

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

APPLICATION NO:
P/2018 /0674

LOCATION:
LAND NORTH OF GATEWEN ROAD
NEW BROUGHTON WREXHAM LL11
6YA

DATE RECEIVED:
10/08/2018

COMMUNITY:
Broughton

DESCRIPTION:
OUTLINE APPLICATION FOR
RESIDENTIAL DEVELOPMENT, UP
TO 112 DWELLINGS TOGETHER
WITH VEHICULAR / PEDESTRIAN
ACCESS FROM GATEWEN ROAD,
OPEN SPACE, LANDSCAPING,
SUSTAINABLE DRAINAGE AND
OTHER RELATED
INFRASTRUCTURE

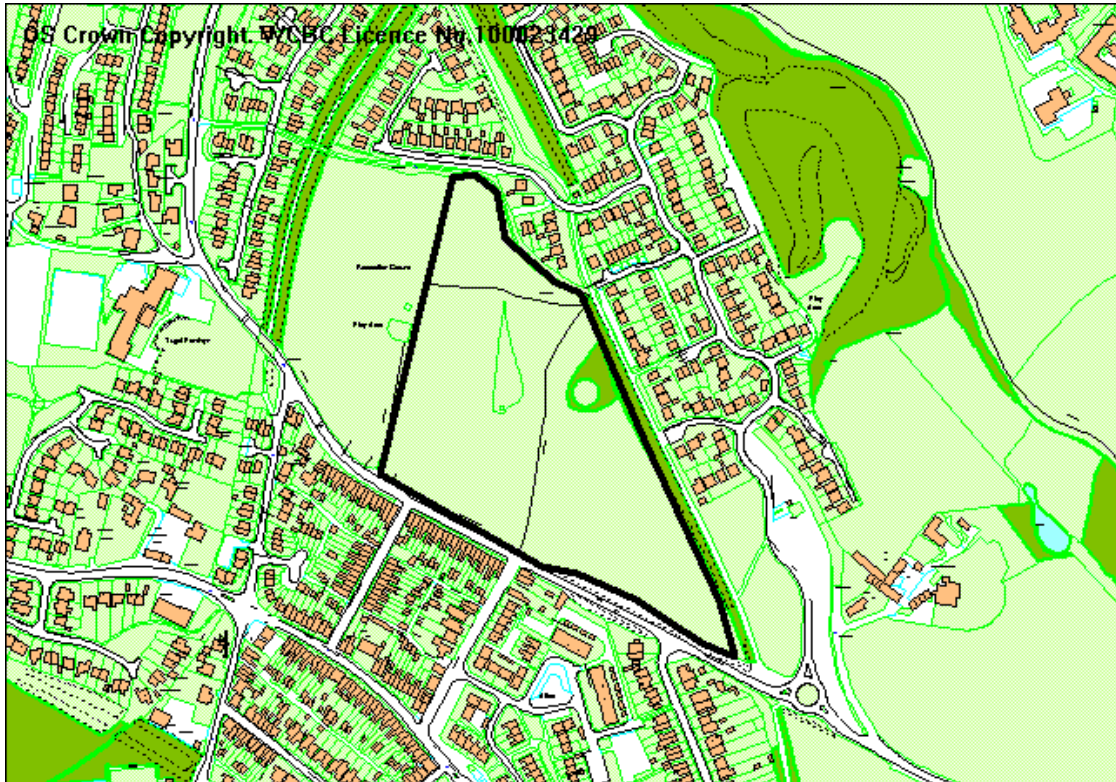
CASE OFFICER:
PF

WARD:
New Broughton

AGENT NAME:
NARVO ASSET
MANAGEMENT
MR ANDREW SMITH

APPLICANT(S) NAME:
GLYNDWR UNIVERSITY

THE SITE



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PROPOSAL

Planning permission is sought in outline for the residential development of the land for up to 112 dwellings. All detailed matters, save for the means of access, are reserved for further approval.

An extract of the indicative layout plan submitted with the application is shown below.



HISTORY

None.

PLANNING POLICY

The site is located outside any defined settlement limit. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, EC1, EC4, EC13, H5 and T8 are relevant. Guidance is contained in Local Planning Guidance Notes 16 – Parking Standards, 17 – Trees and Development and 21 – Space Around Dwellings.

