



Written Statement of Evidence

Planning Matters

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Appellant:

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Date:

October 2016

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LPA Ref: P/2014/0905

PINS Ref: APP/H6955/A/16/3147116

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DECLARATION

The evidence which I have prepared and provide for this appeal – reference APP/H6955/A/16/3147116 – in this Written Statement of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institution – the Royal Town Planning Institute (RTPI) – and I confirm that the opinions expressed are my true and professional opinions.

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1. Introduction

Qualifications and Experience

- 1.1 I hold a First Class Bachelor of Social Science Honours degree in Planning and Public Policymaking and Administration from the University of Birmingham (1996), a Master of Philosophy in Commerce and Social Sciences, Urban and Regional Studies from the University of Birmingham (1999), and a Masters in Urban Planning (Transport), with distinction, from Oxford Brookes University (2000). I am a Chartered Member of the Royal Town Planning Institute (RTPI) (2002).
- 1.2 I am an Associate within Bilfinger GVA's Planning, Development and Regeneration (PDR) Business Unit, working from the company's Birmingham office. I have been employed in my current position since January 2015, but previously worked for the company's PDR Business Unit in Birmingham from June 2008 to August 2013. Bilfinger GVA is one of the UK's leading property advisors, and during my time with the company I have advised both public and private sector clients on a wide range of planning and development matters, across the UK and overseas.
- 1.3 Between 2000 and 2008 I was employed by Birmingham City Council, initially within policy, then from 2002, within planning management. Through a series of promotions, I took the role of Constituency Planning Officer from June 2005, with responsibility for planning management, including applications and appeals, within a parliamentary constituency. Between August 2013 and January 2015 I was employed by the Planning Inspectorate, as a Planning Inspector, with responsibility for delivering a broad range of appeals casework.

Background

- 1.4 Bilfinger GVA was instructed in December 2015 to act on behalf of Mrs Margaret Crewe (the appellant) and appeal against the decision of Wrexham County Borough Council (the Council) to refuse outline planning permission with all matters reserved.
- 1.5 The appeal proposal is for up to 365 dwellings and erection of a 300 square metre retail unit at Home Farm, Gresford Road, Llay, Wrexham LL12 0NW.
- 1.6 The planning application Ref P/2014/0905, dated 2 December 2014, to which the appeal relates, was reported to the Council's Planning Committee on 5 October 2015, with a recommendation to grant planning permission, subject to referral to Welsh Ministers and completion of a planning obligation. However, the Planning Committee did not accept the recommendation and the application was refused planning permission by notice dated 5 October 2015.

- 1.7 The application was refused planning permission for a single reason:

"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."

Key Issues

- 1.8 The single reason for refusal, as set out on the decision notice, can be distilled into four key issues:
1. Whether the development is acceptable in principle being outside the defined settlement limit of Llay.
 2. Whether the development represents an appropriately sized and logical extension to Llay.
 3. Whether there are any material considerations that justify departing from any provision of the adopted development plan with which the proposal conflicts.
 4. Whether the benefits that would be delivered by the proposal would outweigh any adverse impacts.
- 1.9 As set out in the agreed Planning Statement of Common Ground (PSoCG), dated October 2016, the appellant and the Council (the main parties) respectfully request that the above issues are the matters on which the Inquiry focuses¹.

Expert Evidence

Scope of Evidence

- 1.10 My Written Statement of Evidence focuses on planning matters. It provides my professional judgement on the planning merits of the appeal proposal and assesses the Council's case in respect of planning matters. In conclusion it undertakes the planning balance, weighing the combined weight of the material considerations in favour of the proposed development against the totality of the harm.
- 1.11 In accordance with the *Procedural Guidance: Planning Appeals and Called-In Planning Applications – Wales* published by the Planning Inspectorate July 2015, this Written Statement

¹ See PSoCG, paragraph 2.16.

of Evidence focuses on the areas at issue – that is, the key issues identified above². Other matters are addressed in the PSoCG, together with conditions and obligations. An assessment of the obligations, taking account of the Regulation 122 tests as set out in the Community Infrastructure Levy Regulations 2010, is provided at **Appendix 1**.

- 1.12 In respect to Issue 2 – that is, whether the development represents an appropriately sized and logical extension to Llay – matters relating to landscape and visual impact are addressed in the Proof of Evidence of Tom Hollick. Whilst transport is not an area at issue, given the strength of local concern, these matters are addressed in the Proof of Evidence of Alex Vogt.

Structure of Evidence

- 1.13 The remainder of this Written Statement of Evidence is structured as follows:

- **Section 2: Development Plan & Material Considerations** – This section sets out key development plan policies and material considerations that set the context for consideration of the key issues.
- **Section 3: Whether the development is acceptable in principle being outside the defined settlement limit of Llay** – This section presents the case in respect of Issue 1.
- **Section 4: Whether the development represents an appropriately sized and logical extension to Llay** – This section presents the case in respect of Issue 2.
- **Section 5: Whether there are any material considerations that justify departing from any provision of the adopted development plan with which the proposal conflicts** – This section presents the case in respect of Issue 3.
- **Section 6: Whether the benefits that would be delivered by the proposal would outweigh any adverse impacts** – This section presents the case in respect of Issue 4.
- **Section 7: Conclusion** – This section summarises the case and presents the overall planning balance, respectfully requesting that, in light of this, planning permission be granted.

² See paragraph 1.8 of this Written Statement of Evidence.

2. Development Plan & Material Considerations

Introduction

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) states that:
- "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 2.2 The starting point for determination of the appeal is, therefore, the development plan, which currently comprises the *Wrexham Unitary Development Plan 1996-2011* (UDP). However, its policies must be applied with regard to other material considerations. As set out at paragraph 3.1.2 of *Planning Policy Wales* (Edition 8, January 2016) (PPW), such material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government. The latter includes PPW itself.
- 2.3 The only policies advanced by the Council to support the reason for refusal, as set out on the decision notice, are Policies PS1, PS2 and H5 of the UDP. It therefore follows that the proposed development is not deemed contrary to other policies within the UDP, and this is agreed between the main parties³.
- 2.4 In addition, and again by non-inclusion within the reason for refusal, it also follows that the proposed development is not contrary to any other policies and guidance, such as Welsh Government policies and guidance within PPW and supplementary Technical Advice Notes (TANs), and the Council's Local Planning Guidance Notes (LPGNs).
- 2.5 In light of the above, this Written Statement of Evidence focuses on the development plan policies that the Council advance in support of their reason for refusal. It considers the degree of conflict between the proposed development and these policies, and in doing so takes account of other material considerations, in line with Section 38(6) of the 2004 Act.
- 2.6 The remainder of this section sets out key development plan policies and other material considerations that set the context for consideration of the key issues.

The Development Plan

- 2.7 The current development plan comprises the UDP. The only policies advanced by the Council to support the refusal of planning permission are Policies PS1, PS2 and H5 of the UDP.

³ See PSoCG, paragraph 4.6.

- 2.8 Policies PS1 and PS2 are strategic policies. Policy PS1 (Settlement Limits) seeks to direct housing development to within defined settlement limits. Policy PS2 (Development and the Environment) states that development must not materially detrimentally affect countryside, landscape/townscape character, open space or the quality of the natural environment. Policy H5 (Housing in the Countryside), is a specific policy, providing more detailed guidance, and follows from Policy PS1, in that it restricts housing development outside of settlement limits to a limited number of circumstances.
- 2.9 The UDP was adopted in 2005 and was prepared to cover the period 1996-2011. The Council, in their Statement of Case (paragraph 6.1), acknowledge that the UDP plan period has expired, but contend that Policies PS1, PS2 and H5 remain consistent with PPW and should therefore be afforded significant weight.
- 2.10 It is not disputed that Policy PS2 should be afforded significant weight. However, this Written Statement of Evidence, together with the evidence of Tom Hollick, demonstrates that the proposed development does not conflict with Policy PS2.
- 2.11 Turning to Policies PS1 and H5, it is accepted, as a matter of fact, that the proposed development technically conflicts with these policies. However, this Written Statement of Evidence demonstrates that there are material considerations that limit the weight that should be afforded to, and justify departing from, these policies. Key material considerations are introduced below, in order to set the context for detailed consideration of the key issues in Sections 3-6.

Material Considerations

National Planning Policy

- 2.12 PPW is a material consideration of particular relevance that should be accorded great weight. This is agreed between the main parties⁴.
- 2.13 PPW emphasises a plan-led system, stating, at paragraph 2.1.2, that: *"Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led planning system and set the context for rational and consistent decision making in line with national policies."*
- 2.14 In terms of taking planning decisions, PPW advises, at paragraph 3.1.2, that: *"All applications should be considered in relation to up to date policies (see 2.8 and 4.2)".*
- 2.15 Section 2.8 of PPW covers emerging and outdated plans, and, at paragraph 2.8.2, advises that the decision maker should determine whether policies in an adopted development plan

⁴ See PSoCG, paragraph 4.11.

are outdated for the purposes of determining a planning application, and where this is the case, the plan should be given "... decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see Section 4.2)."

- 2.16 Section 4.2 of PPW covers planning for sustainability and, at paragraph 4.2.4 stresses the planned approach, but advises that: *"Where ... relevant development plan policies are considered outdated or superseded ... there is a presumption in favour of proposals in accordance with the key principles ... and key policy objectives ... of sustainable development ..."*.
- 2.17 Paragraph 4.3.1 of PPW sets out the sustainable development principle, which include *"putting people, and their quality of life now and in the future, at the centre of decision-making"* and *"taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today."* As such, there is emphasis on meeting the needs of the present population, as well as future generations, and housing need is reflected in PPW's sustainability objective of 'A Wales of Cohesive Communities', which at paragraph 4.4.3, requires decisions and proposals to: *"Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods ..."*.
- 2.18 In light of the above, whilst the UDP remains the development plan until replaced by an adopted Local Development Plan (LDP), in determining the appeal it is essential to consider whether the UDP policies relied on in the reason for refusal are outdated or superseded. If this is found to be the case, as put forward in this Written Statement of Evidence, the policies should be given decreasing weight in favour of other material considerations, and there is a presumption in favour of sustainable development. In this respect, **Appendix 2** provides a summary assessment of the proposed development, drawing on this Written Statement of Evidence, the PSoCG and evidence of Tom Hollick and Alex Vogt, to demonstrate how the proposed development accords with both the principle and key policy objectives of sustainable development, as set out in PPW (paragraphs 4.3.1 & 4.4.3), including, but not limited to, the delivery of housing, including affordable housing.
- 2.19 The case for Policies PS1 and H5 being outdated and superseded is set out in Section 3 of this Written Statement of Evidence. A central element of the case is that Policies PS1 and H5 clearly intend to constrain the supply of housing land, whereas the Council does not have five year housing land supply (5YHLS). Maintaining a 5YHLS is a key requirement of PPW. Of particular relevance, PPW, at paragraph 9.2.3 (emphasis as document), advises that: *"Local planning authorities must **ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing ...**"*. It therefore follows that, contrary

- to the claim of the Council put forward in their Statement of Case (paragraph 6.1), Policies PS1 and H5 are not consistent with PPW.
- 2.20 In terms of housing land supply, *Technical Advice Note 1: Joint Housing Land Availability Studies* (January 2015)(TAN 1) is also of particular relevance and should be accorded great weight. This is agreed between the main parties⁵.
- 2.21 TAN1 supplements PPW by providing guidance on the preparation of Joint Housing Land Availability Studies (JHLASs), which are the mechanism for local planning authorities to demonstrate that they have a 5YHLS. The last JHLAS for Wrexham County Borough, which has a base date of April 2014, shows a 3.1 year supply, and this follows a trend of decreasing supply. This historic housing land supply position is agreed between the parties⁶.
- 2.22 TAN1, at paragraph 5.1, states that housing land supply needs to be soundly based on identified housing requirements, which requires an adopted LDP to be in place. It sets out transitional arrangements at paragraph 8.1, allowing for an adopted UDP to be used as the basis for calculating supply, provided it is still within the plan period at the base date of the JHLAS. As this is not the case in this instance, paragraph 8.2, applies, which states that: "... local planning authorities that do not have either an adopted LDP or UDP will be unable to demonstrate whether or not they have a 5-year housing land supply and effectively will be considered not to have a 5-year supply."
- 2.23 The most up-to-date, published, position in respect of housing land supply within Wrexham County Borough is set out in the Council's *Housing Land Monitoring Statement 2015*. This reflects TAN1 and sets out at paragraph 1.1 (emphasis as document), that: "*In the absence of an up-to-date Unitary Development Plan (UDP) and adopted Local Development Plan (LDP) ... the authority is considered to have a **zero land supply**.*" It is agreed between the parties that this is the most up-to-date position⁷.
- 2.24 Notwithstanding the above, in line with paragraph 3.3 of TAN1, the Council continues to assess its housing land supply position on an annual basis in preparation for the LDP(2) examination. Taking account of evidence from this, and the housing requirement of the emerging LDP, the Council has a housing land supply of only 1.14 years. This calculation is agreed between the main parties⁸. Whilst this calculation cannot carry the same weight as a formal JHLAS, as advised in TAN1 at paragraph 3.3, it, nonetheless, clearly demonstrates a further, and significant, deterioration in the Council's housing land supply, to a now critical position.

