

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

**APPLICATION NO:**  
P/2016 /0611

**LOCATION:**  
LEGACY CAR DISMANTLERS AND  
SCRAP YARD LLWYNEINION ROAD  
LEGACY WREXHAM  
LL14 4ET

**DATE RECEIVED:**  
28/06/2016

**COMMUNITY:**  
Esclusham

**CASE OFFICER:**  
MP

**WARD:**  
Ponciau

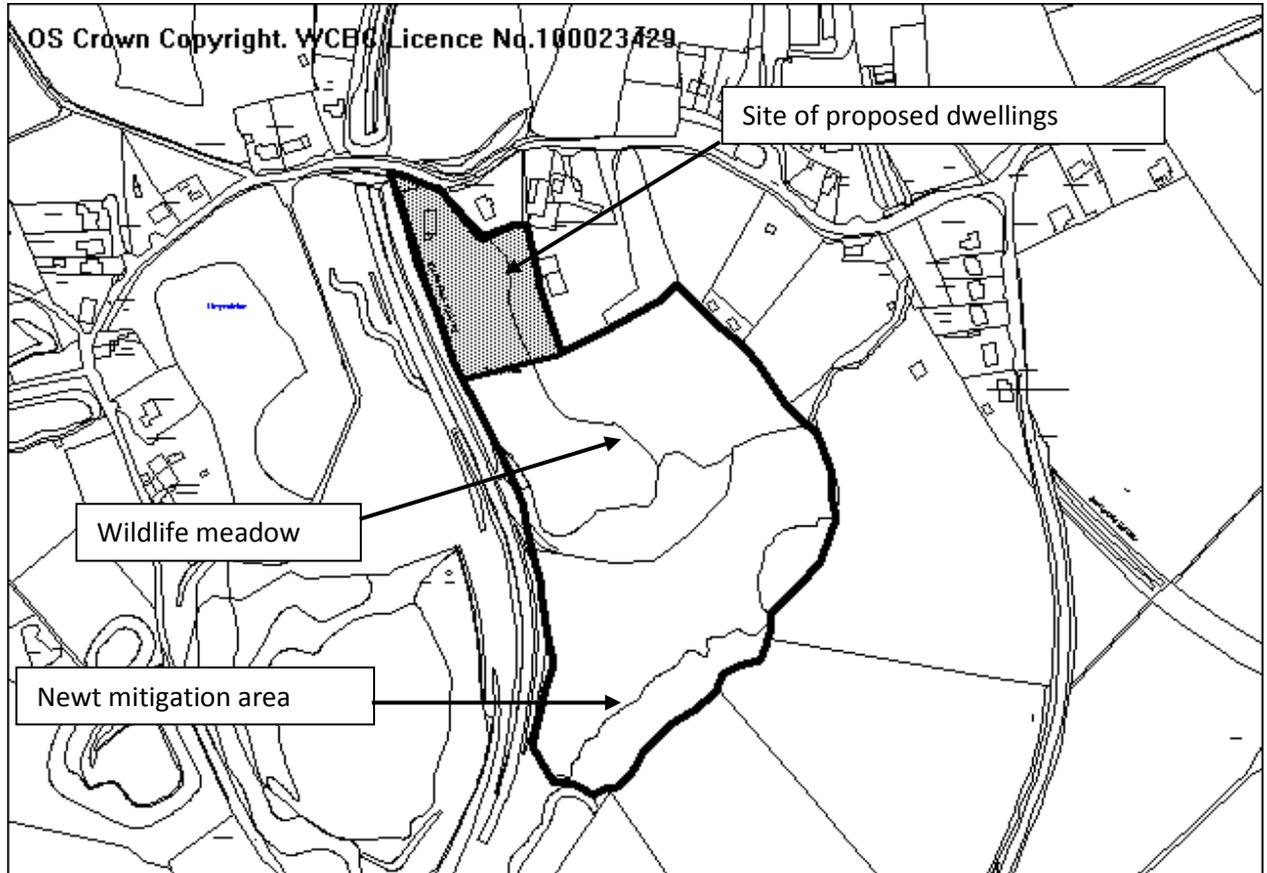
**DESCRIPTION:**  
REMOVAL OF SCRAP YARD USE  
AND DEMOLITION OF ASSOCIATED  
BUILDING ERECTION OF 7 NO  
DETACHED DWELLINGS, ACCESS,  
GARAGES AND GARDENS,  
CREATION OF WILDLIFE MEADOW  
AND NEWT MITIGATION HABITAT  
AREAS

**AGENT NAME:**  
NIGEL THORNS  
PLANNING  
CONSULTANCY

**APPLICANT(S) NAME:**  
MR GINO PALETTA

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**SITE**



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**PROPOSAL**

As above.

**HISTORY**

No recent relevant history.