Policy and guidance is also contained in Welsh Government Planning Policy Wales (Edition 10) and Technical Advice Notes (TAN) 1 - Joint Housing Land Availability Studies, 5 – Nature Conservation and Planning, 12 – Design 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;
- 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 site is outside the settlement limit;
- Various highway issues including access to and from the site plus congestion caused by the additional traffic;
- The effect on services in the area. The local primary school is already at capacity and there are existing issues with sewerage and drainage in the area;
- The Community Council has been informed by Members that there may be existing covenants on the site restricting any development to educational use - although no evidence of this has been seen.

Local Member:

Objects for the following reasons:

- The proposed entrance would be unsuitable coming out onto a road that the applicants agree is made into a one side road only by cars parked in front of the terrace houses opposite. To get a clear splay for coming out of the entrance it would mean cutting down trees which are not on the applicant's land. These trees and also the ones on the Gatewen Village side of the development are home to many birds who use them for nesting and roosting;
- The council's Tree Officer agrees with me this development would put these trees at risk;
- When the Gatewen development was first put forward by Morstons they asked for 400 houses the highways department said that was too many and the number was reduced to 250, along with assurances that there would be an improvement to the junction at the bottom of Gatewen Road. This we are still waiting for. Even then highways were concerned that the traffic generated from the site would have a detrimental impact on the Gatewen/Berse Road junction, but I did support the revised plans for 250 houses as it was on a brownfield site, a site which was just being left derelict. Now to have over another hundred houses would be totally against what we agreed several years ago. In that time the main difference is that there has been more traffic generated. Myself and two community councillors carried out a survey of traffic at the Gatewen/Berse Road junction between 0800 and 0900 on a Monday. Over 1500 vehicles passed the junction with over 350 coming down Gatewen Road and on more than forty occasions there were queues of 5 cars or more trying to get on to Berse Road.
- There is a problem with the Gatewen development with drainage which also has an effect on

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surrounding houses not just on Gatewen but in Hall View.

- A further development in this area would also put an unbearable strain on the local school and GP services which are at breaking point;
- This development is still in Green Belt area and out of settlement and even though officers might say it is a candidate site for a new LDP to my knowledge we do not have a LDP yet;
- In conclusion, the only thing in my opinion I see going for this site is it will fetch more money into the University's coffers helping them pay for a new campus. I don not believe that to be a planning consideration for granting the application.

Site notice:

Expired 14.09.2019

Press notice:

Expired 22.09.2018

Public Protection:

No objection. A condition requiring a phased ground investigation of the site should be imposed due to the historic land use. Construction nuisance controls should also be imposed.

Highways:

Recommends the application is refused for the following reason:

- The traffic generated by the development is shown to cause significant queuing issues at Gatewen Road junction with Berse Road;
- The use of the site access resulting from the proposed development would be likely to increase conflict of traffic movements opposite a junction with restricted visibility for vehicles emerging causing inconvenience to road users;
- Inadequate information has been submitted to satisfy the LPA that the proposal is acceptable in terms of access.

WCBC LLFA Officer:

Recommends refusal for the following reasons:

- The outline drainage strategy indicates that surface waters will be managed by infiltration, but if this is not feasible due to local ground conditions then an attenuated discharge to a remote watercourse will be used. The strategy also suggests that due to the undulating nature of the site then pumping will be required. No connection to any existing surface water sewer is possible from the site;
- Concerns are raised that pumping of surface water will be relied upon and no investigations have been carried out to determine whether soakaways will be

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	<p>feasible and access can be gained to a nearby remote watercourse; and</p> <ul style="list-style-type: none">• Prior to determination additional information should be submitted to demonstrate that there is a sustainable solution to surface water management on the site.
WCBC Education:	Contributions will be required towards primary and secondary education infrastructure provision.
Welsh Government Trunk Road Agency: NRW:	No direction issued. No objection. The proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat.
Welsh Water:	No objection. The following observations are made: <ul style="list-style-type: none">• There is a public sewer crossing the site. All future development should maintain an easement for this sewer or the sewer should be diverted;• There is insufficient capacity within the nearest foul sewer connection point. A connection to the mains sewer at another appropriate position is stipulated unless a hydraulic modelling assessment is undertaken;• No surface water shall be permitted to enter the public sewer system; and• No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.
Ancient Monuments Society: CPAT:	Consulted 04.09.2018 No objections. There are no recorded archaeological sites within the development area and the submitted documentation notes low archaeological potential for the site and no significant impact upon the setting of Gatewen Hall.
Neighbouring occupiers:	93 neighbouring occupiers notified. 27 representations received raising the following points: <i>Principle</i> <ul style="list-style-type: none">• New Broughton cannot sustain additional pollution, traffic congestion, lack of green space, pressure on schools, health care and environmental damage;• The proposal fails to support the future generation wales legislation;• The development will impact upon existing property value;• There is no need for this type of market housing in the village – New Broughton

