

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

APPLICATION NO:
P/2018 /1063

LOCATION:
LAND WEST OF BRYN ISA
VICARAGE LANE GRESFORD
WREXHAM
LL12 8UW

DATE RECEIVED:
17/12/2018

COMMUNITY:
Gresford

CASE OFFICER:
MR

WARD:
Gresford East & West

DESCRIPTION:
PROPOSED RESIDENTIAL
DEVELOPMENT FOR 44 NO.
RESIDENTIAL DWELLINGS (OF
WHICH 25% - 11 NO. WILL BE
AFFORDABLE), PUBLIC OPEN
SPACE, LANDSCAPING, MEANS OF
HIGHWAY AND PEDESTRIAN
ACCESS, LOCAL HIGHWAY AND
PEDESTRIAN INFRASTRUCTURE
IMPROVEMENTS ALONG VICARAGE
LANE, FOUL SEWERAGE PUMPING
STATION AND NEW OFF-STREET
PARKING PROVISION FOR
EXISTING RESIDENTS

AGENT NAME:
J10 PLANNING LTD
MR JUSTIN PAUL

APPLICANT(S) NAME:
MR MICHAEL FORGRAVE
GOWER HOMES LTD

THE SITE

Land West of Bryn Isa, Vicarage Lane, Gresford, Wrexham.

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PROPOSAL

The application seeks full planning permission for the construction of 44 no. dwellings and associated works.

HISTORY

None relevant.

DEVELOPMENT PLAN

Within green barrier, designated open countryside, special landscape area. UDP policies PS2, GDP1, GDP2, EC1, EC2, EC4, EC5, EC6, H5, H7, CLF5 and T8 apply.

LPG 07 – Landscaping and Development, LPG 10 – Public Open Spaces on New Housing Developments, LPG 13 – Housing in the Countryside, LPG 16 –

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Parking Standards, LPG 17 – Trees and Development, LPG 21 – Space Around Dwellings, LPG 27 – Developer Contributions to Schools, LPG 28 – Affordable Housing, LPG 32 – Biodiversity and Development.

CONSULTATIONS

Community Council: The proposal is contrary to local plan policies, adverse impact on local infrastructure, significant increase and impact on traffic movement and pedestrian safety in the vicinity, issue with emergency service vehicles obtaining access when needed, potential delays at the traffic light junction at Chester Road, visibility for vehicles at this junction is already an issue, unsafe for pedestrians walking along Vicarage Lane, Ecology Survey submitted is inadequate, proposal would exacerbate existing flooding problems as a result of increase in surface water run-off.

Local Member - Gresford: Objects to the application. Adverse impacts to highway safety. No mitigation exists to overcome highway safety concerns. Allowing the development could set a precedent for building in open countryside. Loss of Grade 3a BMV land. Increased pressure on Gresford surgery. Vicarage Lane already experiences congestion and is dangerous, this development would worsen the existing situation. The proposal is contrary to local plan policy. The site was rejected as a proposed candidate site in the LDP Preferred Strategy Stage. In 2015, an appeal was dismissed for 20 no. retirement bungalows at Trewythen Hall as it was considered inappropriate development in Green Barrier. The proposal would result in significant increase in traffic volumes. The cumulative impact of the development granted at Llay would further increase the volume of traffic using Vicarage Lane. Increase in traffic along Chester Road as a result of the 12 no. units granted permission at the Old Caravan Site, Old Wrexham Road. Vicarage Lane is used frequently by HGV's and agricultural vehicles. Highway Authority has indicated that they could not support the proposal. Traffic surveys and modelling are no substitute for the daily experiences of local residents. Adverse impact on the local environment, ecology and loss of important hedgerow. Vicarage Lane is liable to flooding beyond Trewythen Hall and this proposal

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- would exacerbate surface water run-off. Increase in traffic emissions. CPRW object to the proposal. The proposal would destroy the rural character of Gresford.
- Local Member – Marford: Objects to the application. The proposal would increase traffic significantly posing a danger to for motorists and pedestrians. The junction at Vicarage Lane and Chester Road would struggle with the increase in volume of traffic, along with Old Wrexham Road. Increased pressure on local health centre and schools and loss of green barrier surrounding Gresford.
- NRW: No objection subject to conditions to secure submission of a Biosecurity Risk Assessment and external lighting scheme.
- Flood: Satisfied in principle that the proposed mitigation area will adequately address the surface water flood risk to the site and also act to ensure no detriment to neighbouring land. The surface water compensation area would be fully contained within the POS. Final position of soakaways would be secured in conjunction with proposed site levels and landscaping.
- Highway Authority: Most recent comments received 12/07/2019. Visibility splays at the site access are achievable. A suitable turning head to serve plots 1 – 8 should be provided. Localised carriageway widening should be provided on the bends around the central POS given any parked vehicles on the road could prevent access by a refuse vehicle. The proposed 3m shared cycleway/footway link is considered acceptable.
The development does not meet TAN 18 guidelines, paragraphs 3.4 and 3.6 which require residential developments to provide safe walking and cycling routes to local facilities and public transport stops. Significant concerns are raised that pedestrians would have to walk to and from the village without a continuous footway link. A significant percentage of vehicles using Vicarage Lane throughout the week can be attributed to HGV's as indicated in the previously submitted Transport Statement. The proposed traffic calming/footway scheme is not supported by the Traffic Section or Road Safety Section.
- Welsh Water: No objection subject to conditions to secure that only foul water shall be allowed to discharge to the public sewerage system and that no surface water

