

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

APPLICATION NO:
P/2023 /0260

LOCATION:
TYN Y COED CHESTER ROAD
ROSSETT WREXHAM
LL12 0DE

DATE RECEIVED:
27/03/2023

COMMUNITY:
Rossett

CASE OFFICER:
MP

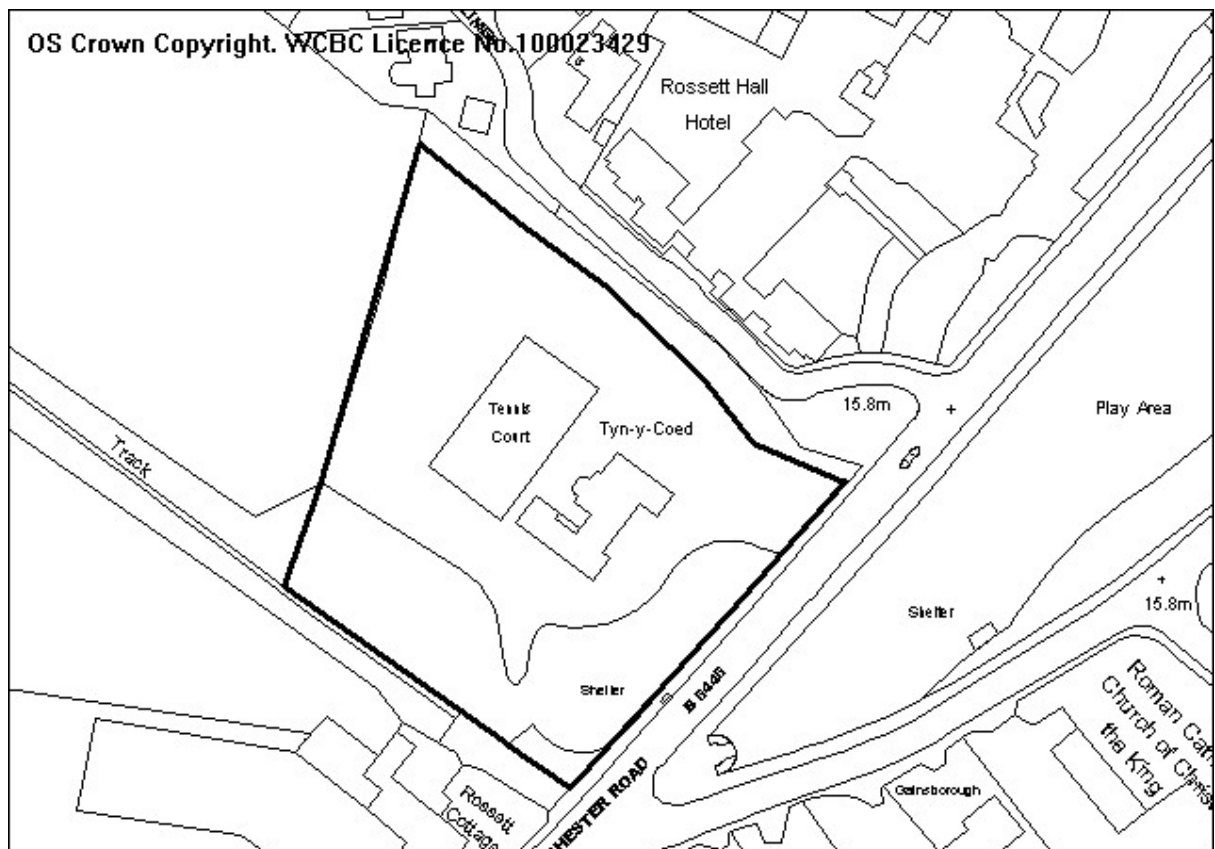
WARD:
Rossett

DESCRIPTION:
DYMCHWEL YR ANHEDDAU
PRESENNOL, CODI HYD AT 10
ANNEDD A CHREU MYNEDIAD
NEWYDD I GERBYDAU /
DEMOLITION OF THE EXISTING
DWELLINGS, ERECTION OF UP TO
10 DWELLINGS AND FORMATION
OF NEW VEHICULAR ACCESS

AGENT NAME:
MR MICHAEL
CUNNINGHAM

APPLICANT(S) NAME:
MR MICHAEL CUNNINGHAM

THE SITE



PROPOSAL

This application seeks outline planning permission for the demolition of the existing dwelling and for the erection of up to 10 dwelling houses. This would

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

result in a net increase of up to 9 dwellings. Matters of access, appearance, landscaping, layout and scale are reserved for subsequent consideration.

