

Land off Tudor Drive, Llanerch Panna, Penley

Proposed Residential Redevelopment – Planning, Design
and Access Statement.

the
Planning
C o n s u l t a n c y

1. Introduction.

- 1.1. This Statement has been prepared in support of an outline planning application for the erection of up to 17 dwellings on land accessed from Tudor Drive, Llanerch Panna.
- 1.2. The site, which has an area of approximately 0.7 hectares, is part of the former No 83 Station Hospital, constructed during the Second World War as a hospital for injured American military personnel.



The site was, as the above photograph (and the submitted topographical survey) illustrates, very extensively developed. The land to the immediate east of the application site was also part of the Hospital site and this was redeveloped in the early 1980's for residential purposes, many of the buildings on the application site itself were either removed or demolished, however, the frames of some of the buildings remain within the site, otherwise, as the submitted topographical survey illustrates, the site is covered by former building slabs, a network of roads and footways, drainage culverts and a great deal of demolition material.

- 1.3. Planning permission for residential redevelopment was originally granted in 1960, although this subsequently lapsed so far as the currently remaining Hospital site was concerned.
- 1.4. Since the Hospital site ceased to be used, the site has become overgrown with trees which were protected by a Woodland Tree Preservation order (TPO) at the end of 2019.

Superficially, from outside its boundaries the site looks like a woodland, but this appearance masks the true characteristics of the site on the ground where the previously developed character is very clear to see. Furthermore, the woodland character is itself a problem, as the submitted arboricultural survey report confirms, most of the trees are very poorly rooted either on top of concrete or in narrow gaps between concrete slabs, as a result of which the future of the trees is limited since, as they get older, so their roots become less adequate and one can already see frequent examples of trees uprooted in the wind, this will only get worse and, as more gaps open up, so the rate of uprooting is likely to accelerate as trees no longer have the support of neighbouring trees.

- 1.5. From an ecological point of view, the submitted ecological survey concludes that, although the site is designated as a Locally Designated Site of Nature Conservation Importance, there is in fact very little ecological interest within the site at all.
- 1.6. All of the above points to a site that has a number of significant issues that need to be addressed. This application sets out the justification for the redevelopment of a small part of the site to provide much needed housing whilst, at the same time, providing a net gain in ecological and arboricultural value.

2. Background to the application.

- 2.1. An application for 15 dwellings on land off Brookfield Close, Penley was reported to the January 2020 Committee meeting with a recommendation for approval (ref: P/2019/0312). Contrary to Officer recommendation, Members refused the application because it was outside the settlement boundary and within a Special Landscape Area. The concerns of Members related principally to the issue of why the Council might be considering granting planning permission for development on a greenfield site when there was so much brownfield land in the same vicinity, in this regard the current application site, just 200 metres from the site they were being asked to consider, was specifically referred to, with it being noted that it was a proper brownfield site that needed tidying up. The Chairman commented that the Committee would probably look favourably on such sites, but it could not be guaranteed that the site that had been mentioned would come forward, the Planning Control Manager made similar comments, emphasising the importance of granting

permission for sites that were genuinely available and that could be delivered, he agreed that such sites may well be more appropriate, although in reality they may have constraints.

2.2. In the light of the above, planning permission for the Brookfield Close application was refused. The current application is a direct response to the deliberations of the Committee, whilst the site had for many years been practically unavailable, it had been sold to the current owner in December 2019 who is a willing developer. The comments of Members, pointing to their preference for development on sites such as the application site in preference to greenfield sites has encouraged the Applicant to submit this application.

2.3. However, before leaving this application, it is useful to highlight some aspects of the Brookfield Close proposal that were not in dispute and which are equally appropriate in considering the current application:

2.3.1. The report noted that the Council did not have a five year land supply which was a significant material consideration in favour of the site being developed.

2.3.2. National guidance includes a presumption in favour of sustainable development, the site was noted to be in a sustainable location given its relationship to services and facilities in Penley. Although the application site is further away from the centre of Penley, it is still within 650 metres of the centre of the Village, within easy walking and cycling distance on level ground. However, in addition, it is also previously developed land.

2.3.3. It was concluded that the proposal could be supported because it was in an edge of settlement location, the application site also immediately abuts the identified settlement limits (Llanerch Panna).

2.3.4. The traffic generation associated with the development was not considered to have any material impact on highway safety and there was adequate footway provision linking Ellesmere Lane to the Village; the current application site is served by the same footway.

- 2.4. All of the above considerations are relevant considerations in relation to the current application proposal, they assist in reaching the main conclusion namely that the Council does not oppose the principle of a development of approximately 15 dwellings at Penley. The application site, as a proposal for up to 17 dwellings is not materially different in scale and the same conclusion in relation to principle should therefore be reached.