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	and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
Public Protection:	No objection subject to conditions to secure dust management scheme and construction hours.
CPAT:	Originally requested in their response dated 14/01/2019 that further information was submitted in respect of assessing potential archaeological remains within the application site. The applicant submitted a Geophysics Report during the course of the application. CPAT advise in their response dated 04/03/2019 that given the report confirms that there is no significant archaeological remains at the site, no objection is raised.
Education:	Contribution required for nearest Primary School (Rofft CP School), given 11 no. additional pupils generated as a result of the proposal.
PROW:	No comments received.
Ecology:	The hedgerows on and immediately surrounding the site are classed as 'important' under the Hedgerow Regulations. The loss of such a long section of 'important' hedgerow for site access, visibility and footways is unacceptable. The proposed layout does not adequately respect or protect these natural historic features and by allowing their incorporation into private gardens, they will almost certainly be mismanaged and their value damaged. Layout in general does not respect the principles of green infrastructure.
Trees:	Primary concerns relate to the potential risk to the existing hedgerow which runs to the west and south-west of the site as a result of inappropriate management arising from including the hedgerow in residential gardens of these properties. The Tree Officer goes on to state that the proposal would be contrary to PPW 2018, LPG 17 and UDP Policy EC4. Slight amendment required to the boundaries serving the properties affected by tree T15 to avoid future maintenance issues. Slight amendment required to the extent of curtilages serving plots 18, 19 and 22, given the basal flare of trees T1 and T2 are considered would result in conflict and risk with residents and future landscaping.
Wales & West Utilities:	No objection.

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HSE:	Application site does not lie within the consultation distance of a major hazard site.
Wrexham Ramblers:	Public footpath Gresford 12 should not be blocked or diverted by the development.
Press Notice:	Expired 02.02.2019.
Site Notice:	Expired 24.01.2019.
Neighbours:	Approximately 286 no. representations received. 285 no. objecting to the proposal. Concerns raised include adverse impacts to highway safety, the carriageway is too narrow, lack of footways along Vicarage Lane, danger from construction traffic, increase in congestion, strain on health and school services, loss of agricultural land, coalescence of Wrexham and Gresford, site is unsuitable, increase in pollution, high pressure gas main is blocked when refuse vehicles and lorries meet, construction noise, precedent set elsewhere for further similar development, development conflicts with national and local planning policy, surrounding infrastructure is operating at capacity, cannot attach considerable weight to boosting HLS, as per the disapplication of 'considerable' referenced in TAN 1, adverse impact on visual and residential amenities, adverse impact on ecology and trees, increased surface water run-off on Vicarage Lane and to neighbouring properties, loss of hedgerows, the appeal decision on the opposite side of the road was dismissed, highway mitigation put forward is not considered acceptable, construction of 365 houses at Llay would add to the construction traffic. 1 no. whilst neither explicitly stating support or objection to the application, the comments state that Gresford has never had affordable housing and the proposal presents an opportunity to allow young people a chance to live in the village.

SPECIAL CONSIDERATIONS

Principle of development

Local Plan

The site is located within designated Green Barrier and Special Landscape Area as defined in the UDP. The site contains Best and Most Versatile (BMV) agricultural land.

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The proposal does not accord with any of the criteria set out in Policy EC1 that permits development in Green Barrier or Policy H5 that permits residential development outside settlement limits. There is a policy presumption against the development.

Material Considerations

S.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan in force in the area unless material considerations indicate otherwise.

Green Barrier

The UDP designation of Green Barriers is consistent with Green Wedges referred to in Planning Policy Wales (PPW). Paragraph 3.71 of PPW sets out the parameters in which construction of new buildings in Green Wedge will be allowed. This proposal, for the construction of 44 no. residential units does not meet any of the criteria set out in PPW, representing inappropriate development.

PPW paragraph 3.70 advises that inappropriate development should not be permitted within Green Wedges except in very exceptional circumstances where other considerations clearly outweigh the harm it would do to the Green Wedge. An assessment as to whether there are any exceptional circumstances associated with this proposal to warrant a departure from local plan policy is outlined below.

Very Exceptional Circumstances

Housing Land Supply

On 18 July 2018 the Welsh Government issued a Ministerial letter confirming the temporary dis-application of paragraph 6.2 of Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies which had advised that considerable weight should be attached to the need to increase housing land supply where local planning authorities were unable to demonstrate a 5 year housing land supply. The Ministerial letter confirms it is now a matter for the decision maker to determine the weight to be afforded to this matter.

Notwithstanding the above, Planning Policy Wales (paragraph 4.2.15) requires that Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing. Housing land supply remains an important material consideration.

The Wrexham UDP plan period expired in 2011 and in the absence of an up to date development plan, TAN 1 paragraph 8.2 advises that the housing land supply in the County Borough is judged to be zero.

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The deposit LDP identifies a requirement for 7750 homes over 2013-2018 which results in an average annual rate of completion of 517 dwellings. The housing completion rate over the past 6 years is set out below.

Year	Completions
2013-2014	215
2014-2015	235
2015-2016	199
2016-2017	328
2017-2018	222
2018-2019	388 (provisional)
Average	265

LDP Background Paper 08: Housing Supply and Delivery demonstrates that a significant increase in the rate of completions is required to meet the identified housing requirements. This can only be achieved by land being brought forward for development and being granted planning permission.

The Council has submitted the LDP for Examination in Public, however the EiP is not scheduled to start until the 3rd September. It is therefore unlikely that the LDP will be adopted until the spring of 2020 at the very earliest. Whilst the application site is not proposed for allocation, there is no certainty over the final outcome of the plan at this stage. Nevertheless there is clear evidence of a persistent and considerable undersupply of housing which points to an urgent need to increase the supply of land available. This is a full planning application and the developer is the applicant. The proposals are therefore not an opportunistic or speculative proposal but instead represent a realistic opportunity to make a meaningful contribution towards meeting the housing needs of the County Borough.

Recent Appeal Decision

The Council's housing land supply situation was the main issue considered in the Planning Inspectorate's recent decision to allow the construction of up to 189 no. dwellings on land east of Tan Y Bont in Rhosrobin (App Ref: P/2016/0189).

