

Town and Country Planning Act 1990

**Local Planning Authority Statement of
Case**

**APPEAL RELATING TO LAND AT
GREENACRES, SCHOOL LANE, ERBISTOCK,
WREXHAM, LL13 0DW**

**PINS Refs: APP/H6955/A/17/3187309
LPA Planning Refs: P/2017/0444**

1.0 THE SITE

- 1.1 The application site consists of part of the established curtilage of the property known as Greenacres. It extends to an area of 0.08ha and is located where the boundary of the property sits on a junction in the highway.

2.0 PROPOSAL

- 2.1 The proposal subject to this appeal is made in outline with all matters reserved for further approval. The applicant provided indicative plans in accordance with the requirements of legislation which were deemed acceptable for the purposes of determining the application. The plans show the provision of one single detached dwelling with a single vehicular access from the highway on the north western boundary.

3.0 LOCAL PLANNING CONTEXT

- 3.1 The relevant development plan for this appeal is the Wrexham Unitary Development Plan (UDP) as adopted by the Council in 2005. For the purposes of this appeal, policies PS1, PS2, PS3, PS4, GDP1, H5 and T8 are relevant.
- 3.2 Policies PS1 through PS4 are strategic policies which aim to control the broad location of development.
- 3.3 Policy GDP1 states that new development should:
- (a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the locality,
 - (d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- 3.4 Policy H5 stipulates in what circumstances the Council will permit new development in the open countryside (outside defined settlement limits). Development must conform with policy GDP1 in all instances.
- 3.6 Policy T8 requires that all new development should provide, either on site or in close proximity, parking provision in accordance with the Council's current parking standards.
- 3.7 Paragraph 4.1 of the UDP states that the Council will, from time to time issue supplementary planning guidance with the aim of encouraging high standards of development and design. Accordingly, Local Planning Guidance Notes 13 – housing in the Countryside, 16 –

Parking Standards, 17 - Trees and Development, 21 – Space Around Dwellings and 30 – Residential Design Guide are relevant.

4.0 THE COUNCIL'S CASE

- 4.1 The Council will reply upon the observations made in the Case Officer's delegated report. This can be found in Appendix 1 attached to the statement.

5.0 SUGGESTED CONDITIONS

- 5.1 Should the Inspector be minded to allow either appeal, the Council respectfully requests that consideration be given to the following conditions:

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the means of access to the site and building(s)
 - e. the landscaping of the site.

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

2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990.

4. No part of the development shall commence to include the removal of any trees until a Bat Roost Assessment, as carried out by a qualified ecologist, has been submitted to and approved in writing by the Local Planning Authority. The report shall include an Ecological Method Statement demonstrating any measures of protection, compensation and mitigation. The recommendations as approved shall be

implemented in strict accordance with timescales to be agreed before any part of the development commences on site.

Reason: To protect bats which would otherwise be harmed and lost by the development hereby permitted.

5. Vehicular access to the site shall only be made from the north western boundary.

Reason: In the interests of providing a safe access and to ensure the retention of trees which are considered to have a significant amenity value in the locality.

6. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with Method Statement as is approved. The Method Statement shall include the following:

- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2005;
- b) 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;
- c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- f) Method for protecting retained trees during demolition works;
- g) 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 the tree(s).

6.0 CONCLUSION

- 6.1 The Council considers that the proposed development would be carried out in an unsustainable location and would not accord with the Council's or the Welsh Government's planning policies which direct new residential development to existing settlements with a high proportion of services. The Council respectfully requests that this appeal is dismissed.

APPENDIX 1

Officer Delegated Report

CONSULTATION RESPONSES	Supports	Objects	No objection or no comments	Comments	No reply
Community Council					X
Local member(s)					X
Highways				X	
Public Protection				Construction nuisance controls required	
Natural Resources Wales				X	
Welsh Water					X
Other					X
Neighbours					X

RELEVANT HISTORY	

PLANNING POLICY/CONSTRAINTS	YES	ACCEPTABLE	NOT ACCEPTABLE
Outside settlement	X		X
Inside settlement			
Conservation Area			
Listed Building/ setting			
Green Barrier			
Special Landscape Area	X	X	
Flood Risk			
Within Buffer Zone or affecting SAC*			
World Heritage Site			
AONB			
Other			

LOCAL PLANNING GUIDANCE	ACCEPTABLE	NOT ACCEPTABLE
13		X
16	X	
17		X

KEY ISSUES	Acceptable	Not Acceptable	Observations below	N/A
Residential Amenity	X			
Design		X	X	
Highway safety		X	X	
Parking	X		X	
Conservation/LB				X
Ecology	X		X	
Trees		X	X	
Other				X

OBSERVATIONS: planning permission is sought in outline for the erection of one no. four bed dwelling in the garden area of the existing garden area known as Greenacres.