⁵ See PSoCG, paragraph 4.11.

⁶ See PSoCG, paragraph 4.18.

⁷ See PSoCG, paragraphs 4.16-4.17.

⁸ See PSoCG, paragraph 4.19.

- 2.25 In light of the above, as agreed between the main parties⁹, paragraph 6.2 of TAN 1 applies to this case, which states (emphasis added): *"The housing land supply figure should ... 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 ... the need to increase supply should be given **considerable weight** ... provided that the development would otherwise comply with development plan and national planning policies."*
- 2.26 The reference in TAN1 to "considerable weight" being given to the need to increase supply "provided that the development would otherwise comply with the development plan" can, in my view, only be interpreted as meaning development plan policies that are not outdated. To interpret it otherwise, in this appeal at least, would be illogical, as it is out of date policies that constrain the supply of housing land, resulting in a lack of a 5YHLS. To require compliance with such policies would exacerbate the Council's deteriorating housing land supply, whereas the need to ensure a sufficient supply of land for housing is a key planning policy requirement of Welsh Government.
- 2.27 In terms of compliance with development plan policies other than the outdated Policies PS1 and H5, as noted above¹⁰, this Written Statement of Evidence, together with the evidence of Tom Hollick, demonstrates that the proposed development does not conflict with Policy PS2 of the UDP. Policy PS2 is the only other UDP policy relied on to support the reason for refusal, and, as noted above¹¹, it is agreed between the main parties that the proposed development is not deemed contrary to any other policies in the UDP. Furthermore, as noted above¹², again by non-inclusion in the reason for refusal, the proposed development is not considered contrary to any national planning policies. The proposed development therefore complies with development plan and national planning policies, and, in line with paragraph 6.2 of TAN1, the pressing need to increase housing land supply within Wrexham County Borough should be given considerable weight.

Emerging Development Plan

- 2.28 The Council is preparing a LDP, which on adoption will replace the UDP.
- 2.29 LDP(1) was submitted for examination in September 2011. The examination began on 25 January 2012, but due to fundamental concerns raised by the Inspectors conducting the examination, including in respect of a significant shortfall in the supply of housing, the hearing

⁹ See PSoCG, paragraph 4.20.

¹⁰ See paragraph 2.10 of this Written Statement of Evidence.

¹¹ See paragraph 2.3 of this Written Statement of Evidence.

¹² See paragraph 2.4 of this Written Statement of Evidence.

sessions were suspended and the plan was withdrawn in March 2012. LDP(1), as a vehicle of planning policy, therefore carries no weight.

- 2.30 Notwithstanding the above, the *Inspectors' Preliminary Findings* report, February 2012, sets out the Inspectors' concerns, and this report is a material consideration. This is agreed between the main parties¹³. Given the report sets out the findings of Inspectors, noted in its Introduction at paragraph 1.1 as informed by consideration of representations and evidence submitted to the examination, it should be accorded great weight. I return to the concerns of the Inspectors, as raised in this report, in Section 3, which considers whether the development is acceptable in principle being outside of the settlement limit of Llay.
- 2.31 The preparation of LDP(2) is at the early stages. A *Preferred Strategy* was issued for public consultation February-April 2016, and the Council are to undertake further consultation on the Deposit Plan prior to submission to the Welsh Government for examination. Adoption of LDP(2) is not anticipated before autumn 2018¹⁴. Consequently, taking account of paragraph 2.8.1 of PPW, LDP(2) as a vehicle of planning policy can be afforded little weight. This is agreed between the main parties¹⁵. Given this, and that Policies PS1 and H5 of the UDP are outdated and superseded, there is a policy vacuum at the local level in respect of strategy to meet the County Borough's pressing need to increase housing land supply.
- 2.32 Notwithstanding the above, matters of fact within the LDP(2) *Preferred Strategy*, together with its evidence base, may be accorded some weight. This is agreed between the main parties¹⁶. In this respect, *BP2: Settlement Hierarchy and Development Potential*, as revised February 2016, is of particular relevance. This sets out an inevitable requirement for greenfield development and identifies Llay as a Local Service Centre, matters to which I return in Section 4, which considers whether the development is an appropriately sized and logical extension to Llay.

Prematurity

- 2.33 As noted at paragraph 2.8.2 of PPW, where an LDP is still in preparation questions of prematurity may arise. However, 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 LDP¹⁷. Consequently, prematurity is not addressed within this Written Statement of Evidence.

¹³ See PSoCG, paragraph 4.12.

¹⁴ See PSoCG, paragraph 4.13, for the indicative timetable.

¹⁵ See PSoCG, paragraph 4.13.

¹⁶ See PSoCG, paragraph 4.14.

¹⁷ See PSoCG, paragraph 4.15.

Conclusions

2.34 The key conclusions to be drawn from consideration of the development plan and material considerations, that set the context for consideration of the key issues, are as follows:

- The Council only considers the proposed development to be contrary to three policies – that is, Policies PS1, PS2 and H5 of the UDP. It is accepted, as a matter of fact, that the proposed development technically conflicts with Policies PS1 and H5.
- PPW emphasises a plan-led system and sets out that all applications should be considered in relation to up to date policies. Where policies are outdated or superseded these should be given decreasing weight in favour of other material considerations, and there is a presumption in favour of sustainable development.
- Policies PS1 and H5 clearly intend to constrain the supply of housing land, whereas the Council does not have a 5YHLS, a key requirement of PPW. As a consequence, it is the case, as made in this Written Statement of Evidence, that Policies PS1 and H5 are outdated and superseded by other material considerations, with the Council's continually deteriorating, and now critical, housing land supply position a significant consideration.
- Taking account of PPW, Policies PS1 and H5 should be given limited weight, whereas, in accordance with TAN1, the need to increase housing land supply should be given considerable weight. As such, the balance is clearly in favour of the grant of planning permission.
- Given that there is no early prospect of an up-to-date development plan being in place in the near future, there is a local policy vacuum in respect of a strategy to meet the County Borough's pressing need to increase housing land supply, and this adds weight to the case to grant planning permission.
- Moreover, the proposed development is sustainable development, for which there is a presumption in favour, and, this weighs heavily in favour of the grant of planning permission.

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

Introduction

- 3.1 The appeal site falls outside the Llay settlement limit, as shown on the UDP's Urban and Rural Village Insets Map 3 (see **Appendix 3**), and the proposal does not fall within the limited number of circumstances where housing development may be permitted under Policy H5. It is, therefore, accepted, as a matter of fact, that the proposed development technically conflicts with Policies PS1 (Settlement Limits) and H5 (Housing in the Countryside) of the UDP. However, there are material considerations that limit the weight that should be afforded to, and justify departing from, these policies.
- 3.2 As part of this case, this section demonstrates that Policies PS1 and H5 are outdated and superseded by other material considerations, with the Council's housing land supply position a significant consideration. As a consequence, in line with PPW (paragraphs 2.8.2 & 4.2.4), it is my view that these policies should be accorded limited weight in favour of other material considerations, and the presumption in favour of sustainable development should be applied.

The UDP strategy and Policies PS1 and H5

- 3.3 The strategy of the UDP is set out at Chapter 3. It is supplemented in respect of housing by policies in Chapter 6, including Policy H1 (Housing Allocations). Chapter 3 is provided in its entirety at **Appendix 4**, with extracts from Chapter 6 at **Appendix 5**.
- 3.4 Paragraph 3.4 of the UDP, sets out the strategy for settlement growth, which seeks the regeneration of built up areas together with limited outward growth. It goes on to apply this to a hierarchy, which, in summary, is as follows:
- a) Wrexham: This is the County Borough's principal town, and the location most suited to accommodate significant additional development
 - b) Urban Villages: These are the larger settlements to the north, west and south of Wrexham, with a range of services, albeit narrower than Wrexham, and are considered capable of accommodating some additional growth. Policy H1 identifies Llay as an Urban Village.
 - c) Rural Villages: These are settlements with limited services and that are generally surrounded by attractive countryside, and development is therefore restricted to small sites.

- 3.5 The UDP goes on, at paragraph 3.5, to state development boundaries are defined for all settlements, to establish a clear limit beyond which new development will not be allowed. Policies PS1 and H5 enforce the settlement limits.

The UDP strategy is based on a housing requirement that is obsolete

- 3.6 The UDP was adopted in 2005 and was prepared to cover the period 1996-2011. The plan period ended some 5 years ago and it is, therefore, significantly time expired. Policies PS1 and H5 reflect a strategy that was formulated to meet a housing requirement that is now obsolete, which in turn questions the weight that can be accorded to these policies.
- 3.7 The housing requirement within the UDP is set out in Policy PS5, within Chapter 3, and sets a specific number of houses to be built within the plan period – that is, 5,775 dwellings between 1996-2011 (see **Appendix 4**). In the supplementary housing chapter (see **Appendix 5**), the UDP sets out, at paragraph 6.5, that the housing requirement was informed by migration-led projections using migration trends for 1996 based projections. The evidence base for the housing requirement of the UDP is, therefore, some 20 years old.
- 3.8 The Council's current housing requirement, as set out at Policy SP7 (Housing Provision) of the LDP(2) *Preferred Strategy*, is for 11,715 dwellings 2013-2028, taking account of a 10% contingency. Section 4.2 considers growth options and states (page 23) that this requirement is informed by a migration led projection using 2011 based projections. Extracts from the LDP(2) *Preferred Strategy* in respect to the housing requirement is provided at **Appendix 6**. Whilst the housing requirement of the LDP(2) *Preferred Strategy*, and the evidence base from which it is derived, is yet to be tested at examination, it provides a clear indication that the time expired housing requirement of the UDP has been substantially overtaken.
- 3.9 In any event, the housing requirement is no less than 8,870 dwellings, which was the housing figure of LDP(1), taking account of a 10% contingency. This is set out at paragraph 3.5 of the *Inspectors' Preliminary Findings Report*, which is provided at **Appendix 7**. Of particular relevance, the report, at paragraph 2.1, sets out fundamental concerns, with the first being: "A significant shortfall in the supply of housing, which if it were to be addressed, would undermine the strategy of the Plan of confining general housing to within settlement boundaries." In respect of the shortfall, the report, at paragraph 3.12, states that on available evidence the housing requirement over the plan period is 11,786. This is close to that of the LDP(2) *Preferred Strategy*.
- 3.10 In light of the above, it is clear that more up-to-date evidence suggests a housing requirement for the plan period 2013-2028 that is double that of the previous plan period that expired in 2011. Given that the settlement limits of the UDP were formulated to meet the now obsolete and overtaken housing requirement, brings into question whether the settlement limits, and

policies to enforce them, are also obsolete, and, as such, should be given decreasing weight in favour of other material considerations and the presumption in favour of sustainable development, in line with PPW (paragraphs 2.8.2 & 4.2.4). To me, the answer depends on whether there is sufficient deliverable housing land within the settlement limits that is available to meet housing needs. It is to this that I now turn, demonstrating that the strategy going forward will require development beyond existing settlement limits, and that there is a pressing need for this to take place now as the Council does not have a 5YHLS.

