

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY, 16 NOVEMBER 2016**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **FULL APPLICATION - ERECTION OF 17 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND ACCESS AT NORTHOP BROOK, THE GREEN, NORTHOP.**

APPLICATION NUMBER: **055555**

APPLICANT: **PECKFORTON DEVELOPMENTS LIMITED**

SITE: **NORTHOP BROOK, THE GREEN, NORTHOP**

APPLICATION VALID DATE: **06.06.16**

LOCAL MEMBERS: **COUNCILLOR M BATEMAN**

TOWN/COMMUNITY COUNCIL: **NORTHOP**

REASON FOR COMMITTEE: **OVER 15 UNITS AND A DEPARTURE**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning permission for 17 dwellings on land to the east of Northop Brook which is outside the settlement boundary of Northop as identified in the current UDP. The site would lead to the loss of Grade 2 agricultural land without sufficient justification. It is not considered that there is an overriding need for this development in this location. It is considered that the development would result in a detached form of development not well related to an existing settlement and therefore contrary to PPW and TAN1. It would also adversely affect the visual impact of the character of the open countryside in this location and would be detrimental to a number of historic assets and

views in and out of the conservation area.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01
1. The proposals would result in the unjustified loss of Grade 2 Best and Most Versatile agricultural land contrary to the provisions of policies STR1, STR7, STR10, GEN1 and RE1 of the Flintshire adopted Unitary Development Plan.
 2. The application is for residential development in the open countryside and would have an adverse impact on the character of the open countryside and the setting of the historic assets within the village of Northop. The proposed development would be fragmented from the village of Northop and is not physically or visually linked and would lead to an urbanising impact on this open countryside location. The proposed development cannot therefore be considered to form sustainable development and is contrary to policies STR1, GEN1, GEN3, HSG4, L1, HE1 and HE2.
 3. The sustainability of the site has not been adequately justified to comply with Planning Policy Wales Edition 8 paragraph 4.2.2. It is therefore considered that the site is contrary to paragraph 6.2 of TAN1 as the application would not comply with the development plan and other national planning policies.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor Marion Bateman
No site visit requested. No comments made.

Northop Community Council

Object on the grounds of;

- Impact on residential amenity
- Impact on character and appearance of the area, impact on a number of Grade II Listed Buildings and Northop Conservation Area
- Impact on highway safety – would increase the use of two difficult junctions. There is no footway in the village.
- Impact on community facilities
- Outside village envelope so contrary to GEN3, HSG4 and LPGN 10 New Housing in the open countryside
- Unacceptable increase in the size of the village
- Impact of flooding to the village if this land is developed
- Good productive agricultural land which is protected by Policy RE1
- Impact on wildlife including great crested newts- contrary to WB1

Highways Development Control Manager

The submitted Design and Access Statement and Transport Assessment both refer to the provision of a new section of footway to be constructed along the site frontage onto Capel y Nant however the provision of this footway is not indicated on the submitted drawings.

The site context plan and the Transport Statement refer to the close proximity of community facilities with the old A55 separating the site from these facilities, therefore an improved pedestrian crossing facility is required.

Both the footway and the crossing can be provided through a condition.

Requests conditions covering;

- Provision of footway and improved pedestrian crossing facility to be constructed prior to any dwelling being occupied
- Means of access detail to be kerbed and completed to carriageway base course
- Visibility splay of 2.4m x 62m to the left and 2.2m x 120m to the right on exit measured from the nearside edge of the adjoining carriageway and kept free from obstruction
- Parking and turning facilities
- Front of garage shall be set back a distance of 5.5m behind the back of footway line or 7.3m from the edge of the carriageway with a grass service manager
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- The gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
- Positive means to prevent run-off of surface water from any part of the site onto the highway

Public Protection Manager

No adverse comments to make.

Welsh Water/Dwr Cymru

Only foul water from the development site shall be allowed to discharge into the public sewerage system and this discharge shall be made at a specific point in the network.

Standard drainage conditions relation to a scheme for foul, surface water and land drainage.

No problems are envisaged at the Waste Water Treatment Works for the treatment of domestic discharges from the site.

