

Adroddiad

Ymweliad â safle a wnaed ar 10/10/19

gan Richard E. Jenkins BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14.11.2019

Report

Site visit made on 10/10/19

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 14.11.2019

TOWN AND COUNTRY PLANNING ACT 1990

Section 78

Appeal by Mr Roger Bellis of Bellis Bros Ltd & Trustees of the Bellis Family Trust

Residential development of two parcels of land (for up to 61 no. dwellings: Northern Parcel and up to 71 no. dwellings: Southern Parcel); extension to community parking facility (in association with the Northern Parcel) with associated means of access and all other matters reserved, but indicative provision made for pedestrian crossing, pedestrian linkages, public open space, landscaping and affordable housing.

Land to the North and South of Lane Farm,
Rossett Road, Trevalyn, Rossett,
Wrexham,
LL12 0DS

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Glossary of Terms/Abbreviations

ALC - Agricultural Land Classification

BMV - Best and Most Versatile

DAS – Design and Access Statement

DMM – Development Management Manual

Ha - Hectares

JHLAS - Joint Housing Land Availability Studies

LDP - Local Development Plan

LPA – Local Planning Authority

LVIA – Landscape and Visual Impact Assessment

NRW – Natural Resources Wales

PPW - Planning Policy Wales

SA – Sustainability Appraisal

SEA – Strategic Environmental Assessment

SLA – Special Landscape Area

SoCG – Statement of Common Ground

TAN - Technical Advice Note

UDP - Unitary Development Plan

File Ref: APP/H6955/A/19/3231048

Site address: Land to the North and South of Lane Farm, Rossett Road, Trevalyn, Rossett, Wrexham, LL12 0DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Roger Bellis of Bellis Bros Ltd & Trustees of the Bellis Family Trust against the decision of Wrexham County Borough Council.
- The application Ref: P2018/0560, dated 5 July 2018, was refused by notice dated 7 January 2019.
- The development proposed is: Residential development of two parcels of land (for up to 61 No. dwellings: Northern Parcel and up to 71 no. dwellings: Southern Parcel); extension to community parking facility (in association with the Northern Parcel) with associated means of access and all other matters reserved, but indicative provision made for pedestrian crossing, pedestrian linkages, public open space, landscaping and affordable housing.

Summary of Recommendation: That the appeal be allowed subject to conditions

Preliminary and Procedural Matters

1. In exercise of the powers under Section 78 and paragraph 3(1) of Schedule 6 of the Town and Country Planning Act 1990, the Welsh Ministers have directed that the appeal is to be determined by themselves. The reason for this direction is that the proposal is for residential development on more than six acres of land.
2. The application was submitted in outline, with only access to be determined at this stage. All other matters are reserved for subsequent approval. The site address, as set out above, has been taken from the Council's Notice of Decision. As this is broadly consistent with that outlined on the Planning Application Form, there is no prejudice in this respect. The main parties have confirmed in writing that they are satisfied with the use of this address, despite other documents referring to subtly different details.
3. The application was refused by Wrexham County Borough Council, contrary to the recommendation of its professional officers. An application for costs has been made by the appellant against the Council. That application is the subject of a separate Report.

The Site and Surroundings

4. The appeal site is located adjacent to Lane Farm which is situated along Rossett Road (B5012) in Rossett, Wrexham. The site comprises two separate field parcels that amount to approximately 6.20 hectares (ha) of agricultural land. The field parcels are dissected by Rossett Road and are referred to within the evidence as the 'northern' and 'southern' sites. The northern site comprises approximately 2.8 ha and is irregularly shaped. It is contained to the north-west by the existing residential properties located along Waverley Crescent and Trevalyn Hall View and enclosed to the north-east by the playing fields of Darland High School. The southern field is of a more regular shape and comprises approximately 3.4 ha of land. That parcel of land is contained by Rossett Road to the north, Harwood Lane to the south and residential properties to the west. The north eastern corner of the southern field abuts the existing property at Lane Farm and a public right of way runs along its eastern boundary. Both fields have open aspects across the wider agricultural landscape setting to the east.
 5. The historic village of Rossett is located approximately 8 kilometres north-east of Wrexham town centre and the appeal site is well located relative to Rossett village
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centre, with local schools, shops and bus routes all within a reasonable walking distance.

Planning Policy

Adopted Development Plan

6. Despite being time-expired, the development plan for the area is the Wrexham Unitary Development Plan 1996- 2011 (Adopted 2005) (UDP). The site lies outside of the settlement limits of Rossett, as defined by the UDP, and is also located within a Green Barrier and Special Landscape Area (SLA). The site also contains Best and Most Versatile (BMV) agricultural land. The policies cited by the Council in its Notice of Decision are UDP Policies PS1, EC1, EC2, EC5, H5 and GDP1(d).
7. Policy PS1 of the adopted UDP represents a strategic policy that directs development for housing to within defined settlement limits. Policy H5 expands on Policy PS1 by stating that, outside defined settlement limits, new dwellings will only be permitted where: a) proposals accord with Policies H3, H4, and H8; or b) proposals comprise infilling subject to Policy GDP1; or c) an essential need to house a full time agricultural or forestry key worker can be established. Policies H3, H4 and H8 relate to the conversion of buildings, the subdivision of dwellings and affordable housing exception sites respectively, none of which are applicable to the appeal proposal. Policy GDP1 requires all new development to satisfy relevant criteria, including matters relating to location, layout, design and appearance.
8. Policy EC1 states that, within Green Barriers, development will only be granted planning permission if it is for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purposes of including land within it. The reasoned justification to that same policy states that the purposes of a Green Barrier are: i) to prevent the coalescence of urban areas and villages with other settlements; ii) to assist in safeguarding the countryside from encroachment; iii) to protect the setting of urban areas and villages; and iv) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
9. Policy EC2 states that development on agricultural land of grades 1, 2 or 3a will only be permitted if it does not lead to the irreversible loss of that land. Policy EC5 states that, within SLAs, priority will be given to the conservation and enhancement of the landscape. It also goes on to state that developments, such as that proposed in this case, will be strictly controlled and be required to conform to a high standard of design and landscaping, with special attention paid to minimising its visual impact from both nearby and distant viewpoints.
10. Policy GDP1(d) states that all new development should ensure safe and convenient pedestrian and vehicular access to and from development sites, both on-site and in the nearby locality.
11. Other UDP Policies referred to within the evidence, but not forming part of the Council's Notice of Decision, include: Policy CLF5 - *Open Space Requirements from New Residential Developments*; Policy EC11 - *Archaeology*; Policy EC12 - *Development and Flood Risk*; Policy EC13 - *Surface Water Run-off*; Policy EC4 - *Hedgerows, Trees and Woodland*; Policy EC6 - *Biodiversity Conservation*; Policy H7 - *Affordable Housing Within New Developments*; and Policy T8 - *Parking*.

