

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

APPLICATION NO:
P/2018 /0673

LOCATION:
LAND NORTH OF HOLT ROAD
WREXHAM
LL13 9EH

DATE RECEIVED:
10/08/2018

COMMUNITY:
Acton

DESCRIPTION:
OUTLINE APPLICATION FOR UP TO
74 DWELLINGS TOGETHER WITH
VEHICULAR / PEDESTRIAN ACCESS
FROM HOLT ROAD, OPEN SPACE
WHICH CAN BE USED WITH
ADJOINING LAND TO THE WEST TO
CREATE A FORMAL SPORTS PITCH,
SITE LANDSCAPING, SUSTAINABLE
DRAINAGE AND OTHER RELATED
INFRASTRUCTURE

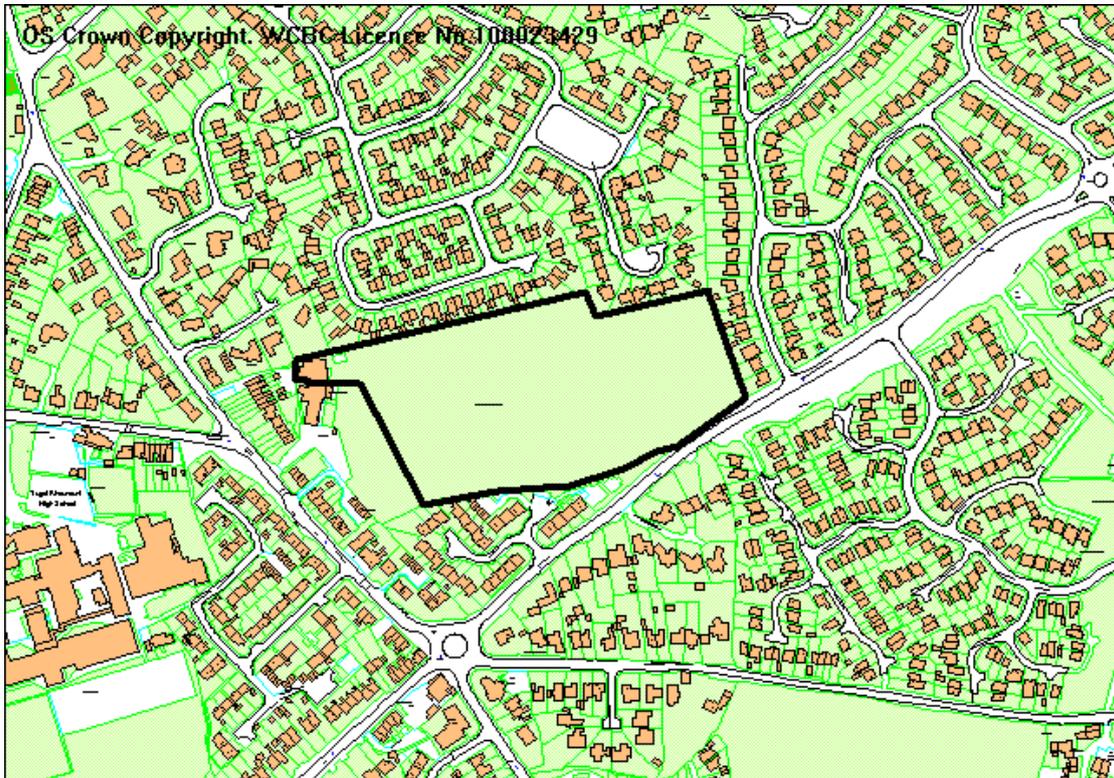
CASE OFFICER:
PF

WARD:
Rhosnesni

AGENT NAME:
NARVO ASSET
MANAGEMENT
MR ANDREW SMITH

APPLICANT(S) NAME:
GLYNDWR UNIVERSITY

THE SITE



PROPOSAL

Planning permission is sought in outline for residential development of up to 74 dwellings with all detailed matters reserved for further approval.

HISTORY

P/2018/0793 – Use of building as warehouse facility for Wrexham foodbank for the receiving and storing of non-perishable food donations. Granted 05.11.2018

PLANNING POLICY

The site is located with the Wrexham town settlement limit. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, EC4, H2, H7, CLF5 and T8 are relevant. Guidance is also contained in Local Planning Guidance Notes 16 – Parking Standards, 17 – Trees and Development, 27 - Education Contributions, 28 - Affordable Housing and 30 - Residential Design Guide.

