

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
57 BRYN GLAS RHOSLLANERCHRUGOG WREXHAM**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2017/0537
PINS REF: 3200230**

1.0 SITE

- 1.1 The site is located at the end of Bryn Glas, a residential cul-de-sac located in Rhosllanerchrugog.



2.0 PROPOSAL

- 2.1 Planning permission is sought for the demolition of the existing dormer bungalow and for the erection of 5 dwellings, comprising of two pairs of semi-detached properties and one detached together with the construction of an associated private driveway to access the properties.

3.0 HISTORY

- 3.1 P/2010/0891 OUTLINE APPLICATION FOR DEMOLITION OF EXISTING WELLING AND CONSTRUCTION OF 3 NO. 2 STOREY 4 BED DWELLINGS. Withdrawn.
- 3.2 P/2011/0779 OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 3 NO. 2 STOREY 4 BED DWELLINGS. Granted 3.1.2012

- 3.3 P/2016/0651 DEMOLITION OF EXISTING PROPERTY AND REDEVELOPMENT TO FORM 7 NO NEW DWELLINGS. Withdrawn.

4.0 PLANNING POLICY

- 4.1 Within UDP settlement limit and within the Johnstown Newts Sites SAC buffer zone. The site is subject to Tree Preservation Order WCBC no.166
- 4.2 Policies GDP1, EC4, EC6, EC12, H2 and T8 apply.
- 4.3 The following supplementary planning guidance notes are also applicable:
- Local Planning Guidance Note 16: Parking
 - Local Planning Guidance Note 21: Space around Dwellings.

5.0 COUNCIL'S CASE

- 5.1 The development represents a logical extension to Bryn Glas. The appearance of the dwellings is acceptable and will not appear out place in the context of a cul-de-sac with a variety of house types and styles.
- 5.2 Notwithstanding the above the proposed access road would pass very close to two category A trees (listed as T552 and T553 in the submitted Arboricultural Impact Assessment) and through the Root Protection Areas of both trees. The development is likely to require the removal of the trees or result in significant damage to both.
- 5.3 The applicant's arboricultural consultant suggests that the designation of the two trees is based on their inclusion within a high value woodland and rather than redesign the development it may be more practical to remove them and mitigate the loss through long term management of the woodland.
- 5.4 It is accepted that the woodland the trees form part of has a significant group amenity value, indeed that is why it is subject to a Tree Preservation Order. However it is arguably the case that the overall quality of the woodland is in fact enhanced by the presence of high quality trees. The overall amenity value of the woodland should therefore not diminish the value attached to individual trees. In such cases any removal works (if justified/demonstrated to be necessary) should be of lower quality trees rather than the highest quality.
- 5.5 The presence of two high quality trees within the woodland presents a constraint that should inform the layout of a development rather than those trees being removed to accommodate it – even if this means fewer dwellings being proposed. Whilst it is appreciated that outline planning permission has previously been granted with access and layout approved, the position of the driveway to serve that development would have been located further to the east, thus being likely to have far less impact upon the two trees referred to above (see appendix 1). Indeed subject to protection measures implemented during construction, the previous development should have allowed for the trees to be retained.

- 5.6 The applicants have failed to explore alternative layouts that would allow for the retention of the trees. The Council therefore contends that the benefits of the development in terms of housing land supply, even if a scheme of woodland management were secured via planning conditions, outweigh the harm that would result from the loss of two high quality trees that contribute significantly to the amenity value of the woodland as a whole and therefore in turn the character of the area.

6.0 CONCLUSION

- 6.1 The development would result in the loss of two high quality trees that make an important contribution to the amenity value of the woodland within the application site and in turn the character of the area. The development is therefore contrary to policies GDP1(a) and EC4 of the Wrexham Unitary Development Plan. The Council respectfully requests the appeal be dismissed.

APPENDICIES

- Appendix 1: The approved layout plan for P/2011/0771 along with an extract from the layout plan submitted with the appeal proposals with the position of the road from the former drawn on by case officer.
- Appendix 2: Schedule of suggested conditions in the event of the Inspector being minded to allow the appeal.