

Planning Appeal

LAND OPPOSITE MAESLLWYN CLOSE, EAST OF MILL ROAD, BRONINGTON.

Appellant's Statement of Case

Introduction

This Appeal is against the refusal of Wrexham County Borough Council to grant planning permission for residential development on the above site.

The application was submitted 17th December 2018, under reference P/2018/1061.

The application was in outline, with all matters reserved. The decision was made on 8th February 2019.

The Council refused the application for 3 reasons :-

1. The proposal is contrary to the development plan and is materially detrimental to the character of this countryside location. It would represent an undesirable visual intrusion into the rural landscape, eroding the wooded defined edge to the settlement limit. It would lead to a loss of land of ecological value, which has not been properly mitigated.
2. No supporting information has been submitted to show how surface water generated by the development will be managed.
3. The position of the proposed plots would impact on the longevity, health and well-being of the trees on the site. The proximity of the plots will not accommodate the unhindered development of the crowns and roots of these trees. The loss of hedgerow to create the access points is unacceptable.

Amended Plan

For the purposes of the Appeal, an amendment to the illustrative layout plan is provided at Appendix 1 to this statement, which has not been seen by the LPA before. The plan shows a re-arrangement of the northern part of the site, and that the number of dwellings is reduced from 6 to 5.

Grounds of Appeal

Appendix 2 is the original Planning Statement submitted with the application, which describes and justifies the original proposals. Appendices 3 and 4 are the Decision notice and the Planning Officer's Report.

5-Year Housing Land Supply

Wrexham Council cannot currently demonstrate a 5-year supply of housing land. The Welsh Government has temporarily disapplied paragraph 6.2 of Tan 1, to remove the emphasis placed on attaching “considerable” weight to the lack of a 5-year supply in determining planning applications for housing development.

Nevertheless, the lack of a 5-year supply remains an important material consideration. For the reasons put forward below, the Appellants consider that the appeal proposals are an appropriate form of sustainable development, which should be granted planning permission, taking the 5-year supply issue into account, along with other sustainable development issues.

UDP & LDP

The Officer’s report states that the emerging LDP Deposit plan can be given little weight at present. However, in the absence of an adopted UDP (the previous plan having expired in 2011) the Deposit LDP is the most recent and up-to-date statement of the Council’s planning policies for the area.

Sustainable Development

Throughout Wrexham County Borough, there are examples of reasonably-sized rural communities with at least some level of local services and facilities. Over the last decade or two, many of these villages have gradually lost some or all of these facilities and services.

Bronington is identified in both the previous UDP and the emerging LDP as a location where small-scale windfall housing development for local needs can take place. However, it is very difficult to see how the settlement boundary in the LDP makes any provision for new housing development in the village, being drawn tightly around the existing built-up area and with no obvious ‘gaps’ to fill.

Whilst infill plots may possibly emerge, this seems unlikely. Even if they do, plots will normally be designed to accommodate the largest properties possible, to maximise the land value, and will go to the highest bidder. This will price out more local and younger buyers.

Therefore, although a modest amount of sustainable development is being promoted in the LDP for Bronington - to help support the existing services and facilities and to cater for local housing needs - this policy is highly unlikely to deliver.

Under the Council’s emerging policies, there is little or no hope for younger local people to remain in Bronington (or move back to it) to start new independent households and bring up their own families. They are effectively being forced to live in the larger settlements and Wrexham town.

Lack of any growth in these communities also puts the existing services and facilities under threat. History has shown us that if you starve villages of appropriate development, the services within them (eg. Shops, Schools and Bus services) will become marginal and will be lost.

The Officer's report states that the proposed dwellings would be remote from employment opportunities, the variety of retail options, medical facilities and community services located within the larger settlements. It goes on to say that the appeal proposals would not minimise the need for travel, especially by means of the private car, and Bronington cannot therefore be regarded as a sustainable settlement.