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already has more than a 5 year supply of housing to meet local plan policy needs;

- No infrastructure improvements have been carried out locally to facilitate the site's allocation in the emerging LDP;

Amenity

- The development will infringe upon the views of existing occupiers close by the to the site;
- There will be a loss of privacy, natural daylight and will result in overshadowing;
- There will be an unacceptable density of new development and will be overbearing in comparison to the rest of the village;
- Disturbance caused by the construction phase in terms of noise, heavy vehicles and site security;
- There will be a loss of habitat for wildlife on the site and in the local area;
- The development may result in the loss of existing hedgerows and trees resulting in a loss of sound protection;
- The proposal will result in the loss of open space for children and dog walkers;
- There will be increased gatherings of youths in the park as there are no facilities in the locality;

Highways

- Traffic between the site and the A483/hospital is already bad at peak times;
- The junctions of Gatewen/Berse Roads and B&Q/Sainsburys roundabout will be affected by the additional traffic;
- The existing Gatewen Village has increased traffic capacity;
- The proposal point of access is dangerous in close proximity to other dangerous access points onto Gatewen Road;
- Concerns regarding pedestrians being able to cross Gatewen Road, including children accessing the local school;
- There are major businesses on the Technology park, the Ramada Hotel, Moneypenny and the hospital which cause major traffic congestion as do events that occur in the town centre;
- The traffic survey carried out was done during school holidays times not giving an accurate representation of the situation in terms of traffic congestion;
- To promote the proposal on the basis of existing bus capacity and cycle network is

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not acceptable and the buses are at capacity at peak times and the cycle path has vehicles parked over it;

Infrastructure

- Local GP surgeries are already struggling and there are problems with hospital A&E and ambulance waiting times;
- School capacity cannot cope;
- The mains sewer cannot cope with additional development;
- The loss of green space will reduce areas of open space for surface water infiltration resulting in higher instances of flooding; and
- There is a pressure gas outlet on the site which vents the methane from Gatewen Colliery – this should be taken into consideration.

SPECIAL CONSIDERATIONS

Policy: The site is located outside any defined settlement limit and in an area of land designated as Green Barrier. The proposal does not represent any circumstance where residential development would be acceptable outside a defined settlement limit and is inappropriate development by definition in a Green Barrier. Policies PS1, EC1 and H5 refer.

Applications for planning permission must be determined in accordance with the adopted development plan for the area i.e. the Wrexham UDP, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government.

Wrexham LDP – 2013 – 2028

The site is allocated in the Wrexham Local Development Plan (LDP) which has been submitted to the Welsh Government for examination in public. It is shown with an indicative development threshold of up to 127 dwellings. The plan has been submitted to the Welsh Government and the Planning Inspectorate for examination following agreement to do so by full council in November 2018. The timetable for its Examination in Public has been set and is due to take place in September 2019. If adopted, the LDP will replace the current Wrexham UDP and will be used as a basis for making land use planning decisions.

Welsh Government guidance states that the weight to be attached to an emerging LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. In considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, LPAs will need to consider carefully the underlying evidence and background to the policies.

Housing Land Supply: Planning Policy Wales (paragraph 4.2.15) requires that Planning Authorities must ensure that sufficient land is genuinely

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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.

The UDP plan period expired in 2011 meaning 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. It is now a matter for decision maker to determine the weight to be afforded to this matter.

The weight to be attached is dependent on the magnitude of the shortfall, how long the shortfall will persist, what the local planning authority is doing to reduce it and how much will the development contribute to meeting the shortfall.