Strategy going forward

- 3.11 It is clear from the LDP(1) *Inspectors' Preliminary Findings* report (see **Appendix 7**), that any spatial strategy going forward will need to provide housing development outside currently defined settlement limits. In this respect, paragraph 2.1, sets out fundamental concerns, with the first being: "*A significant shortfall in the supply of housing, which if it were to be addressed, would undermine the strategy of the Plan of confining general housing to within settlement boundaries.*"
- 3.12 Consequently, the settlement limits as defined in the UDP, and enforced through Policies PS1 and H5, are to be revisited. This is set out in the LDP(2) *Preferred Strategy*, including in respect to Llay, which is identified in Policy SP8 (Location of Development) as a Local Service Centre (Tier 3 Settlement) to which development is to be directed in accordance with the sustainable settlement hierarchy. Policy SP8, including its supporting table that refers to potential changes to settlement limits in the Deposit Plan, is provided at **Appendix 8**.
- 3.13 Ideally the inevitable changes to the settlement boundaries should be considered through the LDP process. However, this does not mean that there may not be circumstances where development beyond settlement limits is allowed in advance of this process. It is to this, that I now turn, with consideration of the Council's housing land supply position.

Housing land supply position

- 3.14 Policies PS1 and H5 clearly intend to constrain the supply of housing land, whereas the Council does not have a 5YHLS, contrary to a key requirement of PPW (paragraph 9.2.3).
- 3.15 There is no dispute between the main parties as to the Council's housing land supply position. The position is set out in the PSoCG¹⁸ and is not repeated here. However, key conclusions that can be drawn are:
- The most up-to-date, published, position is provided in the Council's *Housing Land Monitoring Statement 2015*. This is provided at **Appendix 9** and sets out at paragraph 1.1

¹⁸ See PSoCG, paragraphs 4.16-4.20.

(emphasis as document), that the Council does not have an up-to-date UDP, nor and adopted LDP, and, as such, has "... **zero land supply**."

- As noted above in Section 2¹⁹, the adoption of LDP(2) is not anticipated until autumn 2018. There is, therefore, no early prospect of the Council being able to demonstrate a 5YHLS.
- The zero land supply position follows a trend of decreasing housing land supply, as demonstrated by JHLASs 2007-2014, in which supply fell continuously to 3.1 years in the last JHLAS, which presented the supply position at the base date of 1 April 2014. This document is provided at **Appendix 10**.
- Taking account of the housing requirement of the LDP(2) *Preferred Strategy*, and the Council's most up-to-date assessment of housing land supply as set out in the yet to be published *Housing Land Monitoring Statement 2016*, the Council's housing land supply, at the base date of 1 April 2016, stands at only 1.14 years. This represents a shortfall of 3,558 dwellings. This is a further, and significant, decline on the position two years ago when the Council was last able to prepare a JHLAS. The *Housing Land Monitoring Statement 2016* is provided at **Appendix 11**.

3.16 Whilst it is likely that the delivery of housing will have been constrained, to some extent, by the economic recession of the late 2000s, it is, nonetheless, clear that the supply position continues to deteriorate and that there is a pressing need to increase housing supply within the County Borough.

3.17 The need to increase supply is pressing for two reasons. Firstly, an increase in supply is needed now in order for the Council to demonstrate at the LDP(2) examination that a 5YHLS will be in place at the point of the plan's adoption, in line with paragraph 3.2 of TAN1. In this respect, there is house builder interest in developing the site, as set out in **Appendix 12**, and, given this, and the pressing need to address the lack of a 5YHLS, the appellant supports a shorter than default period for the submission of reserved matters and commencement of development²⁰. Secondly, the need to increase supply is pressing in order to ensure that current, and future, housing needs are met, in accordance with the sustainable development principle and objectives of PPW (paragraphs 4.3.1 & 4.4.3).

3.18 In line with TAN 1 (paragraph 6.2), the pressing need to increase housing land supply should be given considerable weight. In my view, this significantly outweighs the, at best, limited weight that can be given to the UDP's now obsolete settlement boundaries, and Policies PS1 and H5 that enforce them, which serve only to constrain supply and, as such, contribute to the Council's deteriorating housing land supply position.

¹⁹ See paragraph 2.31 of this Written Statement of Evidence.

²⁰ See PSoCG, Conditions 3 & 4.

Precedent

- 3.19 In a recent appeal decision, dated 23 February 2016, concerning a proposal for residential development within Wrexham County Borough (Ref: APP/H6955/A/15/3138885), it was noted, at paragraph 14, that: *"In view of the housing land supply position, there may be circumstances where residential development outside recognised settlements may be supported."* This was, however, subject to a caveat that the proposals would need to satisfy all other planning considerations and represent a sustainable form of development. This appeal decision is provided at **Appendix 13**.
- 3.20 The aforementioned appeal was dismissed, including on grounds of being inappropriate development within the Green Barrier, which does not apply in this instance. As set out above in Section 2²¹, the proposals for Home Farm, Llay satisfy all other planning considerations, and, as demonstrated in **Appendix 2**, represent a sustainable form of development.
- 3.21 Indeed, the Council itself recently resolved on 6 June 2016 to grant planning permission, subject to a S106 Agreement, for residential development beyond the settlement limit of Llay, on greenfield land south of the Miners' Welfare Institute (Ref: P/2016/0373). The officer's report and Planning Committee minutes in respect of this decision are provided at **Appendix 14**.
- 3.22 In respect of this decision, in considering housing land supply (page 93), the officer's report sets out the housing requirement of LDP(2) and states that: *"It is likely that a significant proportion of this requirement will be met through the release of sites lying outside of existing settlement limits."* It goes on to state that the Council will need to be able to demonstrate a 5YHLS when the LDP is adopted, and, that: *"It is therefore essential that deliverable sites continue to be brought forward for development between now and LDP adoption."* It notes that these are *"... material considerations that weigh heavily in favour of the development."*
- 3.23 In conclusion (page 97), the officer's report, states that the *"significant need"* to increase the supply of housing land in the County Borough provides the grounds to depart from Policies PS1 and H5, together with the fact that the site is a logical extension to the existing built up area, a matter that in this case is addressed in the next section of this Written Statement of Evidence, together with the evidence of Tom Hollick. These same material considerations apply in respect of the proposals for Home Farm, Llay, and consistency in decisions is an essential premise for an effective planning system.

²¹ See paragraphs 2.3-2.4 & 2.27 of this Written Statement of Evidence.

Conclusions

3.24 The key conclusions to be drawn from consideration of whether development is acceptable in principle being outside the defined settlement limit of Llay, are as follows:

- The UDP strategy focuses on the regeneration of built up areas, with boundaries defined for all settlements, beyond which new development will not be allowed. Policies PS1 and H5 enforce the settlement limits.
- The UDP strategy was formulated to meet a housing requirement that is now obsolete and substantially overtaken. The housing requirement of the UDP is time expired and based on an evidence base that is some 20 years old. More up-to-date evidence suggests a housing requirement for the emerging LDP, to cover the period 2013-2028, that is double that of the UDP.
- There is no longer sufficient housing land within the currently defined settlement limits to meet housing needs, and, as such, the settlement limits, and policies that enforce them, are outdated. This is clear from the LDP(1) *Inspectors' Preliminary Findings* report, and the settlement limits are to be revisited through the LDP process, as acknowledged in the LDP(2) *Preferred Strategy*.
- Whilst changes to the settlement limits, should ideally be considered through the LDP process, the Council's continually deteriorating, and now critical, housing land supply position provides the circumstances for development beyond settlement limits to be allowed in advance of this process. This is acknowledged by the Council in their resolution to grant planning permission for housing development on land south of the Miners' Welfare Institute beyond the settlement limit of Llay.
- An increase in housing land supply is needed now for two reasons – (i) for the Council to demonstrate at the LDP(2) examination that a 5YHLS will be in place at the point of the plan's adoption, in line with TAN1; and (ii) to ensure that current and future housing needs are met in accordance with the sustainable development principle and objectives of PPW.
- In accordance with TAN1, the pressing need to increase housing land supply should be given considerable weight, whereas, taking account of PPW, only limited weight can be given to the UDP's now outdated settlement limits, and the policies that enforce them, which serve only to constrain supply and, as such, contribute to the Council's deteriorating housing land supply position. As such, the balance weighs heavily in favour of the grant of planning permission.

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

Introduction

- 4.1 The appeal site lies on the north eastern edge of Llay and comprises open countryside. The Council contend, in their Statement of Case (paragraph 6.3), that the proposed development will result in a significant intrusion into the rural landscape, and that, due to its location and scale, does not represent a logical extension to Llay. The Council go on to contend that the proposed development will, therefore, materially detrimentally impact upon the countryside.
- 4.2 It is agreed between the main parties that the proposal will have a visual impact, as this is inevitable when greenfield sites are developed²². In respect of the extent of the impact in landscape and visual terms, I rely on the evidence of Tom Hollick, who prepared the Landscape and Visual Appraisal that supported the application. At paragraph 7.8, this concluded that: “... the development proposal will not have any adverse effect considered to be of significance to either the character or appearance of the site and surrounding landscape setting that would make this proposal unacceptable in landscape and visual terms.” This section of my Written Statement of Evidence supplements the evidence of Tom Hollick by setting the planning context and demonstrating that:
- (i) There is an inevitable requirement to develop greenfield land.
 - (ii) Llay is a suitable settlement for housing growth.
 - (iii) The site is a suitable site for development.
 - (iv) The proposed development represents the next stage in the evolution of Llay.

Inevitable requirement to develop greenfield land

- 4.3 Just as there is an inevitable requirement to provide for housing beyond the currently defined settlement limits, as demonstrated above in Section 3²³, there is a corresponding inevitable requirement to develop greenfield land. Indeed this is the continuation of an existing situation. In this respect, whilst the UDP strategy, at paragraph 3.4, focuses on the regeneration of built up areas, it goes on, at paragraph 6.8, to note the proportion of its housing allocations on brownfield land as 53% – that is, almost half of its housing allocations will have been greenfield land (see **Appendices 4 & 5**).

²² See PSoCG, paragraph 5.2.

²³ See paragraphs 3.11-3.13 of this Written Statement of Evidence.