HISTORY

2315 Erection of detached semi-bungalow and alteration to existing vehicular and pedestrian access on land adjacent to Rossett Hall. Outline planning permission granted 24.5.1976

2800 Erection of dwelling and construction of new access on land adjacent to Rossett Hall. Reserved matters approved 26.11.1976.

P/2009/0680 RAISE PART OF WALL FROM 1 METRE TO 1.5 METRES.
Granted 5.10.2009

DEVELOPMENT PLAN

Future Wales: The National Plan 2040.

Local Development Plan

Within a defined settlement limit. There are trees within the site protected by a Tree Preservation Order (WMBC No.162). The front boundary wall of the site lies within the Rossett Conservation Area. Policies SP1, SP2, SP5, SP13, SP14, SP15, SP18, SP19, H2, NE1, NE3, NE6, DM1 and T1 apply.

CONSULTATIONS

Community Council

Objects on the grounds of traffic generation and highway accessibility.

Local Members

Councillor Hugh Jones expresses serious concerns for the following reasons:

1. Highways: this is one of the most difficult junctions in Rossett and is currently subject to significant issues following the introduction of new one way system at The Green and the continual issues regarding the Co-op.
2. Impact on the Conservation Area. This was, prior to the vandalism of the current owner, a single house nestling in a copse of trees in the heart of the Conservation Area. The trees having been removed to facilitate the development. The building of up to 10 houses would seriously impact on the Conservation Area.

Councillor Ross Shepherd objects for the following reasons:

- Poor access;
- Too much traffic on this piece of land;
- Noise pollution; and
- Lack of affordable housing for people in the village.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

Highway Officer

Raises no objection.

Traffic Generation

Comments that based on the findings of the submitted Transport Assessment, traffic generation is considered low (4 arrivals and 7 departures in the AM peak and 10 arrivals and 8 departures in the PM peak). Considers the proposed development would not have a significant impact on the operation of the highway.

Access

Advises that the site access must be constructed to adoptable standards, including a width of 4.8m, 6m kerb radii and 2m wide footways. The extent of adoption should be clarified by the applicant.

Notes that the site access is located in the vicinity of existing speed cushions on Chester Road and advises these should be relocated.

Advises that the applicants should consider a pedestrian crossing at the mouth of the site access.

Site Layout

Comments that the turning head appears sub-standard in size.

Visibility

Comments that the submitted plan shows the proposed site access provided with visibility splays of 2.4m x 25m in both direction but that it appears that the visibility splay to the left is impeded slightly by the boundary wall. However it also appears that the splay shown on the drawing exceeds 25m. Recommends a plan is submitted to show the correct 25m splay.

Vehicle Tracking

Advises the Transport Statement includes swept path analysis which appears to show a refuse vehicle encroaching onto the opposite side of Chester Road footway, which would be a safety concern.

Advises that swept paths be provided to demonstrate a refuse vehicular can negotiate the internal estate roads and turn within the site.

Parking

Advises that the applicant should provide the number of parking spaces proposed. This must be in accordance with LPGN16.

Road Safety

Advises that the applicants reviews the Crash Map data regarding accidents that have occurred in the vicinity.

Sustainable Transport Options

Notes that a pair of bus stops are located close to the site serviced by the No.1 bus service between Wrexham City Centre and Chester City Centre.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

Also notes that rail services at Wrexham General Railway Station and Wrexham Central Railway Station can be accessed via short walk from Wrexham Bus Station where Bus service 1 terminates. The bus service also serves Chester Railway Station.

Public Right of Way

Notes that Public Right of Way Allington No.14 bounds the south side of the site.

Re-use of Existing Access instead of forming a new access

Considers the proposed new site access to be the safest option. It would avoid introducing additional traffic at an uncontrolled crossroad, where conflict occurs due to existing highway traffic and traffic to/from the Coop.

Public Rights of Way Officer

Advises that the proposed new wall would not affect the definitive line of Public Right of Way Allington No.14.

Public Protection Officer

Recommends that a planning condition be imposed to require a Dust Management Scheme and that Advisory Notes be attached to the Decision Notice regarding measures to minimise the impact of development works.

Contaminated Land Officer

No comments to make.

Conservation Officer

Notes that the site itself does not lie within the Conservation Area but is immediately adjacent, with the Conservation Area boundary including the boundary wall along the Chester Road frontage.

Whilst originally raising concerns that the proposed new entrance would have an impact on the existing wall's positive contribution to the significance of the Conservation Area, the Council's Conservation Officer considers that the new entrance could be justified if reasons why the existing access cannot be re-used are clearly demonstrated, such as an objection from the Council's Highway Officer.

