
Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 20/04/21

**gan Hywel Wyn Jones, BA (Hons) BTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/6/21

Appeal Decision

Site visit made on 20/04/21

**by Hywel Wyn Jones, BA (Hons) BTP
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 11/6/21

Appeal Ref: APP/A6835/A/21/3270306

**Site address: land adjacent to Bod Hyfryd Nursing Home, west of Northop Road,
Flint, CH6 5LH**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the
appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Edwards on behalf of Edwards Homes Limited against the decision of Flintshire County Council.
 - The application Ref: 061919 dated 5 October 2020, was refused by notice dated 15 January 2021.
 - The development proposed is residential development comprising the erection of 18 No. detached dwellings including means of access and landscaping of the site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposed development aligns with the placemaking aim of national planning policy, having regard to adopted and emerging local policy; and
 - (ii) the effect of the proposed development on protected species and habitats.

Reasons

3. The appeal site comprises an irregular shaped field fronting the west side of Northop Road, an A-class road on the southern edge of the built-up area of Flint. On the other side of the road lies a repair garage and petrol filling station. To the north lies the grounds of a nursing home, to the south and west site lie open fields enclosed by hedgerows. Most of the site is relatively flat whilst the rearmost land falls away markedly.
 4. The site lies adjacent to, but outside, the town's settlement boundary as defined in the adopted Flintshire Unitary Development Plan (UDP). The UDP was adopted in 2011 and was intended to cover a period that ended in 2015. There is no dispute that the scheme conflicts with the generally restrictive approach of the UDP to new housing
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outside settlements, in particular policy HSG4 which only permits new dwellings in such locations in specific circumstances, which do not apply in this case.

5. It is evident that the adopted Plan does not provide adequate opportunities for the new housing to meet the identified demand in the County. There has been a significant shortfall in the delivery of new houses against identified need for many years. Against this background, the Council has not raised an in principle objection to the proposal on the grounds that it breaches the UDP's settlement limits on the basis that it forms part of a housing land allocation (HN1.4) in the emerging Flintshire Local Development Plan (LDP).
6. The LDP is currently the subject of formal examination and is therefore at an advanced stage in its progress towards adoption. The Council explains that the allocation has been subject to only a low level of public objection. There is no indication that the Inspectors examining the Plan have raised concerns over this allocation. In the circumstances, I afford the Plan appreciable weight.
7. Whilst the previous requirement on local planning authorities to ensure a 5 year supply of housing land no longer applies, the role of the planning system in meeting society's need for new housing is clearly recognised in the latest iteration of Planning Policy Wales (PPW), Edition 11. It requires the supply of housing to be monitored against a development plan's housing trajectory. Whilst this measure does not apply in the absence of an up to date development plan, it is reasonable to assume that on adoption of the LDP, which can be anticipated in the relatively short term, an adequate supply of housing will become available.

Placemaking

8. Allocation HN1.4 in the emerging Plan envisages 170 dwellings with a single access off Northop Road with pedestrian linkages to Halkyn Road, the retention of strong hedgerows and ecological mitigation measures.
9. The appeal site comprises most of the eastern part of allocation HN1.4 which fronts Northop Road. The other, much larger, portion of the allocation was the subject of a separate planning application for 145 dwellings and associated works which I am informed was withdrawn after this appeal was lodged. The appellant explains that numerous efforts to reach agreement with the adjacent landowner over a scheme to encompass the whole allocation have proved unsuccessful.
10. PPW emphasises the importance of placemaking in both plan making and in development management decisions as a means of creating sustainable places and to improve the well-being of communities. It describes placemaking as a holistic approach to planning and the design of development, focused on positive outcomes to deliver high quality development and public spaces. It should consider context, function and relationships between a development site and its wider surroundings. Emerging LDP Policy PC3: Design seeks to promote high quality design that includes creating a sense of place.
11. The scheme makes provision for a single point of vehicular access which has been designed to also serve the remainder of the allocated site. No other provision for pedestrian permeability between the two portions of the allocation are shown although I note the significance attached to minimising impacts on the important hedgerow that separates the two parts.
12. Whereas the relatively narrow and irregular shape of the appeal site limits the available layout options, the design of a scheme for the whole of the allocated site

would provide greater opportunities to achieve the most efficient use¹ of the site, including in terms of public open space provision, road layout and surface water infrastructure. This could ensure a visually and functionally coherent scheme for the allocation, consistent with the principles of placemaking and good design.