It is not unreasonable to assume that the prospective occupiers of the proposed dwellings are likely to be employed locally, and/or will have grown up in the village, and/or currently live there with their parents, or have previously lived there but have been forced to move away to find more affordable independent housing.

The appeal proposals are therefore very much about maintaining **social** sustainability in small rural communities ie. maintaining a balanced rural population by allowing a few younger local people the opportunity to either remain in, or return to, the villages in which they grew up, to maintain their established social connections with the village, to live close to their work, and to remain close to the support networks provided by their relatives. This helps to make small rural communities socially inclusive, rather than just havens for the wealthier and the retired.

Had the appeal proposals been for a smaller number of much larger and more expensive properties, commanding a significantly higher potential land value for the owners, then it would be more likely that the homes would be occupied by non-local purchasers. Instead, the site is being made available to the proposed Developer to make the development of smaller first-time-buyer properties viable and deliverable.

The Appellants have already reached agreement in principle for the site to be developed by Primesave Properties, who specialise in smaller 2 and 3-bedroom houses for first-time and other younger buyers. The smaller homes within their recent development of 9 houses in Penley village were sold out within days of being released. This is hardly surprising when a new 2-bedroom semi-detached home was available for less than £120,000.

The Council says that the appeal site doesn't comply with the policies for exceptional development outside village boundaries, because it is not 'affordable' housing. Whilst the proposal may not be officially affordable housing with long-term restrictions on price and occupancy, it is certainly 'affordable' in a wider sense. The prospective Developer is certain that (as in Penley and many other places where they have developed), there will be a long queue of local prospective purchasers, just waiting for these houses to be built.

Despite the Council's arguments to the contrary, the proposals are **economically** sustainable, in that they will support the existing services and facilities in the village – the School, the Shop and the Bus Services. Providing opportunities for younger families to live locally is particularly important for the future of Bronington School, bearing in mind the very restrictive settlement boundary provides little or no potential for new homes.

The likely local nature of demand for these houses counterbalances the Council's concerns over proximity to employment. Even so, Bronington is situated less than 5 miles from the centre of Whitchurch, and 6.4 miles from its industrial centre at Waymills. So there is employment and larger centre services available within a reasonably short distance.

The Officer's report refers to Planning Policy Wales para 3.35, which states *"In rural areas most (our emphasis) new development should be located in settlements which have relatively (our emphasis again) good accessibility by non-car modes when compared to the rural area as a whole"*. The report goes on to say that Bronington cannot be regarded as a sustainable settlement, and yet it is listed in both the UDP and the Deposit LDP as a Tier 4 settlement with a development boundary. It is considered that Bronington has relatively good accessibility by non-car modes, by virtue of the bus services available.

The bus services serving the village are shown below. Although not extensive, they do allow the opportunity for someone to live in Bronington and work in Wrexham, and for daytime trips to shops and other services in both Wrexham and Whitchurch.

Whitchurch - Hanmer - Bangor - Wrexham

☐ Show all stops

Whitchurch, adj Bus Station	07:45	10:45	14:15	18:00
Bronington, o/s Post Office	07:55	10:55	14:25	18:10
Hanmer, opp St Chad's Church	08:03	11:03	14:33	18:18
Overton, o/s Post Office	08:17	11:17	14:47	18:30
Marchwiel Piercy Road Green	08:31	11:33	15:03	18:42
Wrexham Bus Station (Bay 1)	08:45	11:48	15:18	18:52

Wrexham - Bangor - Hanmer - Whitchurch

☐ Show all stops

Wrexham Bus Station (Bay 1)	09:40	13:10	17:00
Marchwiel Piercy Road Green	09:54	13:24	17:14
Overton, o/s White Horse Hotel	10:08	13:38	17:28
Hanmer, o/s St Chad's Church	10:22	13:52	17:42
Bronington, opp Post Office	10:30	14:00	17:50
Whitchurch, adj Bus Station	10:40	14:10	17:58

The Appeal proposals are also **environmentally** sustainable. The proposals are not designed to swamp the village with new houses. This is a small, vacant site of no use whatsoever for agriculture. Five dwellings in a village of around 140 dwellings represents just 3.5% growth.