- 4.4 *BP2: Settlement Hierarchy and Development Potential*, as revised February 2016, forms part of the evidence base for LDP(2), which is agreed between the main parties as having some weight, as to matters of fact²⁴. This document is provided at **Appendix 15** and, of particular relevance, it states, at paragraph 3.2, that the UDP strategy has resulted in the majority of brownfield sites in the County Borough having been developed. It goes on to state that, taking account of the Urban Capacity Study (2015): “... *it is apparent that the housing requirement of the plan cannot be accommodated on brownfield sites alone. It is therefore inevitable that the LDP spatial strategy will differ from the UDP strategy. Whilst it will seek to direct development to brown-field sites, green field allocation is inevitable ...*”.
- 4.5 The lack of brownfield sites is, therefore, a key issue underpinning the emerging policy of LDP(2). Section 2.4 of the *Preferred Strategy* sets out key issues, and it is agreed between the main parties that this is more matter of fact than a policy direction of travel and, as such, should be accorded some weight²⁵. Of particular relevance is the key issue (page 15) that: “*There is a lack of brownfield capacity to accommodate projected household growth in the County Borough*”. Section 2.4 of the *Preferred Strategy* is provided at **Appendix 16**.
- 4.6 This key issue is reflected in the consideration of spatial options within the *Preferred Strategy*, which is provided at **Appendix 17**. With reference to the Urban Capacity Sites Update (2015), at Section 5.1 (page 30)(emphasis added), it sets out that brownfield land is a diminishing resource and states: “*It will be necessary therefore to bring forward greenfield sites on land adjoining existing settlements in the most sustainable locations to address the identified housing ... needs over the Plan period. This will be the case regardless of the levels of growth.*” Turning to the consideration of the location of development (see **Appendix 8**), the supporting table (pages 65-67) shows a need to consider greenfield allocations across a range of settlements, including Llay.
- 4.7 As with the inevitable changes to settlement limits, decisions on the development of greenfield land should ideally be considered through the LDP process. However, as in the case of settlement limits, it is my view that the significant shortfall in housing land supply provides the circumstances where development of greenfield land may be allowed in advance of this process. Indeed the Council is already relying on greenfield sites, beyond settlement limits, to meet its housing need, with resolution to grant planning permission for residential development on land south of the Miner's Welfare Institute at Llay²⁶.
- 4.8 In this respect, it is noted that PPW, in advising on the location of new development, states, at paragraph 4.7.8 (emphasis added), that development in the countryside “... *should be located within and adjoining those settlements where it can be best accommodated in terms*

²⁴ See PSoCG, paragraph 4.14.

²⁵ See PSoCG, paragraph 4.14.

²⁶ See paragraph 3.21 of this Written Statement of Evidence.

of infrastructure, access and habitat and landscape conservation.” It is to this that I now turn, demonstrating, firstly, that Llay is a suitable settlement to accommodate housing growth, then, secondly, that the site is suitable site for development.

Llay is a suitable settlement for housing growth

- 4.9 The UDP, between its strategy, as set out at paragraph 3.4, and Policy H1 (Housing Allocations), identifies Llay as an Urban Village that is capable of accommodating some additional growth (see **Appendices 4 & 5**). As such, under the adopted development plan, Llay is identified as a suitable settlement for housing growth.
- 4.10 Llay as a settlement for growth is being carried forward to the LDP. In this respect, Policy SP8 (Location of Development) of the LDP(2) *Preferred Strategy*, identifies Llay as a Local Service Centre (Tier 3 Settlement) to which development is to be directed in accordance with the sustainable settlement hierarchy (see **Appendix 8**).
- 4.11 The inclusion of Llay as a Local Service Centre within the LDP(2) *Preferred Strategy*, is informed by *BP2: Settlement Hierarchy and Development Potential*, as revised February 2016 (see **Appendix 15**). This document forms part of the evidence base for LDP(2), which is agreed between the main parties as having some weight, as to matters of fact²⁷. The document assesses the function of settlements and their potential to accommodate development, focussed on residential development, by applying a traffic light system to a range of criteria. The assessment matrix is provided at Appendix 2 to the document, and the scores by settlement at Appendix 4. Drawing on these appendices, the assessment for Llay is set out at **Table 4.1**.

Table 4.1: Assessment of Settlement Function and Development Potential – Llay

Settlement Function		
Employment/Economic Opportunities & Function		
Labour force (% of population economically active)		Within 5% of Wrexham average (69%)
Unemployment (% of economically active population out of work)		Within 4 % Wrexham average (4%)
Employment area located in the settlement limit / distance to nearest employment area		Employment area located within settlement limit
Employment Land Review		Includes allocated employment area (grade A-C)
Employment function conclusion		Important employment function
Community Services and Retail Role		
School		Primary/secondary only

²⁷ See PSoCG, paragraph 4.14.

Healthcare provision		Key local facilities – Doctor's surgery, clinic or health centre within settlement. Other health care related provision (dentists, pharmacies, opticians)
Retail provision		Local centre / limited provision (other A1, A2 or A3 not including food shops)
Other facilities		Moderate range with access to some local facilities (post office, pubs, hotels, community centres etc)
Sustainable Travel Options		
Public transport provision (bus)		Good – Frequent bus service
Public transport provision (train)		Train station within 2 miles of the geographical centre of the settlement
Walking/cycling		Range of community and retail services within walking/cycling distance using existing infrastructure to parts of the settlement. Some obstacles due to topography of the settlement may be present.
Settlement Function Conclusion	Tier 3: One key local facility (out of three) is represented within the settlement. A limited number of other facilities are present but not all facilities are represented. Good or moderate employment function.	
Development Opportunities		
Potential sites which can accommodate residential development (green or amber sites*)		High number of units capable of being located on green or amber sites (potentially 500+ units)
Viability		Area 2 – Broad affordable housing viability threshold 0-40%.
Constraints		
Flooding		Moderate flood risk (including areas of the settlement falling within C2 flood risk areas / surface water flood risk).
Sewerage/waste water treatment		Issues with public sewerage system (including flooding and capacity). Solutions will need to be found to allow development to proceed.
Ecology		Moderate ecological constraints (local designations). Some habitat mitigation may be required in association with certain species e.g Great Crested Newts. Protected sites near or adjacent settlement.
Built heritage		Built heritage constraints which will require consideration should development come forward.
Agricultural Land Classification		Potential impact for protected agricultural land, which will require further investigation. Justification for its loss may be required prior to development.
Mineral resource		Further investigation may be required.
School capacity		Schools are full and there is insufficient capacity to take pupils from recent/on-going developments. There are limited opportunities to increase the capacity and therefore no capacity to take any further development.
Highway capacity		Localised/site specific capacity issues/infrastructure constraints.
Recreation capacity		Surplus of public open space.

* Green sites are those considered most appropriate for development, amber sites are those with some constraints but still worthy of consideration

- 4.12 In terms of settlement function, Llay scores positively in respect of employment/economic opportunities and function, which is not surprising given that the Llay Industrial Estate is a key strategic employment site in the County Borough. It also scores positively in respect of having a health centre, a key local healthcare facility, and moderately well in respect of other community services and its retail role. In this respect, it has a nursery and primary school, retail provision, including convenience stores and a post office, a library/resource centre, four churches and three drinking establishments. The settlement also scores positively for being well connected by public transport, and in this respect four bus services are accessible in the vicinity of the site, providing a total of 11 services on a weekday and nine services on a Saturday, with the No 28A providing a regular service into Wrexham, the County Borough's main town, a journey that is timetabled to take approximately 11 minutes from the Crown Crossroads²⁸.
- 4.13 In conclusion on the settlement function, Llay is identified as a Tier 3 settlement, within a five tier hierarchy. This five tier approach is set out at Section 5 of *BP2: Settlement Hierarchy and Development Potential*, and the document notes, at paragraph 5.3, that some settlements fall between tiers and do not fit exactly the definition of one or the other. Of particular relevance, at paragraph 5.7, it identifies 12 Tier 3 settlements, but highlights Llay as one of six that can be categorised as urban villages similar to Tier 2 Key Settlements, with the other six being more rural in character. In respect of Llay, its important economic function is noted.
- 4.14 The *BP2: Settlement Hierarchy and Development Potential* assessment identifies Llay as having potential to accommodate residential development, and, taking account of viability, potentially some affordable housing. In this respect, the proposed development will deliver 25% of the site's capacity as affordable housing, which will be secured by planning conditions/obligations²⁹. This is the full requirement of LPGN28.
- 4.15 In terms of constraints to development, these will to a large extent depend on the location of the site and the level of development it is to accommodate, and, where relevant to the appeal site, can be overcome, as discussed below in consideration of the site as a suitable site for development. The only major constraint identified for Llay within the *BP2: Settlement Hierarchy and Development Potential* assessment is school capacity. However, the Council as Education Authority have raised no objection to the proposed development subject to contributions towards primary and secondary education, which will be secured by a planning obligation³⁰.

²⁸ This range of facilities and services is agreed between the main parties, as set out in the PSoCG, paragraph 3.8.

²⁹ See PSoCG, Conditions 2 & 22, and paragraph 7.3.

³⁰ See PSoCG, paragraphs 5.7 & 7.6.

Level of growth

- 4.16 Whilst Llay is a suitable settlement for growth under both the adopted UDP and emerging LDP, it is accepted that consideration should be given to the appropriate level of growth.
- 4.17 Taking account of the approximate number of dwellings in Llay – that is, 1,880, as set out at Appendix 6 of *BP2: Settlement Hierarchy and Development Potential* (see **Appendix 15**) – the proposed development of up to 365 dwellings, would, at most, represent growth of around 19%. Given the status of the settlement, I do not consider this to be of significance. In this respect, as set out above³¹, Llay is a Tier 3 Local Service Centre, to an extent akin to a Tier 2 Key Settlement, having an important economic function, with the Llay Industrial Estate a key strategic employment site in the County Borough.
- 4.18 I acknowledge that interested parties are concerned as to the capacity of infrastructure to absorb the proposed level growth, and the scope to build an integrated community. However, for the reasons set out below, I do not share these concerns.
- 4.19 In respect of impact on infrastructure, concerns are focused on the impact on highways, community infrastructure, in particular schools and healthcare facilities, and sewerage/waste water treatment. In respect of highways, I rely on the evidence of Alex Vogt. Notwithstanding this, as set out in the PSoCG, the Council as Highway Authority do not object to the proposed development, subject to conditions³². In respect of community infrastructure, as set out above³³, the impact on schools can be addressed through a financial contribution to be secured by a planning obligation, and, as noted in the PSoCG, no objection has been received from the Health Board³⁴. As to sewerage/waste water treatment, as set out in the PSoCG, Welsh Water raises no objection, subject to planning conditions³⁵.
- 4.20 In terms of the scope to build an integrated community, the site lies on the north east edge of Llay, immediately across from existing dwellings on Gresford Road. As such, the site relates well to the existing settlement, and the evidence of Alex Vogt demonstrates that the proposed development will be physically linked to wider settlement. Given this, and the range of services and facilities within Llay to encourage interaction, as noted above³⁶, I see no reason why future residents should not integrate with the existing community. Moreover, the future residents will generate expenditure to support existing services and facilities, thereby contributing to a sustainable community. This is set out in an *Economic Benefits Statement*, to which I return in consideration of the benefits of the proposed development at Section 6.

³¹ See paragraphs 4.12-4.13 of this Written Statement of Evidence.

³² See PSoCG, paragraph 5.6.

³³ See paragraph 4.15 of this Written Statement of Evidence.

³⁴ See PSoCG, paragraph 5.7.

³⁵ See PSoCG, paragraph 5.8.

³⁶ See paragraph 4.12 of this Written Statement of Evidence.

