
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/06/2018

gan Kay Sheffield BA(Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06/07/18

Appeal Decision

Site visit made on 26/06/2018

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 06/07/18

Appeal Ref: APP/H6955/A/18/3200230

Site address: Nantcol, 57 Bryn Glas, Rhosllanerchrugog, Wrexham, LL14 2EA

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Cottle against the decision of Wrexham County Borough Council.
 - The application Ref P/2017/0537, dated 27/06/2017, was refused by notice dated 15/01/2018.
 - The development proposed is the demolition of existing property and redevelopment to form five new dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the amenity value of the woodland and on the character of the area.

Reasons

3. The appeal site lies within the settlement limit of Rhosllanerchrugog as defined in the Wrexham Unitary Development Plan (UDP), adopted in 2005. It covers approximately 0.38 hectares and lies at the head of the cul-de-sac, Bryn Glas. The eastern part of the site comprises a relatively flat area of land on which the existing dwelling is located and the proposed dwellings and access road would be built. To the west the land falls away quite steeply and is heavily wooded with broadleaved and coniferous trees which are the subject of a Tree Preservation Order¹.
4. The Council granted outline planning permission for the demolition of the existing property and the erection of three dwellings on the site in 2012² and it has raised no objection to the principle of the proposed scheme as a logical extension of Bryn Glas. I am satisfied that the principle of the residential development on the site has been established. However, given its status, the woodland is a constraint and it should inform the layout of the development.

¹ Wrexham County Borough Council Community of Rhosllanerchrugog (Land adjacent to 57 Bryn Glas, Rhosllanerchrugog, Wrexham) Tree Preservation Order No. 166, 2010, Wrexham.

² Application Ref: P/2011/0779 granted 03/01/2012

5. The proposed layout of the development would result in the loss of some single and several groups of trees which, with the exception of two Beech, are recorded as being of low quality and value in the submitted Arboricultural Impact Assessment. The Council has raised no objection to the loss of the lower value trees and I have no reason to reach a different conclusion.
6. However the Beech are recorded in the Assessment as early mature with a remaining safe life expectancy in excess of 40 years. Based on the framework set out in BS 5837:2012³ the trees have been categorised as A2 in terms of their health, amenity value and long term viability for retention on a development site. These trees would lie close to the edge of the access road and their Root Protection Areas would be crossed by it. The parties are agreed that they would be lost as part of the development. Whilst there are other trees in the woodland of similar value which would remain as part of the proposals, the two Beech are nevertheless of high quality and make a significant contribution to the amenity value of the woodland.
7. The woodland is relatively dense and it is accepted that this makes it difficult to discern individual trees from their neighbours when viewing the site from public vantage points. The Appellant contends that the woodland has not been managed and would benefit from thinning by the removal of as much as 20% of the trees in order to create a more robust and viable tree stock in the long term and increase biodiversity. Whilst the removal of individual trees as part of such works would alter the visual appearance of the woodland, the Beech are on the edge of the woodland where their removal would have a greater visual impact than trees further from the margins. Furthermore, in the absence of the development, there is no evidence that the trees would be selected for removal in preference to their neighbours as part of any management scheme.
8. Although the previous outline application demonstrated that the Beech could be retained, it is accepted that the scheme was for three rather than five dwellings. It would also have resulted in the loss of several trees in the southern part of the site, albeit of a lower quality than the Beech. It is noted that the appeal scheme is more constrained than that for three dwellings, which would leave more of the site free from built development and potentially allow more tree planting. Notwithstanding this, I am not persuaded by the evidence that a layout for five dwellings which retained the Beech trees could not be achieved.
9. On balance the evidence leads me to conclude that the loss of the two Beech would have a detrimental effect on the amenity value of the woodland and in turn on the character of the area, contrary to Policies GDP1(a) and EC4 of the UDP which seek to conserve woodland and protect the character of the area.
10. Interested parties have raised concerns regarding the effect of the development in respect of increased traffic, potential for flooding and the effect on biodiversity. Although the scheme would result in increased traffic it would comply with the required standards of visibility and parking. I understand that the site has been subject of historic flooding from an adjacent watercourse. However, the Council found that the details submitted as part of the application demonstrated the risk could be managed. Whilst inadequate details have been submitted in respect of surface water drainage, I agree with the Council that this matter could be addressed by condition. Reference has also been made to a covenant on the land. However this is a separate legal issue which has no bearing on the appeal. Whilst these matters lend support to

³ BS 5837:2012 Trees in relation to design, demolition and construction

the appeal I do not consider that they are sufficient to outweigh the concerns I have identified.

11. The site lies within the buffer zone of the Johnstown Newt Sites Special Area of Conservation (SAC) and Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI) which supports a nationally important population of Great Crested newts. Having regard to Regulation 61 of the Conservation of Habitat and Species Regulations 2010 (as amended), Natural Resources Wales (NRW) in its response to the appeal was of the opinion that there was a need to undertake a test of likely significant effects. However, in view of the conclusion I have already reached in respect of the appeal, it is not necessary for me to pursue this matter further.
12. The presence of Japanese Knotweed on the site is noted in the submitted Ecological Scoping Report. This is an invasive non-native species on which the Anti-social Behaviour, Crime and Policing Act 2014 imposes a legal responsibility to prevent it from becoming a problem in the area. There are no details in the report of the extent of the Japanese Knotweed or how it would be addressed as part of the development. Notwithstanding this, given my conclusion on the appeal, there is no need for me to consider this matter further.
13. For the reasons given above and, having had regard to all other matters raised the appeal is dismissed.
14. In reaching this decision I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Kay Sheffield

INSPECTOR