Emerging Development Plan

12. The Council has submitted its Local Development Plan (LDP) to the Welsh Ministers for independent Examination. Whilst that Examination is yet to conclude, it is notable that significant policy changes are proposed in respect of the appeal site. Specifically, the appeal site comprises a housing allocation in the submitted LDP and would not form part of the revised SLA or proposed Green Wedge. Should the Plan be found sound, development proposals at the appeal site would therefore be unconstrained by policies designed to protect the countryside, Green Barrier/Wedge and SLA.
13. Nevertheless, the Welsh Government's Development Management Manual¹ (DMM) is clear that, in making development management decisions, the weight to be attached to an emerging LDP will in general depend on the stage it has reached, but that it does not simply increase as the plan progresses towards adoption. In considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, it is necessary to consider carefully the underlying evidence and background to the policies. National planning policy and the evidence used to support policies in an emerging LDP can be a material consideration in the decision making process.

National Planning Policy

14. The primary objective of Planning Policy Wales² (PPW) is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales. That includes directing development to sustainable locations. Amongst other things, it also states that a plan-led approach is the most effective way to secure sustainable development through the planning system and that it is essential that plans are adopted and kept under review.
15. It is widely accepted that the Green Barrier designation is consistent with the Green Wedge designation referred within national policy³. PPW advises that the main aim of Green Wedges is to prevent urban sprawl and to retain their openness. When considering applications for planning permission in such areas, a presumption against inappropriate development shall apply and substantial weight should be attached to any harmful impact which the development would have on the purpose of the designation. Specifically, inappropriate development should not be permitted within Green Wedges except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Wedge. The construction of new buildings within Green Wedges is inappropriate development unless it is for one of a list of specified purposes. These purposes include: *justified rural enterprise needs; essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness and do not conflict with the purposes of including land within the Green Belt; limited extension, alteration or replacement of existing dwellings; limited infilling and affordable housing for local needs; or small scale diversification within farms.*
16. PPW states that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile and should be conserved as a

¹ Revision 2, May 2017

² Edition 10, 2018

³ PPW, Edition 10, Paragraph 3.60- 3.74 (2018)

finite resource for the future⁴. It also states that considerable weight should be given to protecting such land from development because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

17. The Welsh Government published a Consultation Document entitled '*Delivery of Housing through the Planning System*' on 9 October 2019 which proposes to:
- 1) Remove the requirement for Local Planning Authorities (LPA) to provide a 5 year supply of land for housing;
 - 2) Revoke Technical Advice Note 1: *Joint Housing Land Availability Studies (JHLAS)* (2015) (TAN1); and
 - 3) Monitor housing delivery, rather than housing land supply. That consultation exercise runs until 20 November 2019, however, meaning that such national policy requirements remain extant at the time this Report was prepared. Specifically, current policy requires LPAs to ensure that sufficient land is genuinely available or will become available to provide a five year supply of land for housing judged against the general objectives, scale and location of development required in the development plan⁵. TAN1 also advises that, where an LPA does not have an adopted LDP, or where an adopted UDP is outside of the plan period as in this case, it will not be able to produce a JHLAS and therefore will not be able to demonstrate a five year supply of land for housing⁶.

Planning History

18. Residential development and the construction of new vehicular and pedestrian access was refused planning permission under LPA Ref: ROS 17649. No further information has been disclosed.
19. Since the refusal of planning permission under Ref: P/2018/0560⁷, the appellant has resubmitted the scheme for determination by the LPA⁸. That application is yet to be determined.

The Proposal

20. The appeal proposal seeks outline planning permission for the residential development of the two parcels of land for up to 132 No. new dwellings (up to 61 No. dwellings on the northern land and up to 71 No. dwellings on the southern land), extension to community parking facility (in association with northern land) with associated means of access and all other matters reserved, but indicative provision made for pedestrian crossing, pedestrian linkages, public open space, landscaping and affordable housing.
21. A unilateral undertaking has been submitted to ensure that 25% of the dwellings⁹ would comprise affordable housing. The Design and Access Statement (DAS) and associated Illustrative Masterplan indicate that the affordable housing would be '*pepper*

⁴ PPW, Edition 10, Paragraph 3.54 onwards (2018)

⁵ PPW, Edition 10, Paragraph 4.2.15 (2018)

⁶ TAN1, Paragraph 8.2 (2015)

⁷ The application subject of this appeal

⁸ Planning application Ref: P/2019/0460

⁹ 33 No. dwellings

potted' across the site and be *'tenure blind'*, with no noticeable differentiation between the open market and affordable housing. Those documents also establish the key principles with regard to amount, scale, density and design quality. A net density of approximately 21 dwellings per hectare is indicated by the most up to date Planning Statement¹⁰, with some 1.16 ha of greenspace indicated by the DAS. A mix of housing sizes and types would be provided, although they would predominantly comprise two storey properties. The larger properties would be located along the key streets and greenspace frontages to provide a greater sense of enclosure, frame key views and approaches, and define key meeting points and junctions.