**DEVELOPMENT PLAN**

Outside of settlement and within a minerals buffer zone. Policies PS1, PS3, GDP1, EC4, EC6, H5, CLF6 and MW11 apply.

**CONSULTATIONS**

- Community Council: While the concept of use change from the previous car dismantlers to residential is fully supported there are the following aspects to consider:
1. Land history  
The previous use as a vehicle dismantler's yard generated a number of environmental concerns in particular relating to poor containment of fluids. Secondly the site is adjacent to a known area of contaminated land. It is also suspected that part of the proposed development site may itself be subject to contamination.
  2. Surface water and foul drainage  
In view of the comments above, the need to properly specify the handling of surface water runoff is a key element. The use of soakaways may be acceptable, however the site's proximity to an area of contaminated land is hopefully given proper consideration.
  3. Vehicle access and parking  
The housing density on the site appears to restrict the vehicular access, especially in respect of suitable turning provision. It is suggested that further consideration be given to vehicular access to improve parking and turning arrangements.
- Local Members: Notified 1.7.2016
- Public Protection: Recommend measures in respect of minimising construction impacts.
- Contaminated Land: Recommend contaminated land conditions in respect of site investigation, remediation and verification.
- Highways: Have the following comments:
- The existing access suffers from substandard visibility in a westerly direction;

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- The proposed access significantly improves visibility, providing splays in excess of Welsh Government guidelines;
- Llwyneinion Road is narrow and in some places it is not possible for two vehicles to pass. However the site has an existing use as a scrapyard which generated a significant amount of traffic, much of which was HGVs and car transporters. As the proposed development will reduce the size and frequency of vehicles using Llwyneinion Road it will not be detrimental to highway safety;
- Although parking is in accordance with LPG16 maximum standards, some of the driveways appear cramped and the private drive access allow no scope for visitor parking;
- Conditions recommended.

Welsh Water: As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

Rights of Way: The proposed development affects a section of Esclusham Above footpath 4 and if planning permission is granted, the footpath will require a diversion order. The applicant will need to contact the Rights of Way section to discuss the detail of the diversion should planning permission be granted.

Flood Management: Recommend drainage condition.

NRW: We recommend that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirement is met and you attach the conditions to the planning permission.

Requirement: European Protected Species (EPS): submission of sufficient evidence to demonstrate that the proposed development satisfies derogation provisions under the Habitats Directive and Conservation of Habitats and Species Regulations.

Condition 1: Geoscience: Universal condition for development on land affected by contamination

Condition 2: Geoscience: Verification Report

Condition 3: Geoscience: Long-term monitoring

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	Condition 4: Geoscience: Unsuspected contamination
	Condition 5: The submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.
	Condition 6: The submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA
North Wales Police:	Recommend designing out crime principles applied.
Site Notice:	Expired 1.8.16
Neighbours:	The owners/occupiers of 5 neighbouring properties notified 12.7.2016 1 representation in support but making the following comments: <ul style="list-style-type: none"><li>- The public footpath through the site should be kept unobstructed whilst work is carried out.</li></ul>

## **SPECIAL CONSIDERATIONS**

**Background:** The application was received in June 2016 but a decision has been deferred because the applicant wanted time to submit additional information and revised plans to address concerns that had been raised in respect contamination, ecology and potential impact upon trees.

**Policy:** The site lies outside of a settlement limit and therefore in an area where local and national planning policies impose strict controls over new residential development. Policy H5 only allows small scale housing developments to take place outside of settlement limits through the conversion of suitable buildings, the subdivision of an existing dwelling, up to two dwellings on an infill plot, small scale affordable housing schemes on sites adjacent to a settlement limit and for key rural worker housing. None of these circumstances is applicable in this instance.

**Previously development land:** The application site is some 4.76 hectares in area, however less than a quarter of it was last used as a scrapyards and therefore classed as previously developed land. The proposed residential development would be located at the northern end of the former scrapyards and therefore would result in the re-use/redevelopment of previously developed land.

Whilst Planning Policy Wales and UDP policy PS3 are supportive of previously developed land being re-used, this does not necessarily mean that proposals to redevelopment previously developed sites will be acceptable. Indeed Planning Policy Wales (paragraph 3.51) recognises that not all previously developed land is suitable for development because of its unsustainable location for example. Furthermore there are no UDP policies that make specific provision for the redevelopment of previously developed

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sites located in the countryside for residential use. I will comment on the suitability of the site for residential development in more detail below.

**Housing Land Supply:** Housing Land Supply: Planning Policy Wales (paragraph 4.2.15) requires that Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing.

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies advises that where a local planning authority does not have an adopted Local Development Plan or where an adopted UDP is outside of the plan period, they will not be able to produce a JHLAS and therefore will not be able to demonstrate whether they have a 5 year housing land supply or not.

