

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
3 February 2014

APPLICATION NO:
P/2013 /0777

LOCATION:
LAND SOUTH OF 4 CEFN ROAD
LODGE WREXHAM
LL11 5NP

DATE RECEIVED:
12/11/2013

COMMUNITY:
Broughton

DESCRIPTION:
OUTLINE APPLICATION FOR THE
ERECTION OF THREE DWELLINGS
INCLUDING WIDENING OF ACCESS
DRIVEWAY AND PROVISION OF
VEHICULAR TURNING AREA.

CASE OFFICER:
MP

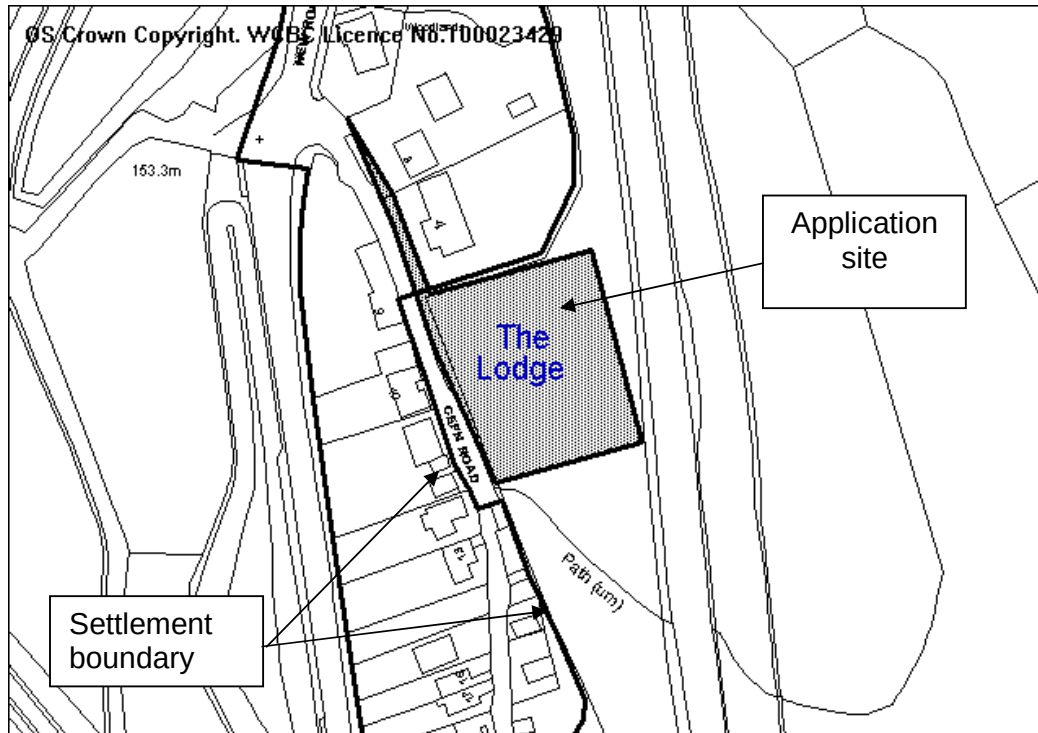
WARD:
Bryn Cefn

AGENT NAME:
BOB DEWEY PLANNING
BOB DEWEY

APPLICANT(S) NAME:
M L & A DAVIES C/O BOB DEWEY
PLANNING

THE SITE

As above.



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PROPOSAL

Outline permission is sought for 3 dwellings. Approval for access is sought at this stage with all other matters reserved for subsequent approval.

HISTORY

- BRO18148 Residential development and construction of new vehicular and pedestrian access. Granted 10 September 1990.
- BRO21123 Residential development (maximum of 2 dwellings) and construction of new vehicular and pedestrian access (renewal of previously approved outline planning permission). Granted 6 April 1993. [Site at that time was not within a green barrier]
- CB/00078 Residential development and construction of new vehicular access (previously permitted under code no. 21123). Refused 29 July 1996
- CB/02717 Erection of 2 no. detached bungalows and constriction of new vehicular and pedestrian access. Refused 11.1.99. Appeal dismissed.
- P/2013/0720 Outline application for the erection of four detached dwellings. Refused 22.11.12

DEVELOPMENT PLAN

Outside of settlement and within Green Barrier. Policies PS1, GDP1, EC1 and H5 apply.