Natural Resources Wales

Flood Risk

The site lies within Zone A as defined by TAN15 Development and Flood Risk. However the risks to the application site from Northop Brook and its tributary are unknown. The surface water maps shows large parts the site are at risk of surface water flooding. The additional information submitted indicates that properties will be positioned at a minimum level of 103m AOD which is taken to be the minimum finished floor level at the development. This is above the lowest level of the road at 101m AOD which crosses the watercourse and therefore well above the level at which any impoundment of water due to flood flows or blockage at the culvert would begin to weir across the road. No objection subject to a condition setting minimum finished floor levels at 103mAOD.

Protected Species

The overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to the provision of the 1992 Habitats Directive (92/43/EEC) and the 2009 Birds Directive (2009/147/EC).

The proposal does satisfactorily demonstrate that it will not be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts subject to the imposition of conditions or a S106 agreement to secure the proposed mitigation and management plan.

A biosecurity condition should be imposed to any consent given requiring a biosecurity risk assessment.

Open Space manager

In accordance with LPGN13 a payment of £1,100 per dwelling is required in lieu of on-site open space to enhance toddler play provision at the children's play area located at Ffordd Owen, Northop.

Welsh Government Land Use Planning Unit

Following the site visit Welsh Government considered that the majority of the site has no micro relief limitation and could be absorbed into the larger field unit to the north by the removal of the fence. The site appears to be majority Grade 2 with an area of 3b to the east.

CADW

The proposed development is located within the vicinity of the scheduled monument known as FL083 Wat's Dyke: Section for Chester-Holywell Road to Soughton Farm. The boundary of the application area is within 400m of the monument however the development part of the site is 610m away. The topography of the land between the application area and the monument allows views between them only at the western end of the application area where the existing woodland remains. Views to the development area are blocked by the topography and existing vegetation which will remain. Consequently there will be no impact on the setting of FL083 Wat's Dyke.

The Grade II registered historic park and garden at Lower Soughton Hall and the Grade II* registered historic park and garden at Soughton Hall are also located in the vicinity of the proposed development of the A5119. While the impact on these assets is not assessed or recognised within the application documents the impact is not considered to be significant due to the limited visibility of the proposed development due to existing trees and hedgerows within the registered park at Soughton Hall.

Housing Strategy Manager

The SARTH (Social Housing Register) currently has 932 applications – 95 have identified Northop as an area they are seeking social rented housing (house, bungalow or flat). There is an identified level of interest for intermediate products (intermediate ownership and rent) in Northop: with 19 applicants on the register wanting affordable ownership (e.g. shared equity) requiring 2 bed and 3 bed houses; and 13 applicants requiring 2 bed and 3 bed houses for intermediate rent. We therefore support the proposal to gift 1no. 2 bed property to the Council for Intermediate rent.

Education

The development would give rise to 4 Primary School pupils. The nearest Primary School is Ysgol Owen Jones which has 20 surplus places and a capacity of 14.49%. The proposed development would not lead the capacity of the school to reach the % trigger of less than 5% capacity so a contribution is not required.

The development would give rise to 3 Secondary School pupils. The nearest High School is Flint High School which has 51 surplus places at 6.40%. The proposed development would not lead the capacity of the school to reach the % trigger of less than 5% capacity so a contribution is not required.

Public Open Spaces Manager

In accordance with Local Planning Guidance Note No 13 POS provision for a development of this type and size the Council would require a payment of £1,100 per dwelling. The payment would be

used to enhance toddler play provision at the children's play area located at Ffordd Owen, Northop.

Airbus

It does not conflict with aerodrome safeguarding criteria.

Community Safety Officer

Sets out principles for design and layout to design out crime.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

The application was advertised as a departure from the development plan.

15 objections were received on the grounds of;

- Outside the settlement boundary of Northop on a greenfield site contrary to Policy STR1 and GEN3
- The site is in a minerals safeguarding area protected by policy MIN8
- Contrary to HSG4 – No need
- Northop has exceeded its growth band of 8-15%
- Population projections for Flintshire 2011-2036 are low therefore more housing is not needed
- The need is for 2 and 3 bed houses not 4 bed houses
- Phase one of a bigger development
- Will set a precedent
- Flood risk to adjacent houses, the site acts as the flood plain to Northop Brook and is very wet, the development of this site could lead to problems further downstream where the brook runs
- Increased surface water runoff
- Traffic impacts on Capel y Nant and junction with A5119. Junction has poor visibility for increased use of traffic coming round the bend from the Mold direction
- A Phase 1 ecological survey is inadequate and undertaken outside the breeding season
- Alter historic setting of Listed Building Ty Capel
- Adverse effect on and loss of habitat, ditches and hedgerow loss, indirect impacts on woodland and ponds
- Impact on wetland amphibians, great crested newts, bird, badgers and bats
- Impact on the setting of Northop and its Listed Buildings and the approach to the village which has remained unchanged for 150 years
- Impact on trees
- Noise and nuisance impacts of development in this part of the countryside
- Pressure on local services in terms of school places

