

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
7th MAY 2019

APPLICATION NO:
P/2019 /0089

LOCATION:
FERNDALE GARDEN CENTRE
BERSE ROAD CAEGO WREXHAM
LL11 6TP

DATE RECEIVED:
07/02/2019

COMMUNITY:
Broughton

DESCRIPTION:
OUTLINE APPLICATION FOR
RESIDENTIAL DEVELOPMENT (8
NO. DWELLINGS) AND
CONSTRUCTION OF NEW ACCESS,
CLOSURE OF EXISTING ACCESS
TO GARDEN CENTRE AND
CONSTRUCTION OF NEW ACCESS
POINT

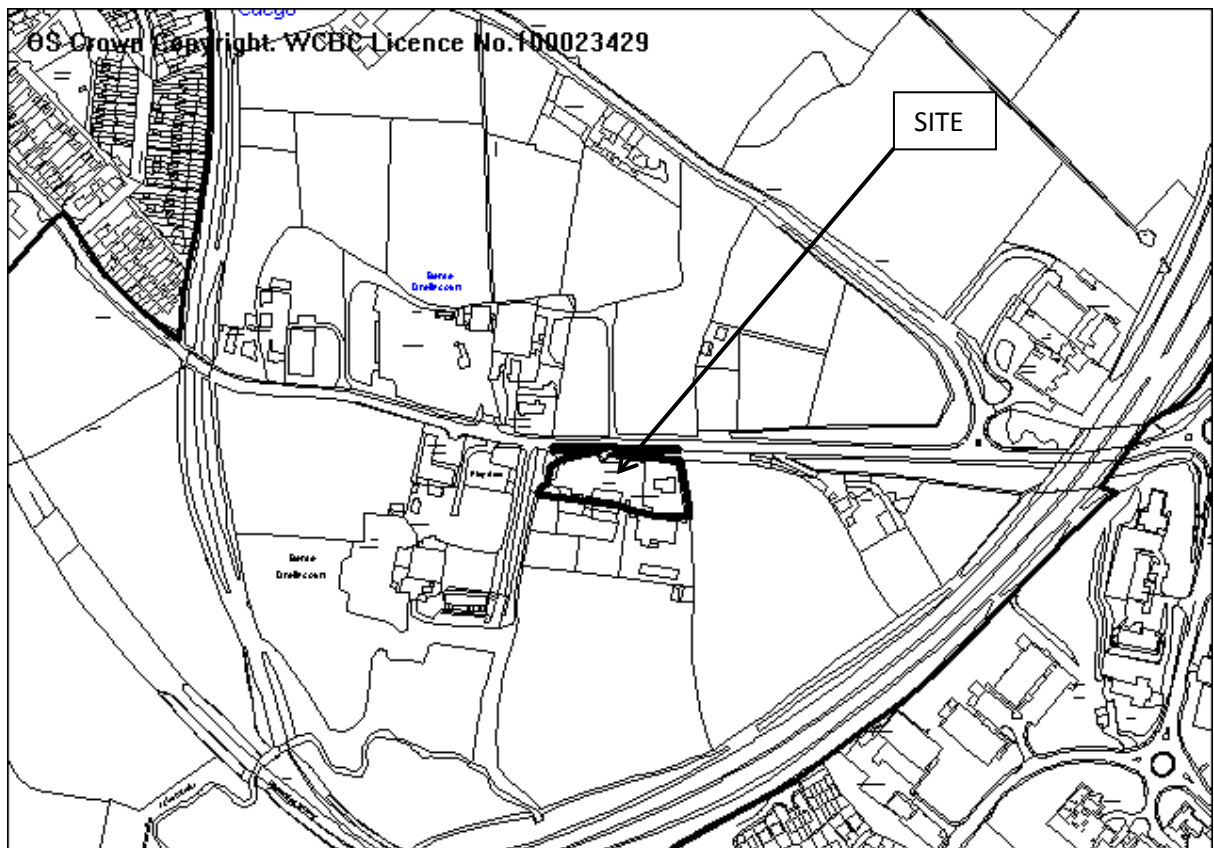
CASE OFFICER:
PF

WARD:
New Broughton

AGENT NAME:
BLUEPRINT LTD
MR DAFYDD EDWARDS

APPLICANT(S) NAME:
MR & MRS HUGHES

THE SITE



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PROPOSAL

Outline planning permission is sought for residential development (up to 8 dwellings) with all matters reserved for further approval.