CONSULTATIONS

- Community Council: Opposes the application as it outside the settlement limit.
- Local Member: Notified 14.11.13
- Public Protection: Recommend condition regarding contaminated land and hours of working when construction takes place. Also recommend notes regarding measures to limit impact of construction.
- Highways: Recommend permission be refused for the following reasons:-
- there is restricted visibility at the existing access and increased use would increase the likelihood of danger to road users;
 - the site is approached from the B5101 Kent Road by means of a narrow unmade road, which is considered substandard in width and junction layout to act as a mean of access to further residential development;

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- it is considered that the proposed road widening scheme may be detrimental to highway safety on Cefn Road.
- Welsh Water: Recommend drainage conditions.
- NRW: Consulted 14.11.13
- Rights of Way: Concerns regarding the vehicle turning area. It will be adjacent to the end of Broughton Public Footpath 12. Would prefer the turning area located adjacent to the northern-most dwelling.
- Ramblers: Consulted 14.11.13
- Site Notice: Expired 12.12.13.
- Other Representations: 1 representation stating no objection and expressing the following comments:
 - can not understand Wrexham Planning objecting to building on this land as it had outline planning permission on it some time ago, as it is now an eyesore and I think most people on Cefn Road would like to see it developed;
- 3 representations expressing no objection.
- 1 representation where the sender is not against the development but the access issues it will throw up and have the following concerns;
 - by making the road wider people will park along it so there will be no gain;
 - the parking will block access to existing property;
 - why are there 3 separate accesses to the dwellings;
 - the turning point will become another place to park;
 - a strip of land does not belong to the applicant;
 - disruption when building takes place.
- 3 representations objection and expressing the following concerns;
 - proposed road widening takes land that doesn't belong to the developer;
 - only verbal agreement to exchange land to allow road widening to take place;
 - proposed turning point is unsuitable due to lack of visibility, high voltage power poles and transformers;
 - increased wear and tear of Cefn Road;
 - overlooking;
 - potential drainage problems;
 - increased traffic of Cefn Road onto Kent Road/highway safety problems;
 - the land is Green Barrier;

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SPECIAL CONSIDERATIONS

Background: Outline permission for 4 dwellings on the site was refused last November on the grounds that:

- i) the site lay outside of the settlement limit and within the Green Barrier; and
- ii) Cefn Road, due to its width and restricted visibility at its junction with Kent Road was unable to safely accommodate the traffic associated with the development.

This is a resubmission of the previous proposals incorporating the following changes:

- i) a reduction in the number of proposed dwellings from 4 to 3;
- ii) an assessment of the junction of Kent Road and Cefn Road carried out by a Highways consultant;
- iii) Proposals to widen Cefn Road from its junction with Kent Road to and across the frontage of the site.

Policy: The development does not accord with any of the exceptions to the otherwise strict control over development outside of settlements and is also inappropriate development within designated Green Barriers. The development therefore does not accord with policy H5 or EC1.

Housing Land Supply: The most recently published Joint Housing Land Availability Study (2012) found that Wrexham as a housing land supply of 3.5 years which equates to a need for an addition 673 dwellings to be granted planning permission in addition to those already benefitting from planning permission. The 2013 Joint Housing Land Availability Study has yet to be published but is expected to show that Wrexham's housing land supply remains significantly below 5 years.

Planning Policy Wales requires local planning authorities to maintain a 5 year housing land supply. The lack of a five year housing land supply is a material consideration of significant weight in favour of granting planning permission for land that otherwise would not normally be released for development. However this must be balanced against consideration of the merits of the site against other planning considerations.