In the appeal decision, the Inspector stated that given the current position in respect of the Council's housing land supply and the identified need to bring sites forward for development prior to the adoption of the LDP if the housing trajectory is to be achieved, as well as there being no immediate prospect of completions from proposed allocations in the LDP, she considered that considerable weight should be attributed to the need to increase housing land supply in the determination of the appeal. The Welsh Government agreed with the decision.

Similarly to this application, the appeal site for the above (P/2016/0189) is designated Green Barrier in the UDP. However unlike the application site, the

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appeal site was designated to remain as Green Barrier in the Deposit LDP. Whilst the appeal site was not proposed to be allocated for development in the LDP, there is also no certainty over the final outcome of the plan and the evidence supports an urgent need to increase housing land supply.

In light of the above, the Inspector considered that the need to increase housing land supply represented a very exceptional circumstance sufficient to outweigh the harm the development would cause to the Green Barrier, despite the removal of paragraph 6.2 of TAN 1. The Welsh Government agreed.

On the basis of the above, it is considered that housing land supply is a material consideration that should continue to be afforded considerable weight and weighs heavily in favour of the development.

Affordable Housing

The Local Housing Market Assessment Update (April 2018) identifies a requirement for 41 affordable units within the north east sub-area of the County Borough over the 2017-2022 period. The north-east sub area includes the settlements of Gresford, Marford, Holt and Rossett.

A development of 3 affordable houses is currently in an advanced stage of completion at Parsonage Close in Gresford having been granted planning permission in December 2015 (App ref: P/2015/0144). There are no other sites currently being developed in Gresford, Holt or Rossett that will deliver affordable housing, nor have any other planning applications been submitted or dealt with recently that would deliver affordable housing.

The proposal would provide 25% affordable housing, amounting to 11 no. units within the scheme.

The affordable housing requirements are assessed in light of the extant UDP policy H7 and Local Planning Guidance Note 28, which impose a requirement for 25% of the proposed dwellings to be affordable. The application proposes 44 no. units, enabling 11 affordable units to be secured – representing 27% of the 5 year requirement for the north-east sub-area. This factor weighs heavily in favour of the proposals.

Agricultural Land

The Welsh Government's Predictive Agricultural Land Classification (ALC) map suggests the land is primarily Grade 3a. The applicants own ALC report confirms that the land is comprised of Grades 3a and 3b.

The site contains Best and Most Versatile (BMV) land. UDP Policy EC2 as well as Planning Policy Wales paragraph 3.55 are engaged.

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UDP Policy EC2 states that development on agricultural land of Grades 1, 2 and 3a will only be permitted if it does not lead to the irreversible loss of that land.

PPW paragraph 3.55 states the following:

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.

The site itself is largely self-contained, making it difficult to utilise the land as part of a larger agricultural holding.

Whilst PPW advises that considerable weight should be attached to protecting BMV land from development, the weight attached to boosting housing land supply in this instance is considered would outweigh the weight afforded to the protection of BMV land, given an identified overriding need for the development has been demonstrated above.

Taking these factors into account, the development is considered would meet the test set out in PPW paragraph 3.55 and the conflict with UDP Policy EC2 would not be a valid reason to refuse planning permission in this instance.

Loss of BMV land is not a determinative factor in the overall planning balance and the same view was given by the Inspector in the appeal decision mentioned earlier in the report in that whilst there may have been conflict with UDP Policy EC2, the dismissal of the appeal on this ground was not justified.

Landscape Impact

The development, by its very nature, is acknowledged would alter the character and appearance of the site. However, existing natural features are proposed for retention where possible, which would include the existing hedgerow along part of the eastern, southern and western boundaries of the site, as well as existing trees on the site frontage and along the site boundaries. This is considered would help to integrate the proposal with the surrounding context and provide a buffer to the countryside further south and west.

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The proposal would be read in conjunction with the existing built form in the vicinity, which includes dwellings to the north and south of the site. Visual impacts are considered to be predominantly localised and the proposal overall is not considered would result in a significant intrusion into the wider landscape.

Site Context

The Green Barrier separates Gresford from Wrexham Settlement Limit and serves the purpose of preventing the coalescence of those settlements.

The site is bounded to the north and north-west by residential development. Vicarage Lane bounds the site to the east and some residential development is located on the adjacent side of the road.

Public Right of Way Gresford No 12 runs along the south eastern boundary of the site and separates the site from some residential development further south. Open fields primarily adjoin the south and western boundaries of the site.

The development would be contained within the site boundaries and the existing hedgerow along the western and southern boundaries of the site is shown would be retained and supplemented by a new hedgerow where required.

The proposal, by its very nature, would involve built development extending closer towards Wrexham. However the scale of development is considered to be limited, particularly when viewed in the context of its containment within the boundaries of the existing agricultural field, when viewed in context with surrounding development and built form and having regard to its distance from Wrexham which would be approximately 1.5km away from the southern boundary of the site to the edge of Wrexham Settlement Boundary.

Taking into account the proximity between the site and Wrexham, the openness of the landscape as well as the general lack of intervening development between the application site and Wrexham, the proposal is not considered would result in the coalescence of Gresford and Wrexham.

It should also be noted that the existing Green Barrier designation of the site is proposed for removal as part of the Deposit LDP.

Local Development Plan (LDP)

Paragraph 9.4.8 of the Development Management Manual advises that certainty regarding the content of the plan will only be achieved when the Inspector delivers their binding report – which will only take place post-Examination in Public. However the Manual advises that in considering which weight to give to policies in the LDP, the Council will need to consider

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carefully the underlying evidence and background to the policies. Paragraph 9.4.9 acknowledges that the evidence underpinning an emerging LDP could be used as a material consideration when making planning decisions.

LDP evidence which is considered relevant to the outcome of this application is outlined below.

Site Location

Planning Policy Wales paragraph 3.35 advises that most new development should be located in settlements which have relatively good accessibility by non-car modes and should offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.