22. The vehicular access to each parcel of land is proposed exclusively off Rossett Road/Holt Road with only an emergency access provided to the southern parcel off Trevalyn Way. A series of pedestrian linkages are proposed along the western perimeters, with the public footpath running along the eastern boundary. A series of highway improvements are also proposed along Holt Road and Rossett Road, including a new footway and crossing, as well as traffic calming measures.
23. Areas of Public Open Space (POS) are proposed on each parcel of land. An extended community parking facility is also identified adjacent to the south-western boundary of the northern site, for use as a safe drop-off/pick-up facility for the Primary School, increasing parking provision from 4 to 13 spaces.
24. The proposal is supported by a significant number of reports and assessments, many of which have been requested by the LPA. A full list of the plans and documents is set out in the appellant's Appeal Submission Documents. A separate list of the main documents is set out in the Appellant's most up to date Planning Statement¹¹.

Agreed and Other Facts

25. The LPA's Notice of Decision identified two reasons for refusal. These are:

- 1) *The site lies outside of the settlement limit, within a Green Barrier and Special Landscape Area and contains Grade 2 and 3a agricultural land. The proposed development therefore conflicts with Policies PS1, EC1, EC2, EC5 and H5 of the adopted UDP; and*
- 2) *Due to the lack of continuous pedestrian footway provision along Holt Road and the increase in vehicular and pedestrian traffic that would be generated by the development, the proposals would be detrimental to pedestrian safety and therefore conflict with Policy GDP1(d).*

26. In an attempt to focus the issues in respect of the appeal, a Statement of Common Ground (SoCG) has been prepared and signed by the main parties¹². That SoCG states that: *"Following an intense period of negotiation, new highway evidence and an improved off-site highway improvements plan there no longer appears to be any dispute about whether the development is sustainable or not; nor does there appear to be any dispute about traffic safety, visibility or residential amenity. The main (original) concern raised by Highways Officers (and Members who sought to use this concern as the basis for the reason for refusal) is the belief that the development would exacerbate pedestrian safety for existing local residents and future occupiers of the site*

¹⁰ Dated June 2019, Paragraph 1.22

¹¹ Dated June 2019, Paragraph 1.7

¹² Dates 17 April 2019, signed by both parties May 2019

seeking to use Holt Road as their walking route to and from the development site; this has now been resolved."

27. It is also relevant to note that the LPA's Statement of Case¹³ states that, since the determination of the planning application, the appellants and Officers have undertaken further discussions regarding the second Reason for Refusal (pedestrian safety). Specifically, it states that: *"The appellants have put forward proposals to convert a section of highway verge along the southern side of Holt Road to a footway. Whilst the footway will be less than 2m wide it nevertheless represents a significant improvement in terms of pedestrian safety and as such the Highways Authority have confirmed this is sufficient to overcome their concerns."*
28. The SoCG also confirms that there is no dispute between the main parties on the issues of: *open space provision; archaeology; drainage strategy and flood risk; hedgerows, trees and woodland; biodiversity and ecology; affordable housing; parking; and other community infrastructure impacts and obligations*. It outlines both parties' agreement that the site is located outside of the settlement limits defined in the adopted UDP, but that it forms part of the settlement of Rossett in the emerging LDP. Similarly, it is common ground that, whilst the site is located within a Green Barrier and SLA for the purposes of the adopted UDP, it would not be constrained by such designations should the submitted version of the LDP be adopted without alteration. Finally, it is agreed that the site incorporates BMV agricultural land.

The Case for the Council

Development Outside of Settlement Limits/Within Special Landscape Area

29. The site lies outside of the settlement limit for Rossett, as defined by the adopted UDP, and therefore conflicts with Policy PS1. The Council does not consider the proposal to accord with any of the circumstances set out in Policy H5 that permit small scale residential development on sites outside of settlement limits. The application site currently comprises one field located on the north side of Rossett Road and approximately half of another field located on the south side of Rossett Road. The former is enclosed by hedgerows to the north east and south east, whilst the latter is enclosed by hedgerows to the western and southern boundaries. The Rossett Road frontages of both fields are also enclosed by hedgerows, which provide a strong and clearly defined boundary between the appeal site and the existing built up edge of Rossett. They contribute significantly to the rural character of the site frontage and ensure that the site forms an integral part of the surrounding countryside.
30. The Council notes that the development would project approximately 150 metres beyond the existing built up area of Rossett, representing a significant intrusion of urban development into the rural landscape. The impact would be compounded by the loss of hedgerows along the site frontage to provide for the site accesses and associated visibility splays. The eastern boundary of the southern site is not enclosed by a fence or hedge and, as a result, the development would subdivide what is effectively a single large field. The appeal proposal cannot therefore be described as a logical extension to the existing village. Whilst it would be possible to secure the planting of a hedge via a landscaping scheme at reserved matters stage, this would take a significant amount of time to mature to provide any meaningful screening of the site. In the interim the development would be visible from the countryside to the east.

¹³ Paragraph 6.18

31. The site lies within a designated SLA and, as a result, Policy EC5 is applicable. The objective of the policy is the conservation and management of the landscape. The policy clearly states that development other than agriculture, small scale farm-based and other rural enterprises along with essential development by utility providers will be strictly controlled. The Council contends that the erection of 132 dwellings in a currently rural setting is fundamentally at odds with the requirements Policy EC5.

Green Barrier

32. The Council asserts that the Green Barrier designation serves the same purpose as a Green Wedge. The development constitutes inappropriate development as defined by paragraph 3.71 of PPW and, in accordance with paragraph 3.70, such development should not be permitted within Green Wedges except in very exceptional circumstances where other considerations clearly outweigh the harm to the Green Wedge. The proposed development is considered to represent a significant encroachment into the area of open countryside, reducing the gap between Rossett and Trevalyn from over 300 metres to approximately 150 metres. It is submitted that it would significantly harm the openness of the countryside between the two settlements and serve to erode their separate identity. The development is therefore considered to be significantly at odds with the purpose of a Green Barrier and, therefore, Policy EC1 of the adopted UDP.