Furthermore, the Conservation Officer advises that the original plans from the Ty'n y Coed actually show that the existing entrance was created through re-aligning the historic wall and the current set up is only from the 1970s. The Conservation Officer notes the submitted plans include proposals to rebuild this section to reinstate the pre-1970's layout, which would reinstate an historic form and tidy up this rather busy and jumbled entrance and focal point within the Conservation Area.

Advises that that the benefit of rebuilding the southern section of the wall, tidying up the appearance within the Conservation Area and also amendments made to the new proposed entrance to simplify it, along with the

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

objections from Highways regarding the re-use of the existing entrance, are sufficient to overcome the concerns raised previously.

Recommends that detailed drawings be required of the design of the rebuilt section of wall to ensure that it ties in with the existing.

In terms of the indicative site layout plan, the Conservation Officer considers that this would create a sinuous enclave of buildings which do not interact with the village. Advises that it would be far preferable to have the properties closest to the south-east and south-west boundaries orientated to face onto those boundaries, with a generous set back and well considered boundary treatments.

Advises that the design of the dwellings, including materiality, should be based on a detailed assessment of the village's character, building types and palette of materials, so that the new dwellings relate to their context and integrate successfully into this sensitive setting.

Ecology Officer

Raises no objection and is satisfied the building is not currently being used as a bat roost. Recommends conditions be imposed to secure the following:

- Should demolition not be completed within 12 months of approval, additional bat surveys to be undertaken;
- A method statement to secure precautionary measures in respect of bats and birds during demolition;
- A scheme for replacement bat roosting opportunities on site; and
- No removal of trees or vegetation to occur within the bird nesting season.

Advises that a scheme of Net Benefit to Biodiversity should include substantial planting along the western boundary. In addition, recommends a scheme of off-site tree planting in the area of semi-improved grassland adjoining the site should include 4 large oak trees, as well as a management plan for the grassland.

Tree Officer

Objects to the application based on the indicative site layout.

Comments that the plots shown on the indicative plan are not integrated sympathetically with trees of significant values, which include trees protected by TPO WMBC no.162.

Comments that 4 trees classified as Category A would risk disturbance to their associated soil environment and unacceptable levels of direct root damage from both construction and landscaping operations, as well as subsequent residential occupation. Additionally, due to the position of 4 plots, a number of Category 'A' and 'B' trees, including those subject to TPO, would likely to be presented with increasing threats of inappropriate pruning or even felling due to residents experiencing seasonal nuisance issues, such as excessive shade

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

cast and reduced light levels into garden areas and 'living rooms', fallen detritus and honeydew from sycamores. Considers that crown encroachment and dominance would affect residents' ability to enjoy their properties due perceived risks of structural branch and stem failures affecting persons and property.

Rights of Way Officer

No comments to make

Education

Advises that financial contributions towards additional primary or secondary school provision are not required.

Ramblers Association

Comments that the site is near footpath Allington No.14 and requests that this should not be diverted or blocked by the development or whilst construction takes place.

NRW

Raises no objection subject to planning conditions being imposed to secure minimum finished floor levels and the avoidance and mitigation measures outlined in the Ecology Reports.

Advises that further information should be required regarding foul drainage. Considers the development has the potential to increase the amount of phosphorous being discharged from the site.

Considers that the Flood Consequences Assessment demonstrates the risks and consequences of flooding could be managed to an acceptable level.

Advises that the avoidance and mitigation measures outlined in the Ecology Reports are accepted.

Welsh Water

Raises no objection. Confirms that there is capacity within the WwTW and sewer network to treat additional wastewater from the proposed development within revised Environmental Permit limits.

Publicity

Press Notice

Notification letters sent to the owners/occupiers of 17 nearby properties.

8 representations received objecting to the application for the following reasons:

- The removal of trees that has taken place at this property;
- Highway safety due to existing congestion, the bus stops on either side of the road and school children getting on/off buses;
- It will exacerbate on-going problems of vehicle entering and exiting the Coop;

