



Ein cyf/Our ref qA1399761

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February 2020

Dear Mr Paul

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL BY MR ROGER BELLIS OF BELLIS BROS LTD & TRUSTEES OF THE BELLIS  
FAMILY TRUST. RESIDENTIAL DEVELOPMENT OF TWO PARCELS OF LAND (FOR  
UP TO 61NO. DWELLINGS: NORTHERN PARCEL AND UP TO 71NO. DWELLINGS:  
SOUTHERN PARCEL); EXTENSION TO COMMUNITY PARKING FACILITY (IN  
ASSOCIATION WITH THE NORTHERN PARCEL) WITH ASSOCIATED MEANS OF  
ACCESS AND ALL OTHER MATTERS RESERVED, INDICATIVE PROVISION MADE  
FOR PEDESTRIAN CROSSING, PEDESTRIAN LINKAGES, PUBLIC OPEN SPACE,  
LANDSCAPING AND AFFORDABLE HOUSING. LAND TO THE NORTH AND SOUTH  
OF LANE FARM, ROSSETT ROAD, TREVALYN, ROSSETT, WREXHAM.  
APPEAL REFERENCE: 3231048**

1. Consideration has been given to the report of the Inspector, Richard Jenkins BA (Hons) MSc MRTPI, regarding your client's planning appeal.
2. In accordance with section 79 and paragraph 3(1) of Schedule 6 to the Town and Country Planning Act 1990 ("the 1990 Act"), the appeal was recovered for determination by the Welsh Ministers. Under the provisions of the Government of Wales Act 2006 the power to determine applications under section 79 of the 1990 Act has been transferred to the Welsh Ministers, these functions have been exercised by me as Minister for Housing and Local Government.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

3. In exercising these functions, as part of carrying out Sustainable Development in accordance with the Well-being of Future Generations Act (“the FG Act”), section 2 of the Planning (Wales) Act 2015 requires the Welsh Ministers, as a public body, to ensure the development and use of land contributes towards improving the economic, social, environmental and cultural well-being of Wales. In order to act in this manner, the Welsh Ministers have taken into account the ways of working set out in section 4 of “SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the Future Generations Act 2015” through examination of the appeal by way of written representations in accordance with the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017.
4. The Inspector recommends the appeal be allowed, subject to conditions. A copy of the Inspector’s report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

### **Main considerations**

5. I agree with the Inspector (IR 66), the main considerations are:
  - Whether the principle of development is compliant with the planning policy framework;
  - The effect of the proposed development upon the character and appearance of the area, having particular regard to its siting within an SLA;
  - The effect of the proposed development upon the purposes and openness of the Green Barrier and whether any such harm would be clearly outweighed by very exceptional circumstances; and
  - Whether the development would result in unacceptable loss of Best and Most Versatile (BMV) agricultural land.

### Principle of development, character and appearance of the Green Barrier

6. The adopted UDP, the Wrexham Unitary Development Plan 1996-2011, remains the adopted development plan for the area despite being time-expired (IR 67).
7. As the proposal is located outside the defined settlement limits in the UDP, the Inspector considers the scheme fails to accord with UDP policies PS1 and H5. Policy PS1 directs new housing development to defined settlement limits. Policy H5 is a criteria based policy which expands on the principles of policy PS1 (IR 68).
8. Although the development would immediately adjoin existing residential development, it would comprise a significant physical incursion into the countryside and the designated Special Landscape Area (SLA). Therefore, the Inspector considers the proposal would conflict with policy PS2 which seeks to protect the countryside and also policy EC5, which gives priority to the conservation and enhancement of the landscape within Special Landscape Areas (IR 69).
9. The site lies within a Green Barrier and policy EC1 of the UDP states development proposals within Green Barriers will only be granted permission if they are for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it. The Inspector states, given the scale of development proposed, it would comprise “inappropriate development” in the Green Barrier as defined in Planning Policy Wales (PPW) and would fail to fall within any of the development types set out in policy EC1 of the UDP (IR 70).