Agricultural Land

33. The LPA notes the appellant's Agricultural Use and Quality of Land Report which concluded that the land to the north of Rossett Road is primarily Grade 3a land with a small amount of Grade 3b and the majority of the land to the south of Rossett Road being Grade 3b, with the remainder being 3a. Nevertheless, it notes that such land classification contradicts the Welsh Office Agricultural Department's Survey (1993) which found the majority land to the north of Rossett Road to be Grade 3b land with the remainder Grade 2 land. The land to the south of Rossett Road was found to be mainly Grade 2, with some Grade 3a land by the 1993 Survey.
34. The Welsh Government Department for Rural Affairs advised the Council that the decision should be made on the basis of the Welsh Government's survey. The specific quantities of each grade of land classification in that survey are as follows:

ACL Grade	Area (ha)	% of site area
2	3.3	53
3a	1	16
3b	1.9	31

35. On the basis of the above, the Council contends that the majority of the site constitutes BMV land. As such it contends that the proposals are significantly at odds with both PPW and Policy EC2 of the adopted UDP.

Whether there are Very Exceptional Circumstances

36. The Council acknowledges that it is unable to demonstrate a 5 year housing land supply. It is also acknowledged that the submitted LDP identifies a need for land to be brought forward for development to meet the Plan's housing requirements.

Nevertheless, in refusing planning permission, the Council contends that there are no exceptional circumstances to justify allowing housing development in the Green Barrier on the edge of Rossett.

37. The Council notes that the land forms a housing allocation within the settlement of Rossett in the LDP submitted for independent Examination. It also notes that the SLA and Green Barrier policy implications would not apply should that Plan be adopted without amendment. Nevertheless, it notes that policies and proposals in the submitted LDP could be amended or deleted as a consequence of the independent examination. It therefore submits that certainty over the content of the Plan will only be achieved once the LDP Inspectors have delivered their binding report and that such emerging policy should not, therefore, be afforded significant weight in the determination of the appeal.

Pedestrian Safety

38. The Council's second Reason for Refusal related to the fact that there is only an intermittent pedestrian footway along Holt Road, to the west of the appeal site, and that the increase in vehicular and pedestrian traffic along that route would, therefore, be detrimental to pedestrian safety and contrary to the aims of Policy GDP1(d) of the adopted UDP.
39. Nevertheless, as set out above¹⁴, the appellants have since put forward proposals to convert a section of highway verge along the southern side of Holt Road to a footway. Whilst the footway would be less than 2m wide, the Council has confirmed that this would represent a significant improvement in terms of pedestrian safety and that it would be sufficient to overcome its concerns in relation to such matters.

Conclusion

40. The Council contends that the development represents a departure from the UDP, conflicting with policies PS1, EC1, EC2, EC5 and H5.

The Case for the Appellant

41. The principal arguments for the development are set out in the appellant's most up to date Planning Statement, with such arguments supplemented by the various technical reports submitted. The arguments can be summarised as follows.
42. The site is located in an accessible position on the very fringe of Rossett and within walkable range of all its amenities and facilities. The site is well served by public transport service routes that run along the B5445 Chester Road and bus stops exist within immediate walking distance of the site.
43. The site is considered to be located in a highly sustainable and accessible position to take advantage of existing community facility and transportation related infrastructure and benefits from very good sustainability credentials. A comprehensive list of services and facilities is set out at paragraph 1.18 of the Planning Statement.
44. The appellant considers that the Landscape and Visual Impact Assessment (LVIA) undertaken underpins the view that the development of these sites for residential development form a logical extension to the settlement. Specifically, it is noted that the landscape assessment concludes that the site is visually lost very quickly as you

¹⁴ Paragraphs 26 and 27 of this Report

move away from the settlement and the illustrations serve to demonstrate that the impact upon the wider Green Barrier would be negligible.

45. The appellant concludes that the submission has satisfactorily addressed all the technical, design and landscape impact concerns that have been raised by LPA Officers and notes that a consensus position had been reached where Officers were entirely comfortable with the scheme.
46. In respect of the Green Barrier, it is agreed that, in terms of current UDP Policy EC1, the appeal proposal does not accord with the existence of a Green Barrier and would have to be classified as 'inappropriate development' as it does not meet one of the exceptions and is a departure from the development plan. The test therefore has to be that the proposal meets exceptional circumstances where other considerations clearly outweigh the harm.
47. There are essentially 4 purposes for including land in the Green Barrier and these are:
1) To prevent coalescence of urban areas and villages with other settlements; 2) To assist in safeguarding the countryside from encroachment; 3) To protect the setting of urban areas and villages; and 4) To assist in urban regenerations by encouraging the recycling of derelict and other urban land.
48. In respect of coalescence, the appellant asserts that the development would be contained within a tightly defined and defensible boundary. The site is visually contained and enclosed by defined physical boundaries. It would not therefore result in any coalescence with neighbouring settlements, not least because of a Green Barrier being proposed between Rossett and Trevalyn in the emerging LDP.
49. In respect of encroachment into the countryside, the appellant states that a sensitive and sympathetic design solution has been endorsed by Officers. Its low density and overall design would have a rural character, with large areas devoted to open space (pocket parks) with the retention of existing landscaping (trees, hedgerows and stone walling) and new planting and biodiversity areas. Thus, the countryside would be protected, with the site not being 'open', but rather visually contained and enclosed.
50. With regards to the protection of the setting of urban areas and villages, the appellant states that the setting of Rossett is not defined by the appeal site. This site does not contribute to that setting and character. The development would also not undermine the setting or character of the eastern side of Rossett as has been demonstrated by the LVIA, but instead enhance and redefine its urban edge. The benefit of the site being contained by a strong landscape enclosure, with development within it, is that it would be discreet with a soft rural edge.
51. The appellant refers to the development of 'brownfield land' within Wrexham as having 'peaked' and the availability of suitable, viable and developable brownfield sites 'minimal to nil' in Rossett. It is contended that there is a recognition that Green Barrier and open countryside sites must now be identified to serve the future needs of delivering jobs, homes and other infrastructure.
52. The Council is unable to demonstrate a 5-year housing land supply. Moreover, this is unlikely to change for at least another year until the emerging LDP is adopted. Plan preparation slippage has been severe and it places the Authority in an even more difficult position with a housing 'backlog'. Delivering housing cannot wait and the need will simply grow ever larger without permissions being brought forward.