Whilst each application is dealt with on its own merits, there are some notable similarities between this site and an application to develop land at Afoneitha Road in Penrycae (P/2013/0003). Both sites are comparatively small, both lie adjacent to but outside of the settlement limit and both lie within the Green Barrier.

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The Council's refusal of permission for residential development on the Afoneitha Road site was upheld on appeal in July 2013. The Inspector concluded that:

- i) the development of the site would be inappropriate and contrary to local and national policies in respect of Green Barriers;
- ii) where Green Barriers should apply should be reviewed as part of the development plan;
- iii) there had been no changes in physical circumstances of the site or its location to suggest its includes as part of the Green Barrier in the UDP is now obviously wrong;
- iv) the development would reduce the degree of openness which the site contributes to the Green Barrier;
- v) despite the lack of a 5 year housing land supply, the use of Green Barrier land is not necessary or desirable.

Suitability of the site: Part of the site is occupied by the embankment of a former railway line. The railway line has been abandoned for a considerable period of time and has now blended back into the natural landscape. Planning Policy Wales advises that land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings is excluded from the definition of previously development land.

Whilst the Design and Access Statement refers to fact that that some remodelling/engineering works has taken place in the past, these works were unauthorised engineering works carried out around in the late 1990's. The site has also been recently cleared. These works do not change the status of the site to previously developed land.

Although Kent Road benefits from an hourly bus service to Brymbo and Wrexham there are shops, only limited community facilities and few employment opportunities close proximity to the site. There are also currently only limited local facilities in Brymbo and the nearest primary school in Pentre Broughton is around 1km away via Kent Road, Station Road (Pentre Broughton) and Long Lane (Pentre Broughton). Whilst use of a public right of way would reduce that distance to around 400m the path does not appear well maintained, properly surfaced or provided with lighting so is unlikely to be a suitable walking route to the school.

In my opinion the above factors make the site a comparatively poor one in terms of promoting sustainable modes of transport and access to employment services and facilities. Indeed development of the site is likely to promote rather than discourage use the private cars.

The lack of local facilities means the development will not bring any benefits in terms of supporting shops, public houses or other facilities in the immediate locality. Nor is a development of 3 houses (by itself) likely to increase demand sufficiently to make the provision of new facilities in Lodge a viable proposition.

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The planning inspector for the 1999 appeal decision (reference CB/02717) referred to Lodge as ribbon development with land that is rural character around it. He concluded that the erection of the 2 dwellings then proposed would extend built development beyond existing limits into what is still a predominantly rural landscape. I am of the opinion this remains the case.

I recognise that a small number of housing developments have been taken place within the settlement limit of Lodge it in recent years, however the settlement limit is very tightly drawn is clearly intended to limit the potential for and the extent of additional housing. Whilst the UDP does not give reasons for extent of the settlement limit of Lodge specifically, paragraph 3.6 states that the UDP settlement strategy “*reflects the potential which some settlements have for further development while recognising that, in others, development opportunities are severely constrained*”. Lodge’s settlement limit is therefore arguably an acknowledgement of its relatively poor location in respect of employment, services and facilities.

Green Barrier: The site lies within the Green Barrier that separates Lodge and Brymbo from Pentre Broughton. It is clear that the purpose of this Green Barrier is to prevent the coalescence of these settlements and to safeguard the countryside between them.

Whilst the applicant’s agent suggests that a small reduction in Green Barrier land will not be harmful, if accepted this argument could be used too often to support small scale developments on the edges of settlements. Furthermore the boundaries of areas designated as Green Barriers cannot be reviewed or reconsidered on a case by case basis and but only as part of the preparation of the Wrexham Local Development Plan.

I appreciate that the lack of a 5 year housing land supply is a consideration of significant weight and may justify the release of land in some cases, however it does not, by itself, automatically mean Green Barrier land will or should be released for development. Each case must be considered on its merits and inevitably some sites will be found unsuitable for development. I have already given reasons above why I consider this site to be unsuitable for development.