The site is a suitable site for development

- 4.21 LDP(2) is yet to identify sites for housing development, other than Key Strategic Sites at Wrexham Town, with the *Preferred Strategy* noting (page 64) that sites capable of delivering 10 or more dwellings will be allocated in the Deposit Plan (see **Appendix 8**). To inform this process, the Council is compiling a Site Register. Parts of the appeal site are included in the register. Extracts from the Site Register, including the summary forms for the Home Farm sites, are provided at **Appendix 18**.
- 4.22 The parts of the appeal site included in the Site Register are Officer Sites – that is, sites identified by officers within the Council as potentially suitable for future development. There are two entries for the appeal site – (i) LL04OS Land West of Gresford Road, which encompasses the southern part of the appeal site; and (ii) LL05OS Land South of Straight Mile, which encompasses the northern eastern part of the appeal site. Both sites are noted as complying with the Council's Preferred Strategy and having potential to contribute to meeting future growth demands within the County Borough.
- 4.23 Given the parts of the appeal site within the Site Register have been put forward as Officer Sites and assessed as suitable for development, suggests, to me, that the Council must consider these parts of the appeal site, at least, to form a logical extension to Llay. The part of the appeal site excluded from the Site Register lies to the north west and takes in a significant extent of Gresford Road. Of all the parts of the appeal site, this part has one of the best relationships with the existing settlement of Llay and it therefore follows, to me, that the appeal site as a whole must be considered a logical extension. An alternative site submission, to include the whole of the appeal site, was made as part of the LDP(2) consultation February-April 2016, and a copy is provided at **Appendix 19**.
- 4.24 Whilst inclusion on the register does not represent a commitment on the part of the Council to take sites forward, it is clear that the appeal site has support of officers as a potential site for inclusion in the LDP(2) Deposit Plan. In deciding which sites to allocate, PPW, at paragraph 9.2.9, sets out criteria for local planning authorities to take into account. **Table 4.2** assesses the appeal site against these criteria.

Table 4.2: PPW criteria for deciding which sites to allocate for housing – assessment of appeal site

Criteria	Assessment
The availability of previously developed sites and empty or underused buildings and their suitability for housing use	The appeal site comprises greenfield land. However, it is not possible to meet the County Borough's housing need on brownfield sites, as demonstrated in this Written Statement of Evidence (paragraphs 4.3-4.8). This criterion cannot, therefore, weigh against the site.
The location of potential development sites and their accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	The appeal site is located on the edge of Llay, which is demonstrated in this Written Statement of Evidence (see paragraphs 4.9-4.15) to be a suitable settlement for housing growth, taking account of employment/ economic opportunities and function, community services and retail role, and sustainable transport options. This, together with the evidence of Alex Vogt, demonstrates that the appeal site is accessible to the Llay Industrial Estate, a strategic employment site in the County Borough, and is well connected by public transport to Wrexham, the County Borough's main town. The appeal site is also accessible to a range of services/facilities within Llay, and the proposed development will improve accessibility through the provision of a retail unit. Accessibility therefore weighs in favour of the site.
The capacity of existing and potential infrastructure, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development, and the cost of adding further infrastructure	The capacity of infrastructure, including highways, community facilities, and sewerage/waste water treatment, does not represent a constraint to the proposed development, as set out in this Written Statement of Evidence (paragraph 4.19). As demonstrated in the PSoCG (Section 2, The Application Submission), the application was supported by a suite of technical assessments, including in respect of transportation and drainage, and consideration of infrastructure within the PSoCG (Section 5, Other Matters) demonstrates that there are no objections from statutory/technical consultees, subject to planning conditions/obligations. These are agreed between the main parties, as set out in the PSoCG (Section 7). In order to support the proposed development and its timely implementation, design work has commenced in respect of improvements to the Crown crossroads junction (Condition 13) as set out in the evidence of Alex Vogt. Capacity of infrastructure therefore weighs in favour of the site.
The scope to build sustainable communities to support new physical and social infrastructure, including consideration of the effect on the Welsh language, and to provide sufficient demand to sustain appropriate services and facilities	The proposed development will generate expenditure to support existing services and facilities, thereby supporting a sustainable community, as demonstrated in this Written Statement of Evidence (paragraph 6.14). Llay is not a language sensitive ward, and no adverse impact on Welsh language is anticipated, as agreed between the main parties in the PSoCG (paragraph 5.18). Scope to build a sustainable community therefore weighs in favour of the site.
The physical and environmental constraints on development of land, including for example, the	There are no significant constraints to development. The appeal site is not within a

level of contamination, stability and flood risk taking into account the possible increase of such risk as a result of climate change, and the location of fragile habitats and species, archaeological historic sites and landscapes	Green Barrier and is not subject to landscape, biodiversity, flood risk or historic environment designations, nor a Tree Preservation Order. This is agreed between the main parties as set out in the PSoCG (paragraphs 3.2-3.3 & 3.5). As demonstrated in the PSoCG (Section 2, The Application Submission), the application was supported by a suite of technical assessments, and consideration of matters such as drainage, land stability, ecology, air quality, noise, archaeology and ground conditions within the PSoCG (Section 5 Other Matters) demonstrates that there are no objections from statutory/technical consultees, subject to conditions/obligations. These are agreed between the main parties as set out in the PSoCG (Section 7). In order to support the proposed development and its timely implementation, work has commenced in respect of potential ecological mitigation (Condition 6) and drainage by Sustainable Urban Drainage Systems (Condition 11), with update reports respectively provided at Appendices 20 & 21. It is acknowledged that the proposed development of the site will lead to the loss of a small element of the lowest grade Best and Most Versatile (BMV) agricultural land. However, as set out in the PSoCG (paragraph 5.9) this loss is outweighed by housing need and an inevitable requirement to release greenfield land for development, including BMV agricultural land, and, as such, refusal of planning permission on this ground is not justified. In addition, it is acknowledged that the site is partially subject to a Protection of Mineral Resources designation. However, as set out in the PSoCG (paragraph 5.10), taking account of advice from North Wales Minerals and Waste Planning Service, it is agreed between the main parties that prior extraction is not feasible and, as such, refusal of planning permission on this ground is not justified³⁷. Constraints do not therefore weigh against the site.
The compatibility of housing with neighbouring established land uses which might be adversely affected by encroaching residential development	The appeal site lies immediately adjacent to existing residential development, and, as such, issues of compatibility do not arise. Compatibility between land uses therefore weighs in favour of the site.
The potential to reduce carbon emissions through co-location with other uses	Future residents of the proposed development will benefit from accessibility to existing employment opportunities and facilities/services within Llay, as set out at criterion 2. This, together with provision of the proposed retail unit, will facilitate use of sustainable modes of travel for future residents, and existing residents on the eastern side of Llay, and, as such, lead to a reduction in carbon emissions. This weighs in favour of the site.

³⁷ To take account of the evolution of the scheme following the preparation of the Assessment of Mineral Protection report, an update has been provided at Appendix 22.

- 4.25 Table 4.2 clearly demonstrates that the appeal site satisfies PPW's criteria for site selection. Whilst the appeal site comprises greenfield land, given the inevitable requirement to develop greenfield land, this criterion cannot weigh against the site. In all other respects, the site meets the criteria – the site is in an accessible location, infrastructure has capacity to absorb its development, there is scope to build a sustainable community, there are no constraints to development that cannot be overcome by planning conditions/obligations, there are no issues of compatibility between land uses, and there is potential to reduce carbon emissions. As such, the site is clearly a suitable site for development.

The proposed development represents the next stage in the evolution of Llay

- 4.26 A brief summary of the evolution of Llay, as agreed between the main parties, is set out in the PSoCG³⁸. This sets out two phases of development, following which there has been limited residential growth to the present day. The two phases of development are:
- (i) Early twentieth origins as a mining village, with residential development focused to the south east of the colliery and south west of Nant-y-gaer Wood.
 - (ii) Expansion following closure of the colliery in the 1960s, with development of the Llay Industrial Estate on the colliery site, which is similar in size to the village itself, and residential development in the 1970s and 1980s, including to the north east of Nant-y-gaer Wood, which includes the residential properties immediately to the south west of the site that have a suburban character.
- 4.27 Through historical Ordnance Survey maps from 1912 to the present day, this section visually demonstrates how Llay has evolved over the last century, and how the proposed development represents the logical next stage in its evolution. Extracts from the maps are inset in this section, with complete larger versions provided at **Appendix 23**.

Origins

- 4.28 At the start of the twentieth century, Llay was largely undeveloped and agricultural in character, as shown in **Figure 4.1**. Figure 4.1 comprises a map of Llay in 1912, with the sporadic residential development shown in blue. The sporadic development includes Home Farm.
- 4.29 Following this, the Llay Main Colliery was established and Llay grew to support this, as shown in **Figure 4.2**. Figure 4.2 comprises a map of Llay in 1938, with the colliery shown in orange and residential development, and supporting facilities/services, shown blue. This clearly shows a

³⁸ See PSoG, paragraph 3.7.

significant, and planned, expansion, focused south east of the colliery and south west of Nant-y-gaer Wood, with supporting facilities/services including a school, and an Inn on the site of The Crown adjacent to the appeal site.

Figure 4.1: Llay 1912

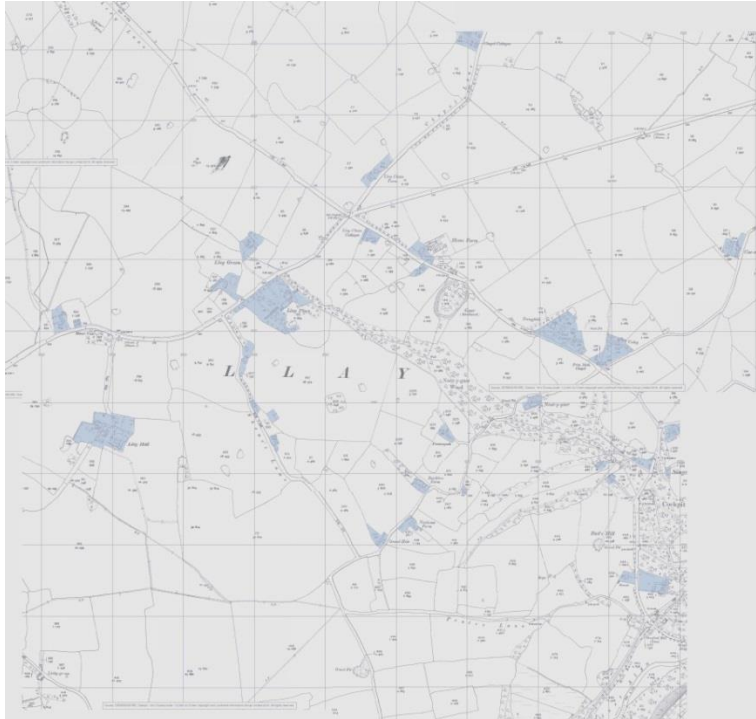
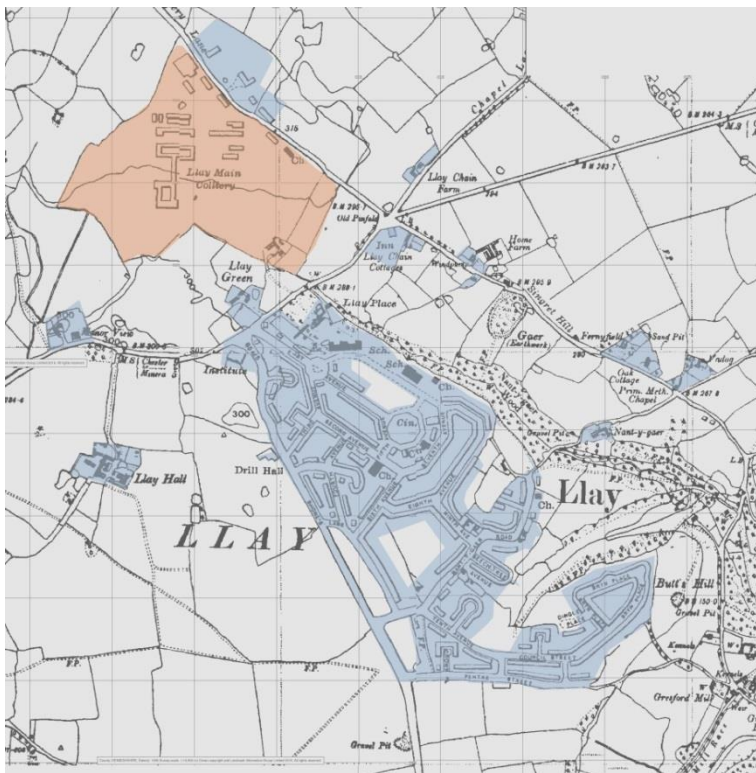
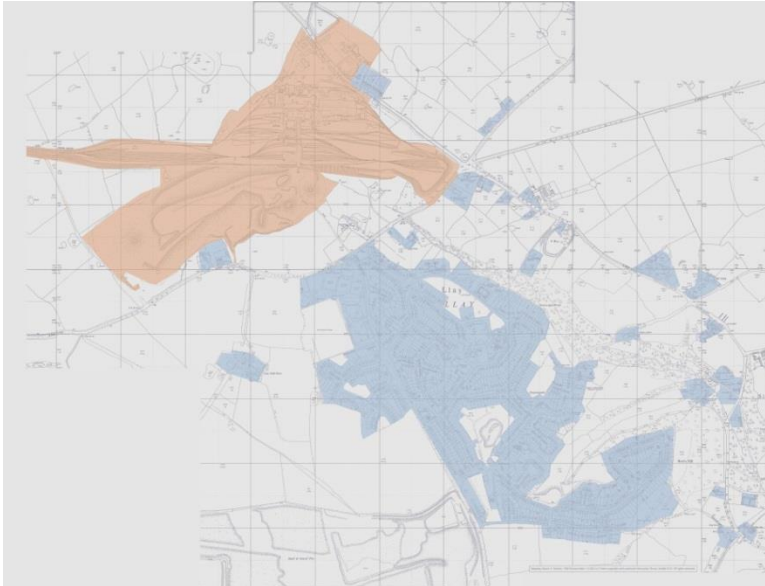