LDP Background Paper BP02: Settlement Hierarchy and Development Potential (BP02) identifies settlements in Wrexham as falling within one of 5 tiers based on an assessment of the availability of employment, local services and accessibility by non-car modes:

- Tier 1: Primary Settlement
- Tier 2: Key Settlement
- Tier 3: Local Service Centres
- Tier 4: Minor Villages
- Tier 5: Hamlets.

Gresford is identified as a Tier 2 Key Settlement. Tier 2 Key Settlements are described as settlements which support communities, but which are dependent on the Primary Key Settlement for some key amenities.

The application site itself lies within walking distance of the centre of the village, with the northern part of the site located approximately 140m away and the southern end located approximately 360m away. Whilst the southern end would be located further away from the village centre than the northern end, this is not uncommon for residential developments located in edge of settlement locations.

The village has bus stops, a public house, some retail/convenience stores, pharmacy, primary school and park.

The proposed development is considered to be consistent with PPW paragraph 3.35 referred to above in respect of the location of new development.

Planning Balance

Local Plan Policy presumes against the proposed development. The Council is unable to demonstrate a 5 year housing land supply and the UDP Plan period has expired therefore relevant development plan policies for the supply

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of housing are considered to be out of date, triggering the need to assess the application in relation to whether there are very exceptional circumstances to warrant granting planning permission for this residential development in Green Barrier.

On balance, it is considered that there are very exceptional circumstances which exist to justify the principle of residential development on this Green Barrier site and the weight afforded to these circumstances, I consider would outweigh the harm identified to the openness of the Green Barrier.

Design and Layout: The site is capable of accommodating the proposed development without appearing cramped or overly developed.

The existing hedgerow fronting the site would be largely retained, which is considered would help to help to integrate the proposal with the site and surrounding context, as well as retain a landscape buffer between the development and adjacent highway.

A post and rail fence is proposed to run along the rear boundaries of plots 18 – 26, which is considered to be reasonable at this stage given this type of fence is generally typical in edge of settlement locations and does not have an overly dominant or hard urbanising appearance.

Further details of the above mentioned post and rail fence as well as the boundary treatment fronting plots 1 – 8 can be secured by condition.

Plots 18 – 26 would be set generously back from the hedgerow along Vicarage Lane which is also considered would help to minimise their overall impact when viewed from the lane.

There is no overly defined vernacular along Vicarage Lane with properties varying in style, appearance and type.

Plots 1 – 8 would continue the existing building line, fronting onto the highway, which would be commensurate with the existing situation. Whilst Plots 18 – 26 would face inwards towards the site, the access road into the development provides a clear break between Plots 8 and Plot 18, therefore the change in orientation of these properties is not considered would appear incongruous or unsympathetic to the existing or proposed form and layout in this respect.

An area of landscaping to the north west of Plot 18 provides a buffer upon entry into the site as well as when travelling past, whilst the pillars either side of the site entrance would help to create a sense of place and presence. The proposed boundary wall spanning the north-west and north east of Plot 18 is considered to be appropriate, provided material samples are secured by condition.

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Soft landscaping as well as informal POS provision is proposed throughout the scheme, which would help to break up hard surfaces and create a more visually aesthetic environment.

A range of different house types are proposed, which would help to break up the massing of the development and create a more visually diverse proposal. Car parking would be largely set to the side and rear of properties, which would help to avoid a car dominated layout.

On the basis of the above, the proposal is considered to be acceptable by virtue of its design and layout and would comply with UDP Policy GDP1.

Residential Amenity: I am satisfied that relevant spacing standards between all existing and proposed properties within the development are considered to be sufficient.

Specifically, the revised plan (1:500 Site Plan Rev J) shows the distance between the front elevations of plots 7 and 8 would measure approximately 20m from the front elevation of the existing neighbouring property on the opposite side of the road.

Whilst this would be a shortfall in the guidance, the shortfall would be limited and a reasonable level of overlooking from pedestrians is considered would already occur into the existing property, given its prominence and frontage along the highway.

The additional area of landscaping in front of plots 7 and 8 is considered would help to achieve a balancing effect with the proposed landscaped area adjacent to Plot 18 and would help to soften the impact of the dwelling on approach to the site.

The distance between the blank facing side elevation of Plots 1 and 2 and the habitable windows in the neighbouring property to the north-west would measure approximately 4.5m, which would also be a shortfall in the guidance.

However, it is not uncommon for new residential developments to result in some shortfalls in the guidance when assimilating with the surrounding context, particularly edge of settlement developments.

There are two first floor windows in the facing side elevation of the neighbouring dwelling. The one which would be affected most appears to also be served by a further window in the front elevation, which is reasonable to assume given the proximity between both windows and their siting on the property. This therefore is considered would help to lessen the impact the facing side elevation of the proposed apartments would have on the room in question serving the existing neighbouring dwelling.

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The second first floor facing window in the neighbouring property would be more off-set as opposed to directly facing the wall of the facing proposed apartment, resulting in oblique views from the window in relation to the facing wall.

A further important consideration is that when designing new residential developments, a balance must be struck between achieving acceptable visual impacts with residential amenity impacts.

In this instance, in order to achieve the recommended distance set out in the guidance, plots 1 and 2 would have to be either re-configured or set back a further 8.5m from the side wall of the neighbouring property. This would have the potential to adversely impact on the existing built form, pattern of development and overall layout, as well as making inefficient use of the land available, to the detriment of the street scene.

As previously mentioned in the report, the dwellings along Vicarage Lane differ in style, character and form and as such also do not and cannot rigidly adhere to the recommended standards in the guidance. The proposal is not therefore considered would introduce levels of overbearing, which is significantly at odds with the surrounding context.

On the basis of the above, I consider the proposal to be acceptable having regards to the spacing standards set out in LPG 21.