10. PPW is clear, when considering applications for planning permission in such designations, a presumption against inappropriate development will apply and substantial weight should be attached to any harmful impact which a development would have on the purposes of the designation. It also states that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the designation (IR 71).
11. By encroaching into an area of open countryside and reducing the area of undeveloped land between Rossett and Trevalyn, the development would be contrary to the purposes of the Green Barrier. The openness of the site would be materially reduced (IR 72).
12. The development conflicts with policy EC1 of the UDP and such harmful impacts merit substantial weight in the planning balance. However, in order to conclude fully on the impact on the Green Barrier designation, it is necessary to consider whether the arguments in favour of the proposed development amount to "very exceptional circumstances" which clearly outweigh the identified harm (IR 73).
13. The Inspector considers, given the age of the adopted UDP and the fact it is time expired, there is little doubt it attracts less than full weight in the determination of the appeal. Also, the absence of an up-to-date development plan renders the LPA without a five year land supply for housing. In light of such factors, the Inspector considers the need to increase the supply of housing weighs significantly in favour of the proposal (IR 74).
14. The Inspector refers to the Welsh Government's Development Management Manual when stating that the weight to be attributed to an emerging LDP will depend on the stage it has reached, recognising that it does not simply increase as the plan progresses. The Inspector notes, in considering what weight to give to the specific policies of an emerging LDP, it is necessary to consider carefully the underlying evidence and background to the policies, noting that national planning policy and the evidence used to support policies in an emerging LDP can be material (IR 75).
15. The Inspector states, in this respect, it is important the submitted version of the LDP identifies a need to significantly increase the supply of housing within the area. The Inspector considers it is also relevant to note, despite the soundness of the plan not yet being determined by the appointed Inspectors, the Council accepts such housing need can only be satisfied through the development of undeveloped sites. This is reflected through the LDP strategy and the housing allocations identified in the emerging LDP (IR 76).
16. The Inspector considers of particular relevance in the determination of this appeal is the fact that the emerging LDP identifies the appeal site as within the settlement limits for Rossett and as a housing allocation. Whilst the emerging LDP proposes the retention of a strategic Green Wedge between Rossett and Trevalyn, the appeal site would be omitted from that designation and the SLA designation. The Inspector considers such factors weigh significantly in favour of the development, not least because it represents a concession from the LPA that the site ultimately represents a suitable and sequentially preferable housing site despite the inevitable impact such a development would have on the landscape character and openness of the site (IR 77).
17. When considering policy in PPW on Green Belt/Wedge designations, the Inspector considers it is notable that the appeal site is located adjacent to the built form of Rossett and, therefore represents a logical extension to the settlement (IR 78).

18. A Green Wedge designation in the emerging LDP would be retained between Rossett and Trevalyn. The Inspector considers the appeal site is a broadly sustainable option, well-located to a number of facilities and services. The evidence also indicates the development is deliverable and would provide a number of benefits, including affordable housing. Although the number of affordable homes would be less than the percentage requirements of the affordable housing policy in the emerging LDP, the Inspector states the contribution of 33no. affordable homes would be consistent with the 25% affordable housing requirement set by the adopted UDP and merits substantial weight in the planning balance (IR 79).
19. On this issue the Inspector concludes that the time-expired UDP, the lack of housing land supply and the consistency of the appeal proposals with the emerging LDP, combined with the sustainable location and positive benefits of the scheme, weigh substantially in favour of the development. In balancing these matters, the Inspector considers they comprise the very exceptional circumstances required to clearly outweigh the harm to the Green Barrier and its wider countryside/landscape status (IR 80).

