

Flintshire County Council

Village Road, Northop Hall

Planning Review
28 June 2012

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Notice

This planning report is intended for advice in respect of a planning application, this advice is based on a review of documents provided in conjunction with application No: 048855 lodged with Flintshire County Council.

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Document History

Job number: 5113923.104			Document ref: P:\GBWAI\HandT\TSOL\CPI\PROJECTS\5113923 - Northophall planning appeal- ARDK3959\05_Project_Documents\04_Consultation\FINAL\Northop Hall Planning Review v1.docx			
Revision	Purpose Description	Originated	Checked	Reviewed	Authorised	Date
1.0	Issue for Review	H.Trubshaw	R.Bromley-Gore	R.Bromley-Gore	K.Bennett-Ard	28 th June 2012

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1. Introduction & Background

Atkins Limited (Atkins) were requested to provide geotechnical advice regarding the decision taken at a Planning and Development Control Committee meeting on 14th March 2012 to refuse planning application No: 048855 for four reasons, in summary:

- The ecological impact of the development on great crested newts and badgers
- Highway Safety issues to do with the capacity/design of the existing network (Village Road)
- Density of the development too high
- Lack of a geological survey

The officer recommendation was one of approval, largely on the basis that the application site is allocated for residential development in the newly adopted Unitary Development Plan (UDP) and the fact that issues surrounding the four reasons set out above had been addressed by the applicant and are covered in the report to committee (Appendix A: Report of Planning and Development Committee 14th March 2012).

A report by the Flintshire County Council Head of Planning to the planning committee seeking further consideration was submitted and considered in a meeting of the planning & development control committee on the 23rd May 2012; the purpose of this report was to seek guidance regarding the reasons for refusal to be attached to the decision.

An appeal against the non-determination of the application was submitted by the applicant at the same time (23rd May 2012). This appeal is to be considered at an inquiry (date to be determined).

This report draws on the following documents provided from the planning application;

- National Planning Policy Wales (2011);
- Flintshire County Council Unitary Development Plan (2011);
- Flintshire County Council Unitary Development Plan Inspector's Report (2009)
- Flintshire County Council Unitary Development Plan Proposed Modifications (2009);
- Flintshire County Council Report to Planning and Development Control Committee (14th March 2012);
- Flintshire County Council Planning and Development Control Committee Minutes (14th March 2012);
- Flintshire County Council Report to Planning and Development Control Committee (23rd May 2012);
- Planning Application Reference 048855 Design and Access Statement;
- Planning Application Reference 048855 Principle of Development; and
- Planning Application Reference 048855 Planning Layout (Revised H270212).

2. Development Proposals

2.1. Surveys Undertaken and Methodologies Used

The full planning application comprised a mix of 51 dwellings on 5.56 hectares of land at an average density of 22 dwellings per hectare, a new access road and ecological mitigation on land south of Village Road. Approximately 50% of the application site (2.3 ha) lies within the settlement boundary and is allocated for residential development by virtue of Policy HSG1 'New Housing Development Proposals' in the adopted Flintshire County Council Unitary Development Plan (2011). The remaining part of the application site (3.26ha) lies outside of the settlement boundary and is not allocated for development. It is proposed that this unallocated area would form a nature conservation area in lieu of lost habitat.

An area of land adjacent to the eastern boundary of the application site also lies within the settlement boundary and is allocated for residential development in the adopted UDP. Together, these parcels of land form New Housing Development Proposal Number 35 'Northop Hall' in the UDP, which comprises 3.1 hectares of land which is identified as accommodating 93 dwellings.

2.2. Planning Policy Context

Section 70(2) of the 1990 Town and Country Planning Act, and S.38 (6) of the Planning Compulsory Purchase Act 2004 require that a planning application is determined in accordance with the Development Plan unless material considerations indicate otherwise. As such, examination of the prevailing policy regime underpins this review and includes the Flintshire County Council Unitary Development Plan (2011).