3. Housing land availability.

- 3.1. Paragraph 4.2.2 of Planning Policy Wales (PPW) emphasises the importance of identifying a supply of housing land sufficient to deliver the housing requirement.
- 3.2. Housing completions over the past six years have averaged just 260 dwellings per annum, this compares with the annual requirement within the still extant (although time-expired) UDP of 385 dwellings per annum.
- 3.3. Although not yet adopted, the figures within the emerging LDP are of more significance, within this Plan it is proposed that the annual housing requirement should be 517 dwellings per annum against which performance so far in the Plan period has been no more than half of this. Furthermore, the current proposals for the LDP rely on a contribution from windfall sites of some 18% of the total requirement to meet the housing requirement. The application proposal is one such windfall proposal and, it is clear, that both in the context of the current delivery of housing and the Council's emerging strategy, the need to deliver housing from windfall sites, and particularly brownfield windfall sites, should be given significant weight in considering this proposal.
- 3.4. Within the report to Planning Committee in July 2020 relating to a development proposal south of Holt Road, Wrexham (P/2019/0005), Officers referred to a "*persistent and considerable undersupply of housing in every one of the past six years*" it was further concluded that "*there is an urgent need to increase the supply of housing in the County Borough*". It is clear that there is general agreement on the severity of the housing land shortfall and the need to adopt a positive approach to applications that can address the shortfall, smaller sites such as the application often have fewer complications than some of the larger proposals and can, therefore, make an earlier contribution, which is also an

important consideration in the present circumstances.

4. Material considerations in relation to the application proposal.

4.1. There are a number of factors to be weighed in the balance in considering the appropriateness of this proposal:

4.1.1. The site is within a Special Landscape Area designated in the Unitary Development Plan.

4.1.2. The site also forms part of a site that has been identified as a Locally Designated Site of Nature Conservation Importance.

4.1.3. The trees on the site are protected by a TPO.

4.2. The above are all factors that, superficially at least, would appear to constrain the development of the site, however, there are other factors, which have been noted previously, that weigh in favour of the proposal:

4.2.1. The site is a derelict brownfield site in need of restoration.

4.2.2. There is a pressing need for additional housing across the County Borough.

4.2.3. The site adjoins the settlement boundary for Penley (Llanerch Panna) and is sustainably located.

4.3. In considering the balance of material considerations in this case it is necessary to assess the weight to be attached to each of the above considerations and weigh them in the balance. Each consideration is commented upon in the context of the application proposals as follows:

4.3.1. Special Landscape Area

Policy EC5 of the UDP indicates that within Special Landscape Areas priority will be given to the conservation and enhancement of the Landscape, but that where

development is permitted, then it will be required to conform to a high standard of design and landscaping. The Policy covers the entire area surrounding the two settlement boundaries for Penley, it is important to emphasise therefore that it is not a policy that highlights the significance of the application site itself, rather, it indicates that the area as a whole is valued. Such extensive landscape designations need, of course to take account of development pressures and other material considerations, in this regard it is of note that housing on the northern side of Tudor Drive, leading up to the application site, has been approved despite the land being in the Special Landscape Area, and the proposed residential site off Brookfield Close, Penley (see 2.1 above) was proposed for allocation despite it being within the currently designated Special Landscape Area. It is clear that, in the context of a time-expired development plan, and having regard to the need for additional housing, the currently designated boundaries of the Special Landscape Area are outdated and of only limited weight.

4.3.2. That is not to say, of course that the landscape designation is irrelevant and it is right to consider the extent to which the proposed development would have a detrimental impact on the landscape character of the area. The application site, and the remainder of the former Hospital site owned by the Applicant, is private land and, despite the persistent fly-tipping on the land in the past, there is no public right of access to it and, indeed, for health and safety reasons having regard to the derelict condition, the Applicant has no alternative other than to exclude local people as rigidly as he possibly can. The application site has an area of approximately 0.7 ha, it forms part of the much more extensive remaining former Hospital site. Particularly in the summer months, the woodland character of the wider site can be viewed from surrounding viewpoints, it is clear that the application proposals will make no material difference to the general contribution of the wider site to the landscape of the area, the majority of which will remain.

4.3.3. The application site itself immediately abuts the established settlement boundary for Llanerch Panna, as one approaches the site along Tudor Drive, the existing houses screen views of the application site almost in its entirety, it is clear that the application site itself has no significant role in the landscape other than as part of a much larger area that is currently wooded.

4.3.4. For the above reasons, it is concluded that the proposed development of the application site would not have a materially detrimental impact on the character of the landscape around Penley, the development would represent a logical extension of the existing residential area and, therefore, the weight to be attached to the conflict with Policy EC5 is limited.