#### Loss of Agricultural Land

20. The Inspector notes, whilst there is dispute over the Agricultural Land Classification (ALC) of the appeal site, the development would result in the loss of agricultural land, a significant proportion of which comprises Best and Most Versatile Land (BMV) (IR 81).
21. Due to loss of BMV land, the development would clearly conflict with Policy EC2 of the UDP which states that development on BMV will only be permitted if it does not lead to the irreversible loss of that land. Whilst PPW states such land is the best and most versatile, and should be conserved as a finite resource for the future, it also states that it 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 (IR 82).
22. The Inspector considers the development provides substantial benefits, including the overriding need for development within the site. The Inspector considers the substantial evidence base indicates the housing requirements cannot be met without the loss of BMV. All the emerging LDP housing allocations located outside the settlement limits of the UDP contain some BMV. The Inspector also considers the evidence indicates Rossett is largely surrounded by BMV land and, given the proportions of BMV on the appeal site, the site is sequentially preferable to other sites within the area (IR 83).
23. The Inspector's conclusion on this issue is, although the development would conflict with Policy EC2 of the UDP, material considerations, including the sequential approach advocated by PPW, indicate such conflict is justified in this instance (IR 84).

#### Other Material Considerations

24. Whilst the Inspector has no doubt the development would result in increased traffic on the local highway network, concerns in respect of highway safety remain uncorroborated by robust evidence. The Council raised initial concerns, regarding the intermittent pedestrian footway on Holt Road. However, since submitting the

application, the appellant has submitted proposals to convert a section of highway verge along the southern side of Holt Road to a pedestrian footway. The Inspector considers this would represent a significant improvement in terms of pedestrian safety and, therefore, concurs with the Highways Agency that dismissal of the appeal on highway safety grounds is no longer justified and the scheme would not conflict with policy GDP1(d) of the adopted UDP. Policy GDP1(d) aims to secure safe and convenient pedestrian and vehicular access from new development (IR 85-86).

25. The Inspector considers representations regarding overdevelopment are largely unsubstantiated by evidence and given the scale of development and the site's sustainability credentials, it represents a logical extension to the settlement (IR 87).
26. In terms of local services, concerns were expressed regarding local health services, in particular Alyn Family Doctors Surgery. However, the local health board does not object to the principle of development and no evidence has been submitted detailing the specific healthcare infrastructure which would be required to mitigate effects of the development. Therefore, no financial contributions have been sought in this respect and the Inspector considers refusal of planning permission on such grounds alone would not be reasonable (IR 88).
27. The development is outside the C1 and C2 flood zones. Matters of surface water drainage can be controlled by condition and water supply has not been raised as an insurmountable constraint by the supplier (IR 89).
28. NRW has no objections to the scheme, matters of landscaping are reserved for subsequent determination and no objections have been submitted by the relevant statutory body in respect of archaeological interests (IR 90).
29. The Inspector notes residential amenity matters can be addressed through detailed design, whilst disturbance through construction would be temporary and could be minimised by condition. Loss of views over a countryside setting in third party ownership is not protected by the planning system (IR 91).
30. The Inspector has considered submissions relating to alternative sites, noting there is no requirement for prospective developers to demonstrate a particular site is more suitable than others. The other planning decisions highlighted to the Inspector did not have the same set of circumstances and, therefore, did not weigh heavily in considering the appeal (IR 92-93).

#### Conditions and Unilateral Undertaking

31. The suggested conditions submitted by the parties have been adjusted by the Inspector in the interests of clarity and precision. The condition agreed by the parties to secure a shorter commencement period has been amended by the Inspector to the standard period for outline planning applications on the grounds no cogent arguments for a shorter time period were presented (IR 94). However, I note the Council's committee report states the significant need to bring forward housing land justifies the shorter time period. I am satisfied with this reasoning and note the appellant agrees with the conditions suggested by the Council. Otherwise, I am content the suggested conditions meet the relevant test in Circular 16/2014: The Use of Planning Conditions for Development Management.
32. The Inspector is satisfied the Unilateral Undertaking (UU), which would secure financial contributions towards education, ensure management of on-site public open space and deliver affordable housing as required, meets the relevant policy and

statutory requirements (IR 94-95). The Inspector also notes the Council confirmed it also considers the UU meets the necessary statutory and policy requirements (IR 65).