Figure 4.2: Llay 1938



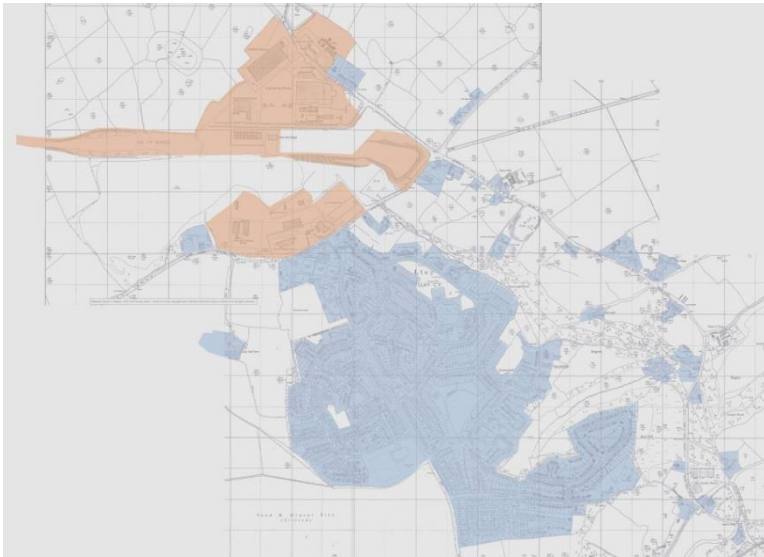
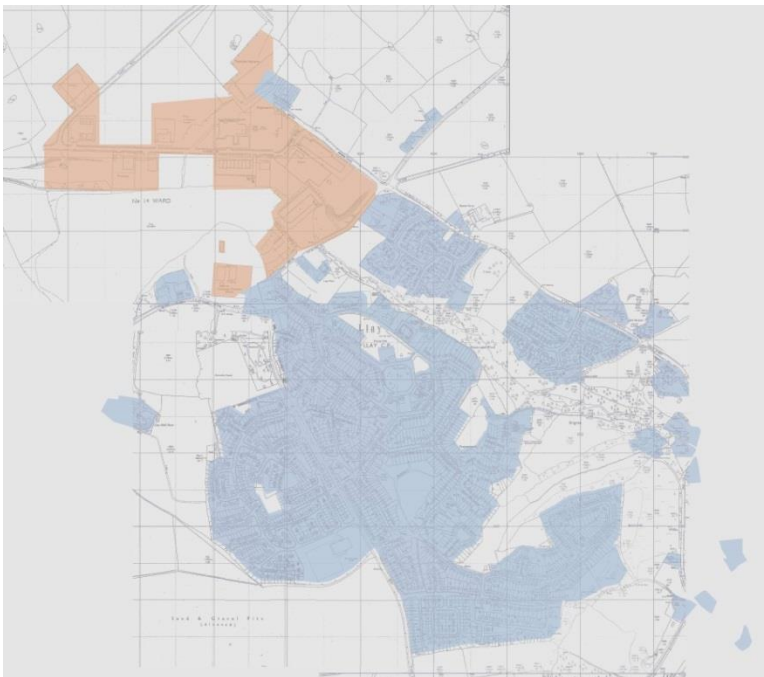
- 4.30 Herein, whilst the colliery continued to expand, growth of the wider village was more limited, as shown in **Figure 4.3**. Figure 4.3 comprises a map of Llay in 1962, with the colliery shown in orange and the wider village shown in blue, which has grown little since 1938, but with a key exception being incremental growth to the south west.

Figure 4.3: Llay 1962



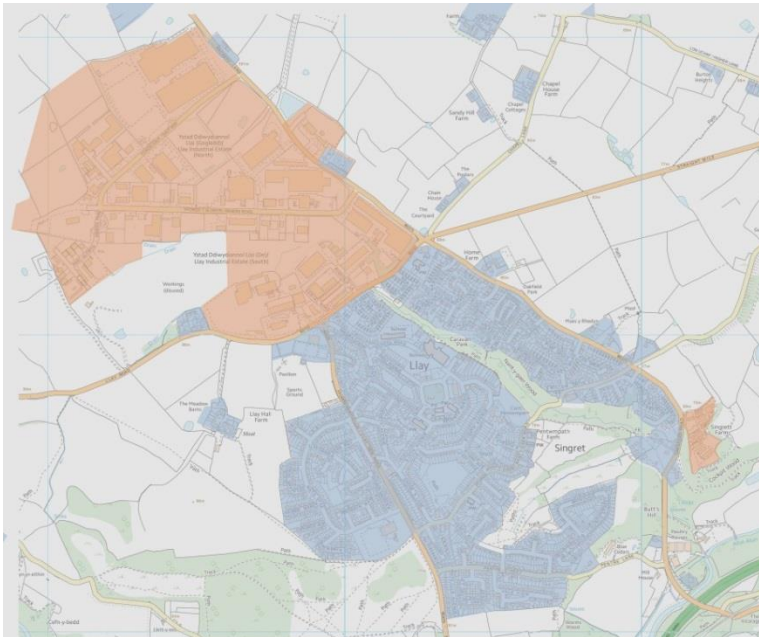
Expansion

- 4.31 The colliery closed in the 1960s with the development of the Llay Industrial Estate on the colliery site, and expansion of the wider village. By 1975, as shown on **Figure 4.4**, development of the Llay Industrial Estate had commenced, as shown orange, and residential growth had taken place to the south west.
- 4.32 However, by 1984, as shown on **Figure 4.5**, comprehensive residential growth had taken place to the north east of Nant-y-gaer Wood. This expansion clearly establishes the settlement north east of the wood, extending up to Home Farm.

Figure 4.4: Llay 1975**Figure 4.5: Llay 1984**

Present day

- 4.33 **Figure 4.6** shows Llay as it is today. This shows that since the 1980s growth of Llay has consolidated with the Llay Industrial Estate to the north, shown orange, and wider village of residential development and supporting facilities/services to the south, shown blue. Whilst the Llay Industrial Estate has clearly expanded, and is now of a similar size to the village itself, residential growth has been limited. A key exception to this is the consolidation of residential development to the north east of Nant-y-gaer Wood, and incremental growth to the north east of Gresford Road with the conversion of barns at Home Farm.

Figure 4.6: Llay Present Day

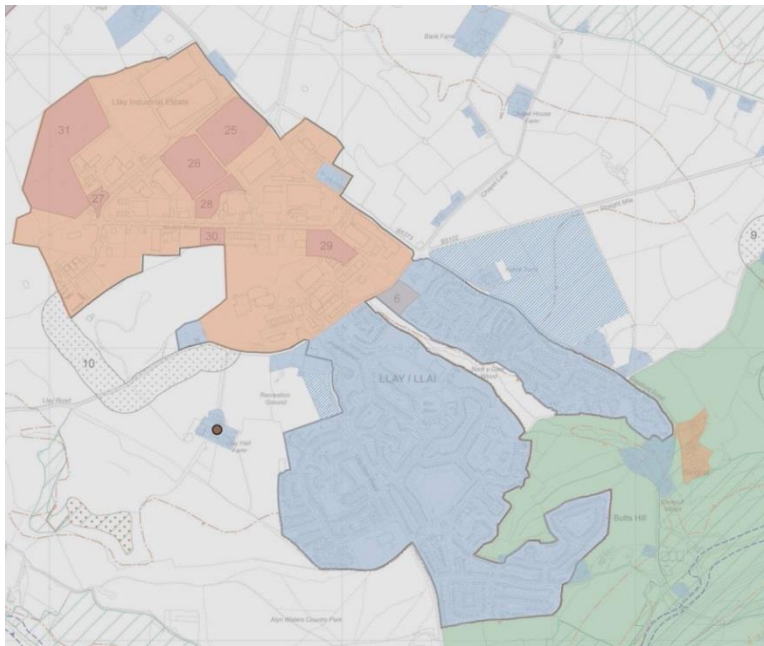
- 4.34 The above maps clearly show that the settlement pattern of Llay is not static, but has evolved over time in response to changing circumstances and requirements for employment and housing growth. There is a continued need for the settlement to respond to requirements for growth, which in turn will bring change to the settlement pattern. This change should, however, be logical and take into account limitations and constraints of the adjoining land to accommodate development.

Future growth

- 4.35 As noted above³⁹, Llay is a settlement of two parts, with employment land uses focused to the north and residential land uses focused to the south. It is logical for residential growth to take place adjacent to existing residential land uses. In this respect, the UDP's Urban and Rural Village Insets Map 3 (see **Appendix 3**) identifies land to the south east of the settlement as Green Barrier, which acts a significant constraint to growth, and, as a consequence, growth of the settlement will continue to be to south west and north east, albeit with development to the south west also significantly constrained by Alyn Walters Country Park (as shown on the UDP's Urban and Rural Village Insets Map 3).
- 4.36 As noted in Section 3⁴⁰, the Council has recently resolved to grant planning permission for residential development to the south west of the settlement. This is shown hatched blue at **Figure 4.7**, which puts forward a future growth scenario, including residential development of the appeal site, also hatched blue.

³⁹ See paragraph 4.33 of this Written Statement of Evidence.

⁴⁰ See paragraph 3.21 of this Written Statement of Evidence.

Figure 4.7: Llay Future Growth Scenario

- 4.37 Whilst further sites to the south west have been identified within the LDP(2) Site Register – that is, LL01OS, LL02OS & LL03OS (see **Appendix 18**) – these wrap around Llay Hall Farm, which, together with the U-Shaped Farmyard Range, is Grade II listed (see **Appendix 24**). Whilst this does not necessarily preclude development, it does act as a constraint, whereas the appeal site to the north east, as demonstrated above⁴¹ is free of such constraints. Moreover, at this stage there is no evidence to demonstrate that the sites to the south west will come forward, whereas the appeal site has a sole landowner willing to sell the site for development and, as noted above⁴² there is house builder interest (see **Appendix 12**). A scheme is before the Inspector, and this should be considered on its individual merits.