The layout is also very low density. The proposals do not ‘fill’ the site with housing, and thus there will still be very significant open undeveloped ‘gaps’ in the frontage, notably the central gap containing the large oak tree.

The appeal site also lies within the built limits of the village, with existing ‘estate-scale’ development directly opposite and to the south. Less dense development also exists to the north, which can be regarded as part of the settlement.

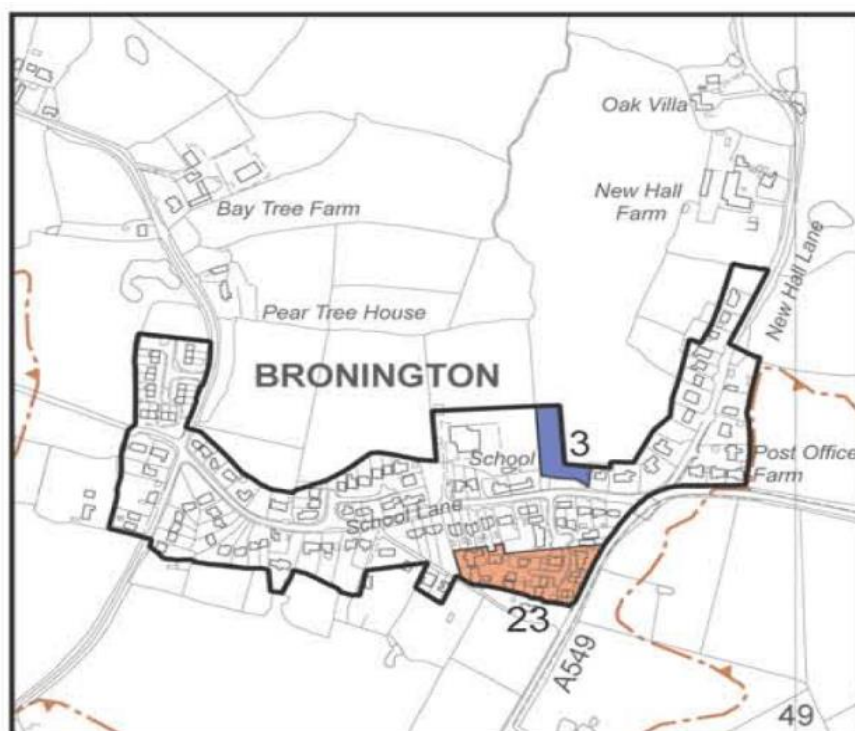
Arriving at the appeal site from the north or the south, there is a clear impression of being ‘within’ the village.

The appeal site is not a prominent and open tract of land affording long-distance views out of the settlement across open countryside. It is physically contained by the existing trees and hedgerows on its front and rear boundaries – the vast majority of which will be retained. Its development therefore would not adversely affect the wider rural landscape setting of the village.

UDP / LDP Policies

The most recent adopted Local Plan for the area (the UDP 1996-2011) identified Bronington as a settlement where development could happen, and a site was included in the Plan for 13 dwellings (long since developed). The Inset Map is shown below.

UDP Inset Map, Bronington



19. Bronington

The deposit version of the new Local Development Plan (2013-2028) was published in March 2018 and will shortly undergo Examination.

Strategic Policy SP2 identifies where new development should take place, with settlements classified into tiers within a settlement hierarchy. Bronington is included as a 'Minor Village', within Tier 4 of the hierarchy. Development is restricted to small scale windfall opportunities within the settlement limit, shown on the Inset Map 19, reproduced below.