53. Council officers have recognised that sustainable Green Barrier sites must be released as part of the emerging plan process. Specifically, whilst the emerging LDP proposes to retain strategic Green Barrier between Rossett and Pulford, Rossett and Marford/Gresford and between Rossett and Trevalyn, it recognises that Green Barrier ought to be amended to exclude the area comprising the application site given that it would not materially lessen the gap between Rossett and Trevalyn. This concurs with the findings of the appellant's LVIA.
54. The emerging Plan has also been prepared within the context of an SLA Study which found that SLA land ought to be released from the designation in compliance with PPW guidance. The Authority has endorsed this advice and dramatically reduced the area of SLA, consistent with the findings of the appellant's own LVIA.
55. The appellant refers to the 'direction of travel' of the LDP process in relation to SLA and Green Barrier designations. For new development to be accommodated in Rossett, there must be some form of release and allocation of Green Barrier land because the whole settlement is (under the UDP) surrounded by Green Barrier.
56. The appeal site is submitted as the most logical and sustainable location for new development. The appellant contends that the appeal proposal outperforms all other alternative sites that have been promoted or identified in the LDP and by other speculative submissions. In terms of deliverability, the site is said to be 'fit for purpose' and 'commercially attractive', with a number of developers expressing an interest. The appellant also notes the time and resources spent in carefully addressing key highways and drainage issues.
57. The appellant asserts that the development would achieve sustainable development whilst providing a series of economic, social and environmental net gains. Specifically, the development would create a number of direct and indirect job opportunities and would introduce the spending power and Council Tax benefits of an additional 132 households to the area. Socially, it would provide a range of housing, including 33 No. affordable homes, public open space, education contributions and highway improvements. The development would also be sympathetically designed to take account of landscape character, place making principles, green infrastructure, connected and permeable pedestrian routes.
58. The appellant responds to local concerns by highlighting the fact that the proposal would make new links with established pedestrian routes, offering new internal footways, traffic calming measures and a new pedestrian crossing, along with opportunities of providing safe routes to school. Similarly, it is noted that the site lies within Flood Zones A and B in response to concerns regarding flooding.
59. It is submitted that the positive benefits of the scheme should be afforded full weight as material planning considerations. They are considered outweigh any perceived or apparent concerns (or harms) that this proposal could be considered to have upon the locality, its open countryside and Green Barrier designation.
60. The appellant notes that local precedent exists in respect of the Authority agreeing to release Green Barrier sites for housing. A number of cases have been cited at paragraph 1.73 of the Planning Statement, with copies of some decisions submitted as part of the Appeal Submission documents.
61. Finally, whilst the appellant's most up to date Planning Statement is silent on the issue of pedestrian safety, the SoCG sets out the appellant's willingness to convert a section

of highway verge along the southern side of Holt Road to a footway in order to satisfy the Council's concerns.

Written Representations Made by Interested Parties

62. A number of written representations were submitted by interested parties through the planning application process. These have been summarised in the LPA Officer's Report. Similarly, multiple representations were submitted to the Planning Inspectorate in response to the notification of appeal. The principal issues raised through the written submissions include the following:

- *Significant weight should be attributed to the adopted UDP and limited weight should be attributed to the emerging LDP;*
- *Planning permission should be refused on grounds of prematurity;*
- *The proposal would result in an unacceptable incursion into the countryside;*
- *The proposal would result in the loss of BMV agricultural land;*
- *The proposal would represent overdevelopment of the village;*
- *The development would have an injurious impact upon character of the village and SLA;*
- *It comprises inappropriate development that would result in the loss of openness to the Green Barrier designation and the coalescence of Rossett and Trevalyn;*
- *Arguments in favour of the development do not comprise very exceptional circumstances necessary to comply with policy framework relating to Green Barrier;*
- *The development would be detrimental to both highway and pedestrian safety, with particular reference to the safety of school children;*
- *Proposed pedestrian link improvements would not be satisfactory;*
- *The development would exacerbate the already significant pressure on local services, including local health services;*
- *The development would result in the loss of trees and hedgerows and would have an adverse impact upon local wildlife;*
- *The proposal represents a flood risk;*
- *The proposal raises unacceptable archaeological concerns;*
- *There are more suitable alternative sites that would better meet housing needs;*
- *It would result in loss of privacy and outlook to nearby residents, including loss of views over countryside;*
- *The development would result in unacceptable levels of noise, disturbances and pollution;*
- *There is inadequate water supply to accommodate the development;*
- *The development would represent a dangerous precedent;*
- *The proposal would contravene the Well-Being and Future Generations (Wales) Act.*

63. No objections have been raised by statutory consultees, subject to suitably worded planning conditions being imposed.

Planning Conditions and Unilateral Undertaking

64. The Council has suggested planning conditions¹⁵ in the event the appeal be allowed and the SoCG confirms the appellant's agreement to the imposition of such conditions.
65. The Council contends that the development would also need to be subject to a planning obligation that would secure financial contributions towards education, ensure the management of on-site public open space and deliver affordable housing as required. The appellant has submitted a Unilateral Undertaking, under Section 106 of the Act, for such purposes and the Council has confirmed its opinion that it meets the necessary statutory and policy requirements and that it should, therefore, be attributed due weight in the determination of the appeal.

Appraisal and Overall Conclusions

66. In light of the available evidence, the main issues are:

- Whether the principle of development is compliant with the planning policy framework;
- The effect of the proposed development upon the character and appearance of the area, having particular regard to its siting within an SLA;
- The effect of the proposed development upon the purposes and openness of the Green Barrier and whether any such harm would be clearly outweighed by very exceptional circumstances; and finally
- Whether the development would result in the unacceptable loss of BMV agricultural land.