Conclusions

- 4.38 The key conclusions to be drawn from consideration of whether the development represents an appropriately sized and logical extension to Llay, are as follows:
- The UDP strategy, which focuses on the regeneration of built up area, has resulted in the majority of brownfield sites in the County Borough being developed. There is, therefore, an inevitable requirement to develop greenfield sites, including on land adjoining existing settlements such as Llay.
 - Whilst decisions on the development of greenfield land should ideally be considered through the LDP process, the Council's continually deteriorating, and now critical, housing

⁴¹ See Table 4.2 of this Written Statement of Evidence.

⁴² See paragraph 3.17 of this Written Statement of Evidence.

land supply position provides the circumstances for development of greenfield land in advance of this process. Indeed the Council is already relying on greenfield land beyond the settlement limit of Llay to meet its housing need, as demonstrated by their resolution to grant planning permission for housing development on land south of the Miners' Welfare Institute.

- The UDP identifies Llay as an Urban Village, capable of accommodating some additional growth. This is being carried forward to the LDP, underpinned by an evidence base that assesses the function of settlements and their potential to accommodate development. This evidence base identifies Llay as a Tier 3 Local Service Centre, within a five tier hierarchy, albeit with similarities to Tier 2 Key Settlements, given its important economic function.
- Given the status of the settlement, together with the capacity of infrastructure to absorb growth and scope to build an integrated community, the proposed development of up to 365 dwellings represents an acceptable level of growth.
- The Home Farm site has been identified by officers within the Council as potentially suitable for development within the LDP(2) Site Register, and assessment of the site against PPW's criteria for deciding which sites to allocate for housing clearly demonstrates that it is a suitable site for development, including as it is in an accessible location and there are no constraints to development that cannot be overcome by planning conditions/obligations.
- Llay has continually evolved over the last century in response to changing circumstances and requirements for employment and housing growth, and needs to continue to do so. The extension of the settlement by development of the Home Farm site is the next logical step, including as the site is adjacent to existing residential land uses, outside of the Green Barrier, free of constraints, and deliverable, with a sole landowner willing to sell the site for development and house builder interest.
- In light of the above, and the evidence of Tom Hollick, the development represents an appropriately sized and logical extension to Llay and there is no conflict with Policy PS2.

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

- 5.1 The Council contend that the proposed development conflicts with Policies PS1, PS2 and H5 of the UDP, which is the adopted development plan, and it is agreed that the proposed development does not conflict with any other policies of the UDP⁴³.
- 5.2 Section 4 of this Written Statement of Evidence, together with the evidence of Tom Hollick, demonstrates that the proposed development does not conflict with Policy PS2. It is accepted, as a matter of fact, that the proposed development technically conflicts with Policies PS1 and H5.
- 5.3 Notwithstanding the above, Section 3 of this Written Statement of Evidence demonstrates that Policies PS1 and H5 are outdated and superseded by other material considerations. In this respect, the Council's continually deteriorating, and now critical, housing land supply position is a significant material consideration, given a key planning policy requirement of the Welsh Government is for local planning authorities to maintain a 5YHLS. In addition to provision of housing, the proposed development will deliver wider social, economic and environmental benefits, as set out in Section 6 of this Written Statement of Evidence, and represents sustainable development for which there is a presumption in favour, as set out in Section 2.
- 5.4 The Council's housing land supply position, and the benefits and sustainability of the proposed development, are material considerations that justify departure from provisions of the UDP where there is any perceived conflict.

⁴³ See PSoCG paragraph 4.6.

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

- 6.1 It is the case of this Written Statement of Evidence that the proposed development is acceptable in principle, despite being outside the defined settlement limit of Llay, and that it represents an appropriately sized and logical extension to Llay. Consequently, the proposed development will not result in any materially adverse impacts. On the other hand, the proposed development will deliver significant social, economic and environmental benefits. This section sets out these benefits.

Social

- 6.2 Provision of housing, within a high quality development in a sustainable location, is a key benefit of the proposed development. In this respect, the proposed development, of up to 365 dwellings, will make a significant contribution to meeting the housing needs of present and future generations within the County Borough, including a significant contribution to meeting the County Borough's need for affordable housing, with 25% of dwellings being provided as affordable homes in line with LPGN28.

Housing delivery

- 6.3 As set out in Section 3⁴⁴, there is a pressing need to increase housing land supply within the County Borough. Given this, it is considered appropriate for the time limit for commencement of development to be shorter than the default period, and, in this respect, it is agreed between the main parties that commencement should be within 3 years rather than 5 years⁴⁵.
- 6.4 The house builders with an expressed interest in developing the site support quick delivery, as set out in their letters provided at **Appendix 12**. Taking account of this evidence, an estimated timeline for delivery over the next five year period 2017/18-2021/22 is set out in **Table 6.1**. Table 6.1 is based on the following assumptions:
- The appeal is allowed and outline planning permission is granted by end March 2017.
 - Applications for reserved matters are approved by the Council within the statutory timescales for determination, and conditions are discharged within 8 weeks.
 - An initial 4 month lead-in period for pre-commencement of development works, in particular in respect of improvements to the Crown crossroads, which are to be secured

⁴⁴ See paragraphs 3.14-3.18 of this Written Statement of Evidence.

⁴⁵ See PSoCG, Section 7 Conditions 3 & 4.

by condition⁴⁶. This would involve design and securing approvals for a S278 Agreement, then construction, which, in total is anticipated to take up to 6 months, but this would run concurrently with the discharge of conditions.

- A 6 month build lead in period.
- There are two house builders on site, each delivering a total of 137 market dwellings, that is, 274 dwellings in total, with the balance, that is, 91 dwellings, delivered as affordable homes.
- Each house builder achieves a sales rate of 36 dwellings per annum.
- Affordable homes are built and sold concurrently with private sales.

Table 6.1: Housing Delivery Five Years 2017/18 – 2021/22

Year	Date	Activity	Private Dwellings Built House builder 1	Private Dwellings Built House builder 2
0	Mar 2017	Outline consent granted	0	0
1 2017/ 2018	Apr-early Aug 2017	Reserved Matters submitted and approved	0	0
	Aug-early Oct 2017	Judicial Review period/Discharge of Conditions	0	0
	Oct 2017- Jan 2018	Pre-commencement of development works	0	0
	Feb-Mar 2018	Commencement of development and build lead in (months 1-2)	0	0
2 2018/ 2019	Apr-Jul 2018	Commencement of development and build lead in (months 3-6)	0	0
	Aug 2018- Mar 2019	Build and sale	24	24
3 2019/ 2020	Apr 2019- Mar 2020	Build and Sales	36	36
4 2020/ 2021	Apr 2020- Mar 2021	Build and Sales	36	36
5 2021/ 2022	Apr 2021- Mar 2022	Build and Sales	36	36
Sub total market housing delivery			264	
Sub total affordable housing delivery			91	
Total housing delivery 2017/1-2021/22			355	

⁴⁶ See PSoCG, Section 7, Condition 13.

- 6.5 Table 6.1 demonstrates that the proposed development is, for all intents and purposes, deliverable within the five year period 2017/18-2021/22.

Affordable housing

- 6.6 The LDP(2) *Preferred Strategy* sets out at Section 6.6 (page 57)(see **Appendix 6**) that there is a need for 157 affordable homes per annum. This is based on the findings of *Local Housing Needs Assessment*, Final Report dated March 2015. This forms part of the LDP(2) evidence base, which is agreed between the main parties as having some weight, as to matters of fact⁴⁷. Extracts from this report are provided at **Appendix 25**, including Table 6.4, which sets out the needs assessment summary for the County Borough demonstrating the annual imbalance between need and supply of 157 dwellings. At Table 6.5 the report goes on to break down the assessment by sub-areas, of which Llay falls within the Western Border, as demonstrated on Map 1.3 of the *Local Housing Needs Assessment Contextual Report* (see **Appendix 26**), which also forms part of the LDP(2) evidence base. Table 6.5 demonstrates that the greatest annual imbalance between need and supply is within the Western Border, which at 69 dwellings equates to around 44% of the County Borough's need.
- 6.7 Section 6.6 of the LDP(2) *Preferred Strategy* (page 57)(see **Appendix 6**) sets out that the overall housing requirement will help deliver some of the affordable housing need via the planning system, but that other delivery mechanisms, including Council initiatives, will be needed to address the shortfall. Policy SP7 (Housing Provision) goes on to set out that delivery of affordable housing should be maximised where need is identified, as there is within the Western Border.
- 6.8 Policy H7 of the UDP sets out that where there is proven lack of affordable housing to meet local needs, as there is within the Western Border, the Council will negotiate with developers to provide an element of affordable housing in new proposals of 25 or more homes. LPGN28 sets out that the Council normally expects 25% of dwellings to be provided as affordable housing. The proposed development is policy compliant, with 25% of dwellings to be provided as affordable homes, secured by planning conditions/obligations⁴⁸.
- 6.9 Ensuring all local communities have sufficient good quality housing for their needs, including affordable housing, is a sustainability objective of PPW (paragraph 4.4.3). Given this, and the demonstrated pressing need to increase housing land supply within the County Borough, and specifically deliver affordable housing within the Western Border sub-area, the proposed development's provision of market and affordable housing is a significant benefit, that, in line with TAN1 (paragraph 6.2), should be accorded "considerable weight".

⁴⁷ See PSoCG, paragraph 4.14.

⁴⁸ See PSoCG, Section 7 Conditions 2 & 22 and paragraph 7.3.

- 6.10 The Council agree that the proposed development will make a significant contribution to meeting housing need within the County Borough, and a contribution to meeting the County Borough's need for affordable housing, and that this is a benefit of the proposal⁴⁹. However, as set out in their Statement of Case (paragraph 6.3), the Council consider the harm of development beyond the settlement limit in open countryside to significantly outweigh this benefit.
- 6.11 Whilst a lack of housing land supply should not be used to justify development that is clearly inappropriate, in this instance, as set out in this Written Statement of Evidence, the proposed development is acceptable in principle, despite being outside the defined settlement limit of Llay, and represents an appropriately sized and logical extension to Llay. Consequently, the proposed development will not result in any materially adverse impacts. Given this, the delivery of housing alone weighs heavily in favour of the grant of planning permission, and other social benefits, together with economic and environmental benefits, add to this weight.

Other social benefits

- 6.12 In addition to housing provision, the proposed development will deliver enhanced access to retail opportunities for all residents on the eastern side of Llay, and provide green infrastructure. Whilst open space is required to meet the needs of future residents, it will give existing residents access to the site for leisure and recreation, which is currently denied. This will include access to play areas, to be secured by condition⁵⁰, which is a need identified by existing residents in their representations to the application. In addition, it will provide direct links to the Rights of Way network, in particular Footpath No 5 that runs along the eastern boundary of the site. Overall, the provision of such facilities and infrastructure will assist in building, and supporting, an integrated, vibrant and healthy community.

Economic

- 6.13 PPW supports economic development and, at paragraph 7.1.1, sets out that this extends beyond traditional employment land uses and that construction is important to the economy. At paragraph 7.2.2, PPW goes on to require that the economic benefits associated with a proposed development be given equal consideration with social and environmental issues.
- 6.14 Against this background, and to assist understanding of the economic benefits of the proposed development, an *Economic Benefits Statement* has been prepared and is provided at **Appendix 27**. This considers construction phase employment, indirect and induced employment, operational and lifetime benefits, and wider benefits from public revenue and

⁴⁹ See PSoCG, paragraph 5.4.