Welsh Government policy and Guidance is contained in Planning Policy Wales (Edition 10) and Technical Advice Note 5 – Nature Conservation and Planning, 12 – Design, 16 – Sport, Recreation and Open Space and 18 – Transport.

APPLICANT SUBMISSIONS

This planning application forms part of a package submitted to facilitate a strategy called Campus 2025 Estates and Learning Environment Strategy which is now being pursued by Glyndwr University. Campus 2025 has assessed the University's existing estate and is based upon a recently undertaken extensive package of surveys of building condition, space utilisation, future academic requirements etc. The conclusion of this exercise is that the University's Estate does not fulfil the principles and objectives of Glyndwr University and therefore needs a significant package of investment and redevelopment for the University to sustain a viable position within the higher education sector.

Campus 2025 is a package of planning applications, which enables the ambitions of Campus 2025 to be realised. The applications are all linked through the pressing economic, social and environmental case for Glyndwr University to improve its overall estate. Once the development identified within Campus 2025 is delivered, then this will bring substantial benefits:

- a) in the delivery of academic courses at Glyndwr University;
- b) in the student accommodation offering within Wrexham and significant knock-on benefits to the town from a sustained and increased student population;
- c) in the sale of land assets which are not required by Glyndwr University and can make a more positive contribution via residential development to meet Wrexham's housing need;
- d) By enabling Glyndwr University to continue to attract new students and sustain a viable position in the higher education sector;

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

e) ultimately via the retention of Glyndwr University, with its significant contribution of jobs, investment and profile within the Wrexham economy.

The package consists of a suite of submissions which cover a significant remodelling to the main Glyndwr Campus to create an improved learning gateway, along with significant improvements to the Regent Street Art college building to include the provision of student accommodation. To facilitate these on campus developments, the university is seeking to maximise the value of its property portfolio by obtaining planning consents for their development to feed these capital receipts back into the campus developments.

CONSULTATIONS

Community Council:

Objects for the following reasons:

- The principle of developing this open space site is totally unacceptable and it strongly opposes the development;
- The Application site has been identified as a green open space in the 2009 Open Space survey and in the most recent assessment for the draft Local Development Plan. The Open Space survey identified a deficit of open space in the Community of Acton. To build on this land will result in loss of amenity and the well-used informal recreational green pitches that are a key part of Youth sport provision and will adversely affect the Health and Wellbeing of residents within the Acton Community and be contrary to National Guidelines and the requirements contained with the Well-being of Future Generations (Wales) Act 2015. The development of this open space land if permitted will result in more residents trying to access a further reduced provision of the current inadequate open space.
- The Residential development planned for this site will have a detrimental impact on:-
 - Highways – particularly by creating the main estate access onto the Holt Road which is recognised in the draft Local Development Plan as being at capacity until major improvements to the Greyhound Roundabout are completed. The proposed development will impact on pedestrian and vehicular safety;
 - Surface and flood Drainage at Holt Road – it is important to retain permeable landscape such as this green open space so as not to exacerbate existing localised flooding issues on the Holt Road, which are particularly evident during occurrences of severe and extreme weather storms where a large amount of rain falls in a very short time period.
 - Local infrastructure which is already at capacity; such infrastructure issues include

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

the lack of primary and secondary school places, provision of play areas for Young People in the community, capacity at existing GP Surgeries to meet any further demand from an increased population and provision of shopping and other amenity for residents.

Local Member:

Objects for the following reasons:

- Whilst the land is in the ownership of Glyndwr University, it has previously been in the ownership of a number of other organisations and accessible for all;
- It has previously been used for hockey and rugby;
- The general public use the land for dog walking and to take exercise;
- The proposed development would be contrary to policy CLF4 as the applicants wish to develop a large portion of the land and retain only a small open space provision, the facility is still in use regularly and there are no alternative sites in the vicinity;
- The proposal contravenes both local planning policy and that in Welsh government Planning Policy Wales and TAN 16;
- WCBCs Open Space assessment in 2009 identified a deficiency of open space in the Community and the latest evidence base for the emerging LDP identifies that the Rhosnesni Ward has a deficiency of open space against the council's standards per 1000 population;
- The site was considered unacceptable for allocation in the 2012 LPD1 process because it was identified as an area of open space and there would have been a conflict with the preferred strategy which required the council to consider brownfield land for development in the first instance;
- The applicant's submissions are misleading as there is more than one marked out pitch on site at present. It is not a poor facility and there are regularly football events and fetes held on the land. The applicant's intention to gift land to provide a new pitch is arguably not possible because the applicant has not approached the council to determine whether this is possible;
- The site is currently used as a cut through for school children to access Rhosnesni High School. Building on the site would