The LDP housing requirements are set out below:

LDP Housing Components	
LDP Housing Requirement (Policy SP1)	7750
10% Flexibility allowance	775
LDP Housing Provision (Policy SP1)	8525
Completions (2013 – 2017)	977
Committed Housing Supply (April 2017)	1994
Sites Pending Section 106 (April 2017)	33
Windfall Estimate (small and large sites, 195 p/a)	2145
Allocations required (Policy H1)	3376

Table 5.1

To fulfil the requirements the LDP includes proposals to allocate 19 sites in total: 2 key strategic sites and 17 non-strategic sites. The application site is one of the non-strategic allocations – indeed it is the 5th largest in terms of unit numbers.

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The housing completion rate over the past 5 years is set out below:

Year	Completions	LDP requirement
2013-2014	215	517
2014-2015	235	517
2015-2016	199	517
2016-2017	328	517
2017-2018	222	517
Average	240	517

To meet the LDP housing requirement, an average completion rate of 517 is required per annum over the 2013-2028 period. The table above demonstrates that the delivery of new houses has on average been less than half the required figure.

LDP Background Paper 08: Housing Supply and Delivery sets out the following projections for completions from LDP allocation sites alongside the total rate of completions required over the 2018-2028 in order to meet the LDP requirements.

Year	Completions from LDP Allocations	Total Completions
2018-2019	22	484
2019-2020	145	571
2020-2021	420	781
2021-2022	505	803
2022-2023	453	841
2023-2024	411	820
2024-2025	374	748
2025-2026	347	717
2026-2027	426	761
2027-2028	416	751

The collection of data required to determine the number of completions for 2018-2019 has only just been completed therefore I am not able to confirm the figure, however no completions took place on any of the LDP allocations in that year. The only LDP allocated sites likely to have dwellings completed on over the 2019-2020 period are land at Jacques Way (former Jacques Scrapyrd) and Home Farm, Gresford Road, Llay. Based on information provided to Officers, these sites taken together are likely to deliver 55 units over the coming 12 months. This is considerably below the 145 set out in BP08 and is insufficient to compensate for an under delivery of housing in previous years. The shortfall in the supply of land available for housing in the County Borough is therefore significant. This situation has persisted since 2011 and can only be addressed if more land is brought forward for development.

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The Council has submitted the LDP for Examination in Public, however the EiP is not scheduled to start until the beginning of September. It is therefore unlikely that the LDP will be adopted until the spring of 2020 at the very earliest. Unless land is brought forward for development there is significant risk that the housing requirements cannot be met. It is therefore essential that sites are brought forward for development (and therefore granted planning permission), including LDP allocated sites where appropriate. The proposed development will deliver up to 112 dwellings thus making a considerable contribution towards the supply of land available for housing.

It is my opinion that the above factors demonstrate that housing land supply is a material consideration that should be afforded **significant weight**.

Weight afforded to Wrexham UDP policy PS1: The existing settlement limits reflect the housing requirements identified in the UDP that were informed by migration led projections using trends from 1996. The LDP housing requirements are informed by far more up to date information. The majority of the remaining LDP housing requirement will be met on land outside of existing settlement limits. The existing settlement limits are therefore a considerable constraint to meeting these requirements, thus rendering Policy PS1 outdated. It should therefore be afforded only limited weight in the determination of planning applications.

Green Barrier/Wedge: PPW advises that inappropriate development should not be permitted within Green Wedges (hereinafter the replacement name for Green Barriers). 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 openness and do not conflict with the purposes of including land within the Green Wedge; limited extension, alteration or replacement of existing dwellings; limited infilling and affordable housing for local needs; or small scale diversification within farms.

Green Wedge designations are in place to ensure openness is maintained, to prevent coalescence of settlements and promote urban regeneration. Development may be acceptable where it can be demonstrated that these aims are maintained or where very exceptional circumstances can be demonstrated.

Following the preparation of a Green Wedge review, an evidence base document to inform the preparation of the Wrexham LDP, it is proposed to remove the site's Green Wedge allocation and hence strengthen its case for a residential development allocation in accordance with the preferred development strategy.

