

**LOCAL DEVELOPMENT PLAN - INDEPENDENT EXAMINATION**

**Hearing Session 18 - 24 March 2016 - Statement by Timothy Knowles (ID - 1784)**

Miscellaneous Policy Matters

Agenda 3

**Does Policy MD 1 *Location of New Development* represent an appropriate policy relating to the development of unallocated sites?**

Yes. Policy MD 1 sets out eminently sensible criteria by which to judge proposals for the location of new developments. However, this policy is stated to apply only to unallocated sites. There appears to be no explanation to justify why these criteria are not equally applicable to the selection process for allocated sites. If these criteria are deemed appropriate to be applied in consideration of unallocated sites, they should be applied in the selection process for allocated sites.

The failure to apply these sensible criteria in the selection of sites for housing in Policy MG 2 of the LDP has resulted in some inappropriate selections which, if confirmed, will cause serious damage to the rural nature of some communities and Conservation Areas such as Bonvilston (MG 2 - 37) and St Nicholas (MG 2 - 43). If the criteria had been applied, these two site allocations would not have complied with paragraphs 1, 4, 5, 6, 7 & 9 of Policy MD 1.

The objectives of Policy MD 1 described in paragraphs 7.2 and 7.3 of the LDP demonstrate the illogicality of the allocation of the St Nicholas site. For reasons described in detail in my Representation No 1 dated 10 December 2013 (Representation ID 1784/4) ("the Main Representation") and in my written statement for consideration at Hearing Session 11, this development would conflict with paragraphs 7.2 and 7.3 in the following respects:

- a. It would increase not reduce dependence on the private car;
- b. It would have an unacceptable impact on existing infrastructure and local amenity;
- c. It would make no contribution to the rural economy or the viability and sustainability of the rural community;
- d. It would destroy not protect the distinctive character of that village;
- e. It would not protect the countryside from unacceptable and unjustified new development.

I request the following changes to the LDP:

**Delete the words "on unallocated sites" from the first line of Policy MD 1.**

**Delete the land in Bonvilston (MG 2 [37]) and the land to the east of St Nicholas (MG 2 [43]) from the Deposit LDP with the consequent deletion also of Policy MG 25 [10]).**

#### Agenda 4

### **Do Policies MD 2 *Place Making* and MD 3 *Design of Developments* represent a suitable and appropriate policy framework relating to the design of new developments?**

Yes. The two policies (whether combined or not), together with the supporting paragraphs 7.4 to 7.15 of the LDP, provide eminently sensible criteria against which development proposals contained in planning applications will be considered.

The first problem is that, in allocating some sites for housing developments under Policy MG 2, the Council has wholly ignored Policies MD 2 and MD 3 as well as some of the provisions of other Managing Development policies. A primary example of ignoring these policies is in the allocation for housing of land to the east of St Nicholas (Policy MG 2 - 43).

The Council unjustifiably failed to address this issue in a responsible manner on page 89 of the *General Site Responses* in Appendix 11 of the *Consultation Report* (SD 08.3) by wrongly claiming that "The policies referred to relate to the control of future development additional to housing allocations within the LDP (my underlining). I have received repeated assurances from the Council (see item D of my Written Statement for Hearing Session 11) that all Managing Development policies (except Policy MD 1) apply to both allocated and unallocated sites in the consideration of planning applications.

If a site does not and cannot comply with some Managing Development policies, it follows that development proposals contained in a subsequent planning application cannot comply with those policies. In the case of the St Nicholas site for the reasons described in detail in the Main Representation, no planning application can overcome the following failures of the site to comply with Policies MD 2 and MD 3 (in addition to failures to comply with some other policies and with some of the provisions of *Planning Policy Wales* ("PPW")):

- i. A dense modern urban development of 100 or 117 houses on 4.4 hectares cannot respond appropriately to the character of neighbouring buildings in terms of type, form, scale, mix and density;
- ii. A green field development cannot conserve and enhance the quality of, and access to, existing open spaces;
- iii. A relatively huge development (adjacent to a mature village of 144 houses) cannot safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;
- iv. A development involving pedestrian and cycle access to the site along a private road currently used solely for access to three properties by the occupants of those properties and for very occasional access to the site for agricultural purposes cannot avoid an unacceptable impact on the amenities of those three occupiers (as well as the impact on the amenities of the occupiers of other neighbouring properties);
- v. The occupation of 100 or 117 houses, including 40 or 47 affordable homes in an urban environment, cannot reduce the opportunity for crime and anti social behaviour in an established rural village where crime and anti social behaviour are virtually unknown;