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

	<p>result in a long detour for these pupils in the region of 0.5 to 1 mile;</p> <ul style="list-style-type: none">• Holt Road is extremely busy at peak times. The development would mean additional traffic at the Holt Road roundabout• Infrastructure already struggles to cope – a recent heavy rainfall resulted in drains overflowing and manhole covers being blown off. Building on the land would result in increased water runoff; and• The local junior schools are already full. An extra 70 dwellings would leave the children nowhere to go.
Site notice:	Expired 18.09.2018
Press notice:	Expired 22.09.2018
Public Protection:	No objection. Conditions and informatives should be imposed to protect nearby occupiers from construction nuisance.
Highways:	Cannot support the application due to the existing and anticipated capacity issues at the Greyhound roundabout. This would result in an exacerbated situation in relation to congestion resulting in further queuing.
WCBC LLFA Officer:	The application should not approved until such time that soakaway testing has been carried out to determine whether surface water can be dealt with on site in accordance with SuDS techniques.
WCBC Education:	A contribution will be required for primary education infrastructure but not for secondary infrastructure.
WCBC Housing and Economy:	The application shows a proposed pitch which is, in part, on land owned by the Council and not Glyndwr University. The Council has not discussed the position of the pitch with Glyndwr (at application submission stage) and has not given any authority for its land to be used for such a purpose.
WCBC Parks and Rights of Way:	<p>Concerns raised for the following reasons;</p> <ul style="list-style-type: none">• The proposal would result in the loss of open space provision which provides space for various football pitches at junior and senior level;• There is little available space elsewhere in the town which could accommodate this level of provision if lost;• There remains a strong demand for usage of pitches by local teams and is used by a local team;• If the site was lost it would leave only the public sports pitches at the following sites in the centre of Wrexham , Rhosnesni Sports

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

pitches (2), Wats Dyke pitch (1), Brickfields (Court Rd) pitches (2), Queensway (2 pitches), Whitegate (1 pitch) and Bellevue Park (1). This isn't adequate to encourage the further development of outdoor sport and encourage young people to become fitter and healthier in the densely populated urban area of Wrexham;

- The proposal does not make provision for any area of play within the development site for young people. This is required given the lack of general provision in the town centre;

NRW:

A condition should be imposed to secure a Bio-security Risk Assessment. The Council's own LLFA Officer should be consulted regarding possible surface water flood risk on the site.

Welsh Water:

No objection. The proposed development should take account of a mains sewer crossing the site. Only foul water should be disposed of from the site into the public sewer system. Surface water should be disposed of by way of SuDS – a planning condition is required to agree a suitable drainage design prior to the commencement of development.

Sports Wales:

Objects for the following reasons:

- Reference is made to Planning Policy Wales which states that all playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:
 - facilities can best be retained and enhanced through the redevelopment of a small part of the site;
 - alternative provision of equivalent community benefit is made available; or
 - there is an excess of such provision in the area.
- The applicant provides no information justifying the loss of playing field area against the above and although it is privately owned Planning Policy Wales seeks to protect playing fields irrespective of ownership;
- The applicant proposes donating sufficient area on the western part of the application site so that a sports pitch can be retained but Sport Wales has concerns about the viability of single pitch sites and whether the Council or another body will be able to take it on without associated funding; and

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

Neighbouring occupiers:

- Until adequate information can be provided addressing Planning Policy Wales or improved mitigation is proposed Sport Wales would like to object to the application. 101 neighbouring occupiers notified. Representation received raising the following points:

75 objections

Principle

- Other similar developments have been rejected in the area. Allowing the proposal would set a precedent for other developments being allowed;
- The proposal is inappropriate in a Green Belt;
- The proposal will affect climate change;
- The proposed development will damage the natural environment;
- Glyndwr University are putting profit before people;
- The development would add to impact upon the area when considered against the proposal for 600 dwellings by Bloor Homes on the nearby edge of settlement;
- The land is contaminated with Japanese Knotweed. Are Glyndwr trying to dispose of the land in order to avoid dealing with this contamination?;
- There are bats in the vicinity of the site;
- TAN1 has been changed decreasing the weight that should be given to zero land supply;
- The land is not brownfield/previously developed land;
- The applicant should not use the argument that there is a deficiency of housing land supply. If this was the case, the site should form an allocation in the emerging LDP;
- The university are acting in a cavalier and anti-social manner given their aims to promote ethical, moral and environmental objectives to their students. The loss of the open space will go against these principles;
- Granting planning permission for this piecemeal development in advance of the LDP adoption would be premature;