Notwithstanding the policies and site allocations in the emerging LDP, there are other very exceptional circumstances that carry significant weight. The site is almost entirely surrounded on all boundaries by existing built development, the majority of which forms part of an existing settlement boundary. Whilst the application site is a substantial plot of land, its character is one of enclosure when viewing its southern and western aspect. To the north east, a band of mature trees exist but only as retained vegetation in front of a large scale modern housing development. Whilst the openness of the site would be lost to any development, I do not consider that its current designation as Green Barrier is preventing the coalescence of independent settlements. I consider that the development would represent a logical extension to

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the settlement. It is in a sustainable location being well related to local services and facilities and accessible by sustainable means of transport. The proposal provides a realistic opportunity to accommodate residential growth in a sustainable location that can be provided in a reasonably short timeframe with limited issues relating to deliverability. In addition, as discussed above, the delivery of 112 homes (28 of which would be affordable) on an unconstrained site will make a significant contribution to the council's housing need. I am therefore satisfied that there are exceptional circumstances which should carry **significant weight** in favour of the development proposal.

Agricultural Land: The Welsh Government's Predictive Agricultural Land Classification (ALC) map confirms that the site is Grade 2 agricultural land – i.e. contains Best and Most Versatile (BMV) land. As such planning policy EC2 and Planning Policy Wales paragraph 3.55 are applicable. The latter advises:

When considering the search sequence and in development plan policies and development management decisions 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

Given the housing requirements identified earlier in the report it is clear that there is an overriding need for the development. Given that the vast majority of the housing will be delivered on greenfield sites, it is also clear that the housing requirements of the Borough cannot be met without the loss of BMV land. Of the 14 sites proposed for allocation in the emerging LDP that are located outside of existing UDP settlement limits all contain at least some BMV land. Taking these factors into consideration, the proposals do not conflict with the above advice in this instance.

Design: The application has been submitted with an indicative parameters plan in accordance with the requirements of legislation. This plan indicates how the applicant anticipates the site to be developed taking into consideration density, building masses, open space provision and movement around the site. This plan is purely indicative at this outline stage and the granting of outline planning permission would not compel the developer to build in accordance with the detail on the indicative plan.

I am satisfied that the site can be developed in manner that reflects the character and context of the surrounding village. The site is bounded by, or is seen in the same context on all sides by residential properties of varying architectural styles and ages. Those to the north and east of the site are relatively modern housing developments and the proposed development would result in a similar scheme consisting of one and two storey dwellings.

The outline planning proposal now before members is seeking to reserve all detailed matters for further approval (i.e. a reserved matters application) at a later date apart

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from means of access. The merits of the proposed access are considered later in this report. Matters of layout, scale and landscaping would form part of the reserved matters application and are not considered at this stage. However, I am satisfied that the topography of the site and its relationship with the neighbouring built development will allow for a high standard of development without resulting in a loss of privacy, natural daylight and outlook for those nearby occupiers.

Highways:

Access

The means of vehicular access to the site is limited to the site frontage on to Gatewen Road because of site characteristics, orientation and land ownership. Where there is an interface with Gatewen Road, again the position of the access is limited because of land ownership and availability of a connection to land within the applicants control and the adopted highway.

Highways are satisfied that adequate visibility splays can be achieved in accordance with Welsh Government standards. Concerns have been raised in relation to the impact that this may have upon the existing tree and hedge coverage at the site frontage. This is not a highway matter, but is discussed later in the report.

Concern has been raised regarding the position of the vehicular access directly opposite the New Road junction and its potential to increase the likelihood of vehicular conflict. No specific detail of the nature of a conflict or the implications of that conflict have been provided. However, I consider that any conflict that may occur as a result of turning vehicles into either junction is likely to be extremely limited. New Road is an unmade and unadopted track. Whilst it leads to other residential roads, in reality, access to these is likely to be made from Windsor Road to the south because of the better condition of the carriageway. Nevertheless, I'm not convinced by any evidence or justifications before me that any instances of vehicles seeking to turn at this junction would result in danger to highway users. The road is subject to a 30mph speed limit and forward visibility at the junction has not been questioned. Limited weight should be given to this matter.

Pedestrians

Again, approval of the means of pedestrian access to the site is sought at this outline stage. The site plans show that pedestrian access would be made via the main vehicular site entrance as well as links through to the existing footway and cycle path on the Gatewen Village development (eastern boundary) and to the existing play area and open space on the western boundary.

Highways have recommended that a footway should be provided along the entire site frontage of the development site and also linking the existing Gatewen Village development. This would be achievable to the west of the proposed vehicular access but would not be achievable to the east due to the dense tree coverage subject to a Tree Preservation Order (TPO). I am satisfied that a pedestrian access could be provided within the development site to link it to the Gatewen Village development and details of this could be dealt with by way of the reserved matters application.