Deposit LDP Inset Map – Bronington



19. Bronington

The deposit LDP therefore identifies Bronington village as a location where some (limited) development can take place. However, there are no obvious opportunities for development within the very tightly-drawn boundary. It would appear therefore that the village boundary is already 'full' of development.

The Appeal site lies immediately adjoining the settlement limit, as shown in red outline. It is therefore regarded as an appropriate site to properly implement the settlement strategy for the village. The site will deliver a small number of homes for local needs, on a site which is within the physical and landscape confines of the settlement, but adjoining rather than within the draft LDP development boundary. The current lack of a 5-year housing land supply justifies this approach.

Recent Appeal Decision

The most recent appeal decision in the village (referred to in paragraph 6.10 of the Planning/D&A Statement) did not judge Bronington as an unsustainable location.

Ecology

The decision notice refers to the loss of land of ecological value, which has not been mitigated. However, the Applicant submitted a full Ecological appraisal of the proposals, and we note that no objection was raised by Natural Resources Wales, whose comments are set out in Appendix 5. These include a set of recommended conditions, and a comment that:-

“We consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of any EPS. Therefore, we do not object to the proposal, subject to all avoidance measures described in the ecology report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement”.

Other Matters - Flood Risk / Surface Water Drainage

Appendix 6 shows the Council’s Flood Management Officer’s comments, objecting to the proposals. Appendix 7 shows an extract from the surface water Flood Risk Map, showing that it is the roadway to the west of the site which is at medium to low risk of surface water flooding, not the site itself.

It is considered that flooding of the highway is a matter which should be addressed by the Council.

At reserved matters stage, porosity tests will be carried out to check the suitability of the site for drainage of surface water by soakaways, within the gardens of the proposed properties.

Should the ground conditions prove to be unsuitable, a full storm water drainage design will be provided by Woodside Developments Ltd, on behalf of the prospective developer. This will follow the principles in the Councils Guidance on management of surface water (Appendix 8).

Currently there is a roadside ditch which runs along the site frontage. This discharges into a deep ditch which runs along the northern boundary of the appeal site and parallel to the north of the right of way/footpath across our land. Water discharges west to east and enters a ditch system to the field to the east of the site.

All of the necessary storage/attenuation will be provided (probably underneath the proposed access/parking areas) to ensure that the run-off from the site does not exceed the current greenfield level, plus an allowance for climate change.

Sustainable drainage features will also be included, where possible, including porous paving and water butts. These matters can be addressed at reserved matters stage by the inclusion of suitably-worded conditions.

Other Matters – Trees & Hedgerows

The Council's Tree Officer's comments are attached at Appendix 9. Additional information is provided with this Appeal regarding the impact of the development on trees, to address the LPA's concerns. This is set out in the Addendum to the Tree Report, attached at Appendix 10, which has not been seen by the LPA before.

The 'indicative' layout is amended, to remove plot 1 and to re-locate plots 2 and 3 further north. This will have the effect of distancing built development from the root protection areas of these two important trees – most notably the main central large Oak tree. The Consultant's view is that this will now ensure that the trees are protected.

The layout is indicative only, as it is an outline application, but suitably worded planning conditions (restricting the number of dwellings to 5, and ensuring the two trees are protected) could be properly enforced by the LPA at reserved matters stage.

The Council has commented that removal of hedgerows to create the access points is unacceptable. In fact, only two short sections of 6-7 metres each will be removed, within a hedgerow extending to around 120 metres. Furthermore, as there is a wide verge between the edge of the highway and the frontage hedgerow, none of it needs to be removed to create the necessary visibility splays. The revised indicative layout at Appendix 1 also shows that there is potential for significant new hedgerow planting along the inner plot boundaries, in the centre of the site.

Relevant Planning Policy

The decision notice refers to the development being contrary to various policies in the UDP. These are discussed below.

Reason 1 – Policies PS1, PS2, PS3, PS4, GDP1, H5

Policy PS1 states that development will be restricted to within defined settlement limits.