Amenity

- The proposed development will have a negative impact upon the neighbouring occupiers of the site through overshadowing, loss of privacy, noise, dust, loss of daylight, vibration and late night disturbance;
- There will be a loss of view of the open space from neighbouring dwellings;
- The layout and density is inappropriate in this location;
- Property values will decrease;
- The proposed pitch provision is too close to the proposed dwellings and would cause a nuisance to those occupiers;

Loss of open space

- the development will lead to a large loss of green space which is used by locals especially when there are other areas on the town that are in need of redevelopment;
- the public use the site for exercising;
- The land has been open to public access for many years through various land ownership;
- There are covenants on the land to ensure that it is used for recreation and educational use – not to build houses;
- It has been used variously by the council, rugby club, hockey club and presently the home football pitch for Borrass Park Albion Junior teams;
- The proposal would not accord with UDP policy CLF4 as there is still a need for the open space, it could not be provided elsewhere and the redevelopment would only result in a small portion of a pitch being retained;
- Welsh Government TAN16 and PPW states that existing playing fields should be protected and only where there is no local deficiency should their loss be considered. There is a deficiency of open space in the Acton Community as per the 2009 WCBC Open Space survey of 21 acres. Dean Road was included in this survey and its loss would increase this deficiency to 31 acres.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

- The WCBC Open Space Audit and Assessment notes that the land as Amenity Greenspace and there is a shortage of such space in the Rhosnesni Ward per 1000 population;
- The development would be contrary to the council's own conclusions set out in 2011 in relation to the allocation of sites for the preparation of the LDP. The site was open space in an area deficient of open space and that it acts as an urban green break within the settlement;
- The applicant cannot gift a new football pitch facility to the community as part of the land is within the control of WCBC who were not aware of the intention;
- The proposed location of this new gifted pitch would be near the existing houses resulting in complaints;
- There would be little space for people to exercise their dogs as dogs cannot be exercised on marked sports pitches;
- Grass roots football is struggling in Wales and using valuable areas such as this will only add to the problem;
- There is little information as to how any 'gifted' land would be managed in the future;
- Research by the charity Fields in Trust suggests that open spaces and green areas save the NHS £111m per annum because of the benefit they offer to people who would otherwise visit their GP;
- The area has been in use as open space in the 1950/60s;
- The proposed loss of the open space provision would place a greater strain upon existing retained facilities; and
- The KSS2 site is tasked with delivering the existing community and education facilities with recreational facilities. Any loss will simply place greater demands over their use and residents on the north side of Holt Road will have to travel further which is unsustainable and unnecessary.

Highways

- Building on this land would result in children having to make a longer detour to access Rhosnesni High School rather than walk through the site as at present;
- Additional cars would access onto Holt Road near the Greyhound Roundabout which is already at capacity;
- The proposal will cause additional congestion onto Holt Rod and nearby side roads;
- The proposed access is near a pedestrian crossing;
- The traffic report does not reflect the true traffic flow on Holt Road;
- A roundabout should be placed instead of a junction;
- The development will only add to the deterioration of the council's roads;
- Air pollution is a major issue;
- Increased traffic will result in congestion issues for emergency services on this main route into Wrexham;
- Works traffic will cause disturbance for neighbouring occupiers;
- There are many existing junctions on to Holt Road in close proximity to the proposed site access. It will become impossible for vehicles to access these junctions once the traffic flow from the proposed development becomes active;
- The applicant offers no mitigation measures to offset the increase in traffic movements;
- Has access from Dean Road been considered as it is a much quieter route;
- The completion of the Wrexham Industrial Estate Link Road has decreased traffic congestion but has increased the speed of vehicles travelling on to Holt Road;
- The recently approved petrol station by the golf club will further increase the traffic levels;
- The applicants have used the same highways consultants as WCBC for traffic modelling associated with highway modelling and strategic highways advice

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

for the emerging LDP – it is hoped that either party is comfortable with this position;