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

- Russ Abbot used to live in the house. It would be a shame if it is knocked down;
- The phosphorous loading calculations are based on occupancy of 2.3 people, which is low for 4 bed houses;
- Concerns about the impact of the proposed wetland e.g. mosquitos, odour, access for servicing;
- No affordable housing in the scheme;
- Access point is a listed wall;
- Access point is where cars currently over take buses;
- Access point is close to existing traffic calming and an island for pedestrians;
- Impact on ecology;
- Capacity of local healthcare provision;
- Full planning consent should be required. Outline indicative plans cannot be relied upon to fulfil claims made at outline consent stage with all other matters reserved;
- In an important area close to a Conservation Area, full consideration should be given to the impact of layout, scale and appearance;
- Outline approval does not satisfy the requirements of UDP policy GDP1 and LDP policy DM1 as too much would be left for determination at a later date;
- Potential for retrospective failure of UDP policy EC4;
- Impact on Conservation Area due to proposed removal of a substantial section of boundary wall. Conflict with UDP policy EC7;
- LDP policy SP16(ii) is clear on the point that outline permission will not be granted in Conservation Areas. The development is contrary to the policy;
- Flood risk
- Foul drainage – the Lavister Wastewater Treatment Works does not have the capacity to strip phosphates from the waste water from the development;
- Lack of adequate parking;
- Conflict with Future Wales: the National Plan 2020 in that there is no provision for 5 affordable units. FW states over 50% of new houses provided between 2020 and 2025 should be affordable;
- If the LPA decide to grant planning permission in this sensitive location, it should be referred to the Welsh Government under The Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020. This windfall site is neither in the UDP or LDP and therefore falls within the provisions of the Direction.

SPECIAL CONSIDERATIONS

Principle of Development: The site lies entirely within the settlement limit of Rossett. The dwelling is not listed and is not within the Rossett Conservation Area. Policy SP2 directs new residential development to sites within settlement limits. There are no LDP policies that prevent the demolition of an unlisted dwellings outside of a Conservation Area and the subsequent

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

redevelopment of the site at a higher density. The principle of development is therefore acceptable.

The frontage of the site is enclosed by a boundary wall which is situated in the Rossett Conservation Area. This would be altered to form the site access. Policy SP15 states that development will only be supported where it conserves, protects, preserved or enhances the cultural and historic assets of the County Borough, including Conservation Areas. The policy does not set out any specific requirements in respect of the types of development that may or may not be acceptable within Conservation Areas. This is a matter considered on a case by case basis, having regard to the importance of individual structures to the wider Conservation Area and nature and extent of any alterations proposed. Compliance with the policy will be considered in detail below.

Layout and Design: The application is accompanied by a site layout plan showing dwellings with their rear gardens backing onto Chester Road. This would be at odds with the prevailing pattern and character of development in the vicinity, where the principal elevation of buildings predominantly fronts onto highways. The internal layout would also lack any cohesive form or character.



Plan 1: Indicative Site Layout Plan

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

Detailed matters relating to appearance, landscaping, layout and scale are reserved for subsequent consideration. The site layout plan is purely indicative and therefore the grant of outline permission would not commit the Council in respect of the detailed design of the site. The site is just over 0.7a in area so is large enough accommodate up to 10 dwellings, provide adequate private garden space and space for parking and turning. There would also be ample space to position and orientate dwellings in a manner that takes account of the character of existing development in the area.

The existing dwelling is served by an access in the south-east corner of the site. It is set back approximately 15 metres from Chester Road. It adjoins a private road approximately 10m wide that also serves as access to Rossett Cottage. The route of Public Right of Way Allington No.14 crosses the private road but would be unaffected by the proposed development.

Access is reserved for subsequent approval, however the indicative site layout plan proposes the formation of a new access directly onto Chester Road at the north-eastern end of the site. The new access would require the removal of approximately 18m of the existing brick wall enclosing the site frontage. Further indicative plans confirm the applicant's intention to close up the existing access. This would be achieved by constructing a 10.5m long section of new brick wall adjacent to the footway on Chester Road.

The application is accompanied by a Heritage Impact Assessment. This provides evidence demonstrating that the boundary wall has been subject to a number of alterations over time. It was reduced in height sometime between 1960 and 2009. Planning permission was also granted in 2009 to increase the height of the wall to its present height.

In addition to the alterations described above, the approved plans for the existing dwelling confirm that a section of wall at the southern end of the site was removed in the 1970s to form the existing site access and a new section of wall built on its present alignment. The wall built in the 1970s is shown in the photograph below.