- Impact on sewers
- Development sites in Northop should be considered through the LDP and not in an adhoc basis
- Design and materials do not respect the character of the village contrary to policy GEN1
- Agricultural land quality and loss of agricultural land
- The provision of a footway will reduce the carriageway width
- The site is remote from Northop and will be a stand-alone community
- No street lighting and no pavements to reach bus stops which in any event are not easily accessible
- Contrary to policies GEN1, GEN2, GEN3 and GEN5

6 letter of support on the grounds of;

- currently renting in Northop and want to buy a house in Northop
- need more opportunities for first time buyers so support more houses in the area
- need more family housing in this area

Council for the Protection of Rural Wales

Object on the grounds of;

- The proposal is a speculative housing development on a greenfield site used for agricultural purposes.
- The site does not form a logical extension to Northop and is not connected to the settlement
- No overriding need for residential development in this location
- Contrary to UDP policies STR1, GEN3 and STR7
- The loss of agricultural land needs to be considered as it is a finite resource
- The proposed development will introduce unconnected urban sprawl into the distinctive rural landscape.
- The proposed landscaping will take a long time to mature
- The proposed development has the potential to affect the settings of a number of Listed Buildings however no assessment on their impact has been undertaken
- Part of the development site will fall within a Mineral Safeguarding Area and there is no assessment of the impact this development will have on the safeguarded area
- The proposal does not comply with the policy for dwellings outside the settlement boundary HSG4 or HSG11 for affordable housing
- Affordable housing provided in a gifted way needs to be explained

5.00 SITE HISTORY

5.01 **0461/89**

Outline residential development. Refused June 1990.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development
STR4 - Housing
STR8 - Built Environment
STR10 - Resources
GEN1 - General Requirements for New Development
GEN2 - Development Inside Settlement Boundaries
GEN3 - Development Outside Settlement Boundaries
D1 - Design Quality, Location and Layout
D2 - Design
D3 - Landscaping
TWH1 - Development Affecting Trees and Woodlands
TWH2 – Protection of Hedgerows
WB1 - Species Protection
WB4 – Local Wildlife Sites of Wildlife and Geological Importance
WB6 – Enhancement of Nature Conservation Interests
AC2 – Pedestrian Provision and Public Rights of Way
AC3 – Cycling Provision
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
L1 – Landscape Character
HSG4 – New Dwellings Outside Settlement Boundaries
HSG8 - Density of Development
HSG9 - Housing Mix and Type
HSG10 - Affordable Housing within Settlement Boundaries
SR5 - Outdoor Play Space and New Residential Development
EWP3 - Renewable Energy in New Development
EWP16 – Water Resources
EWP17 – Flood Risk
RE1 - Protection of Agricultural Land
HE1 – Development Affecting Conservation Areas
HE2 – Development affecting Listed Buildings and their Settings
HE5 – Protection of Landscapes, Parks and Gardens of Special Historic Interest
HE6 – Scheduled Ancient Monuments and other Nationally Important Archaeological Sites
HE7 – Other Sites of Lesser Archaeological Significance
SR5 – Outdoor Play Space and New Residential Development
IMP1 – Planning Conditions and Planning Obligations

Planning Policy Wales Edition 8 January 2016

Technical Advice Note 1 Joint Housing Availability Studies 2015

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 6: Planning for sustainable Rural Communities

Technical Advice Note 15: Development and Flood Risk

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning permission for 17 dwellings on land to the east of Northop Brook which is outside the settlement boundary of Northop as identified in the current UDP.

7.02 Site Description

The site 3.35 hectare site lies to the south west of Northop Village. It is bound by the Northop Brook to the north, the road to the east and agricultural land to the south and west. 0.75 hectare is dry grassland, with 1.3 hectares of marshy grassland to the north east and 1.8 hectares of wet woodland to the west. To the south east of the site is the junction of Northop Road A5119 and Capel y Nant/B5125 Sychdyn Road.