### Planning Balance and Overall Conclusions

33. The Inspector finds the development would be contrary to adopted development plan policies designed to protect the countryside and wider landscape designations. The development would also be contrary to the purposes of the Green Barrier. However, the Inspector considers harm to the Green Barrier and the wider countryside and landscape setting would be clearly outweighed by the very exceptional circumstances described above. Also, whilst the development would result in the loss of BMV agricultural land, such harm and associated policy conflict would be justified in light of the provisions of PPW and the particular circumstances of the case. For these reasons, having considered all matters raised, including the substantial number of submissions made by interested parties, the Inspector recommends the appeal be allowed subject to conditions. In coming to this conclusion, the Inspector has considered the statutory duties in the Well-being of Future Generations (Wales) Act 2015 (IR 96-97).

### **Conclusion**

34. I note the appeal site is located in the countryside, outside the defined settlement boundary limits. The proposed scheme does not comply with criteria-based UDP policy H5, regarding housing in the countryside. The proposal also comprises inappropriate development within a Green Barrier, a designation consistent with the green wedge policy set out in paragraph 3.70 of PPW 10. PPW 10 states inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the green wedge.
35. The Inspector notes, in accordance with Technical Advice Note 1: Joint Housing Land Availability Studies (TAN 1), as the local planning authority does not have an adopted Local Development Plan (LDP) or UDP, it effectively is considered not to have a 5-year housing land supply. The Inspector considers, in light of these factors, the need to increase housing supply weighs significantly in favour of the proposal.
36. I agree that the local planning authority does not have a 5-year housing land supply. However, I also note, on 18 July 2018, the Welsh Ministers issued a statement which disapplied paragraph 6.2 of TAN 1. As a result of this disapplication, it is a matter for decision makers to determine the weight to be attributed to the need to increase housing supply where a LPA has a shortfall in housing need. I address this issue in my overall conclusions and decision.
37. The Inspector notes the local planning authority has submitted its LDP for examination and refers to the Welsh Government's Development Management Manual (DMM) which states the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached but does not simply increase as the plan progresses towards adoption. The DMM further states that 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, the underlying evidence and background to the policies should be carefully considered.
38. I am satisfied the underlying evidence for the emerging LDP demonstrates a need for housing development on undeveloped sites and I attach weight to this matter. The Council has identified the appeal site, in the emerging LDP, as a housing allocation

within the settlement limits of Rossett and omitted from any green wedge or landscape designation.

39. I note that 25% of the proposed residential development would comprise affordable units, which would be secured by the Section 106 UU. This is a level of affordable housing which accords with Policy H7 of the UDP and Wrexham County Borough Council's Local Planning Guidance Note 8.
40. I am satisfied with the Inspector's consideration of the loss of agricultural land and other material considerations, addressed in paragraphs 81-93 of the IR. Regarding biodiversity, I note NRW raises no objections on ecology grounds and I am satisfied the development meets the expectations of PPW on this issue.

### **Overall Conclusion and Decision**

41. Whilst the site is located outside the time expired UDP settlement policy boundary, I am satisfied it is in a sustainable location, on the edge of the existing settlement of Rossett, within walking distance of a range of services and facilities within the settlement. Opportunities to make use of public transport facilities are available with bus stops within walking distance of the site and additional bus stop provision would be secured by planning condition. The local health board does not object to the principle of development and the Inspector notes detailed evidence was not submitted to identify any specific healthcare infrastructure which should be secured to mitigate the impact of the scheme. A financial contribution towards additional primary and secondary school places would be secured through the Section 106 UU. Public open space within the development would also be secured through the UU and planning conditions would secure additional pedestrian footway links through the site.
42. Given the above considerations and acknowledging the appeal scheme is submitted in outline, the indicative masterplan showing pedestrian linkages and cycleways demonstrates a scheme can be delivered on site which addresses the national sustainable placemaking outcomes.
43. The LDP strategy and evidence base identifies a need for new housing on undeveloped sites and I am satisfied the appeal site is in a sustainable location and the scheme accords with the placemaking principles set out in PPW. The Council has identified the appeal site, in the emerging LDP, as a housing allocation within the settlement limits of Rossett and omitted from any green wedge or landscape designation. I accept the proposed development would make a contribution towards addressing housing land supply in the area and would provide much needed affordable housing.
44. Whilst the development would comprise inappropriate development in a green wedge, I am satisfied, in this case, when all the above factors are taken into account in their totality, they constitute the very exceptional circumstances necessary to outweigh any harm to the green barrier. These factors also outweigh any harm to the wider countryside and landscape setting. I am satisfied there are no other factors which weigh against the appeal.
45. Subject to the comments in paragraphs 34-44 above, I accept the Inspector's recommendation and reasoning. In exercise of the power referred to in paragraph 2 of this decision letter, I hereby allow this appeal and grant planning permission for planning application reference P2018/0560, appeal reference 3231048, subject to the conditions in the Annex attached to this letter. I confirm I have given weight to the UU in the determination of this appeal.