- vi. The occupiers of an additional 100 or 117 houses in a village which has no basic services such as a shop, public house, restaurant or doctor's surgery and with residents of affordable homes removed from their families and communities in a distant part of the Vale must generate numerous short car journeys which will inevitably exacerbate existing traffic congestion.

If an allocated site cannot comply with one or more Managing Development policies, that allocation must be unsound as a subsequent planning application cannot be approved without breaching those policies. In the case of the St Nicholas site, it has been demonstrated that the site breaches numerous Managing Development policies as well as some Objectives of the LDP and some provisions of PPW.

The second problem is that, in processing planning applications in respect of an allocated site, the Council has demonstrated by its actions that it works from a starting point that development has been approved in principle by inclusion in the LDP and flagrant breaches of the Managing Development policies (as well as Objectives of the LDP and breaches of PPW) can be ignored.

In the case of the St Nicholas site, two planning applications are currently being processed by the Council. The first application by Redrow Homes (South Wales) Limited (2015/00249) dated 6 March 2015 was for 79 houses. Redrow subsequently increased the application to 96 houses. The second application by Waterstone Homes Limited (2015/00662) dated 5 June 2015 was for 20 houses. Waterstone subsequently increased the application to 21 houses.

Neither of the planning applications (including supporting documents) make any realistic attempt to address the flagrant breaches of the Managing Development policies. Nevertheless, the Council continues to process the applications without requiring the applicants to provide any solutions to the breaches. On the contrary, although a development of 100 houses would clearly be disproportionate to the size and density of the existing village in breach of paragraph 2 of Policy MD 2, the Council now proposes to increase the allocation in the LDP to 117 houses (see Written Statement by the Council in respect of MG 2 - 43 for Hearing Session 11 on 9 March 2016). This demonstrates the determination of the Council to ignore the flagrant breaches of the Managing Development and other policies in the LDP when dealing with planning applications for allocated sites.

The allocation of sites which, to a significant extent, cannot comply with the Managing Development policies (or other LDP policies) is unsound. Consequently, any such site allocation should be deleted from policy MG 2. In the case of the St Nicholas site, it has been demonstrated that the site cannot comply with many provisions of the Managing Development policies as well as other policies and some provisions of PPW. **I request the deletion of land to the east of St Nicholas (Policy MG 2 - 43) from the LDP and the consequent deletion of Policy MG 25 - 10.**

Agenda 5

**Is Policy MD 7 *Housing Densities* appropriate? Is it sufficiently flexible to allow site by site negotiation where evidence suggests it would be justified?**

No. The policy is not appropriate in its current form so far as it relates to Minor Rural Settlements.

A new development with a density of 25 or more dwellings per hectare in or adjacent to an existing rural low density settlement would inevitably have an unacceptable impact on the character of the surrounding area. The policy should stipulate that any development in a Minor Rural Settlement must not have a density significantly greater than that of the existing settlement.

In the case of St Nicholas (Site MG 2 - 43), the existing settlement of 144 houses (including Ger-y-Llan), which has grown gradually to this level over many centuries, currently has a density of 4.36 houses per hectare. Ger-y-Llan, which was mainly developed forty years ago and is adjacent to the west side of the site, has a density of 9.3 houses per hectare. The proposed development of 117 houses on 4.4 hectares comprising Site MG 2 - 43 represents a density of 26.59 houses per hectare which would destroy the rural nature of this ancient settlement.

I request the following changes to the LDP:

**Delete the sentence "In minor rural settlements, a minimum net residential density of 25 dwellings per hectare will be required." from the first paragraph of Policy MD 7 and insert a new sentence "Any development in a Minor Rural Settlement must not have a density significantly greater than that of the existing settlement."**

**Delete the land to the east of St Nicholas (MG 2 [43]) from the Deposit LDP with the consequent deletion also of Policy MG 25 [10]).**