Plots 1 – 8 front the adjacent highway, with habitable windows providing natural surveillance and the presence of a new footpath encouraging active frontages to these properties.

A condition to secure appropriate boundary treatments is considered reasonable, particularly in relation to the frontage of Plots 1 – 8 which would help to ensure defensible boundaries are provided between the private space of the dwellings and public footpath beyond, whilst respecting visual amenities of the locality.

Plot 18 which is on the corner of the entrance into the site is proposed would have a dual aspect, avoiding a dead frontage on entry into the site.

Windows would be inserted into relevant elevations to ensure overlooking of parking areas, driveways and the main access into the site.

Provision of private garden areas would meet the size requirements set out in LPG 21.

On-site POS provision would amount to 4073m², which would comply with UDP Policy CLF5 which requires a minimum level of 0.4 hectare of POS per 50 dwellings.

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The majority of the POS provision would be in the centre of the development and would be fully usable, subject to a condition securing a landscaping scheme.

The central POS area would have the appearance of a typical village green with dwellings fronting on to the POS achieving natural surveillance in this area, thus facilitating an element of community safety, broadly meeting the principles set out in Secure by Design.

Public Protection raise no objection subject to conditions to secure a dust management scheme and restriction on construction hours. These are not considered necessary given they can be covered under separate legislation.

Wales & West Utilities raise no objection.

Highway Safety: Based on the most recent consultation response received by the Highway Authority on 11/07/2019, their primary concerns with the proposal is that the development would not meet TAN 18 paragraphs 3.4 and 3.6, which require residential developments to provide safe walking and cycling routes to local facilities and public transport stops.

The proposed traffic calming/footway scheme is not supported by the Council's Traffic Section or Road Safety Section and the proposal does not support the opportunity for residents to walk safely to local facilities and public transport stops.

The application submission has included a Transport Statement in support of the proposal. As part of the development, mitigation is put forward by virtue of the following:-

- Footway provision
- Off-street car parking provision
- Priority working system
-

Each will be discussed below.

Footway provision along site frontage and within site

The south east corner of the application site measures approximately 360m from the Chester Road cross roads.

The proposal would provide footways within the site, along parts of the site frontage and further north along Vicarage Lane.

The footway along the south eastern frontage of the site provides connectivity into and through the entire site, as well as across the site frontage of plots 1 – 8.

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This means that all of the properties proposed as part of the scheme have access to a footway, prior to reaching the part of Vicarage Lane which is already without a footway. Pedestrian connectivity would also be improved for the 8 or so dwellings located immediately south of the site, given these occupants would now have a dedicated footway for the entire length of the site (approximately 230m).

A new public footpath is proposed between plots 20 and 21, which would allow occupants of the care home opposite, as well occupants of properties further north east, to use approximately 42m of new footway within the site and along part of the frontage, which would again be considered beneficial as part of the proposal, as a result of the increase in pedestrian connectivity.

On the basis of the above, it is considered that the proposal would not worsen the current situation along the approximate 230m length of the application site, having regard to footway provision. Therefore the key consideration is the section of highway from the northern edge of the application site to the Chester Road Cross Roads.

Footway provision outside the application site

The Highway Authority, in their comments dated 15/05/2019 state that there is no scope to construct a new footway along the existing carriageway, given its limited width and as a result, pedestrians would have to walk a significant distance along the lane to the junction of Chester Road without the benefit of a footway, which is considered unacceptable.

As part of the scheme, two additional footways are proposed outside the application site, further north along Vicarage Lane. The submitted 1:500 Highway Improvement Plan indicates that the resultant shortfall in provision would be approximately 80m between the northern end of the site and the southern-most footway and approximately 14m between the 2 no. proposed footways. This would be an improvement to the existing situation, given there is currently no footway provision from the northern part of the application site to the Chester Cross Roads.

Of relevance to note is the appeal decision on the opposite side of the road to the application site, relating to the proposed extra care facility consisting of 20 no. self-contained bungalows designed for independent living (App Ref: P/2014/0815).

Whilst the appeal was dismissed, the reasons for dismissal were not on highway safety grounds. The Inspector, in her decision, acknowledges in paragraph 22 of the decision that there are no footpaths on Vicarage Lane, that there is a high level of on-street parking between the site and junction with Chester Road to the north and that existing residents either walk or use mobility scooters between the site and Chester Road. The Council at the

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time, had concerns that the section of Vicarage Lane leading to Chester Road did not provide a safe route for pedestrians.

In paragraph 23 she goes on to state that notwithstanding the above, the route is within a 30mph area and the nature of the road together with parked cars actively slow vehicles. Whilst pedestrians have to be more aware of the traffic when using a shared surface than when there is a dedicated footway, she did not consider that the situation was so significantly different to numerous roads in rural settlements.

Whilst the appeal related to 20 no. self-contained bungalows, the bungalows were intended for use by elderly people, who it could be argued, walk at a slower pace than what would be considered normal and may also have mobility issues. The Inspector however did not consider that the increase in use of Vicarage Lane by pedestrians, in particular elderly pedestrians, as a result of the proposed development would be so significant as to be detrimental to highway safety.

This appeal decision has been included in the submitted Transport Statement. The Highway Officer has not acknowledged the appeal decision in his comments.

Whilst I acknowledge that the proposed development would be just over double that of the appeal proposal, highway improvements are proposed as part of this application, which are intended would help to improve pedestrian connectivity and resultant highway safety issues along Vicarage Lane. Having regard to the above, I consider the appeal decision to be a material consideration in the determination of the application and weighs in favour of the application.

Off-street car parking provision

The Highway Officer comments that given some of the properties along this section of Vicarage Lane do not have off-street parking provision, pedestrians would have to walk around the parked vehicles, which is not ideal.

As part of the scheme, the applicant is proposing 11 no. off-street parking spaces for existing residents along Vicarage Lane. The Highway Officer states that whilst this may be the case, residents/visitors quite commonly prefer to park directly outside their properties for security/convenience.