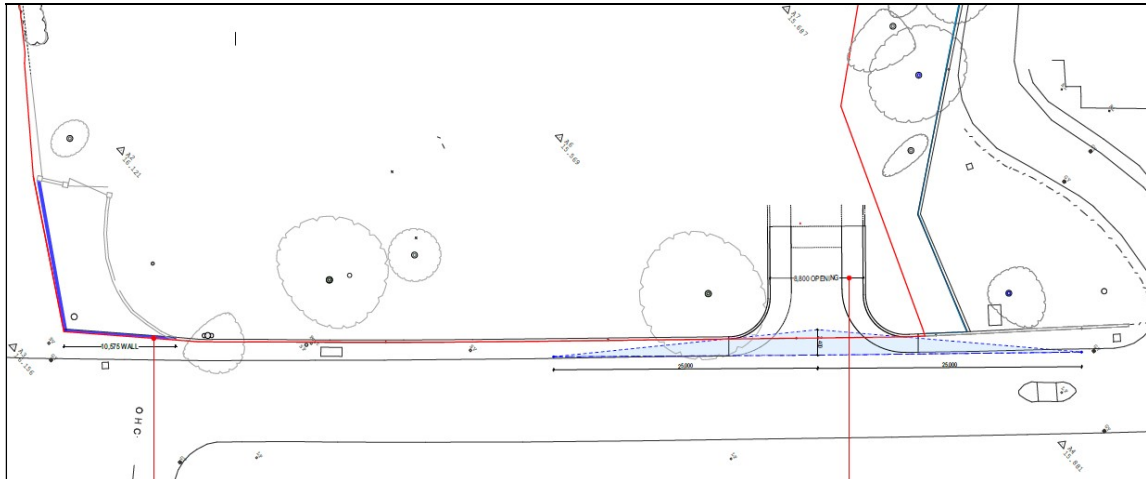
Photo 1: Existing Site Access

The boundary wall enclosing the site frontage also extends northwards beyond the site boundary as far as entrance to The Limes. Beyond the entrance to The Limes, a brick wall also encloses the frontage of Rossett Hall beyond.



Photo 2: Boundary Wall

Traditional brick walls are identified in the Rossett Conservation Area Assessment and Management Plan as important features within the Conservation Area and advises that their removal or alteration will be resisted.



Plan 2: Indicative Access Proposals

The proposed access would form an opening in what is presently a long section of wall unbroken by existing accesses or other openings. The Highway Officer has advised that use of the existing access to serve the development would not be supported.

The proposed development would result in a modest increase in traffic entering and leaving the site. A Transport Assessment accompanies the application and suggests the development would generate up to 4 arrivals and 7 departures in the AM peak and 10 arrivals and 8 departures in the PM peak.

Together with Chester Road and Holt Road, the private road leading to the existing site access forms a crossroads junction. The Highway Officer has expressed concern that increasing the amount of traffic using the existing access could have an adverse impact on the safe operation of the junction, having regard to existing traffic levels as well as vehicles entering and leaving the access to the Coop car park. The latter lies directly opposite the site and is poorly located relative to the junction.

The concerns raised by the Highway Officer are considered to provide a robust reason for not re-using the existing access. The closure of the existing access would also enable a section of wall to be re-instated along its original alignment, which would partially off-set the section of wall lost to enable the new access to be formed. This would provide for an unbroken section of wall adjacent to Chester Road of approximately 60 metres in length along the site frontage.

The private road serving the existing access forms a relatively wide hard surfaced opening adjacent onto Chester Road. It does not contribute in a positive way to the character of the Conservation Area. The closure of the existing access and associated re-instatement of a boundary wall would be an enhancement to the appearance of a relatively prominent located access within the Conservation Area. These improvements are considered to be sufficient to outweigh the low level harm that would be caused by the formation of the new access. On balance, the proposed development would

therefore preserve the character and appearance of the Conservation Area. Full details of the new sections of boundary wall could be secured by an appropriately worded condition.

Having regard to the above, the proposed development would accord the statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas as well as with policies SP15 and DM1.

Natural Environment:

Trees

Objectors have commented on the fact that a number of trees adjacent were removed prior to the submission of the application, conflicting with planning policy. Based on the available evidence (Street View images), tree removal appears to have taken place into two distinct phases, sometime between July 2016 and June 2021 and again between November 2021 and May 2022. The applicants acquired the site in October 2021, therefore the first phase of works were undertaken by the previous site owner. None of the trees removed during either phase were protected by Tree Preservation Order and were situated outside of the Conservation Area so were not afforded any statutory protection. No formal approval was required for the works to take place.

Policy NE3 states that development will only be permitted where it does not cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value or those that provide important ecosystem services. However, the policy can only be used to assess the impact of proposed development on important trees extant at the time of submission of an application. It is unlikely that a reason for refusal could be sustained on the grounds of conflict with the policy.