46. In reaching this decision, I have considered the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015. The decision made accords with the sustainable development principle set out in the FG Act and the well-being objectives of the Welsh Ministers in that it contributes to the objective to “build resilient communities, culture and language” and contributes to “driving sustainable growth”.
47. A copy of this letter has been sent to Wrexham County Borough Council.

Yours sincerely

**Julie James AC/AM**  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

## **Annex - Schedule of Planning Conditions relating to appeal reference 3231048**

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

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

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

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

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

Reason: *To comply with Section 92 of the Town and Country Planning Act, 1990 and secure timely commencement of development to address housing supply.*

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

Reason: *To comply with Section 92 of the Town and Country Planning Act, 1990 and secure timely commencement of development to address housing supply.*

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

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

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

1. A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
2. A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, root protection areas, construction exclusion

- zones, and location of protective fencing and ground protection measures accurately plotted;
3. A full specification for any access, driveway, path (to include paths required by Condition Nos.8 and 9), underground services or wall foundations within retained tree root protection areas or construction exclusion zones, including any related sections and method for avoiding damage to retained trees;
  4. Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
  5. Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
  6. Method for protecting retained trees during demolition works;
  7. Details of all proposed tree works, including felling and pruning.

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

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

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

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

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

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

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

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

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

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

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

- 10) No development shall commence in a phase until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority in respect of that particular phase of development. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. an earthwork balance in respect of materials arising from excavations carried out on site, including measures to ensure those materials are re-used on-site;
5. hours of working.

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

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

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

- 12) The Reserved Matters shall include details of a 3 metre wide combined footway and cycleway that shall be provided along the full length of both frontages of the site with

Rossett Road. The combined footways and cycleways shall be provided in accordance with the approved details prior to the first occupation of the dwellings in the respective phase of the development that they are situated within.

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

- 13) The Reserved Matters shall include an area or areas of public open space to be provided within each phase, together with a scheme that includes the following details:
1. the siting, size, layout and appearance of formal play equipped play areas;
  2. hard and soft landscaping of the open space area(s);
  3. the timing of the construction and landscaping of the open space area(s);

Public open space shall be provided on site within each phase in accordance with the approved scheme and permanently retained thereafter.

Reason: *In the interests of the appearance of the development and the standard of amenity afforded to future occupiers - UDP Policies GDP1(a) and CLF5.*

- 14) No dwellings in a phase shall be occupied until a Final Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan(s) shall include measures to encourage occupiers of the development to walk, cycle and to use local facilities and public transport.

Reason: *To assist future occupiers of the development to make sustainable transport choices – UDP Policy GDP1(e).*

- 15) No street lighting shall be installed on any part of the site until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details that demonstrate how the street lighting has been sited and designed so as to minimise the potential impact upon bat species. Street lighting shall thereafter only be installed in accordance with the scheme as approved.

Reason: *To ensure the development takes place without harming statutory protected species – UDP Policy EC6.*

- 16) This development hereby permitted shall be limited to a maximum of 132 dwellings.

Reason: *To define the scope of the planning permission.*

### **Notification of initiation of development and display of notice**

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include the following:

#### Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form

substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

### Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out development must ensure the notice is:

- (a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.