Because the UDP plan period expired in 2011, Wrexham is now unable to demonstrate whether it has a 5 year housing land supply. The housing land supply in Wrexham is therefore judged to be zero.

In July 2018 the Welsh Government temporarily dis-applied paragraph 6.2 of TAN1 which advised that that considerable weight should be attached to the need to increase housing land supply where local planning authorities were unable to demonstrate a 5 year housing land supply. The weight afforded to this matter is therefore to be determined on a case by case basis.

The deposit Local Development Plan (LDP) identifies a need to make provision 8525 new homes over the 2013-2018 period in order to deliver a requirement of 7750 over the plan period. Taking into account completions over the 2013-2017 period, committed housing supply, there is a need for 5521 homes over the remaining plan period. This is to be met by an estimated 2145 dwellings delivered from windfall sites, with the remaining 3376 delivered via 2 key strategic sites and 17 non-strategic sites specifically allocated for housing.

Of the proposed allocated sites, 14 lie outside of existing UDP settlement limits, indeed the majority of the housing supply over the plan period will come from sites located outside of existing settlement limits.

To meet the LDP housing requirement, an average completion rate of 517 is required per annum over the 2013-2028 period. The delivery of new houses over this period has been consistently and significantly below this, averaging 241 a year. Small sites (i.e. developments of less than 10 dwellings) have delivered around a third of the supply contributing on average around a third of the housing supply delivered over the past 5 years.

LDP Background Paper 08: Housing Supply and Delivery demonstrates that a significant increase in the rate of completions will be required to meet the LDP housing requirements over the remaining plan period. This in turn can only be achieved if there is a significant increase in the amount of land coming forward for development.

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In light of the points set out above it is my opinion that housing land supply is a material consideration that should continue to be afforded significant weight, subject to assessing proposals in light of relevant UDP and national planning policy.

**Weight afforded to policies PS1 and H5:** The existing settlement limits reflect the housing requirements identified in the UDP that were informed by migration led projecting, using mitigation trends from 1996. The LDP housing requirements are informed by far more up to date information. It will not be possible to meet the County Borough's future housing requirements without the release of sites located outside of existing settlement limits and in light of this, policy PS1 is now outdated and therefore afforded less weight in the determination of planning applications.

Planning Policy Wales (paragraph 3.56) advises that new building in the open countryside away from existing settlements should be strictly controlled. The limited circumstances set out in policy H5 under which new dwellings in the open countryside may be permitted are in general conformity with paragraph 3.56 of PPW and therefore can be afforded significant weight in this instance.

**Sustainability:** Planning Policy Wales paragraph 3.35 advises that:

*In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.*

PPW paragraph 3.39 advises that when identifying sites planning authorities should consider previously developed land and/or underutilised sites located within existing settlements in the first instance with sites on the edge of settlements considered at the next stage. This advice is also repeated in paragraph 4.2.16 specifically in respect of housing sites.

PPW does not promote the re-use of sites in the open countryside for housing development. Indeed paragraph 3.56 confirms that development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access, habitat and landscape conservation.

Paragraph 4.1.12 of PPW requires the sustainable transport hierarchy to be applied to reduce the need to travel, prevent car dependant developments in unsustainable locations and to prioritise access and movement by active and sustainable transport. The sustainable transport hierarchy promotes walking and cycling, then public transport ahead of private motor vehicles

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The application site is approximately 1km from the outskirts of Rhos by roads with no dedicated pedestrian footpaths. The site is not accessible by public transport and there are no local needs retail facilities or other essential services close to the site. Future occupiers would be entirely dependent upon private car journeys to travel to/from the site.

Whilst I recognise that there are some benefits associated with the development, notably the removal of an unattractive use from the countryside as well as a significant reduction in traffic, particularly HGVs to/from the site, these do not, in my opinion, outweigh the harm resulting from conflicting with policy or from allowing a residential development to take place in an unsustainable location.

Residential development in this location would be unsustainable and in clear conflict with PPW advice. These considerations significantly outweigh any benefits derived from increasing the housing land supply in this instance, particularly given the comparatively modest contribution the development will make to that supply.

**Design:** The layout of the development is, by itself, broadly acceptable and the proposed dwellings are of an attractive design. Nevertheless the proposals introduce a very urban form of development, a residential cul-de-sac, into a primarily rural location. As such the development will have a detrimental impact upon the rural character of the locality.

**Amenity:** The site is bounded by the curtilage of an existing dwelling, Bush House, however there will be sufficient space to the proposed dwellings they will not be harm the standard of amenity afforded to the occupiers of the property by way of loss of light, privacy or by being visually overbearing.