7.03 Proposed Development

It is proposed to erect 17 houses of 7 different house types with 2 two bed dwellings, 1 three bed dwelling, 14 four bed dwellings and detached garages. They are all two storey predominantly brick with some render elements. It is proposed to gift the two bedroom 669sqft house to NEW homes.

7.04 The proposed development has a new access off Capel y Nant/B5125 with an internal access road and private drives leading from it. Each dwelling has 2 car parking spaces and rear gardens. It is proposed to create a footpath to the west of the B5125 to provide pedestrian links into Northop.

7.05 Only part of the application site is proposed to be developed. The remainder of the site is to be retained for wildlife mitigation as woodland and a wetland area. A scheme of enhanced landscaping is proposed.

7.06 The application was accompanied by;

- Design and Access Statement by DGL Associates Ltd.
- Planning Policy Statement by Peckforton Development Limited.
- Flood Consequences Assessment and Outline Drainage Strategy by Scott Hughes Design.
- Geo-Environmental Phase 1 Desk Study by Scott Hughes Design.
- A Transport Statement by SCP.
- Landscape and Visual Appraisal.
- An Extended Phase One Survey by Ecological design Consultants.
- Ecological Appraisal by Envirotech.
- Agricultural Land Classification Study by Reading

Agricultural Consultants.

- 7.07 The applicant has submitted a further statement in support of the application stating that;
- It would meet the housing shortfall
 - A unit is gifted to provide affordable housing
 - Open space contribution to the local community of £19,000
 - Protection of and future management of 8.5 acres of ancient woodland and wetlands and the associated wildlife, flora and fauna in perpetuity
 - Limited local opposition
 - No objections from statutory consultees Dwr Cymru, NRW, Airbus and internal consultees; highways, ecology, education,
 - There are no capacity issues on services in this location such as gas, electricity, water etc
 - The site is easily accessible from the A55 and the public transport network
 - Previous consents have been granted at Maes Celyn and Northop Country Park
 - The developer will accept a 2 year planning consent
 - 5 registrations of interest to purchase houses have been lodged since the application was submitted
 - Developers have shown an interest in purchasing the site
 - Northop has a role to play in LDP according to consultation documents on website

7.08 Planning history and the UDP

The site was not considered as part of the preparation of the UDP, although other sites in the vicinity were put forward as 'omission' sites as potential housing allocations or settlement boundary changes. In particular, land to the north of the site (south of The Green) was promoted by an objector as an allocation in the deposit Plan. That site was considered by the Inspector who commented as follows:

"5970 – north west of Northop Brook – The objection site is about 1.5ha in extent. It lies behind properties fronting The Green, in character and appearance it is an intrinsic part of the open countryside comprising marshy grassland and scrub vegetation. The nature of the land means it has nature conservation value. The representations provide no substantive reasons why with the current planning policy position the land should either be allocated for development or included within the settlement boundary'."

- 7.09 In terms of Northop as a whole, the Inspector commented '*Northop is a category B settlement. Altogether completions, commitments and HSG1(49) would provide over 20% growth. Although this is above the indicative band of 8-15%, I conclude at HSG1(49) that*

the allocation should stay. However, as a consequence of this relatively high level of growth, I do not consider there is a need to provide additional housing in Northop either in locational or numeric terms. In addition I note that a number of the sites because of their size would result in development of a scale which would harm the character of the settlement. These relatively high levels of growth have not been justified in terms of the availability of infrastructure, services and the like'. Earlier in the report in commenting on the allocated site the Inspector comments 'Northop is a category B settlement where planned growth will be about 22% which is somewhat above the indicative growth band of 8 –15%. However, Northop is a main village with a reasonable level of services and facilities and it is in an accessible location next to the A55 between Mold and Flint. I have taken account of the potential for further growth from windfall developments. And also considered the development at Northop Country Park, but that is a somewhat isolated development set in the countryside at some distance from the defined village limits. It would be inconsistent with other localities for its growth to be added to that of Northop. In principle I do not consider the potential level of growth would result in overdevelopment of the village'.