The appeal site lies outside but immediately adjoining the settlement limit for Bronington, and well within the physical confines of the village. Its development is justified by the lack of a 5-year housing land supply. It is small-scale and appropriate, and is designed to cater for more local housing needs within village and the surrounding rural area.

Policy PS2 states that development must not materially affect countryside, landscape or townscape character, open space, or the quality of the natural environment. The site is not a prominent tract of open land, affording views across open countryside. It is well contained in the landscape by the existing natural boundaries. Significant open gaps in the developed frontage will remain. The submitted Ecological Report shows that the site can be developed without adverse impact on habitat or protected species. NRW have not objected to the proposal.

Policy PS3 requires (where possible) the use of brownfield land for development, in preference to greenfield, particularly when greenfield land has ecological, landscape, agricultural or amenity value. The Appellants are not aware of any obvious brownfield potential development sites in the village. The ecological and landscape value is dealt with under PS2 above and earlier in this statement. It is accepted that the visual amenity currently afforded by the site will change. However, there will still be significant open undeveloped gaps in the developed frontage, and together with the retention of the majority of the frontage hedge, this will help to retain the natural and semi-rural appearance of the site. Its visual amenity value needs to be weighed against other factors, including increasing the land supply, and providing homes to meet local needs, particularly those of younger local people. The site has no formal amenity use value, being heavily overgrown, and is of no value for agriculture.

Policy PS4 requires that development maintains the existing settlement pattern and character. It should also be integrated with the existing transport network to help reduce the need to travel and encourage the use of alternatives to the car. Reference has been made already to the site being within the physical confines of the village. The proposed development is linear in nature, and is therefore respectful of the predominant physical layout of the village. This statement refers to the fact that the village has a Primary School and Shop, which are both within very reasonable walking distance of the site. Unlike many rural settlements, a bus service also exists which provides some alternative means of travel to the larger centres.

Policy GDP1 is a criteria-based policy controlling various aspects of new development. This was fully addressed in Section 7 of the submitted Planning / D&A Statement.

Policy H5 sets out the circumstances where housing development will be allowed outside of settlement limits. It is acknowledged that the appeal proposals do not involve any of the allowable exceptions to the control of development outside settlements. However, we again refer to earlier comments regarding the 5-year supply, the small scale of the proposals, and the fact they are designed to meet more local housing needs.

Reason 2 – Policies GDP1 and EC13

Policy GDP1 is dealt with above. Policy EC13 seeks to prevent development which would result in unacceptable adverse impact on the water environment, due to additional surface water run-off. The site itself does not flood, although there is a low/medium risk of flooding along the roadway (Mill Lane) frontage. There is no reason to suggest that the site cannot be satisfactorily drained. The proposed developer of the site will submit full porosity tests and a full drainage design at reserved matters stage. Should the existing site not prove suitable for surface water soakaways, SUDS features and the necessary on-site storage will be provided to ensure no more than the current greenfield run-off from the site, allowing for climate change.

Reason 3 – Policies PS2, GDP1 and EC4

Policies PS2 and GDP1 are dealt with above. Policy EC4 requires that developments allow for the conservation and management of hedgerows and trees and include new planting. It seeks to avoid the loss or significant damage to valuable trees and important hedgerows. It is acknowledged that some poorer quality trees have been removed from the site. However, those remaining trees of quality and the vast majority of existing hedgerows on the site will be protected, as set out in the supplementary Tree Report and the revised illustrative layout plan. Additional hedgerows will also be planted within the development.

CONCLUSION

On the basis of the evidence set out above, the Appellants feel that there is a strong case for this small-scale, appropriate and sustainable development within the village of Bronington.

The Inspector is therefore respectfully requested to allow the Appeal.

David Parker Planning Associates, on behalf of B.H. Williams, E.A. Williams & C.R. Williams

June 2019