Principle of development, Character and Appearance and Green Barrier

67. As set out above, the adopted UDP remains the adopted development plan for the area despite being time-expired. Indeed, the examination into the soundness of the emerging LDP has yet to be closed or reported upon, meaning that the site falls entirely within the countryside for the purposes of the adopted development plan.
68. Policy PS1 of the adopted UDP directs development for housing to defined settlement limits. Policy H5 represents a criteria-based policy that expands on the principles of Policy PS1, setting out the circumstances where new dwellings in the countryside would be permitted. Nevertheless, it is common ground that the development proposed in this case does not satisfy the requirements of those policies and I have no reason to come to a different conclusion on this matter. It therefore follows that the principle of the development would run counter to adopted development plan policy and, in particular, Policies PS1 and H5.
69. The development would immediately adjoin existing residential developments located along the eastern flank of Rossett. Nevertheless, it would undoubtedly comprise a significant physical incursion into the countryside and designated SLA. By reason of its scale and nature, the development would also inevitably result in the urbanisation of what is a rural landscape and, in this respect, I consider that it would injuriously alter the prevailing rural characteristics of the area. It would therefore conflict with Policy PS1 of the adopted UDP which seeks to generally protect the countryside. It would also

¹⁵ Schedule to LPA Appeal Statement

conflict with Policy EC5 of the adopted UDP which seeks to strictly control development and give priority to the conservation and enhancement of the landscape.

70. The site lies within a Green Barrier as defined by the adopted development plan and that designation is consistent with the Green Wedge policy tool referred within national policy¹⁶. Policy EC1 of the adopted UDP states that development proposals within Green Barriers will only be granted planning permission if they are for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it. Given the scale and nature of the development proposed in this case, there is little doubt that it would comprise 'inappropriate development' within the Green Barrier, in line with the definition of inappropriate development set out in PPW. Moreover, it would fail to fall within the types of development permissible by Policy EC1 of the adopted UDP.
71. PPW is clear that when considering applications for planning permission in such designations, a presumption against inappropriate development will apply and that substantial weight should be attached to any harmful impact which a development would have on the purposes of the designation. It also states that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the designation.
72. By encroaching into an area of open countryside and reducing the area of undeveloped land between Rossett and Trevalyn, the development would clearly be contrary to the purposes of the Green Barrier which seek to: i) *prevent the coalescence of urban areas and villages with other settlements*; ii) *assist in safeguarding the countryside from encroachment*; iii) *protect the setting of urban areas and villages*; and iv) *assist in urban regeneration by encouraging the recycling of derelict and other urban land*. There is also little doubt that such a residential development would materially reduce the openness of the site.
73. The development therefore conflicts with Policy EC1 of the UDP and, in accordance with the advice contained within national policy, such harmful impacts merit substantial weight in the planning balance. Nevertheless, in order to conclude fully on the impact on the Green Barrier designation, it is necessary to consider whether the arguments advanced in favour of the proposed development amount to 'very exceptional circumstances' that clearly outweigh the identified harm.
74. Given the age of the adopted UDP, and in particular the fact that it is time-expired, there is little doubt that it attracts less than full weight in the determination of the appeal. Furthermore, in accordance with national policy, the absence of an up-to-date development plan renders the LPA without a five year land supply for housing. In light of such factors, the need to increase the supply of housing therefore weighs significantly in favour of the proposal.
75. I have set out above that the weight to be attributed to an emerging LDP will depend on the stage it has reached, recognising however that it does not simply increase as the plan progresses. Specifically, in considering what weight to give to the specific policies of an emerging LDP, it is necessary to consider carefully the underlying

¹⁶ PPW, paragraphs 3.60- 3.74 (Edition 10, 2018)

evidence and background to the policies, noting that national planning policy and the evidence used to support policies in an emerging LDP can be material.

76. In this respect, it is important to note that the submitted version of the LDP identifies a need to significantly increase the supply of housing within the area. It is also relevant to note that, despite the soundness of the Plan not yet being determined by the appointed Inspectors, the Council accepts that such housing need can only be satisfied through the development of undeveloped sites. This is reflected through the LDP strategy and, in particular, the housing allocations identified within the Plan.
77. Of particular relevance to the determination of this appeal is the fact that the appeal site has been identified within the settlement limits for Rossett and identified as a housing allocation. Indeed, whilst it is proposed to retain a strategic Green Wedge between Rossett and Trevalyn, the appeal site has been omitted from that designation and has also been omitted from the SLA designation. Such factors also weigh significantly in favour of the development, not least because it represents a concession from the LPA that the site ultimately represents a suitable and sequentially preferable housing site despite the inevitable impact that such a development would have on the landscape character and openness of the site.
78. PPW states that, when considering Green Belt/Wedge designations, a sufficient range of development land which is suitably located in relation to the existing urban edge should be made available, having regard to the longer term need for development land, the effects of development pressures in areas beyond the Green Belt/Wedge and the need to minimise demand for travel. Within this context, it is notable that the appeal site is located adjacent to the built form of Rossett and, therefore, represents a logical extension to the settlement.
79. I have already referred above to the loss of openness should the appeal succeed. Nevertheless, a visual gap would be retained between Rossett and Trevalyn and the openness of that area would be protected through the Green Wedge designation proposed in the emerging LDP. The appeal site represents a broadly sustainable option, well-located to a number of facilities and services. The evidence also indicates that the development is deliverable and would provide a number of positive benefits, including the provision of a number of affordable homes. It is clear that the number of affordable homes would be less than the percentage requirements of the affordable housing policy in the emerging LDP. Nevertheless, the contribution of 33 No. affordable homes would be consistent with the 25% affordable housing requirement set by the adopted UDP and therefore merits substantial weight in the planning balance.
80. The time-expired UDP, the lack of housing land supply and the consistency of the appeal proposal with the emerging LDP, coupled with the sustainable location and positive benefits of the scheme, weigh substantially in favour of the development. Indeed, in balancing these matters, I consider that they comprise the very exceptional circumstances required to clearly outweigh the harm to the Green Barrier and its wider countryside/landscape status.