The Tree Officer has raised concerns about the relationship between the proposed dwellings and existing trees. However these comments are based on the indicative site layout plan. As already explained earlier, detailed matters relating to layout are reserved for subsequent consideration. The application site is large enough to accommodate the proposed development whilst also ensuring due regard is had to the existing trees. An Arboricultural Method Statement could also be secured by a suitably worded condition to ensure appropriate measures are put in place to protect the existing trees whilst construction works take place.

PPW12 (para 6.4.16) advises applicants against carrying out pre-emptive site clearance works before submitting a planning application because it can make it more difficult to secure a net benefit for biodiversity. PPW12 also states that where a site has been cleared prior to development, its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

As noted above, the applicant purchased the site in October 2021. It would therefore be difficult to conclude that any works undertaken prior to this constituted pre-emptive site clearance works. The works undertaken since October 2021 were completed prior to the submission of the application and also before Chapter PPW was updated in October 2023. It would be unreasonable to apply paragraph 6.4.16 retrospectively because the applicant was not able to have had regard to its requirements when the works were undertaken. The baseline for assessing NBB is therefore be the site in its present condition.

Ecology

The application is accompanied by a Phase 1 Habitat Survey and Daytime Bat Survey as well as a Bat Activity Survey. The former concludes that there was limited suitable terrestrial habitat for Great Crested Newt (GCN) within the site and therefore GCN were unlikely to be present. It also concludes that the existing dwelling has a moderate bat roost suitability and trees within the site offering negligible bat roost suitability. A Bat Activity Survey concludes that the building does not contain a permanent bat roost, but is likely to being used as a transient roost outside of the core activity period.

Both NRW and the Council's Ecology Officer have accepted the findings of the Surveys. However, the Bat Activity Survey was conducted in September 2022 so is now out of date. The applicants have therefore subsequently submitted a Bat Survey Addendum. This confirms the findings of the previous surveys. The development is therefore unlikely to have a harmful impact on statutorily protected species. Updated surveys would again be required if the existing dwelling is not demolished within 12 months. This could be secured by a suitably worded condition.

Green Infrastructure Statement and Net Biodiversity Benefit (NBB)

The application is accompanied by a document titled Green Network Proposals (GNP). Despite its name, this document would satisfy the requirement set out in Planning Policy Wales 12 for applications for planning permission to be accompanied by Green Infrastructure Statements, despite this requirement only applying to applications submitted after October 2023. The GNP identifies that the key green infrastructure on site are the trees discussed earlier in the report, which contribute significantly to the character and appearance of the site as well as providing habitat for birds, insects and maintain bat foraging or commuting habitat.

The GNP outlines proposals for native species and tree planting within the application site. In accordance with the comments made by the Ecology Officer, the GNP also provides for 4 trees to be planted within an area of semi-improved grassland adjoining the application site that is also owned by the applicants.



Plan 3: NBB Proposals

The adjoining land lies outside of the defined settlement limit for Rossett. The Welsh Government's Predictive Agricultural Land Classification map show it to be Grade 2 and therefore Best and Most Versatile agricultural land. However, planting 4 trees would enhance the rural landscape surrounding Rossett and would not prevent the land being used for agriculture. The measures would therefore not conflict with LDP policies or paragraph 3.58 of Planning Policy Wales 12, which advises that BMV land should be conserved.

Although not detailed in the GNP, the Phase 1 Habitat Survey and Daytime Bat Survey report recommended the provision of bat boxes. These measures would also deliver NBB.

Overall Natural Environment Conclusion

Sufficient information has been submitted to demonstrate that the development would minimise the impact on species and their habitats and deliver NBB, thus according with PPW12 chapter 6, as well as policies SP14 and NE1.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

Amenity: Detailed consideration of the impact upon residential amenity would be given at reserved matters stage. However, the site is large enough to accommodate additional dwellings in compliance with the guidance in Local Planning Guidance Note 21. As such, a development of a suitably design need not cause any undue harm to the living conditions of the occupiers of existing nearby properties by way of loss of light, privacy or visual over-dominance and could provide suitable living conditions for future occupiers of the new dwellings.

Having regard to the above, the proposed development accords policy DM1.

Highway Safety: As already mentioned above, the Council's Highway Officer considers the proposed access to be the better option to serve the proposed development from a highway safety perspective in preference to re-use of the existing access.

The Highway Officer commented that the indicative plans appeared to show the visibility splay to the left (north-east) being impeded by the boundary wall. However, the applicants have subsequently submitted an amended plan. This demonstrates that the required visibility splays can be provided in both directions. Detailed consideration of the design of the site access would be given at reserved matters stage.