HISTORY

P/2002/0706 09.12.2002	Use of land for the storage of caravans. Granted
P/2008/0049	Renewal of temporary planning permission for storage of 16 caravans (Previously granted under planning permission Code No. P/2002/0706. Granted 22.02.2008
P/2013/0097	Storage of caravans (previously granted under P/2008/0049). Granted 04.04.2013
P/2017/0879	Outline application for residential development (8 no dwellings) and construction of new access, closure of existing access to garden centre and construction of new access point. Refused 11.09.2018
P/2018/0571	Continued storage of caravans (previously granted under Code No. P/2013/0097). Pending.

PLANNING POLICY

The site is located outside any defined settlement limit. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, EC1, EC4, EC13, H5, T8 and MW9 are relevant. Guidance is contained in Local Planning Guidance Notes 16 – Parking Standards, 17 – Trees and Development and 21 – Space Around Dwellings.

Policy and guidance is also contained in Welsh Government Planning Policy Wales (Edition 10) and Technical Advice Notes (TAN) 1 - Joint Housing Land Availability Studies, 5 – Nature Conservation and Planning, 12 – Design and 18 – Transport.

CONSULTATIONS

Community Council:	Objects due to major concerns in relation to access to and from the site and the impact on traffic on the Berse Road.
Local Member:	Verbally requested that the application be called in for consideration by the Planning Committee due to the inconsistency of approach in decision making between this site and the planning application currently being considered at Gatewen Road.
Site notice:	Expired 06.03.2019
Highways:	No objection as it would be possible to provide a safe access onto the site.
Public Protection:	Conditions will be required to provide for contaminated land investigations and any

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NRW:	possible mitigation measures. Construction nuisance informatives will be required. No objection subject to the imposition of conditions to ensure that the mitigation measures in relation to bats and lighting impact are adhered to.
Welsh Water:	A condition is recommended for a detailed drainage design to be submitted.
Flood Officer:	Have advised that the development of the site will need to adhere to the SAB (surface water disposal adoption) standards.
Education Officer:	Education contribution will be required in relation to primary provision.
Neighbouring occupiers:	7 neighbouring occupiers notified. No responses received.

SPECIAL CONSIDERATIONS

Background: Outline planning permission has previously been refused by the Planning Committee in September 2018 for the same development proposal. The reasons for refusal related to the principle of the development and its non-compliance with rural housing policy as well as highway safety matters relating to visibility at the access and the loss of parking associated with the retained garden centre.

This latest planning application has been submitted in order to deal with technical matters associated the reasons for refusal i.e. highway safety and parking provision.

Policy: The site is located outside any defined settlement limit and in an area of land designated as Green Barrier. The proposal does not represent any circumstance where residential development would be acceptable outside a defined settlement limit. Policies PS1 and H5 refer.

Policy EC1 defines development types which are acceptable in Green Barriers. Residential development is not such a development type and it is therefore inappropriate development by definition. This is also in line with Planning Policy Wales guidance on Green Barriers.

As such I am satisfied that the proposal represents a departure from the development plan.

The Council are unable to demonstrate a supply of allocated land to meet a demand over a 5 year period. TAN1 advises that where this is the case, it should be considered as a 0 year supply of land. It is for the LPA to apportion what weight to give in relation to consideration of out of settlement sites where there is a deficient supply of allocated housing land. I am of the opinion that considerable weight should be given to this matter.

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The site does not adjoin an existing settlement but is considered to be previously developed land (PDL). However PPW defines in detail the definition of PDL. It does not necessarily run to the extreme of the site boundary and goes on to state that whilst there is a preference to develop PDL over greenfield sites, other matters such as the location of the development come into play.

Green Barrier designations are in place to ensure openness is maintained, to prevent coalescence of settlements and promote urban regeneration. Development may be acceptable where it can be demonstrated that these aims are maintained or where very exceptional circumstances can be demonstrated.