Loss of Agricultural Land

81. There is a dispute over the ALC of the site. However, the Welsh Government department for Rural Affairs has advised the LPA that the decision should be made on the basis of the classification in their survey and, despite the appellant submitting an Agricultural Use and Quality of Land Report, I have not seen anything to persuade me to take a different view. Either way, the development would result in the loss of agricultural land, a significant proportion of which comprises BMV agricultural land.

82. As a consequence of the loss of BMV agricultural land, the development would clearly conflict with Policy EC2 of the adopted UDP which states that development on BMV agricultural land will be permitted if it does not lead to the irreversible loss of that land. However, whilst PPW states that such land should be conserved as a finite resource for the future, it also states that such land should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.
83. I have already set out above the substantial benefits of the development, including the overriding need for development within the area. The emerging LDP evidences the need for the release of greenfield sites to meet the identified housing need and the allocation of the site has been undertaken within the context of a substantial evidence base that indicates that the housing requirements cannot be met without the loss of such BMV land. Indeed, all of the emerging LDP housing allocations located outside of the settlement limits identified within the adopted UDP contain some BMV agricultural land and this has been factored into the relevant Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) processes. The evidence also indicates that Rossett is largely surrounded by BMV land and, given the proportions of BMV on the appeal site, the site is sequentially preferable to other sites within the area.
84. Therefore, whilst the proposed development would run counter to Policy EC2 of the adopted UDP, material considerations, including the sequential approach advocated by PPW, indicate that such conflict is justified in this instance.

Other Material Considerations

85. There is little doubt that the development would result in increased traffic on the local highway network and a number of written submissions have contended that this would be detrimental to pedestrian and highway safety. Nevertheless the concerns in respect of highway safety remain uncorroborated by robust evidence. The Council raised concerns regarding Holt Road at the time of determining the application, but only insofar as it has an intermittent pedestrian footway. Specifically, it had concerns that the alternative routes, particularly from the northern parcel of land, would represent longer and more unattractive options for pedestrians.
86. Nevertheless, whilst such information was not available at the time of determining the application, the appellant has since put forward proposals to convert a section of highway verge along the southern side of Holt Road to a pedestrian footway. The footway would be less than 2m wide. However, it would nonetheless represent a significant improvement in terms of pedestrian safety. In light of this information, I concur with the Highways Authority that the dismissal of the appeal on such grounds is no longer justified. There would not, therefore, be any conflict with Policy GDP1(d) of the adopted UDP.
87. A number of written representations have been submitted contending that the development would represent the 'overdevelopment' of the village. However, such concerns are largely unsubstantiated by cogent evidence and, given the scale of the development and the site's sustainability credentials, I consider that it represents a logical extension to the settlement of Rossett.
88. Concerns have been raised regarding the impact the development would have on local services that are already under significant pressure. Specific concerns have been raised in respect of local health services and, in particular, the Alyn Family Doctors Surgery.

However, the local health board does not object to the principle of development and no detailed assessment has been submitted to provide evidence of the specific healthcare infrastructure that would be needed to mitigate the effects of the development. No financial contributions have therefore been sought in this respect and, for these reasons, I consider that the refusal of planning permission on such grounds alone would not be reasonable. Nonetheless, the submitted unilateral undertaking incorporates covenants to deliver a contribution towards education and a management plan in respect of open space provision.

89. Representations have been submitted in respect of flood risk, although it remains a matter of fact that the site lies outside of the C1 and C2 flood zones as detailed in Technical Advice Note 15: *Development and Flood Risk* (TAN15). The development is therefore policy compliant in this respect. Meanwhile, I see no reason why matters of surface water drainage cannot be satisfactorily controlled through the imposition of a suitably worded planning condition, whilst water supply has not been raised as an insurmountable constraint by the supplier.
90. Concerns relating to the impacts on trees, hedgerows and wildlife remain largely unsubstantiated, with no objections from Natural Resources Wales (NRW) in respect of the development or the appellant's Ecology Report. Matters of landscaping are reserved for subsequent determination. Similarly, no objections have been submitted by the relevant statutory body in respect of archaeological interests.
91. Matters of residential amenity could be satisfactorily addressed through detailed design, whilst disturbances through the construction process would be temporary and could be minimised through the use of planning conditions. Loss of views over a countryside setting in third party ownership is not, however, something that is protected by the planning system.
92. Submissions have been made in respect of whether alternative sites would better address the housing needs of the area. However, the success or otherwise of the appeal proposal is restricted to an assessment of its own particular planning merits, with no requirement for prospective developers to demonstrate that a particular site is more suitable than other potential sites.
93. My attention has been drawn to a number of other planning decisions, including Appeal Ref: 3171383 which deals with the conflicting issues of housing need and the conservation of BMV agricultural land. However, that issue is addressed above and needs no further commentary. Other planning decisions referred within the evidence, including the appeal decisions that turned on the lack of a housing land supply¹⁷, did not have the same set of circumstances as this case and have not, therefore, weighed heavily in my consideration of the appeal.

Conditions and Unilateral Undertaking

94. I have considered the suggested conditions and, having had regard to the advice in Welsh Government Circular 16/2014: *The Use of Planning Conditions for Development Management* (October 2014), have adjusted their wording in the interest of clarity and precision. Specifically, as I have not seen any cogent arguments for a shorter than typical time commencement period, I have imposed the standard periods for outline planning applications. The conditions have been drafted to enable a phased

¹⁷ Including PINS Ref: 3188913 & 3182282

development as suggested, not least because there has been no objection to this approach. Whilst not set out as a condition, the developer must comply with the duties outlined in section 71ZB of the Town and Country Planning Act 1990.

95. I am satisfied that the Unilateral Undertaking is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development proposed. It satisfies the statutory and policy tests and therefore merits weight in the planning balance.