- 7.10 It is clear that the Inspector saw Northop as a sustainable location for growth but did not consider that any further allocations were necessary, particularly larger sites. We are now outside the UDP period and we do not have a 5 year land supply. These issues are discussed in more detail below.
- 7.11 Principle of development
The site is located outside the settlement boundary for Northop within the Adopted UDP. Northop is a category B settlement with a growth threshold of 15% (beyond which any additional development would have to be justified on the grounds of housing need). As of April 2015 the settlement had a growth rate of 23%. While this is in excess of the indicative growth rates, these were not prescriptive and we are now outside the UDP timeframe and looking at growth post 2015. The monitoring of growth over a 15 year period as required by HSG3 ended on 1st April 2015.
- 7.12 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.
- 7.13 Given that the proposal is for an anticipated 17 dwellings and does

not fall within the scope of above policy framework, then the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan and has been advertised as such.

7.14 Housing Land Supply

PPW and TAN1 requires each local planning authority to maintain a 5 year supply of housing land. The latest published Joint Housing Land Availability Study for Flintshire 2014 shows a 3.7 year land supply using the residual method with a base date of April 2014. The Council is unlikely to be able to demonstrate a 5 year land supply until the LDP is adopted. This falls below the 5 year requirement.

7.15 Welsh Government Technical Advice Note 1 states that *“The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study..... The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.”*

7.16 In these circumstance, advice contained in para 6.2 of TAN1 is that *‘The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies’.*

7.17 Further guidance is contained in para 9.2.3 of PPW that *‘Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan’.* This paragraph then goes on to explain what constitutes *‘genuinely available’* and this is defined as *‘...sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live’.*

7.18 It is clear from national planning guidance that considerable weight should be attached to the lack of a 5 year housing land as a material planning consideration. Furthermore, decisions must also be made in the context of the Welsh Governments ‘presumption in

favour of sustainable development’.

- 7.19 Welsh Government Advice and National Planning Policy Planning Policy Wales Edition 8 January 2015 paragraph 4.2.2 states *“The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time,”* when taking decision on planning applications.”
- 7.20 Planning Policy Wales Edition 8 January 2015 paragraph 4.2.4 states *“A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2) Where;*
- *There is no adopted development plan (see 2.6) or*
 - *The relevant development plan policies are considered outdated or superseded (see 2.7) or*
- Where there are no relevant policies (see 2.7) there is a presumption in favour of proposal in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.”*
- 7.21 Paragraph 4.2.5 states *“In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision.”*
- 7.22 The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that *“There is a danger that the need to increase supply and lack of a 5-year housing land supply could be used to justify development in inappropriate locations.”*
- 7.23 It is therefore key in making the planning balance therefore to consider the sustainable development ‘key principles’ (see 4.3) and ‘key policy objectives’ (see 4.4) set out in PPW.
- 7.24 The Council have set out how they will approach the issues of speculative development such as this proposal in line with the thrust of National Policy and guidance in its ‘Developer Guidance Note: Speculative Housing Development Proposals’. The note sets out the expected information to be submitted with an application in order for the Council to assess the sustainable credentials and

deliverability of a site. The key objective of achieving sustainable development is examined in more detail below.

7.25 Sustainability and connectivity

In broad terms, Northop is considered to be a sustainable location for development, based on the UDP Inspector's comments. As part of the emerging LDP, a Key Messages document has been produced and consulted upon. This document included a number of alternative approaches to categorising settlements in the County, compared to the approach in the UDP and was accompanied by some 80 plus settlement audits which provided a measure of the sustainability of each settlement. As part of these settlement hierarchy options, Northop generally appeared as a 'sustainable village' i.e. 'settlements which benefit from some services and facilities and are sustainably located'. The site is relatively close to the range of facilities and services in the village and is also adjacent to bus services. On this basis it would be difficult to argue against a relatively small development being sustainable development.

7.26 However this site is outside the settlement boundary for Northop and there are a number of site specific factors to take into account such as how the site actually relates to the settlement and its facilities and services and its connectivity in both physical in order to access those services.

7.27 The north western edge of the site physically adjoins the settlement boundary of Northop at a point where it runs along the garden boundary to a detached dwelling called The Spinney. However this part of the application site comprises woodland. The only other part of the site which adjoins or comes close to the settlement boundary is a small section opposite a detached dwelling on the B5125 road called 'The Vicarage'. This part of the application site comprises marshy grassland. In this context the proposed net developable part of the site is in the south eastern corner of the overall application site and this happens to be the most distant point from existing built development within the settlement (and from the settlement boundary). The woodland separates the proposed built part of the site from the settlement there is therefore considered to be little relationship between the site and that part of Northop. There would also be little direct relationship between the built part of the site and the existing built development on the B5125 culminating with The Vicarage.