However this is based on an assumption that existing residents would choose not to utilise the parking spaces being provided. They may choose to use the spaces, which would be a benefit in reducing existing parked vehicles on the highway and increasing available space for pedestrians.

The Highway Officer has not provided any alternative solution to overcoming his concerns raised regarding pedestrians having to walk around parked on-

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street vehicles, and for the reasons outlined above, it is considered that the proposed off-street parking spaces would be a benefit of the development and could be secured by condition.

Traffic Calming/Priority System

As well as the proposed footway provision, the development is proposing a priority working system further north of the site along Vicarage Lane, which would involve eastbound vehicles turning into Vicarage Lane having formal priority over westbound vehicles.

The Highway Officer raises concerns with the proposed priority system commenting that westbound vehicles may not see vehicles travelling eastbound off Chester Road or Old Wrexham Road and westbound vehicles would therefore continue to travel through this restricted section of carriageway, resulting in vehicles having to sit and wait for oncoming traffic to clear. As a result, any traffic arriving behind these waiting vehicles has the potential to back up onto Chester Road and the existing junction, which is considered unacceptable.

The Highway Officer's comments are made on an assumption that westbound vehicles may not see vehicles travelling eastbound. However, they may very well see eastbound vehicles travelling towards them, particularly given there is an approximate 45m distance between the priority system and the corner of Old Wrexham Road, therefore triggering the intended use of the priority working system in prioritising eastbound vehicles over westbound.

Nevertheless, the section of highway between the 2 no. proposed footways is approximately 14m long, which would allow two vehicles to pull in and wait for oncoming vehicles to pass, if required. The Highways Officer has made no reference to this possibility in his comments.

The Transport Statement outlines that the video survey undertaken by the Highway Consultant indicates that when two vehicles meet one another through this constrained section of highway, one vehicle stops, or both vehicles slow down to very low speeds when passing one another, as a result of the high boundary walls and hedges either side.

This would appear to be further substantiated by the Personal Injury Accident (PIA) data for the highway network adjacent to the site, obtained from the online CrashMap resource for the period 1999 – 2017. In the 19 year period, the record demonstrates that there have been no reported accidents along Vicarage Lane.

I have no reason to disagree with the evidence provided above, given no evidence has been provided otherwise by the Highway Officer in his response.

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The priority working system essentially formalises the give-way situation which currently occurs, whilst further providing eastbound vehicles with priority over westbound vehicles, which is considered to be an improvement to the current situation and which would help to avoid vehicles from backing up to Chester Road and across the existing junction.

The Transport Statement has included a series of calculations to determine the length of time it would take a westbound vehicle to clear the give-way feature, the likelihood of two vehicles meeting at the give way feature and the likelihood that a queue would develop behind an eastbound vehicle waiting for a westbound vehicle to pass.

The conclusions are that no material queues would be forecast to build up on either side of the proposed give-way feature. As previously stated, there is spare capacity along Vicarage Lane to allow any momentary one or two vehicle queues to disperse quickly.

The Highway Officer has not commented on these statements made in the Transport Statement and has not provided any evidence to indicate otherwise, except for the comments made on the potential that vehicles travelling westbound may not see vehicles travelling eastbound. On this basis, I have no reason to disagree that the priority working system would not be beneficial.

The Highway Officer states that any cars visiting the properties along this restricted section of Vicarage Lane may park along this section, therefore restricting the carriageway width. As a result, larger vehicles including milk tankers and HGV's may well be unable to pass along this section of highway which would be unacceptable.

The comments are again made on an assumption that larger vehicles may well be unable to pass. No evidence has been put forward by the Highway Officer to support this comment.

In my opinion, this consideration becomes self-regulating and a degree of common sense should be used when assessing this issue. Visitors are unlikely to park on a restricted section of carriageway to result in vehicles being unable to pass one another.

As already outlined, the off-street parking provision is intended for use by existing residents along Vicarage Lane, which would further help to reduce vehicles on the highway. It should be noted that the Highway Officer has not recommended refusal on this basis.

A further comment made from the Highway Officer is that the footway proposed on the corner of Vicarage Lane/Old Wrexham Road will make the turning manoeuvre of vehicles left into Old Wrexham Road more difficult and

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vehicles are likely to encroach over the centreline of the road which has the potential to increase vehicular conflict at this junction.

The Highway Consultant has provided two Swept Path Analysis Plans showing large refuse vehicles turning eastbound onto Vicarage Lane and westbound onto Old Wrexham Road. Both plans show that with and without the footway link, the turning manoeuvre would remain the same. The Highway Officer has not commented on these plans and I therefore have no reason to disagree with the assessment put forward by the Highway Consultant.

Traffic Generation

The TRICS data submitted in respect of the proposal suggests that the development would generate between 24 – 26 two-way trips in either peak period or 254 two-way trips across a typical weekday.

The Highway Authority have recently carried out their own Traffic Survey on a similar site at Kensington Grove in Acton. This indicated typical weekday two-way flows of 7.6 movements per dwelling, equating to around 335 total two-way weekday movements for the proposed development along Vicarage Lane.

The Highway Officer comments that this has the potential to generate in excess of 300 additional vehicular movements per day along Vicarage Lane which is considered to be a significant increase when compared to the existing two way weekday traffic flows of 956.

Whilst the Highway Officer has commented that this would be a significant increase in vehicular traffic, no comments have been provided to indicate if and how this would result in adverse impacts to highway safety. I therefore have no reason to believe that the application should be refused on the basis of the increase in vehicular traffic along Vicarage Lane.

Conclusion

The Highway Officer in his conclusions states that the application cannot be supported given the lack of a continuous footway link from the application site to the Chester Road Cross Roads. The improvements put forward, which include provision of footways, a priority working system and off-street parking provision are also not supported by the Highway Officer.