Planning Balance and Overall Conclusions

96. Based on the foregoing analysis, I have found that the development would run counter to adopted development plan policies designed to protect the countryside and wider landscape designations. I have also found that the development would be contrary to the purposes of the Green Barrier. However, the harm to the Green Barrier and the wider countryside and landscape setting would be clearly outweighed by the very exceptional circumstances described above. Furthermore, whilst the development would result in the loss of BMV agricultural land, such harm and associated policy conflict would be justified in light of the provisions of PPW and the particular circumstances of this case. For these reasons, and having considered all matters raised, including the substantial number of submissions made by interested parties, I recommend that the appeal should be allowed subject to the conditions set out in the schedule below.
97. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Recommendation

98. The appeal should be allowed subject to the conditions set out in the attached schedule.

Richard E. Jenkins

INSPECTOR

Schedule of Conditions

- 1) Details of the, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development begins in that phase. The development shall be carried out as approved.

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

- 2) The first reserved matters application shall include a plan showing the first phase of development and location of all subsequent phases of development (hereinafter called "the Phasing Plan"). The Phasing Plan shall include the percentage of affordable housing within each phase, which across the phases shall consist of no less than 25% of the total number of dwellings to be built on the site. All subsequent reserved matters applications shall be submitted in accordance with the Phasing Plan as approved.

Reason: *In the interests of a co-ordinated approach to the development of the site.*

- 3) Any application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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

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

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

- 5) The development shall be carried out in accordance with the following approved plans and documents: Drawing No. Plnc-100-37-RLP-01; and Drawing No. Plnc 100-37-SMPA-01 in respect of vehicular and pedestrian access.

Reason: *To define the scope of the planning permission and in the interest of pedestrian and highway safety – UDP Policy GDP1(d)*

- 6) No development shall commence in any phase until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority for that particular phase of development. No development or other operations within that phase shall take place except in strict accordance with the approved Method Statement. The Method Statement shall include:

- 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- 2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, root protection areas, construction exclusion zones, and location of protective fencing and ground protection measures accurately plotted;
- 3) A full specification for any access, driveway, path (to include paths required by Condition Nos.8 and 9), underground services or wall foundations within retained tree root protection areas or construction exclusion zones, including any related sections and method for avoiding damage to retained trees;

- 4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- 5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- 6) Method for protecting retained trees during demolition works;
- 7) Details of all proposed tree works, including felling and pruning.

Reason: To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of trees within/adjacent to the site – UDP Policy EC4.

- 7) Development shall not commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. In accordance with the submitted Flood Consequence Assessment & Drainage Strategy, any scheme must demonstrate compliance with the latest Sustainable Drainage Systems (SuDS) Standards for Wales. Where a SuDS scheme is to be implemented, the submitted details shall:
 - 1) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
 - 2) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
 - 3) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall thereafter be carried out in strict accordance with the approved scheme.

Reason: To ensure the propose management of surface water in order to avoid on or off-site flooding - UDP Policy GDP1(i).

- 8) Development shall not commence on the land to the north of Rossett Road until a scheme detailing the following has been submitted to and approved in writing by the Local Planning Authority:
 - 1) Speed limit amendments along Rossett Road;
 - 2) Pedestrian footway links to Holt Road, Darland View, Trevalyn Hall View and Darland High School;
 - 3) Provision of a pedestrian footway along the south side of Holt Road;
 - 4) Bus stop provision; and
 - 5) Street lighting along the Rossett Road frontage of the site.

No dwelling shall be occupied on that part of the site until the approved scheme has been implemented in full.

Reason: To secure safe and convenient means of pedestrian access to the site in the interests of promoting sustainable transport choices – UDP Policy GDP1(d) and (e).

- 9) Development shall not commence on the land to the south of Rossett Road until a scheme detailing the following has been submitted to and approved in writing by the Local Planning Authority:

- 1) Speed limit amendments along Rossett Road;
- 2) Pedestrian footway links to Holt Road and Trevalyn Way,
- 3) Provision of a pedestrian footway along the south side of Holt Road
- 4) Bus stop provision
- 5) Street lighting along the Rossett Road frontage of the site

No dwelling shall be occupied on that part of the site until the approved scheme has been implemented in full.

Reason: *To secure safe and convenient means of pedestrian access to the site in the interests of promoting sustainable transport choices – UDP Policy GDP1(d) and (e).*

- 10) No development shall commence in a phase until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority in respect of that particular phase of development. 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.

Reason: *In the interests of minimising disruption arising from the development as well as securing a sustainable use of materials excavated during construction - UDP Policy GDP1(f).*

- 11) Prior to their first use the vehicular accesses shall provide visibility splays of 2.4 metres x 56 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

Reason: *To ensure that adequate visibility is provided at the proposed point of access to the - UDP Policy GDP1.*

- 12) The Reserved Matters shall include details of a 3 metre wide combined footway and cycleway that shall be provided along the full length of both frontages of the site with Rossett Road. The combined footways and cycleways shall be provided in accordance with the approved details prior to the first occupation of the dwellings in the respective phase of the development that they are situated within.

Reason: *To secure safe and convenient means of pedestrian access to the site in the interests of promoting sustainable transport choices – UDP Policy GDP1(d) and (e).*

- 13) The Reserved Matters shall include an area or areas of public open space to be provided within each phase, together with a scheme that includes the following details:
- 1) the siting, size, layout and appearance of formal play equipped play areas;
 - 2) hard and soft landscaping of the open space area(s);
 - 3) the timing of the construction and landscaping of the open space area(s);
- Public open space shall be provided on site within each phase in accordance with the approved scheme and permanently retained thereafter.
- Reason: *In the interests of the appearance of the development and the standard of amenity afforded to future occupiers - UDP Policies GDP1(a) and CLF5.*
- 14) No dwellings in a phase shall be occupied until a Final Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan(s) shall include measures to encourage occupiers of the development to walk, cycle and to use local facilities and public transport.
- Reason: *To assist future occupiers of the development to make sustainable transport choices – UDP Policy GDP1(e).*
- 15) No street lighting shall be installed on any part of the site until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details that demonstrate how the street lighting has been sited and designed so as to minimise the potential impact upon bat species. Street lighting shall thereafter only be installed in accordance with the scheme as approved.
- Reason: *To ensure the development takes place without harming statutory protected species – UDP Policy EC6.*
- 16) This development hereby permitted makes provision for a maximum of 132 dwellings.
- Reason: *To define the scope of the planning permission.*