Other Material Considerations that are considered to be relevant to Planning Application 048855 and the Reason for Refusal (Density of Development is too High) include:

- Planning Policy Wales; and
- Environmental Effects of the Development.

2.2.1. Planning Policy Wales (2011) Relevant Sections for Great Crested Newt:

The Planning Policy Wales (PPW) provides guidance for Local Planning Authorities (LPAs) in terms of producing their Development Plan documents. In relation to housing density, paragraph 9.2.12 of the PPW states that policies "will be needed to cover the physical scale and design of new buildings, access, density and off-street parking. It notes that strong pressure for development may give rise to inappropriately high densities if not carefully controlled". However, the paragraph continues that "higher densities should be encouraged on easily accessible sites, where appropriate, but these should be carefully designed to ensure a high quality environment".

Paragraph 9.3.4 of the PPW notes that in determining applications for new housing, LPAs should ensure that proposed developments "do not damage an area's character and amenity". It further states that increases in density help to conserve land resources, and that good design can overcome adverse effects, but where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered. The paragraph also advises that high quality design and landscaping standards are particularly important to enable high density development to fit into existing residential areas.

2.2.2. Flintshire Unitary Development Plan (2011)

The Flintshire County Council Unitary Development Plan (UDP) was adopted on 28th September 2011. The UDP provides a framework for making rational and consistent decisions on planning applications, and to seeks to guide development to appropriate locations.

Prior to its adoption, the UDP was the subject of a Public Inquiry where the Inspector recommended that the wording of the UDP was altered to ensure a minimum of 30 dwellings per hectare be achieved on all

allocated sites. The Inspector also recommended that the allocation of Northop Hall was extended to include Parcel HSG1(50) and PC330, stating that *“the central location of the site along Village Road, means it relates well to the services and facilities in the village. In these circumstances there does not appear to be any overriding reasons why landscape and wildlife considerations should preclude development”*. The Proposed Modifications (September 2009) of the UDP amended the allocation to reflect the recommendations of the Inspector.

Accordingly, Policy HSG8 of the Unitary Development Plan (UDP) refers specifically to the ‘Density of Development’. It states that new housing development will be permitted where the density of the development:

1. Makes the most efficient use of available land;
2. Helps to meet the needs of Flintshire residents for a range of house types;
3. Uses high quality design principles to maximise the density of development without compromising the quality of the living environment provided; and
4. Makes adequate provision for privacy and space about dwellings.

The accompanying commentary to Policy HSG8 states that land allocated for development is regarded as a precious resource and should be used as efficiently as possible. Furthermore, it states that *“higher density developments can help to reduce the amount of land needed to meet future needs. On allocated sites, a general minimum net housing density of 30 dwellings per hectare is required in village categories A, B and C”*. Developers should also aim to achieve 30 dwellings per ha on unallocated sites in category A and B settlements and 25 dwellings per ha on sites in category C. The commentary to the policy acknowledges that individual circumstances will vary according to the site location and the character of the surrounding area.

Part of the application site is allocated as a ‘Category B Settlement’ for the purposes of Policy HGS1 ‘New Housing Development Proposal’ where 93 dwellings are proposed to be provided on 3.1 hectares of land. As stated above, by virtue of Policy HSG8, a general net density of 30 dwellings per hectare is required in Category B Settlements. The commentary relating to Policy HSG8 also acknowledges that higher densities can be achieved without compromising the overall quality of the scheme through good design (Paragraph 11.7.1).

2.2.3. Other relevant UDP Policies affecting Density

Policy D1 of the UDP refers to ‘Design Quality, Location and Layout’. It states that all new development must incorporate good standards of design. The Policy requires that development will only be permitted subject to a number of provisions. Those considered relevant to this review are detailed below:

- It respects the scale of surrounding development, its location, siting and layout making the best use of land, minimising the need to travel and provide a safe and attractive environment;
- It is of the highest net density appropriate to its setting and function; and
- Adequate provision is made for space around buildings, setting of buildings, imaginative parking and landscaping solutions.