The detailed design of the site access, the ability of vehicles, including refuse vehicles, to manoeuvre within the site, along with the provision of off-street parking are matters for detailed consideration at reserved matters stage.

Having regard to the above, it is considered that the proposed development would not give rise to highway safety concerns. In such terms it accords with policies DM1 and T1.

Flood Risk: The application site is not identified as being located within Zone C1 or C2 on NRW's Development Advice Map. However a small area at the rear of the site is identified as being within Flood Zone 2 and the TAN15 Defended Zone as defined on NRW's Flood Map for Planning.



The requirements of paragraph 6.2 of Technical Advice Note 15 are applicable:

- i. The development is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or**,
- ii. The development is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

- iii. It concurs with the aims of PPW and meets the definition of previously developed land and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and found to be acceptable.

The development would constitute windfall development. Windfall developments are expected to make an important contribution to the housing supply delivered over the LDP plan period. Completions from windfall sites

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

are expected to account for nearly 19% of the total LDP housing provision, with completions from large windfall sites (developments of 10 or more dwellings) accounting for approximately 10% of the LDP housing provision and completion from small windfall sites (developments of <10 dwellings) accounting for the remaining 9%.

Whilst the development would make only a modest contribution to the overall housing land supply (a net increase of 9 dwellings), ensuring the LDP housing provision is delivered relies upon consistent supply of appropriately located windfall sites coming forward for development.

Rossett is defined as a Tier 3 Settlements/Local Service Centre in policy SP2. Rossett falls within this tier because it has relatively good accessibility by non-car modes and a wide range of services including a primary and secondary school, a convenience shop and a regular bus service to Wrexham and Chester. Rossett is therefore a sustainable settlement and an appropriate location for residential development.

Previously developed land is defined in PPW12 as land that is occupied by a permanent structure (such as a building), any associated fixed surface infrastructure as well as the curtilage of a building. The application site therefore constitutes previously developed land.

The application is accompanied by a Flood Consequences Assessment (FCA). NRW have advised that this demonstrates that the risk and consequences of flooding can be managed, subject to an appropriately worded planning condition being imposed to requiring the finished floor levels of the dwellings be set at a minimum height of 15.2m AOD. This would be 0.26m above the lowest part of the site. The FCA also recommends that flood risk is considered within the final layout to minimise the footprint of development within the areas of the site at potential risk of flooding.

As already noted above, only a small area of the site is identified as being at potential risk of flooding. Moreover, detailed matters relating layout are reserved for subsequent consideration. Subject to compliance with the condition recommended by NRW and the recommendations of the FCA being taken into account in the design of the final site layout, the proposed development would not be at unacceptable risk of flooding or unacceptably increase the risk of flooding in the locality. In such terms, the development accords with TAN15 paragraph 6.2 and policy SP18.

Foul Drainage: The application was submitted prior to the Lavister Wastewater Treatment Works (WwTW) benefitting from an up to date Environmental Permit. The applicant therefore proposed a scheme for the creation of a wetland area on land within their ownership adjoining but outside of the application site. However, the WwTW now benefits from an up to date Permit. Welsh Water have confirmed that there is capacity within the WwTW and sewer network to treat additional wastewater from the proposed development within revised Environmental Permit limits. It would therefore be unnecessary for the applicant to be required to implement the scheme of

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

wetland creation in order to make the development acceptable in planning terms. The grant on planning permission would not need to be subject to a condition or Obligation to secure these measures.

Having regard to the above, the proposed development is unlikely to have a significant effect on the River Dee and Bala Lake SAC. In such terms it accords with LDP policies NE1 and NE6.

Open Space: Policy CF2 requires developments of 10 or more dwellings to provide open space within the development. The applications proposes the erection of up to 10 new dwellings. However the site is already occupied by 1 existing dwelling. The proposed development would therefore only deliver a net increase of 9 dwellings. The policy is therefore not applicable.

Affordable Housing: Objectors had suggested that the proposed development does not accord with Future Wales: The National Plan 2024 (FW) on the grounds that FW indicates that 50% of the dwellings provided between 2020 and 2025 should be affordable. However, whilst policy 7 of FW promotes the delivery of affordable housing, it does not set any requirement that individual developments are required to meet. Instead the policy that sets the requirements for affordable housing fails within the Local Development Plan, informed by appropriate evidence.

The site is within the Rural East sub-market area sub-market as defined in policy H2. The policy applies a 30% requirement for affordable housing to residential developments of 10 or more dwellings in this sub-market area. It also sets an expectation that this would be provided on site in the first instance, with off-site provision or commuted sums being accepted in lieu of on-site provision in exceptional circumstances.