Traffic generation

The applicant has carried out a Traffic Assessment (TA) to accompany the planning application. This has primarily assessed the impact of the development based on anticipated AM and PM peak hour movements and how this would have a bearing upon the capacity of key nearby junctions along with future growth projections up to year 2035. These junctions are discussed below:

1. *Development access onto Gatewen Road*

There are no anticipated capacity issues at the development site junction on to Gatewen Road. Therefore the access from the development site is considered acceptable.

2. *Gatewen Rd B5433/Berse Road (B5101) priority junction*

It is anticipated that the junction will operate over capacity with a queuing time of 2 minute and 4 seconds for vehicles attempting to turn left (towards town centre) and 1 minute 15 seconds to the right (towards Caego) based on current baseline data plus the development. In year 2035, it is anticipated that these times will increase from 206 seconds (baseline) to 443 seconds for vehicles turning left – an additional 4 minutes. Highways raise concern that the developer has shown no intention to mitigate the queuing issues at this junction and therefore it is deemed unacceptable.

Highways have not raised any issues of safety in assessing the impact of the development on the junction. Their concern relates solely to matters of inconvenience. It has to be accepted that all new development will result in an increase in traffic to an existing network and ultimately matters of inconvenience as a result. Firstly, this inconvenience does not result in a detriment to highway safety and as such I cannot deem this additional 4 minute delay by year 2035 as being a reason to undermine granting planning permission.

3. *Berse Road (N) B5101 / Rhyd Broughton Lane / Berse Road (W) roundabout.*

The applicant's TA concludes that the development would result in an increase in queuing time at the roundabout junction from 26 seconds to 55 seconds.

Highways have raised concerns with the results of the TA in that the values used in the analysis at the roundabout do not appear to represent a true representation of general observations of this roundabout. To rely on this information would not be acceptable and would not represent a true representation of the situation.

The methodology used in the TA also assumes that the roundabout operates with a free flow of traffic leaving the roundabout. However, it is known that there are traffic congestion issues at the B&Q roundabout at peak hours which interfere with the surveyed roundabout and this will no doubt increase queuing time if factored into the calculation. Without any form of mitigation highways consider that the additional traffic generation will cause significant detrimental impact on the highway network

I have concerns that the council as local planning authority have no evidence to the contrary to counter the data provided in the applicant's TA. Members will no doubt be aware of observations of traffic levels in the vicinity of the Berse Road / Rhyd Broughton roundabout. However the LPA must have robust evidence before it to counter submissions from professional consultants i.e. its own survey data if it wishes to justify a reason for refusal on this basis. I have no reason to question, other than anecdotal observations, that the roundabout queuing characteristics have not been accurately monitored. That said, I do not dispute that the development, like any other form of development in the vicinity that relies upon this part of the local highway network, will not add to the capacity. The question remains as to whether this level of traffic generated represents a levels that would be detrimental to highway safety, rather than resulting in a matter of inconvenience. No specific link can be shown

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that, by allowing the proposed development, it would result in a specific issue of highway safety detriment. It is only a matter of inconvenience and an additional 30 seconds at this roundabout is considered negligible. I therefore cannot recommend refusal of planning permission on this basis.

In general, across the two junctions assessed, consideration must be given to the timescales used in assessing inconvenience up to 2035. This effectively goes well beyond the current emerging LDP plan period. It must be acknowledged that the council are actively seeking the progression of infrastructure improvements at junction 4 of the A483 in order to relieve pressure at this substandard junction and to aid future commercial and residential growth in the southwest of the Wrexham town centre. In this 15 years period, these junction improvements are highly likely to come forward given the council's allocation of housing land in the south west of Wrexham and this will inevitably lead to capacity improvements at these localised junctions in the town centre as traffic movements from employers such as the Hospital, Wrexham Technology Park and Moneypenny are redistributed to this improved junction.

On the basis of the above arguments I do not consider that there are sufficient grounds to refuse the application on the basis of adverse traffic generation.

Matters in relation to construction phase traffic nuisance can be dealt with through the provision of a construction phase traffic management plan. This is an accepted and effective method for dealing with potential nuisance. However, perceived nuisance from a development construction phase cannot be a reason for refusal in planning terms.