The explanatory note to this policy notes that the location, configuration, density and orientation of buildings and associated infrastructure can all have a major influence on the natural as well as the visual and aesthetic quality of the wider environment. It states that development should be sited so as to avoid detrimentally affecting any features of significant nature conservation, historic or architectural value.

It also notes that the density of any development should reflect the need to make best use of land whilst avoiding over-development. Rather than requiring a standard uniform density across the plan area, the aim will be to achieve a variation in relation to the proximity of public transport and services. An example is given of having a higher intensity development concentrated near to high streets and bus stops.

In addition to the above, the Local Planning Authority have concluded that the proposed layout of Application Reference 048855 satisfies Policy STR1 ‘New Development’, GEN 1 ‘General Requirements for Development’, Policy D2 ‘Design’, Policy D3 Landscaping, Policy TWH1 ‘Development Affecting Trees and Woodland’, Policy WB1 ‘Species Protection’ Policy Ac18 ‘Parking Provision and New Development’, Policy

HSG9 'Housing Mix and Type' Policy SR5 'Play Areas and New Housing Development' and Policy EPW2 'Energy Efficiency in New Development'. All of the above policies have the ability to affect the net density of the development and the content of each policy needs to be balanced against the need to meet the requirements of Policy HSG8 'Density'. In this context it is considered that the proposals, therefore, achieve a net density which is appropriate to the location, site's context and makes the most efficient use of land, and that there appears to be no specific site constraints identified by any statutory consultee (Countryside for Wales, Head of Assets and Transportation, Environment Agency, The Coal Authority and The Clwyd-Powys Archaeological Trust) that require the applicant to mitigate further through a reduction in density (Flintshire County Council Report to Planning and Development Control Committee 14th March 2012).

2.3. Consideration of proposed Reason for Refusal 3

As stated above, the density of the development proposals equates to 22 dwellings per hectare. PPW does not set a density target, and whilst the PPW encourages higher densities on easily accessible sites, it notes the constraints to development including residential amenity, the provision of landscaping, open space and car parking. A density target is set out in the adopted UDP in Policy HSG8. The policy requires a density of 30 dwellings per hectare to be delivered on allocated sites in Category B Villages. Applying this Policy to the application site, this would result in a development of 69 dwellings, which is some 18 additional dwellings above that proposed by the Planning Application (Reference 048855).

The applicant has submitted a Design and Access Statement where the layout, scale and appearance of the proposed development. The Planning Layout (Revised Drawing H270212) corresponds to the Design and Access Statement, illustrating front and rear gardens, allocated on-plot parking and a landscaping scheme. It is apparent from the layout that consideration has been given to the surrounding residential development and that the submitted scheme seeks to preserve residential amenity, ensuring there is adequate space between buildings and habitable rooms, especially adjacent to the application site boundaries, whilst also aiming to make the most efficient use of land.

The design of the development proposals have had due regard to Policy D1 'Design Quality Location and Layout' as described above. The proposed development would respect the scale and amenity of the surrounding residential development and make the most efficient use of land, given the need to accommodate parking, landscaping and a mix of house types. On the basis of the information provided and reviewed, it is considered that the net density proposed is appropriate in this location.

The proposed development density of 22 dwellings per hectare falls below the density of development envisaged for the application site in the adopted UDP. However, the Local Planning Authority consider that there is an opportunity to address the shortfall in dwellings through the future development of the remaining allocated land. It is considered that a development of lower density in this location could undermine Policy HSG8 of the adopted UDP, and set a precedent for new development with the area that does not make the most efficient use of land.

3. Conclusion

Having due regard to the proposals within the context of the PPW, and the Flintshire County Council adopted UDP, a reason for refusal based upon the density of the proposed development being too high would have very limited chance of success at being upheld at appeal.