impact statement (criterion a) - c) of paragraph 3.1), developers should be aware (criterion d, paragraph 3.1) of the potential cumulative impact their development could have on the Welsh language and Welsh communities in submitting

their application and will need to take into consideration any other recent, relevant developments within these wards.

3.5 The statement should address the key issues shown in Figure 1 below. This is not intended to be an exhaustive list of considerations and there may be more or less issues to consider depending on the individual nature of each application.



3.6 The evaluation of the Welsh language and community impact statement, while not designed to provide a definitive analysis, should lead to a more informed decision about the impact of the development on the social and linguistic aspects of community life in the Welsh wards of the County Borough. The results of the statement and any accompanying commentary will, together with a range of development plan and other national and local policies, aid decision making and the delivery of sustainable development.

Process Guide

1. Explain with evidence how the development impacts on the Population with reference to the following:

- Attracting non Welsh speakers into the locality;
- Migration of Welsh speakers from the community;
- Social integration into the Welsh community;
- Change in community population age structure leading to movement of Welsh speakers into or out of the area;

2. Explain with evidence how the development impacts on Housing for local people with reference to the following:

- Local housing need including the amount and type of affordable housing;
- Past rate of residential growth in the area;
- Increase the cost of local housing forcing local or Welsh speakers to leave the community or lead to an increase in homelessness amongst local or Welsh speaking households;

3. Explain with evidence how the development impacts on the Economics of the locality with reference to the following:

- The labour skills of local people;
- Impact on any Welsh speaking or local businesses;
- Job opportunities for local or Welsh speakers;
- Creating economic diversity in the locality;

4. Explain with evidence how the development impacts on Education in the locality with reference to the following:

- School capacity in the locality;
- Loss or enhancement of education facilities due to an increase/decrease of students;
- Altering the balance between Welsh speaking and non- Welsh speaking students;

5. Explain with evidence how the development impacts on the Infrastructure of the locality with reference to the following:

- Local services - shops, schools, leisure and health services etc;
- Making services more or less accessible to local people;
- Adequacy of existing services to serve the new development

6. Other General considerations (with evidence):

- How will the proposal create new opportunities to promote the Welsh language and local initiatives within the community?
- What mitigation measures including phasing are being proposed to alleviate any likely harmful impacts caused by the development?



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