- It is curious as to why the applicant's highways consultant makes no reference to impact upon highway behaviour at the greyhound roundabout as a result of Key Strategic Sites (KSS) in the emerging LDP and the impact that this proposal may have;
- In isolation the proposed development would have little impact upon the local highway network. However, considered with KSS2, it would be premature to determine this application in advance of the consideration of the KSS2 site and in particular the conclusions of the modelling of the greyhound roundabout; and
- The applicant's Traffic Assessment should take into account the KSS2 allocation should it be found that measures are necessary to accommodate the planned growth in the LDP process and for proper mitigation to be made;

Infrastructure

- There will be an increase in rainfall running off the site. At present, the greenfield nature of the site prevents a significant increase in runoff;
- Local schools and doctor's surgeries are at breaking point with long timescales for appointments;
- Borrass Park junior school is currently unable to accept new pupils;
- Some pupils in the vicinity have to travel to Marchwiell;

1 in support

- Provided that there will be affordable housing and the sports pitch will remain.

A petition has been received with 541 signatories objecting on the following grounds:

- Loss of accessible open green space;
- The proposed access point on to Holt Road will cause increased congestion and traffic danger

SPECIAL CONSIDERATIONS

Policy: The site is located within the Wrexham Town settlement limit. In accordance with policies PS1 and H2 of the Wrexham UDP, the development of the site for residential purposes is acceptable in principle, subject to compliance with the council's general development principles (GDP1) and other site specific policies which may be applicable.

The current lawful use of the land in planning terms has policy implications. It is an area of open space sandwiched between houses to the north and west and fenced against Holt Road to south. The site is in the ownership of Wrexham Glyndwr University (the applicant) and is used for various purposes, but mainly for the purposes of amenity land for local residents i.e. dog walking and informal play and is also used by a local junior football team for training and matches. In this regard policy CLF4 is relevant and is discussed later in the report.

Loss of open space: There is no dispute that the site in its entirety has the characteristic of open space. It is accessed via a pedestrian gate on to Holt Road and access also achievable across the council land from a vehicular access which serves the former Dean Road family centre. It is important to note that there is no legal public right of access over the site or any known right to use the site for the purposes of sport or recreation.

National planning policy and guidance in PPW and TAN 16 is clear. PPW states at Para 4.5.4 that all playing fields whether owned by public, private or voluntary organisations, should be protected from development except where a) facilities can best be retained and enhanced through the redevelopment of a small part of the site; b) alternative provision of equivalent community benefit is made available locally, avoiding any temporary loss of provision; or c) there is an excess of such provision in the area. This spirit of this policy is effectively reiterated in policy CLF4 of the Wrexham UDP.

In proposing an alternative residential use for the land, the applicant has sought to mitigate the loss of the informal open space by the provision of a new football pitch on land which straddles its own land (approx. 2/3) and that of the council's (approx. 1/3). The intention being that the land would be gifted to the council or another entity to be managed in perpetuity for the purposes of provided a managed sports pitch.

In regular circumstances, a residential developer would be require to provide open space provision at a specific area per dwelling, currently set at 0.4ha per 50 dwellings. The adequacy of any open space would be considered as part of normal planning consideration in relation to the design of the layout. I am satisfied that were this proposed development considered in line with this normal policy requirement, a satisfactory layout could be achieved which would reflect the character and context of the surrounding area.

The applicant is wishing to rely upon the provision of a replacement football pitch for the purposes of overcoming the PPW and CLF4 policy objection.

The council undertook an Open Space Survey in 2009 which identified the land as playing field. It also concluded that there was a deficiency in open space provision in the community. However, an updated survey was undertaken in 2016 for the purposes of providing an evidence base for the emerging LDP. Although the LDP has not been through an examination in public, this document can be given weight in

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

the determination of planning applications at this stage. It concluded that the site is categorised as ‘amenity greenspace’, that being an area most commonly, but not exclusively in housing areas. It includes informal recreation spaces, roadside verges, green spaces in and around housing and other premises. For clarity, it has not been categorised as a ‘facility for outdoor sports’ simply by virtue of its quality and condition for the purposes of providing a facility for sports i.e. surface type, facilities and condition etc.

The 2016 study has made an assessment of open space provision in the Rhosnesni ward. It concludes that there is sufficient amenity greenspace provision in the ward per 1000 population and sufficient set against the council’s own standard. There are two main issues pertinent to this application. Firstly, whether the loss of the amenity greenspace would be detrimental to the amenity offered to the local community and secondly, if it is considered not to be the case, whether sufficient weight should be given to the retention of the area because of the fact that a local junior football team play on the site.