**Access and parking:** Visibility at the site access is substandard to the west, however the development will result in fewer vehicles, particularly HGVs travelling to/from the site, therefore the development will not prejudice highway safety.

I note comments made by Highways about the parking provision being cramped and lacking in space for visitor parking. Amended plans have been submitted that seek to address those comments. The development comprises 3 x 4 bedroom dwellings and 4 x 4 bedroom dwellings. Three of the plots have 4 dedicated parking spaces, with the remainder having 4. The plans also show dedicated visitor parking spaces although in most cases these sit within the curtilages of individual plots, which means on-site parking exceeds the LPG16 maximum. The layout also means that it may be difficult for vehicles to turn within the within the shared driveways serving some of the plots. However this matter could be addressed via relatively minor amendments and I am therefore satisfied that adequate off-street parking for each dwelling can be provided.

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**Contaminated Land:** The application site occupies the site of two historic landfill sites and was last used as a car dismantlers and scrap yard. Contaminated Land have confirmed that in their view the site is suitable for residential development subject to a condition being imposed to require a detailed site investigation, gas risk assessment and a scheme of remediation.

**Trees and Ecology:** The application is accompanied by an Arboricultural Method Statement that demonstrates that the development can take place without harm to trees to the north and south of the proposed dwellings. The implementation of tree protection measures would need to be secured by condition.

The proposed residential development will occupy approximately 14% of the total application site area. The initial plans suggested this would be turned into a wildflower meadow. The provision of a wildflower meadow would be far more in keeping with the rural character of the area than the existing remains of hard standings as well as enhancing the ecological value of the site. Much of the site remainder of the application site has quite a dense coverage of trees. The trees as a group have visual amenity meaning their loss would adversely impact upon the rural landscape. The trees also potentially have ecological value. The plans have therefore been amended and confirm that the woodland area will now be retained.

There is a known presence of Great Crested Newts is this location. The application therefore includes a 0.6ha area of land for new mitigation, within which habitat enhancement works will take place. Fences to exclude GCN from the construction areas will also be required to avoid harm whilst the site is cleared and the houses erected. Finally, arrangements for the long term management of the GCN mitigation area, as well as the wildflower meadow, woodland areas are also required.

The implementation of the proposed ecological mitigation/enhancement could be secured by planning condition, as could the submission of a management plan. To ensure the areas referred to above are retained in perpetuity and maintained, a planning obligation would be required. Subject to these provisions I am satisfied that the proposals present an opportunity for considerable landscape and ecological enhancement generally and would also ensure that the development will not be detrimental to the maintenance of the local populations of GCN.

The existing buildings on the site were accessed for a presence of bats in June 2016. This confirmed a likely absence of roosting bats, however given the time that has elapsed since the survey it can no longer be confidently relied upon and as such I no longer have sufficient evidence to be able to conclude that the development will not adversely impact upon bat species. The demolition works would therefore conflict policy EC6.

**Mineral Buffer Zone:** The site lies with the mineral buffer zone surrounding Llwyneinion Quarry. Policy MW11 seeks to resist sensitive development within

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the buffer zones around active and inactive mineral sites in order to avoid conflicts arising from existing or future working on such sites.

Whilst the proposed development conflicts with MW11, there are a number of other residential properties close to the site that also lies within the buffer zone. Given that any future mineral working would have to take place with due regard to the amenity of the occupiers of existing properties, I do not consider there to be a significant risk to the amenity of future occupiers of the proposed development. As such the conflict with policy MW11 would not be a sufficient reason for refusal of the application in this instance.

**Public rights of Way:** The footpath, Esclusham Above No. 4, crosses the site. It would need to be formally diverted to accommodate the residential development; however the submitted plans make provision for this. The remainder of the route would be unaffected by the proposed wildflower meadow.

## **CONCLUSION**

Whilst the proposed landscaping and habitat measures present an opportunity to enhance the rural landscape, owing to its location in open countryside the proposed proposals conflict with UDP policies PS1 and H5, national planning policies in respect of the location of new housing development as well as resulting in a development that harms the rural character of the locality as a result of the proposed layout and design. In addition insufficient information has been submitted to demonstrate the demolition of existing buildings can take place without adverse impact to statutorily protected species. As such the proposals conflict with policies PS1, GDP1, H5 and EC6 of the Wrexham UDP.

**RECOMMENDATION:** That permission be REFUSED

## **REASON(S)**

1. The site lies outside of a settlement limit and on open countryside. The proposals will result in an unsustainable development not in keeping with the rural character of the locality. As such the proposals do not accord with policies PS1, GDP1 and H5 of the Wrexham Unitary Development Plan.
  2. Insufficient information has been submitted to demonstrate that the demolition of the existing buildings can take place with detriment to statutory protected species (bats) and as such does not accord with policy EC6 of the of the Wrexham Unitary Development Plan.
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