However, for the reasons set out above, I have no reason to believe that the application should be refused on the basis of highway grounds for refusal.

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Development – Access and Car Parking

Visibility splays at the site access are achievable.

A suitable turning head to serve plots 1 – 8 is recommended should be provided. This is not considered necessary given there is a turning head already provided directly south of plots 1 – 8.

Furthermore a turning head would result in the potential loss of car parking spaces serving plots 1 – 4 as well as potentially reducing amenity space for these properties, as well as resulting in an over engineered layout.

Localised carriageway widening is recommended should be provided on the bends around the central POS given any parked vehicles on the road could prevent access by a refuse vehicle. These comments are based on the potential for parked vehicles to restrict refuse vehicles however there may be no parked vehicles at all on the access road, particularly as the scheme provides maximum parking standards in accordance with LPG 16. Further widening is considered would result in a more engineered layout and for the reasons given above, this is not considered necessary.

The proposed 3m shared cycleway/footway link is considered acceptable.

I consider that relevant conditions that should be attached to any grant of planning permission are provision of visibility splays, retention of car parking layout, securing highway improvements and dedication of PROW to the Highway Authority (the last two can be secured by a S.278 Agreement).

Drainage: Flood Officer is satisfied in principle that the proposed mitigation area will adequately address the surface water flood risk to the site and also act to ensure that there is no detriment to the neighbouring land as a result of the proposed development.

Clarification has been provided by the applicants' drainage engineer that the flood compensation will be kept entirely within the POS.

Welsh Water raise no objection subject to conditions to secure that only foul water shall be allowed to discharge to the public sewerage system and that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

A standard condition to secure means of foul, surface and land water drainage prior to commencement of development is considered reasonable.

Archaeology: CPAT raise no objection.

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Education: Contribution required towards The Rofft Primary School, secured by a S.106 Agreement. Calculation based on the most recent accommodation summary provided by the Agent – Rev 1.

On the basis that there are 4 x 2 bed, 10 x 3 bed and 26 x 4/5 bed, a contribution of £132,874 would be required.

Affordable Housing: As already specified earlier in the report, the scheme would provide 25% affordable housing which would result in a 27% contribution towards the 5 year requirement for the north-east sub-area. This would be secured by a S.106 Agreement.

The Council's Affordable Housing Section have raised no objection.

Trees: Primary concerns relate to the potential risk to the existing hedgerow which runs to the west and south-west of the site as a result of inappropriate management arising from including the hedgerow in residential gardens of these properties. The Tree Officer goes on to state that the proposal would be contrary to PPW 2018, LPG 17 and UDP Policy EC4.

There is no reason why a condition can't be imposed on any planning permission requiring the retention of the hedgerow in perpetuity, as well as a condition to restrict permitted development rights for occupiers of these properties from erecting boundary treatments along this section of hedgerow, to ensure its future protection.

The Tree Officers comments are made on the assumption that occupants of these properties would choose to remove sections of the hedgerow. However, occupants may not choose to remove the hedgerow and as previously explained, there is no reason why a condition to ensure the retention of the hedgerow in perpetuity cannot safeguard against its loss. A refusal on this basis is not considered to be justifiable.

Slight amendment required to the boundaries serving the properties affected by tree T15 to avoid future maintenance/ownership issues.

Slight amendment required to the extent of curtilages serving plots 18, 19 and 22, given the basal flare of trees T1 and T2 are considered would result in conflict and risk with residents and future landscaping.

The agent has been made aware of these requirements and these comments have been satisfactorily addressed and shown on the revised 1:500 Site Layout Plan Rev J.

Cross-sectional drawings have been requested to demonstrate that the proposed widening of the PROW is feasible without damage to existing third

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party trees. However given this is intended would be dedicated to the Highway Authority, any work affecting trees to the PROW is a matter for the Council.

Ecology: NRW raise no objection subject to conditions to secure an external lighting scheme and biosecurity risk assessment.

The external lighting scheme is considered to be reasonable given this was a recommendation set out in the submitted Ecology Report. However NRW have provided limited information in regards to the need for the submission of a Biosecurity Risk Assessment and there is no recommendation in regards to invasive non-native species in the Ecology Report. I do not consider that this condition is required.

The Ecology Officer states that a loss of section of important hedgerow to accommodate site access, visibility and footways is unacceptable.

The amount of hedgerow which would be lost along the site frontage is considered to be limited overall and would not override the need to boost the Council's Housing Land Supply.

The proposed layout does not adequately respect or protect the existing hedgerows surrounding the site, which are referred to as natural and historic features and that by allowing their incorporation into private gardens they will almost certainly be mismanaged and their value damaged over the long term. The layout in general does not respect the principles of green infrastructure planning.

A refusal on the assumption that existing hedgerows may be mismanaged is not considered to be justifiable and would not outweigh the need to boost housing land supply. As already outlined in the report, the safeguarding of the hedgerow can be conditioned.

Notwithstanding the above, the Ecology Officer has not explicitly objected to the application and goes on to state that should permission be granted, a number of ecological conditions will be required – however which conditions are required, have not been included in the response.

PROW: No comments received from Public Rights of Way.

Footpath Gresford No 12 runs along the south eastern boundary of the site.

The applicant has demonstrated on the proposed Site Plan that the existing PROW would be widened to 2m and dedicated to the Highway Authority, as has been outlined in the Highway Authority's response. This can be secured by a S.278 Agreement.

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CONCLUSION

I consider that on balance, the principle of development is acceptable and the concerns raised by the Highway Authority are not considered to be so significant as to warrant refusal on highway safety grounds. The application is recommended approval accordingly.

RECOMMENDATION A

That the Chief Officer Planning and Regulatory be given delegated authority to determine the application in accordance with the recommendations below.