The supporting documents make reference to the derelict state of the site. I do not believe the condition of the land is a reason to support the application. If permission were granted on this basis it would encourage land owners to allow their properties to fall into states of disrepair in the hope of improving the prospects of obtaining planning permission that otherwise would not be given. In any case, the applicants could improve the appearance of the site by lesser means.

Highways: Visibility at the junction of Cefn Road with Kent Road is significantly below recommended standards with no scope for the applicants to be able to deliver any improvements.

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Cefn Road is very narrow and unable to safely accommodate additional traffic and in response a road widening scheme has been proposed using land to the front of both no.3 and no.4 Cefn Road as well as the application site. Whilst the scheme would mean an 80 metre section of Cefn Road potentially being able to be used by two way traffic Highways have advised the scheme may actually prove detrimental to highway safety.

There appears to be inadequate or inconveniently located off-street parking for some of the properties accessed off Cefn Road as evidenced by cars being regularly parked in two laybys on Kent Road. If the development were allowed to go ahead, there is a risk that residents will simply park their cars on the widened section of road instead thus negating any benefit of the road widening scheme.

Even if vehicles do not park on the widened section of Cefn Road, the proposals are likely to be permit vehicles to travel at increased speeds. Given the much narrower width of the road beyond the site to the south (around 2.6 metres), increased speeds are likely to prove detrimental to highway safety.

In addition to the above, the ability of the applicant or a future developer to be able to fully implement the scheme is in doubt. Whilst they have will have full control over land within the application site, nearly half of the road widening scheme requires land in third party control. The applicant does not appear to have any formal agreement to purchase the land or to ensure it is retained and maintained in perpetuity as widened highway.

Whilst Grampian style conditions can be imposed in respect of off-site works there must be a reasonable prospect that those works can be carried out. I am not convinced that there is a reasonable prospect is the case.

Amenity: The layout of the site and the detailed design of the dwellings would be considered at reserved matters stage should outline permission be granted. The indicative plans suggest that the dwellings would be around 15 metres from the rear of a number existing dwellings that back onto Cefn Road. The application site is elevated relative to both those dwellings and to Cefn Road so I would anticipate the floor levels of the proposed dwellings being higher than neighbouring properties.

A separation distance of 15 metres would be below LPG21 guidelines however I do not believe this would be a valid reason to refuse permission in this instance. The existing properties bounding Cefn Road are already significantly overlooked from passing cars and pedestrians. As such the proposed dwellings would not significantly reduce the standards of privacy enjoyed by existing occupiers. Careful design could also limit the number of windows serving habitable rooms that face existing properties as well as ensuring the dwellings do not prove overbearing.

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I appreciate that construction works are likely to result in a degree of disruption. However any disruption will be relatively short term and can be mitigated by limiting hours of work and by careful site management.

Conclusion: The site is outside any settlement limits and within a defined Green Barrier. The development will harm the openness of the Green Barrier and be an undesirable intrusion into the rural landscape. The submissions also fail to demonstrate that it will be possible to provide the development with a safe and satisfactory means of vehicular access. The proposals are contrary to Policies PS1, GDP1, EC1 and H5 of the Wrexham Unitary Development Plan.

RECOMMENDATION: That permission be **REFUSED**

REASON(S)

1. The site is outside any settlement limits as defined in the Wrexham Unitary Development Plan and within a defined Green Barrier. The development will harm the openness of the Green Barrier and be an undesirable intrusion into the rural landscape. It therefore conflicts with Policies PS1, GDP1, EC1 and H5 of the Wrexham Unitary Development Plan.
 2. Due to its limited width and the restricted visibility at its junction with Kent Road, Cefn Road is unable to safely cater for the additional traffic that will be generated by the development. Whilst a scheme of road widening has been proposed, the implementation of the scheme lies on third party land with no mechanism in place to enable its implementation to be secured. Furthermore the scheme itself has the potential to prove detrimental to highway safety. Consequently the development will not be provided with a safe and satisfactory means of vehicular access and therefore conflicts with policy GDP1(d) of the Wrexham Unitary Development Plan.
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