13. One manifestation of the shortcomings that arise from a fragmented approach to the development is that it seeks to rely on an off-site play space provision, whereas it would be feasible to provide on-site provision on a development of the scale of the whole allocation. A holistic approach would allow optimum mitigation measures to be deployed to minimise any potentially harmful impacts of the development, for instance in relation to ecological features and contributions to off-site public infrastructure. The piecemeal approach fails to adequately demonstrate how the scheme would respond to the development of the remainder of the site, or the features of the allocated site and surroundings, including topography.
14. The site occupies a prominent position on one of the main routes into the town. The scheme proposes road frontage development with 11 dwellings fronting and having direct pedestrian access onto the A road. The remaining 7 would front proposed estate roads. The primarily linear layout would continue the ribbon of development that extends along this section of Northop Road. Its failure to respond to the future development of the remainder of the allocation - and thereby to better relate to the more consolidated form of development that is evident nearby in the direction of the town centre - means that it falls short of the quality of design which national policy expects.
15. The appellant acknowledges that a secondary access may be required to serve the remaining land allocation, which it is suggested could be provided to the south of the appeal site. This is a potentially important matter that ought to be considered before a scheme for the development of most of the roadside land is approved.
16. Surface water is to be disposed of by means of a Sustainable Drainage System (SuDS). As the appellant points out this will require the approval of the SuDS Advisory Board. However, I agree with the Council that the fragmentation of the allocated site limits the available drainage options which may lead to a less than optimal solution than may otherwise be achieved.
17. In response to concerns that a fragmented approach to development would avoid the liability on the developer to provide affordable housing, the appellant has submitted planning obligations that would ensure such provision. I am satisfied that it would make adequate provision having regard to adopted and emerging local policies.
18. The appellant suggests that, where a local planning authority considers that a comprehensive development approach is necessary on allocated sites in more than one ownership, it is usual for a plan to contain an explicit policy requirement to that effect. Even if this is correct, the absence of such a requirement does not justify a piecemeal approach in light of the identified shortcomings. Whilst discussions over a scheme to include the whole allocation appear not to have been successful to date, I am not persuaded that this constitutes a serious impediment to the timely realisation of the allocated site's development potential.
19. I find that the proposed development represents a piecemeal approach to the development of a larger site identified for housing in the emerging Plan. For the

¹ The Council explains that the proposed density is 20 dwellings per hectare (dph) compared to the 30 dph that the emerging LDP seeks on allocated sites.

reasons set out above this would lead to development that would be inconsistent with the emphasis on placemaking in PPW and emerging LDP policy PC3.

Ecology

20. The site lies within 600m of a Site of Special Scientific Interest (SSSI) and 1.4km from Dee Estuary RAMSAR / Special Area of Conservation (SAC). Natural Resources Wales (NRW) advises that the site may be connected to these nationally and internationally important designations and, as such, suggests that pollution prevention measures would be necessary to avoid the risk of harm to water quality.
21. The potential impact on European Protected Species, specifically badgers and great crested newts, is the subject of specialist assessment by the appellant. The proposed layout plan was amended during the course of its consideration by the Council. This altered the line of the proposed access road intended to serve the adjoining land to avoid encroaching on a 30m ecological buffer zone proposed to safeguard an European Protected Species.
22. The Council is concerned that the scheme cannot establish the acceptability of any impact on important habitats without an assessment of the whole site. However, the available evidence indicates that the provision of such a buffer zone is a detail that could be adequately addressed in the determination of any future planning application on this land, together with any other mitigation that may be necessary in terms of foraging routes. The determination of such an application would need to be made in the light of any extant permission on the appeal site.
23. Based on the available evidence, including the advice of the Council's Ecologist and NRW, I am satisfied that any adverse impacts can be avoided through planning conditions. Whilst, as I have already explained, a holistic approach to ecological matters across the whole allocation is desirable, I am satisfied that any potential harm to the identified protected ecological species and sites can be avoided. As such the development would not be in conflict with policies GEN1 or WB1 of the UDP which seeks to prevent development that would have a significant adverse impact on important species or their habitats, nor would it conflict with emerging policy HN1.4 or relevant national policy².

Other matters

24. I have noted the other concerns raised by objectors. For the reasons already set out the conflict with the UDP and the loss of greenfield land does not justify withholding permission in this case. I agree with the Council's officers that the proposed access arrangements are acceptable and that the scheme would not unacceptably impact on the living conditions of any local residents.

Conclusion

25. I acknowledge the benefits of the scheme, in particular its contribution to meeting the local demand for homes, including affordable housing, which is in a sustainable location in terms of accessibility to local goods and services. Mindful of the Inspector's approach to housing supply in the Plas Ifan Hotel appeal decision³, I consider these are significant benefits in the absence of an established supply of housing to meet such need. The development would also provide short term economic benefits during the construction phase. However, realising such benefits does not justify the

² PPW and TAN 5: Nature Conservation and Planning

³ APP/A6835/A/20/3251359

piecemeal approach to bringing forward development on part of a site allocated in the emerging Plan. Accordingly, I shall dismiss the appeal.

26. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Hywel Wyn Jones

INSPECTOR

Richborough Estates