The study has assessed the site based on its ‘quality’ and ‘value’. Quality generally being its physical characteristics such as location, scale and site security with value being level of use, context in relation to other similar spaces, social inclusion and amenity benefits. The site has been categorised with a high enough quality and value score to warrant a recommendation for its retention. However its value score is relatively low in comparison to other sites in the Rhosnesni ward and other similar categorised sites in the neighbouring Acton ward where there is also a surplus of amenity greenspace. Other than the use of the site by a local junior football team, representations appear to show many residents appear to use the site either as a shortcut between Holt Road and Dean Road, for the purposes of dog walking and informal play. Other than its use as an informal ‘cut through’ unchallenged by the private landowners, I am satisfied that these other uses can be catered for in close proximity to the site, especially in the likes of Acton Park which covers a significant area of 20.16ha and serves as a multi-use area of open space.

The weight given to the use of the site also requires detailed consideration. Although not designated as a formal sports pitch, there is no doubt that the site is used for the football training and matches along with other associated events. Whilst PPW and TAN 16 do make it explicit that there should be a presumption in favour of retaining open spaces regardless of ownership or governance, it cannot be ignored that the application site and the neighbouring land is in private ownership or ownership where there is no specific right to use the land for the purposes of sport or recreation. Whilst land ownership is not a material planning consideration, it would be remiss to ignore the fact that the land in question is in private ownership and could be closed off from all public access at any time. Signage around the site appears to indicate this to be the case. I am not aware of any specific legal rights for any members of the public, local clubs or organisations to utilise the site.

The applicant has presented the application with a proposal to set aside land to be associated with the neighbouring council owned land for the purposes of providing a new sports pitch. The intention being to pass this pitch into council control or that of an alternative management entity. This element of the application has been subject to detail discussion between the applicant and council as landowner. There are concerns raised in relation to the suitability of such provision specifically in relation to its deliverability. The agreement of a third part would be required to provide the pitch based on the density of the housing numbers proposed. To accept the development

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

on the basis of this provision to overcome this policy objection would be unacceptable.

The negotiations between the applicant and a third party to facilitate the development is not a planning consideration. On this basis, I have sought to consider the application on the basis of normal Wrexham UDP open space provision. Policy CLF5 requires on site open space provision for developments over 10 units at a rate of 0.4ha per 50 dwellings. The provision of quality open space in this location would be of particular benefit to the site and in this wider location. In addition to informal open space, LPG10 also requires that play provision should be included. It is of particular note in the vicinity of the Rhosnesni and Acton wards that there is a deficiency of open space for the purposes of catering for children and young people i.e. play areas and play equipment. Such provision is currently limited to small play equipped areas to the south of Holt Road (off Augusta Drive) and in Acton Park, albeit they are of high quality and value scores. I am satisfied that the proposed development now presents to the opportunity to provide for a higher quality level of open space provision of a type which is deficient in the immediate and wider locality.

In conclusion, taking on board the clear local and national planning policy steer and the conclusions of the 2016 open space study I consider that there are other material considerations that should be afforded greater weight in favour of the proposal. There is availability of other sites in the locality of the same type, especially on the northern side of Holt Road, of greater quality. The provision of a significant level of housing within a sustainable location, with the opportunity to introduce high quality and policy compliant open space provision, in the wider interest of the County Borough will ultimately reduce the pressure to accept sites outside of defined settlements. This should also carry significant weight. I am therefore satisfied that the proposed development should be considered acceptable.

Highways:

Traffic generation

A Traffic Assessment (TA) has been prepared for the proposed scheme assessing the likely traffic movements to and from the site based on TRICs data and how this may well affect the local highway network. Highways have questioned the TRICs data used to inform the assessment in that the level of movement appears to be low. In a review of their assessment the applicant used a trip generation figure which was obtained by the council's own highways survey of a nearby new housing development of the same characteristics.

Traffic generation will have a limited impact upon the roundabout to the north of the site i.e. Holt Rd / Birkdale Rd / St Mellion Crescent as it is considered that it will operate within its design capacity parameters.

The proposal will have an adverse impact upon the Greyhound public house roundabout in that it already operates beyond its design capacity. The assessment methodology takes into consideration current baseline data (2018) and then applies a baseline analysis plus the development in year 2025 and year 2035. Whilst Highways raise concern that the assessment shows the operating functionality of the roundabout will be worsened over time, there is no indication or assessment of the implications of this.