For the reasons already set out above in respect of open space, the proposed development would deliver a net increase of 9 dwellings, therefore the requirement for the affordable housing on site is not applicable.

For developments of less than 10 dwellings, policy H2 sets an expectation that commuted sum contributions towards affordable housing in 3 sub-market areas, including the Rural East, in line with details set out in an adopted SPG. The relevant SPG has yet to be adopted. In the absence of an adopted SPG setting out in detail how affordable housing contributions will be calculated for small housing developments, it would not be reasonable to make the granting of planning permission subject to the prior completion of a Planning Obligation to secure a financial contribution towards affordable housing.

Other Matters: Objectors have suggested that the provisions of The Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020 apply to the proposed development. This is incorrect. The Direction applies to developments that do not accord with one or more provisions of the development plan. As noted above, the application site is situated within the settlement limit where residential development is acceptable in principle. A resolution to grant planning permission would

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

therefore not need to be referred to Welsh Government for their consideration as to whether or not the application should be called in.

Policy 13 of Future Wales requires new development to include provision of Gigabit capable broadband from the outset. This could be secured by a suitably worded condition.

CONCLUSION

Subject to further consideration being given to detailed matters relating to access, appearance, landscaping, layout and scale at reserved matters stage, the proposed development need not give rise to highway safety, ecology, flood risk or residential amenity concerns and could preserve character and appearance of the Conservation Area. It therefore accords with the relevant LDP policies.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters'") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.
3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
4. The development hereby permitted makes provision for the demolition of the existing dwelling and the erection of maximum of 10 dwellings (a net increase of 9 dwellings).
5. A detailed scheme of boundary treatment shall be submitted with the reserved matters that shall include, but not be limited to, full details of all sections of new boundary wall to be erected in conjunction with the formation of the proposed site access and the closure of the existing site access. The scheme shall be implemented in full prior to the first occupation of any dwelling hereby permitted in accordance with the approved details. All section of new boundary wall shall thereafter be permanently retained.
6. A scheme to provide net benefit for biodiversity (NBB) shall be submitted with the reserved matters. The scheme shall include, but not be limited to:
 - i. A scheme of tree planting on land edged red and the area edged blue on drawing no. PL(00)01;
 - ii. A scheme of native hedgerow planting;
 - iii. A scheme of bat and bird box provision;
 - iv. A Landscape Management Plan for the land edged red and the land edged blue on drawing no. PL(00)01

iv. A timescale for the implementation.

The measures shall be fully implemented in accordance with the approved plan and agreed timescale and shall be retained thereafter for the lifetime of the development. All tree and hedgerow planting shall be managed in accordance with the approved Landscape Management Plan.

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

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

8. Development shall not commence until a scheme to enable the provision of Gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of each dwelling.

9. No development shall commence, to include the demolition of the existing dwelling, until a scheme of Reasonable Avoidance Measures in respect of bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. If demolition of the dwelling does not occur within 12 months of the date of this planning permission, the scheme shall include additional bat surveys and full details of any mitigation measures as may be necessary. The development shall be carried out in strict accordance with the scheme as approved.

10. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- 1) the parking of vehicles of site operatives and visitors;
- 2) loading and unloading of plant and materials;
- 3) storage of plant and materials used in constructing the development;
- 4) an earthwork balance in respect of materials arising from excavations carried out on site, including measures to ensure those materials are re-used on-site;
- 5) hours of working and deliveries;

- 6) a scheme of dust management; and
- 7) a scheme to manage the impacts of construction noise and vibration.
11. No dwelling hereby permitted shall be occupied until a scheme for the permanent closure of the existing site access has been implemented in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.
12. The finished floor levels of the dwellings hereby permitted shall be a minimum of 15.2m AOD.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
 2. To comply with Section 92 of the Town and Country Planning Act, 1990.
 3. To comply with Section 92 of the Town and Country Planning Act, 1990.
 4. To define the scope of the planning permission.
 5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to preserve the character and appearance of the Conservation Area in accordance with Policies DM1, SP12, SP14 and SP15 of the Wrexham Local Development Plan.
 6. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
 7. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies DM1, SP14 and NE3 of the Wrexham Local Development Plan.
 8. To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales
 9. In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.
 10. In the interests of minimising disruption arising from the development as well as securing a sustainable use of materials excavated during construction in accordance with policy DM1 of the Wrexham Local Development Plan.
 11. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
 12. To manage and minimise the risk of flooding in accordance with TAN15 and LDP policy SP18
-