The site is prominent and does not represent a logical addition to the settlement. The area of land is associated with a built form of development but does not feature a significant amount of physical buildings. I do not consider that the proposal will maintain the openness of the green barrier. The amount of development will be evident and prominent and it will not appear as a logical extension to the existing settlement. Whilst the LPA must give weight to the Council's shortage of housing land supply, I do not consider it outweighs the harm that would be attributed to the reasons for including the land within the Green Barrier. No other exceptional circumstances have been demonstrated in this instance.

The Local Member has made reference to the inequality of the determination of this planning application in comparison to an application currently under consideration at land off Gatewen Road (P/2018/0674 refers). Firstly, all sites are considered on their own merits. The nearby planning application for residential development is currently pending consideration and no recommendation has been put forward to the Planning Committee. However, Members should note that it is an allocated site in the Councils Local Development Plan which has been submitted for examination in public. I am satisfied that the planning application now before members should be considered in isolation.

Highways: There are two issues to consider relating to highway safety. The ability to provide a safe means of access and the demonstration of an adequate level of parking provision for the existing land use that would remain.

Highways accept that an access could be provided along the site frontage which would meet lateral and forward visibility requirements. The application is made in outline with all matters reserved for further approval. Notwithstanding the indicative access position shown on the submitted plans, I have confirmed with Highways that a point of access could be provided on to the site which would satisfy visibility requirements. This could include the use of the existing garden centre access point.

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The level of parking provision which could be made available for the remaining garden centre has been shown in submissions. I am satisfied that any previous concern in relation to the loss of adequate parking provision for the retained garden centre has been addressed and the development would comply with policy T8 of the UDP

General matters relating traffic generation are not of concern in this instance given the scale of the development.

Ecology: The submitted documentation indicates the presence of bats within the existing bungalow. The loss of this habitat would represent a detriment to the population of this protected species. Based on the nature of responses received, mitigation measures will be required to provide for these bats once the scheme is implemented. There is concern from the council's Ecologist that this level of detail should be provided up front. The nature of the application does not allow for this to occur. I have no indication in the LPA's ecologist response or that of NRW that a form of mitigation could not be provided. The form of mitigation may result in the reduction of the number of dwellings or the layout to be provided. On this basis I would not wish to make this matter a reason for refusal.

Trees: Concerns have been raised regarding the ability to provide sufficient planting to mitigate the loss of trees to the site frontage. The layout as shown would also be heavily influenced by the shading pattern of those trees on the eastern boundary. Again, the scheme is in outline and issues relating to the detailed layout of the proposal would be a reserved matter. Suitable conditions could be imposed to ensure that the layout of the proposal would not harm existing trees and the landscaping scheme would provide the opportunity for sufficient mitigation planting. There are no reasons at this stage to refuse the scheme on tree related matters.

Other matters: I have no indication that the development of this site could not occur without providing for sufficient drainage. There remains a requirement for the developer to demonstrate on site surface water disposal or discharge of the site in accordance with current runoff rates. Approval by WCBC as the Sustainable Drainage Approval Body (SAB) will be required for surface water drainage and Welsh Water has sought a detailed drainage scheme to deal with the comprehensive drainage of the site. This matter could be dealt with by condition.

Conclusion: I am satisfied the principle of the development in this location has not been demonstrated. The proposal does not accord with Council policies in relation to the location of development. It would not maintain the openness of the green barrier and whilst the Council has a shortfall in housing supply land, this matter is not considered to outweigh the harm that would be caused to the openness of the Green Barrier in this instance. Previous concerns in relation to highway safety and parking provision have been addressed and I therefore recommend accordingly.

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RECOMMENDATION: That permission be REFUSED

REASON(S)

1. The proposed development lies outside any settlement limit and within a designated green barrier. The proposed development would represent an unacceptable incursion in to the green barrier and would not form a logical extension to the existing settlement. To allow the development would be contrary to policies PS1, PS2, PS3, PS4, H5, EC1 and GDP1 of the adopted Wrexham Unitary Development Plan.