There can be no disputing that, through the passage of time, traffic numbers will increase. The Greyhound roundabout is a known pinch point on an arterial route into

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

the town centre and will inevitably be vulnerable to traffic level increases. However, these increases will inevitably be linked to natural growth in population and development up to year 2035. Whilst the provision of 74 dwellings is a significant figure in housing provision terms, it is not considered to be a strategically sensitive. As Highways have not made any direct reference to any particular highway safety impact associated with this proposal, other than a general increase in traffic movements, there can be no reasoned justification in planning terms to refuse the application on the grounds of highway impact. Such impacts must be accepted to facilitate sustainable development and growth within Wrexham.

Other developments

Reference has been made in representations to the traffic impact of the development in conjunction with the nearby Key Strategic Site (KSS) allocated for housing development in the emerging LDP. Concerns have been raised that the TA should have taken this proposed allocation into consideration and that to recommend approval of this proposal without such consideration of the cumulative impact upon the Greyhound may be premature and effectively prejudicial to this strategic allocation.

In response to this, I am satisfied that the consideration of this planning application can progress effectively in isolation to any assessment of impact from the KSS. It will have a negligible impact upon the highway network and would accord with the council's current location criteria in terms of siting new residential development. The application can therefore be considered on its own merits at this time. The KSS is a strategic allocation of some 1580 dwellings over the emerging LDP period. The impact of the development upon the local highway network will be considered in terms of the phasing of its delivery. Because of the relatively minor nature of the application, and on the basis of the assessment of impact discussed above, approving the application now before Members without a cumulative assessment would be not premature or undermining of the emerging LDP.

Access

Approval of the means of access to the site is sought for further approval. Because of the site context and land within the control of the applicant, access will realistically only be possible from Holt Road. This corresponds with the applicant's indicative layout plan.

Highways are satisfied that the a safe form of access can be achieved from the site onto Holt Road, providing sufficient separation between a point of access and the existing pedestrian light controlled crossing. Various comments have been made from highways pertaining to then need for additional detailed information regarding access widths, gradients and design spec. If not a matter for any approval process under the Highways Act 1980, these issues would be dealt with through any reserved matters application.

Pedestrian access across the site currently exists by way of a single pedestrian gate onto Holt Road and a vehicular access onto Dean Road from the former WCBC Family Centre (now used as a food bank). There is no definitive public right of way and no adopted footway. In reality, were both landowners mindful to close the gates to pedestrian access, no route across the site would exist. A recommendation by highways for a footway crossing the site would be an ideal scenario. However, there is no indication or certainty that WCBC as neighbouring landowner would wish to facilitate a public footpath onto its own land. Because of this, I would not wish to insist that this element of the scheme is provided at this stage. The evolution of a

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

layout at any reserved matters stage, along with neighbouring land owner negotiations could facilitate such provision in the future.

I am satisfied that the proposal would not be detrimental to highway safety.

Design: Layout, scale and appearance are all detailed matters reserved for further approval. I have no concerns regarding the detail that has been presented. Architectural styling in the immediate locality and the character of the townscape would not be vulnerable to a housing scheme of this type. I have no reason to believe that built development would be detrimental to the amenity of the neighbouring occupiers by way of loss of privacy, natural daylight or would be overbearing subject to compliance with council guidance relating to space around dwellings.

Drainage:

Foul

Welsh Water do not object to the proposed development. The foul sewer system is capable of taking foul water discharge from the site.

A public sewer crosses the site and the developer will be required to ensure that an easement is maintained either side of the sewer or it is alternatively diverted. This matter would be dealt with as part of the reserved matters submission.

Surface water

Due to the location of the development, a stipulation has been made that no surface water enter the existing sewer network. The applicant has submitted a drainage strategy which identifies that the site could deal with surface water by attenuation on site following assessment of the ground conditions. I am satisfied that measures can be imposed to ensure management of the surface water drainage infrastructure in perpetuity to protect the integrity of the site and to prevent unnecessary inundation of existing offsite areas from surface water pooling. I am satisfied that the proposal accords with policy EC13 in this regard.

Trees and ecology: I see no reason why the proposed development of the site would have a detrimental impact upon the existing tree coverage subject to the imposition of conditions to afford their protection. I am satisfied that the proposal would accord with policy EC4.

The council's ecologist and NRW raise no concerns in relation to the ecological impact of the development.

Planning obligations: The developer has not provided any information to suggest that the financial viability of the site will negate the need to make the normal policy provision for affordable housing and open space provision. WCBC Education have not objected to the proposal and have confirmed that a contribution will be required to offset a shortfall in primary education infrastructure in the locality. These matters are secured through a planning obligation associated with any approval.