⁵⁰ See PSoCG, Section 7 Condition 21.

affordable housing provision. In summary, it concludes that the proposed development will deliver the following economic benefits:

- Up to 438 direct construction jobs.
- Up to 342 supply chain jobs.
- Up to 701 other jobs within the local economy, through wage spending of construction and supply chain workers.
- Up to 20 jobs within the retail store with associated training opportunities.
- Around 427 economically active people, bolstering the local labour force.
- A gross uplift in household expenditure within the County Borough of around £9.25m per annum, providing support for:
 - Convenience goods retailing facilities in the County Borough, with additional annual expenditure of around £1.66m.
 - Comparison goods retailing facilities in the County Borough, with additional annual expenditure of around £2.32m.
 - Leisure facilities and services within the County Borough, with additional annual expenditure of around £2.15m, including around £0.8m within local cafes, restaurants and public houses.
- Additional Council Tax revenue of around £0.5m per annum.
- Significant affordable housing provision, increasing the propensity to retain and attract people to the County Borough, thereby helping to bolster the workforce available to local businesses.

Environmental

6.15 It is agreed between the main parties that the transportation impacts of the proposed development can be satisfactorily accommodated with mitigation measures⁵¹. However, as set out in the evidence of Alex Vogt, wider benefits in terms of a safe and efficient highway may arise from the proposed development, as follows:

- **Highway safety:** The proposed speed reduction on Straight Mile, together with street lighting giving a sense of a built up area, will encourage lower vehicle speeds, as will the

⁵¹ See PSoCG, paragraph 6.4.

proposed accesses on Straight Mile and Gresford Road as vehicles access and egress, which will provide a safety benefit on the existing situation⁵².

- **Highway efficiency:** The introduction of physical improvements to the Crown crossroads junction, together with MOVA (Microprocessor Optimised Vehicle Actuation) technology, will fully mitigate, and potentially, improve baseline conditions⁵³.

6.16 In addition to transportation benefits, the proposed development will enhance the biodiversity of the site. In this respect, the ecology update (see **Appendix 20**) sets out that, in addition to habitat enhancements, replacement of agricultural grassland of low ecological value with gardens and urban green spaces can make a significant contribution to increasing biodiversity, providing a variety of plant species, trees, shrubs and ponds that support invertebrate, birds, bats and amphibians⁵⁴.

Conclusion

6.17 The key conclusions to be drawn from consideration of whether the benefits that would be delivered by the proposal would outweigh any adverse impacts, are as follows:

- The proposed development will deliver market and affordable housing, over the next five year period, in the County Borough, and specifically the Western Border sub-area, where there is a demonstrated need for both. This is a significant benefit of the proposed development, and a benefit that is acknowledged by the Council. This benefit alone weighs heavily in favour of the grant of planning permission.
- The proposed development will also: enhance access to retail opportunities and green infrastructure, including children's play areas and linkages to the Rights of Way network; deliver construction phase and operational/lifetime economic benefits; and bring about improvements to highway safety and efficiency, and biodiversity. These benefits add to the weight in favour of the grant of planning permission.
- Given the proposed development is demonstrated to be acceptable in principle, despite being outside the defined settlement limit of Llay, and an appropriately sized and logical extension to Llay, it will not result in any materially adverse impacts. As a consequence, the balance is clearly in favour of the grant of planning permission.

⁵² See Proof of Evidence – Alex Vogt, paragraphs 7.6.5-7.6.9.

⁵³ See Proof of Evidence – Alex Vogt, paragraph 6.3.33

⁵⁴ See Great Crested Newt Assessment and Mitigation, Penny Anderson Associated Ltd October 2016, paragraph 4.28.

7. Conclusion

Summary

- 7.1 The application was refused planning permission for a single reason, albeit this conflates two reasons – (i) That the proposed development is unacceptable in principle being outside of the defined settlement limit of Llay, and, as such, is contrary to Policies PS1 and H5 of the UDP; and (ii) That the proposed development is not an appropriately sized or logical extension to Llay, and, as such, is contrary to Policy PS2 of the UDP.

Settlement limit

- 7.2 It is accepted, as a matter of fact, that the proposed development technically conflicts with Policies PS1 and H5 of the UDP. However, there are material considerations that limit the weight that should be afforded to, and justify departing from, these policies.
- 7.3 The UDP was adopted in 2005 and was prepared to cover the period 1996-2011. The plan period ended some 5 years ago and it is, therefore, significantly time-expired. Policies PS1 and H5 reflect a strategy formulated to meet a housing requirement that is now obsolete and substantially overtaken.
- 7.4 The UDP strategy focuses on the regeneration of built up areas and was formulated to meet a housing requirement of 5,775 dwellings between 1996-2011. This housing requirement is time expired and based on an evidence base that is some 20 years old. More up to date evidence suggests a housing requirement for the emerging LDP, to cover the period 2013-2028, that is double that of the UDP.
- 7.5 There is no longer sufficient housing land within the currently defined settlement limits to meet housing needs. As such, the settlement limits, and policies that enforce them, are outdated. This is clear from the LDP(1) *Inspectors' Preliminary Findings* report, and the settlement limits are to be revisited through the LDP process, as acknowledged in the LDP(2) *Preferred Strategy*.
- 7.6 Changes to the settlement limits should, ideally, be considered through the LDP process. However, LDP(2) is in the early stages of preparation and, as such, there is no prospect of an up to date development plan being in place in the near future. As a consequence, there is a local policy vacuum in respect of a strategy to meet the County Borough's pressing need to increase housing land supply.
- 7.7 Maintaining a 5YHLS is a key requirement of PPW. In this respect, taking account of TAN1, in the absence of an up to date UDP or an adopted LDP the Council is deemed to have a zero

land supply. This position follows a trend of decreasing housing land supply. Taking account of the housing requirement of the LDP(2) *Preferred Strategy*, and the Council's most up to date assessment of housing land supply, the Council's housing land supply, at the base date of 1 April 2016, stands at only 1.14 years.

- 7.8 The Council's continually deteriorating, and now critical, housing land supply position provides the circumstances for development beyond settlement limits to be allowed in advance of the LDP process. This is acknowledged by the Council in their resolution to grant planning permission for housing development on land south of the Miners' Welfare Institute beyond the settlement limit of Llay.
- 7.9 In this respect, an increase in housing land supply is needed now for two reasons – (i) For the Council to demonstrate at the LDP(2) examination that a 5YHLS will be in place at the point of the plan's adoption, in line with TAN1; and (ii) To ensure that current and future housing needs are met in accordance with the sustainable development principle and objectives of PPW.
- 7.10 In accordance with TAN1, the pressing need to increase housing land supply should be given considerable weight, whereas, taking account of PPW, only limited weight should be given to the UDP's now outdated settlement limits, and the policies that enforce them, which serve only to constrain housing land supply and, as such, contribute to the Council's deteriorating housing land supply position.

Appropriately sized and logical extension

- 7.11 It is accepted that the proposal will have a visual impact, as this is inevitable when greenfield sites are developed. In respect of the extent of the impact in landscape and visual terms, I rely on the evidence of Tom Hollick, who prepared the Landscape and Visual Appraisal that supported the application. This concluded that the impact would not be of significance to make the proposal unacceptable in landscape and visual terms.
- 7.12 My evidence supplements the evidence of Tom Hollick by demonstrating four points, as follows.

(i) There is an inevitable requirement to develop greenfield land

- 7.13 The UDP strategy, which focuses on the regeneration of built up area, has resulted in the majority of brownfield sites in the County Borough being developed. This is clear from the LDP(2) evidence base, and the lack of brownfield sites is a key issue underpinning the emerging policy of LDP(2), which sets out that it will be necessary to bring forward greenfield sites on land adjoining existing settlements in the most sustainable locations.

- 7.14 Whilst decisions on the development of greenfield land should, ideally, be considered through the LDP process, the Council's continually deteriorating, and now critical, housing land supply position provides the circumstances for development of greenfield land in advance of this process. Indeed the Council is already relying on greenfield land beyond the settlement limit of Llay to meet its housing need, as demonstrated by their resolution to grant planning permission for housing development on land south of the Miners' Welfare Institute.

(ii) Llay is a suitable settlement for housing growth

- 7.15 The UDP identifies Llay as an Urban Village, capable of accommodating some additional growth. This is being carried forward to the LDP, underpinned by an evidence base that assesses the function of settlements and their potential to accommodate development. This evidence base identifies Llay as a Tier 3 Local Service Centre, within a five tier hierarchy, albeit with similarities to Tier 2 Key Settlements, given its important economic function.
- 7.16 Given the status of the settlement, together with the capacity of infrastructure to absorb growth and scope to build an integrated community, the proposed development of up to 365 dwellings represents an acceptable level of growth.

(iii) The site is a suitable site for development

- 7.17 The Home Farm site has been identified by officers within the Council as potentially suitable for development within the LDP(2) Site Register, and assessment of the site against PPW's criteria for deciding which sites to allocate for housing clearly demonstrates that it is a suitable site for development, including as it is in an accessible location and that there are no constraints to development that cannot be overcome by planning conditions/obligations.

(iv) The proposed development represents the next stage in the evolution of Llay

- 7.18 Llay has continually evolved over the last century in response to changing circumstances and requirements for employment and housing growth, and needs to continue to do so. The extension of the settlement by development of the Home Farm site is the next logical step, including as the site is adjacent to existing residential land uses, outside of the Green Barrier, free of constraints, and deliverable, with a sole landowner willing to sell the site for development and house builder interest.
- 7.19 In light of the above, and the evidence of Tom Hollick, the development represents an appropriately sized and logical extension to Llay, and, as such, there is no conflict with Policy PS2 of the UDP.

Other material considerations

- 7.20 The Council's continually deteriorating, and now critical, housing land supply position is a significant material consideration, given a key planning policy requirement of the Welsh Government is for local planning authorities to maintain a 5YHLS. In this respect the proposed development will deliver market and affordable housing, over the next five year period, in the County Borough, and specifically the Western Border sub-area, where there is a demonstrated need for both. This is a significant benefit of the proposed development, and a benefit that is acknowledged by the Council.
- 7.21 The proposed development will also: enhance access to retail opportunities and green infrastructure, including children's play areas and linkages to the Rights of Way network; deliver construction phase and operational/lifetime economic benefits; and bring about improvements to highway safety and efficiency, and biodiversity.
- 7.22 In addition to delivering social, economic and environmental benefits, the proposed development represents sustainable development for which there is a presumption in favour. These material considerations weigh in favour of the proposed development.

Planning Balance

- 7.23 The appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. The only policies advanced by the Council to support the refusal of planning permission are Policies PS1, PS2 and H5 of the UDP.
- 7.24 This Written Statement of Evidence, together with the evidence of Tom Hollick, demonstrates that the proposed development is an appropriately sized and logical extension to Llay, and, as such, does not conflict with Policy PS2.
- 7.25 The proposed development falls outside the settlement limit of Llay and, as such, it is accepted that the proposed development technically conflicts with Policies PS1 and H5. However, this Written Statement of Evidence demonstrates that these policies are outdated and superseded by other material considerations, with the Council's housing land supply position a significant consideration. As such, taking account of PPW, Policies PS1 and H5 should only be accorded limited weight.
- 7.26 On the other side of the planning balance, in line with TAN1, considerable weight should be accorded to the pressing need to increase housing land supply. As such, taking account of this alone, the balance is heavily in favour of the grant of planning permission.
- 7.27 In addition to housing, the proposed development will deliver wider social benefits, together with economic and environmental benefits, and represents sustainable development for

which there is a presumption in favour. These are material considerations that add weight to the case to grant planning permission.

7.28 Overall, the proposed development will deliver up to 365 new homes, including affordable homes, in the County Borough, and specifically the Western Border sub-area, where there is a chronic need for such homes. It will do so on a site that is well related to the existing settlement of Llay and accessible to employment opportunities, services/facilities and public transport. There are no technical constraints to the delivery of housing and the sole landowner is willing to sell the site for development and, in this respect, there is house builder interest. Consequently, subject to the grant of planning permission, the site could bring forward much needed housing without delay.

7.29 For the reasons set out above, it is respectfully requested that planning permission be granted.