4.3.5. Locally Designated Site of Nature Conservation Importance (LSNCI)

There are no policies in the adopted UDP relating to this designation.

4.3.6. Planning Policy Wales (PPW, para 6.2.6 onwards) highlights the importance of green infrastructure in the environment and as part of development, with encouragement for the appropriate management of features of the landscape that are of major importance in terms of flora and fauna. However, PPW emphasises the need for green infrastructure assessments to be reviewed regularly so as to ensure that development management decisions are informed by appropriate information.

4.3.7. In this case a detailed ecological assessment has been submitted with the application and this should be read alongside this Planning Statement. It is not clear on what basis the application site was designated as part of the LSNCI, there does not appear to have been a detailed assessment and, therefore, the designation appears to be based rather more on an assumed value rather than actual data, it is not, therefore, informed by the 'appropriate information' advocated by PPW.

4.3.8. By contrast, the information submitted with the application proposal concludes that the value of the site is low, both in terms of its flora and fauna and that the 'harm' resulting from the application proposal would in objective terms be minimal, especially when one has regard to the future prospects for the woodland (see below). The site is not one, therefore, that should reasonably be assessed as of nature conservation importance.

4.3.9. The application proposals do not, however, simply suggest that the ecological value of the site, minimal as it is, should simply be disregarded. The package of proposals put forward through this application propose that an area of land to the north of the entrance off Tudor Drive (the proposed area is hatched in green on the Site Location

Plan) be managed appropriately to provide an area of long term biodiversity interest through the establishment of trees that can grow to maturity and the creation of a range of habitats that will encourage a much broader range of species on the site than presently exists; whilst the ecology and arboricultural reports give an indication of the way in which this can be addressed, the detailed planting and management of this area can be addressed through a condition.

4.3.10. In overall terms, therefore, rather than resulting in significant harm to ecological interest, this proposal can deliver positive ecological enhancement and, therefore, far from being a reason for refusal, the ecological impact is a positive reason why permission should be granted.

4.3.11. Policy EC6 of the UDP indicates that development involving sites of ecological interest will be permitted where the need for development outweighs the harm, for the reasons set out, it is not considered that there would be harm in this case. Furthermore, the Policy goes on to indicate support for proposals that include measures to improve biodiversity value which, once again, the proposal incorporates.

4.3.12. Tree Preservation Order

The trees on the application site are, of course, considered as part of the ecological assessment and, therefore, their significance from a biodiversity point of view is largely assessed elsewhere.

4.3.13. However, the application is supported by an arboricultural survey and assessment, this categorises all trees on the site as unsuitable for retention, save for some at the southern end of the site which are proposed for retention. The report highlights the fundamental problem with this site from an arboricultural point of view. Because of the way in which the trees have self-seeded either between concrete slabs, often on deep shale, or even on top of concrete, all of them are unstable with a very limited life expectancy. Unstable trees need to be removed for safety reasons, but insofar as one might attach a visual amenity value to them, then it is clear that this is superficial and will be short lived. As the trees grow, then so they become more unstable on their very limited roots, each time there is significant wind, one can see that more trees have fallen over and this process is likely to accelerate as the gaps in the woodland

become larger and the wind has more potential to get in amongst the trees and the level of mutual support within their canopies declines.

4.3.14. The arboricultural report concludes that removing these trees will not result in the loss of significant arboricultural interest, indeed, the proposals to establish an area of permanent woodland elsewhere on the site provides the opportunity to enhance ecological interest on this site as a whole.

4.3.15. The TPO was confirmed in May 2020. Within the report, support for the confirmation of the Order was summarised as relating to a desire to protect the woodland and to prevent the loss of valued habitat, there is no mention of the significant problems that the arboricultural report has identified with the trees, nor is there any acknowledgement that the ecological value of the woodland is minimal. The TPO covers a large area of which the application site is just a small part, on any basis the impact of the proposal is very limited, however, as described above, seeking to protect the woodland will, perversely, result in its loss as trees continue to fall and, in fact, both ecological and arboricultural interest are in overall terms enhanced through the package of proposals put forward by the Applicants involving the establishment of a managed area of woodland.

4.3.16. Policy EC4 of the UDP understandably looks to protect trees in a broad sense and indicates that development will not be permitted where it would result in significant damage to valuable trees. However, the trees on the application site are not valuable and, therefore, the proposal should not be viewed as being in conflict with the Policy, to the contrary, the proposal would enhance arboricultural interest.