RECOMMENDATION B

That the Council enters into an Obligation under Section 106 of the Town and Country Planning Act 1990 to secure:

- i. A financial contribution of £132,874 towards education contribution for The Rofft County Primary School;
- ii. The provision of affordable houses. 25% of the total number of dwellings built on site shall be affordable;
- iii. The payment of a commuted sum to secure the full 25% affordable housing as required by Local Planning Guidance Note 28 in the event of part of the affordable housing requirement being less than a full dwelling unit;
- iv. The management and maintenance of on-site Public Open Space.

That the Chief Officer Planning and Regulatory be given delegated authority to determine the final form and content of the Obligation.

RECOMMENDATION C

Upon completion of the Planning Obligation that permission be **GRANTED** subject to the following conditions:

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) referenced:-

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Site Layout

Dig No. PL-001 Location and Block Plan
Dig No. PL-002 Rev J (1:500 Proposed Masterplan)
Dig No. PL-035 (1:500 Schematic Site Sections)
Dig No. 2479-01-SK03 Rev C (1:500 Swept Path Analysis)
Dig No. 2479-01-SK02

House Types

Dig No. PL-005 (1:50 1 Bed Apt Elevations)
Dig No. PL-004 (1:50 1 Bed Apt Floor Plans)
Dig No. PL-006 (1:50 Kendal Floorplans)
Dig No. PL-007 (1:50 Kendal Elevations)
Dig No. PL-008 (1:50 Denbigh/Holt Floorplans)
Dwg No. PL-009 (1:50 Denbigh/Holt Elevations)
Dwg No. PL-010 (1:50 Beaumaris Floorplans)
Dwg No. PL-011 (1:50 Beaumaris Elevations)
Dwg No. PL-012 (1:50 Beaumaris Hybrid Floorplans)
Dwg No. PL-013 (1:50 Beaumaris Hybrid Elevations)
Dwg No. PL-014 (1:50 Conwy Floorplans)
Dwg No. PL-015 (1:50 Conwy Elevations)
Dwg No. PL-016 (1:50 Rhuddlan Floorplans)
Dwg No. PL-017 (1:50 Rhuddlan Elevations)
Dwg No. PL-018 (1:50 Harlech Floorplans)
Dwg No. PL-019 (1:50 Harlech Elevations)
Dwg No. PL-020 (1:50 Chirk Floorplans)
Dwg No. PL-021 (1:50 Chirk Elevations)
Dwg No. PL-022 (1:50 Chirk Hybrid Floorplans)
Dwg No. PL-023 (1:50 Chirk Hybrid Elevations)
Dwg No. PL-024 (1:50 Powis Floorplans)
Dwg No. PL-025 (1:50 Powis Elevations)
Dwg No. PL-026 (1:50 HT 1 Floorplans)
Dwg No. PL-027 (1:50 HT 1 Elevations)
Dwg No. PL-028 (1:50 HT 2 Floorplans)
Dwg No. PL-029 (1:50 HT 2 Elevations)
Dwg No. PL-030 (1:50 HT 3 Floorplans)
Dwg No. PL-031 (1:50 HT 3 Elevations)
Dwg No. PL-032 (1:50 HT 4 Floorplans)
Dwg No. PL-033 (1:50 HT 4 Elevations)

3. Prior to their use on the development details and/or samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

4. Plot 18 as shown on approved plan 1:500 Proposed Masterplan Rev J shall be the 'Beaumaris Hybrid' House Type, as shown on approved plan PL-013.

5. Notwithstanding the approved Landscaping Plan (Dwg No. 08/101/02) prior to commencement of the relevant part of work, full details of a hard and soft landscaping scheme, to include surfacing treatments, bin storage, native

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planting, a scheme of landscaping for the Public Open Space provision, as well as type, positions, materials and design of all boundary treatments, together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

6. The landscaping scheme submitted and approved in connection with condition no. 5 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

7. The existing trees, shrubs and hedges shown on drawing(s) No(s). 1:500 Proposed Masterplan Rev J to be permanently retained shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 1995 (or any order revoking or re-enacting that Order with or without modification), no further development shall take place under Class A of Schedule 2, Part 2 relating to Plots 29 - 35 and Plot 41, other than the development hereby granted permission.

9. No part of the development shall commence until an external bat friendly lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to first use / occupation of the development.

10. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.

11. Prior to first use of the development hereby approved, the vehicular access shall provide visibility splays of 2.4 metres x 33m to the north west measured to the nearside edge of the adjoining highway and 2.4 metres x 41m to the south east measured to the nearside wheeltrack of the adjoining highway. Within these splays, there shall be no obstruction in excess of 1m in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

12. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 1:500 Proposed Masterplan Rev J shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

13. The highway improvements including the new footways along Vicarage Lane and priority working system as shown on approved plan Dwg No. 2479-01-SK02 and approved plan 1:500 Proposed Masterplan Rev J shall be carried out and fully implemented prior to first occupation of the development hereby approved.

14. The Public Right of Way (Footpath No. 12 Gresford) shall be widened to 2m as shown on approved plan 1:500 Proposed Masterplan Rev J and dedicated to the Highway Authority prior to first occupation of the development hereby approved.

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15. Prior to first occupation of the development hereby approved, the 11 no. car parking spaces shaded in yellow as shown on approved plan 1:500 Proposed Masterplan Rev J shall be made available solely for existing residents along Vicarage Lane. The 11 no. car parking spaces shall be retained for existing residents for the lifetime of the development.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
 2. To define the scope of the planning permission.
 3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
 4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
 5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
 6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
 7. To ensure the amenity afforded by the trees is continued into the future in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
 8. Due to the proximity to the existing boundary hedge shown for retention and the character and appearance of the surrounding area, it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority.
 9. To protect bats which would otherwise be lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
 10. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
 11. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 12. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 13. In the interests of highway safety.
 14. To improve the existing situation and increase connectivity between the site and surrounding Public Right of Way network.
 15. To provide a betterment to the existing situation in the interest of highway safety.
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