The site is located outside any defined settlement limit and is designated as Special Landscape Area in the UDP. The following local planning policies in the Wrexham Unitary Development Plan are applicable

PS1, PS2, PS3 and PS4 – Strategic policies
GDP1 – General Development Principles
EC4 – Trees and Hedges
EC5 – Special Landscape Areas
H5 – Housing in the Countryside
T8 – Parking

Policy principle

The site is located outside a defined settlement limit. In accordance with policy PS1 of the current UDP, all new residential development is directed to these existing settlements. There are limited instances whereby development can be allowed in such locations and these are detailed in policy H5 of the UDP (infill, rural enterprise dwellings, conversion etc).

In this instance, the proposed development is considered contrary to the policies identified. Given the immediate context of the development pattern I do not consider that this this development would constitute infill.

The applicant has sought to justify this application on the basis that the area in question is 'not countryside' as it forms an established garden area and also that there is a need to promote the increase in affordable housing stock in the locality to counter the decline in population.

I do not agree with the stance taken by the applicant. Whilst Planning Policy Wales does promote the regeneration of communities, it does require this to be done in a sustainable manner. The Council seeks to promote residential development in sustainable locations to ensure that population increases can access services in a sustainable manner. Erbistock is a scattered hamlet with no facilities. There is a heavy reliance upon the motor vehicle and to allow new development in this location would not adhere to the local and national planning polies relating to sustainable development. The applicant's argument regarding population decline is noted, however, the Council does not consider that the erection of one single four bed detached dwelling in its own generous plot would necessarily result in an 'affordable' dwelling. It would simply add to the existing scattered housing stock in the locality. For this reason, this justification is not considered acceptable in allowing the dwelling.

The Council's lack of allocated housing land to demonstrate a sufficient supply for a 5 year period is a material planning consideration. The Council have accepted (in accordance with the requirements of TAN1) in the absence of an up-to-date plan, that consideration will be given on a case by case basis to proposals that may be presented which fall outside settlements. The merits of each individual proposal are set against locational criteria for new development sites and the potential impact that they may have.

In this instance, I do not consider that the proposal for one additional dwelling, which does not represent a logical addition to an existing settlement nor represent sensitive infilling, will make a significant contribution to the Council's shortfall in housing land supply. As such, the principle of the development is not considered acceptable in this

instance and to allow the development would not accord with the sustainability principles set out locally or in PPW.

Highways

Highways have made various comments regarding the suitability of the site to cater for an additional dwelling. The applicant's indicative site plan shows a shared access with the existing dwelling. There are some concerns regarding the interaction between vehicles at this point given that there is a parking area associated with this existing garage. It is worth noting that there are existing accesses which serve Greenacre (3 in total) and that this proposal is made in outline with all matters reserved for further approval.

The applicants submitted Arboricultural Assessment seeks to retain trees 1, 2 and 3 as shown on the indicative layout plan. Based on the retention category, these trees should not be removed and would therefore render access to the site unachievable as visibility splays cannot be achieved.

An amended plan has been presented which demonstrates an access onto Cae adda Lane. I am satisfied, as are the highway authority that this access could be provided without causing detriment to those protected trees. This forms the extent of the amended plan.

Ecology and Trees

The proposal will not result in any significant ecological impact. However, bat surveys should be carried out before any significant works are permitted to trees on the site. NRW concur with the observations of the County Ecologist.

The proposal can be implemented without causing detriment to existing trees of assessed merit. The amended access point can allow vis splays to be achieved without the need for significant removal of important vegetation.

I am satisfied that the development proposed would be an inappropriate form of development in the open countryside. It would not accord with the Council's and Welsh Government's strategy for the location of sustainable residential development. The Council acknowledges its shortfall in housing supply land but does not consider that a single dwelling in a highly unsustainable location would make a significant contribution to its need.

RECOMMENDATION	
GRANT	
REFUSE	X – Cllr J. Pritchard notified 4.7.2017
S106	