4.4. The above assessment, supported by the ecological and arboricultural reports, demonstrates that in reality the arguments as to why planning permission should not be granted are, in these circumstances, of very limited weight, indeed, they can be viewed as reasons why planning permission should be granted given the positive enhancement to arboricultural and ecological interests that would result. The additional considerations as to why planning permission should be granted have already been addressed above, but are highlighted again as follows:

4.4.1. Derelict brownfield site.

Paragraph 3.51 of PPW makes clear that previously developed land should, wherever possible, be used in preference to greenfield sites where it is suitable for development, the subsequent paragraph goes on to indicate that planning authorities should work with landowners to ensure that suitably located previously developed sites are brought forward for development. These are precisely the reasons why Members and Officers expressed their support for the principle of redevelopment of the application site in preference to the release of a greenfield site in Penley at the January Planning Committee.

4.4.2. The topographical survey illustrates clearly that the extent of the concreted areas on the application site is very considerable indeed, this is the reason why the ecological and arboricultural interest of the site is so limited and why the site can never in a practical sense return to its previous natural undeveloped site. In addition, despite the efforts of the Applicant, the site can never be properly secured and the concrete which has been broken up in various places, open drains and unstable trees all represent hazards for those unable to resist the temptation to trespass.

4.4.3. It is clear that something needs to be done with the site and this proposal provides a positive opportunity to provide a long term solution.

4.4.4. Housing need.

As described above, the Council has itself described the land supply position as 'persistent and considerable' and Officers have made reference to the urgent need to release additional land for housing. Notwithstanding the fact that the new Local Development Plan may be adopted within the next 12 months or so, this consideration is as relevant to the application proposal as it is to any other residential proposal and is a consideration to which significant weight should be attached in determining the application proposal.

4.4.5. Sustainability.

Addressing housing need is, of course, a key element of a sustainable approach to development. In addition, reference has already been made to the fact that the application site is within 650 metres walking and cycling distance of the centre of

Penley where there is a good range of local services, employment and educational facilities, all of which contribute to the sustainable credentials of the proposal.

4.4.6. In addition the opportunity to reclaim a derelict previously developed site, and to enhance the ecological and arboricultural interest on the site as a whole adds further to sustainability.

5. Conclusions

- 5.1. An approach that simply said that the site was subject to a TPO and a local wildlife designation and that planning permission should, therefore, be refused would not have addressed the relevant considerations in appropriate detail, nor would it have regard to the comments of Members who have expressed a clear desire to look at sites such as this in Penley in preference to greenfield sites.
- 5.2. It is clear that there is no significant ecological or arboricultural interest in the site that weighs against the proposal, indeed, the proposals for the positive management of an area of the wider site provides an opportunity for positive gain in both respects. It is similarly clear that the proposal would not have a materially detrimental impact on the character of the Special Landscape Area of which the application site forms a very small part.
- 5.3. Furthermore, the proposal is one that would make positive use of a previously developed site, it would provide housing for which there is significant need, and it would do so on a site where development would clearly be sustainable.
- 5.4. For all of the above reasons, this is a proposal where the relevant considerations weigh heavily in favour of the grant of planning permission.

6. Design considerations.

- 6.1. Although this is an outline proposal, the indicative site plan illustrates how the site might be developed.
- 6.2. It is envisaged that the principle access into the site would be from Tudor Drive, using part of the existing roadway that remains (although, clearly, it would require upgrading), with a new access road leading from this into the main part of the site. Two additional dwellings are proposed to be served from the end of Hill Crest; at present, Hill Crest ends abruptly on the site boundary, clearly it was anticipated that development would extend into the application site at some time (consistent with the original permission in 1960) and this approach would provide an appropriate 'end' to development on Hill Crest.
- 6.3. The approach to development has been to provide a variety of different dwelling types to meet a range of local needs, the indicative layout therefore shows how a total of seventeen dwellings could be provided on the site, comprising 5 no two beds, 4 no three beds, 6 no 4 beds and 2 no five bed dwellings. All of the dwellings would be two storey dwellings, between 8.0 and 9.25 metres in height, with dwelling widths varying between 4.25 and 12 metres and depths between 6 and 9.5 metres, this would reflect the approach to the scale of development within the adjacent residential area.
- 6.4. The approach to the layout provides opportunities, once the site has been remediated, as a prelude to development, for the planting of new trees in appropriate ground conditions that will enable them to grow to maturity, around the boundaries of site, along the access road and, particularly, within the area of open space that is illustrated within the centre of the main area of development. This planting would, of course, be in addition to that proposed within the woodland/ecological management area illustrated on the site plan to the north of the development.
- 6.5. It is clear, therefore, that an attractive development, providing a variety of different house sizes could be provided on this site and, as has been described earlier in this Statement, in a manner whereby the development would be largely screened by the existing adjacent residential development to which it would be a logical extension.