Matters relating to a shortfall in health care provision appear anecdotal and no evidence has been provided to suggest that there are planning reasons to refuse the application on the grounds of a lack of healthcare provision. The Local Health Board are not a statutory consultee on the application, but any comments would be taken

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

into consideration. No observations have been received concerning the impact of the development on local healthcare provision.

Other matters: Concerns have been raised that the development will give rise to reduced property value in the locality. Property values are not a material planning consideration and these issues cannot be taken in to consideration.

Land ownership and restrictive covenants are not a material planning consideration. The granting of a planning application does not override land ownership rights or the content of a restrictive covenant.

Conclusion: It is acknowledged that there are complex planning policy matters relating to the future development of this site. However, I am satisfied that the proposal represents a sustainable form of development in an area that would reduce pressure to develop land on sites which have not necessarily been considered strategically as part of a plan making process i.e. outside any defined settlement.

I am also satisfied that whilst the area of open space would be built upon, its benefit can be easily offset to other facilities nearby without having a detrimental impact upon amenity and long term well being objectives for communities.

I have no substantial evidence before me to suggest that allowing the development in this location would have a detrimental impact upon highway safety.

I am satisfied that there are material considerations which weigh heavily in favour of recommending planning permission be granted for the development proposed. This is reflected in my recommendation as follows.

RECOMMENDATION A

That the Council enters into an obligation under Section 106 of the Town and Country Planning Act requiring the following:

- The formation of a Management Company for the future maintenance by the applicant of all communal areas including driveways, parking areas, hard and soft landscaping, trees and planted features;
- Affordable Housing provision across the development in accordance with the Welsh Government definition; and
- A contribution towards a shortfall in primary education infrastructure provision.

RECOMMENDATION B

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act, as detailed above, is not completed within six months of the date of this Committee resolution, the Chief Officer Planning & Regulatory is given delegated authority to REFUSE planning permission for the following reasons:

- Lack of appropriate open space provision and Management Company;
- Lack of Affordable Housing provision across the development in accordance with the Welsh Government definition; and
- Lack of contribution towards a shortfall in primary and secondary education infrastructure provision.

RECOMMENDATION C

Subject to the completion of the Section 106 Obligation, planning permission be GRANTED subject to the following conditions:

CONDITION(S)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the means of access to the site and building(s)
 - e. the landscaping of the site.
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
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 approved shall be limited to 74 dwellings.
5. The landscaping and layout reserved matter to be submitted for the approved development pursuant to the requirements of condition 1 above shall include a scheme for all areas of open space and green space to be provided within the development site, including public amenity space and equipped children's play areas. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings.
6. Vehicular access to the site shall only be made from Holt Road (A534).
7. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.
8. 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

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

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.

9. No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.

10. No part of the development shall commence until a Bio-Security Risk Assessment has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any recommendations that may be forthcoming within the approved assessment.

11. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and demonstrating compliance with the Sustainable Drainage Systems Standards for Wales. The results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
- iii) 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.

12. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units;

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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 terms of the planning permission and to ensure that the development has been assessed adequately in terms of the impact upon the local highway infrastructure. This will accord with the requirements of policies GDP1 and T8.
5. In the interests of providing for a high standard of development for the future amenity of the occupiers of the site in accordance with policies GDP1 and CLF4 of the Wrexham Unitary Development Plan.
6. To ensure that the development makes provision for a safe and convenient access to the site in accordance with policy GDP1 of the Wrexham Unitary Development Plan.
7. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
9. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
10. In order to ensure that the development will not cause harm to species which are protected through the planning system in accordance with policy GDP1 of the Wrexham Unitary Development Plan.
11. To ensure satisfactory drainage of the site and to avoid flooding in compliance with policy EC13 of the Wrexham Unitary Development Plan.
12. In order to ensure that the development provides for an adequate mix of housing type and tenure you cater for the needs of the locality and to ensure compliance with policy H7 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

The proposed development site is crossed by a 1300mm diameter combined gravity public sewer with its approximate position being marked on the

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

attached Statutory Public Sewer Record. Under Section 159 of the Water Industry Act 1991, Dwr Cymru Welsh Water has rights of access to its apparatus at all times, and as such would require an easement of 6.5m either side of the centreline of the 1300mm pipe. Should the proposed development be located within the protection zones of the sewers crossings, there would be a requirement to divert the public sewers, which can be applied for under Section 185 of the Water Industry Act 1991. The site layout takes into account the location of the assets crossing the site.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