Drainage:

Foul

Welsh Water do not object to the proposed development but do make specific stipulations in relation to the suitability of the foul sewers in the locality. There are known capacity issues with the foul sewer and without a hydraulic modelling assessment, a specific connection point has been stipulated south of the application site. In reality, this connection point is some distance from the application site and a hydraulic modelling assessment of existing capacity is likely to be a developer's preferred option. This issue can form part of a condition on any approval.

Surface water

Due to the network capacity matters identified, Welsh Water have requested a condition that no surface water enters 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. There are constraints identified in the strategy, primarily because of the site topography. Techniques such as surface water pumping may be required in places. Whilst not an ideal scenario, I am satisfied that measures can be imposed to ensure management of these facilities 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.

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.

Trees and ecology: The proposed development site is surrounded by mature tree coverage on the north eastern and part southern boundaries. Since the submission

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of the application, a significant proportion of this coverage has been designated with a Tree Preservation Order. There is no doubt that the tree coverage in this location has amenity value, with the majority of the site trees categorised 'B'.

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. As alluded to above, the provision of the access to the site is likely to result in the need to remove a small proportion of this tree coverage to facilitate visibility splays. Relative to the remainder of the tree coverage across the remainder of the site, I am satisfied that this tree loss would be deemed acceptable and would accord with policy EC4.

The council's arboricultural and ecological officers have raised concerns regarding the lack of provision of green space and open infrastructure within the indicative layout. Whilst I have sympathy with these views, the plan submitted is an indicative layout. Any developer will be required to provide open space and landscaping in accordance with adopted policy CLF5 and LPG10. Consideration of an appropriate layout will be set aside for a future reserved matters submission.

The council's ecologist and NRW raise no concerns in relation to the ecological impact of the development. An additional protected species report was presented which provided information in relation to the presence of bats. In this instance it is accepted that there will be minimal impact in relation to their conservation status. I am also satisfied that the development can occur whilst maintaining adequate habitat for other species.

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 contributions will be required to offset a shortfall in primary and secondary 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 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 no override land ownership rights or the content of a restrictive covenant.

Conclusion: Whilst this proposal represents a departure from the current adopted Wrexham UDP and policies in PPW which seek to protect designated Green Wedges from inappropriate development, I am satisfied that there are material planning considerations which should be afforded significant weight in this instance.

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The site forms an allocation in the council's emerging LDP. Although no certainty of this allocation can be assumed until the Planning Inspectorate have confirmed that it is sound, the council have effectively accepted its soundness by resolving to present the plan for EiP. To seek to refuse the application on the basis of principle or strategic matters such as traffic generation would be undesirable.

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 Local Planning Guidance Note 28
- A contribution towards a shortfall in primary and secondary 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 Local Planning Guidance Note 28
- 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 landscaping of the site

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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 access hereby approved shall be laid out in accordance with the details shown on approved plan DWG-2627-401 Rev C.
5. The development hereby approved shall be limited to 112 dwellings.
6. 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.
7. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.
8. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 43 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.
9. Prior to the first occupation of the development hereby approved, a footway shall be provided along the site frontage from a point west of the vehicular access in accordance with details which have been submitted to and approved in writing by the local planning authority.
10. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:
 - a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;

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f) Method for protecting retained trees during demolition works;

g) Details of all proposed tree works, including felling and pruning.

11. 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.

12. 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.

13. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

14. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 13 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

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15. No part of the development shall commence until a sewerage scheme to satisfactorily accommodate the foul water discharges from the development has been submitted to and approved in writing by the local planning authority. The scheme shall include details of and be informed by a Hydraulic Assessment. No part of the development shall be occupied until the foul water system has been fully implemented and brought into use in accordance with the approved scheme.

16. 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;
- 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.

17. 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.

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 in the interests of highway safety to ensure compliance with policy GDP1 of the Wrexham Unitary Development Plan.
5. 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.
6. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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7. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 8. In the interests of highway safety to ensure compliance with policy GDP1 of the Wrexham Unitary Development Plan.
 9. In the interests of pedestrian safety to ensure compliance with policy GDP1 of the Wrexham Unitary Development Plan.
 10. 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.
 11. 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.
 12. To ensure satisfactory drainage of the site and to avoid flooding in compliance with policy EC13 of the Wrexham Unitary Development Plan.
 13. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 14. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 15. To ensure that the development does not cause a detrimental overload to the public sewerage system in compliance with policy GDP1 of the Wrexham Unitary Development Plan.
 16. 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.
 17. 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.
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