7.28 Rather than the site relating well to the built form and pattern of the settlement, it would appear as an 'island' or 'outlier' of built development, poorly related to the existing pattern and form of built development comprising the settlement. In this context the site cannot be considered to represent an extension to the settlement. The developable part of the site is 85m from The Vicarage and

165m from The Spinney.

- 7.29 Para 4.7.8 of PPW states *'development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access and habitat and landscape conservation...new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled'*. It is not considered that the proposal meets this element of national planning guidance as it would result in a detached form of development not well related or connected to the nearby settlement. If this is the case, then the proposal cannot be considered to comply with the principles embodied within national guidance in PPW. The proposal is therefore contrary to both national and local planning policies and therefore in terms of para 6.2 of TAN1, weight should not be attached to the housing land supply shortfall.

7.30 Landscape Impact

A Landscape and Visual Impact Assessment was submitted with the application. This has been reviewed for the Council by an independent landscape architect. It is considered that the assessment has been undertaken in accordance with the relevant guidelines.

- 7.31 The visual assessment is based on the impact of the development from 11 viewpoints. These are considered to be a fair representation of those that are available of the site and upon the various visual receptors. It is identified within the assessment that at viewpoints 2, 6 and 8 there would be significant (adverse) visual effects from the proposed development locally. However the applicants landscape architect considers that the *"proposed development would have limited effects on the wider landscape in landscape and visual terms and therefore the proposal is considered acceptable"*. She considers *"that the new housing when seen from the southern approach would sit against the visual backdrop of existing development"*.

- 7.32 The Council's consultant however, does not agree with the conclusions of the LVIA. Despite some dialogue between the two landscape consultants, the Council's consultants' view has not changed. It is not considered that *"the proposal would unify the existing development along The Green to the north west with that at Parkgate to the north east"* or that *"the proposed development would appear as an integral part of the village and would not be an intrusive addition to the landscape"*. It is considered that that locally the effect of the proposal would have a significant adverse effect upon the Landmap character areas FLNTVS011 and FLNTVS057 and therefore not achieve a key component of sustainable development which is the consideration of the

environmental impact of development.

7.33 Transport Impacts

The application is accompanied by a Transport Statement which has been reviewed by the Council's Highways Development Control Manager. Objectors have raised issues relating to the highway impacts of the development.

7.34 The proposed development would create a new point of access for vehicular traffic and a visibility splay along with a pedestrian footpath. There are no highway objections to the proposal subject to conditions covering the required footway and crossing.

7.35 The nearest bus stops to the site are located on Connah's Quay Road approximately 400 m to the northeast of the site. The bus stops are served by services within and outside Flintshire. The nearest train station is at Flint 5.7km north of the site which can be accessed via the local bus network. This provides services on the mainline between Holyhead and Manchester. Hawarden Railway Station on the Wrexham to Bidston Line is 7.9km southeast of the site.

7.36 Impact on the historic environment

The proposal is for the development of a housing site on the southern side of the historic settlement of Northop. The proposed housing site lies in close proximity to a number of historic assets and it therefore has the potential to detrimentally affect the setting of these. To the east of the site lies the Grade II listed Lower Lodge to Soughton Hall and the Soughton Hall Historic Park and Garden; to the north lies the Grade II* listed Parkgate Farm House and Shippon; and to the north west lies the Grade II listed Old School. Northop also has a well-defined conservation area containing many traditional stone, rendered and brick buildings with slate roofs and other interesting features, with the Grade 1 listed church being an important and highly visible building set within its boundaries.

7.37 The application site lies in a rural location to the south of the settlement, and is divorced from the settlement boundary, being in character and appearance an intrinsic part of the open countryside, and forming part of the setting of the conservation area, historic park and garden and several listed buildings. Between the site and the village is an area known as The Green which contributes greatly to the character and setting on the approach to the southern side of the settlement and forms part of the setting of the Grade II* listed Parkgate Farm complex.

7.38 It is considered that location and proximity of the proposed development to the above mentioned listed buildings, in particular Parkgate Farm which is a mid-Victorian estate farm would be

detrimental to these historic assets. The development of this housing site would in effect enclose the farm complex within the settlement, thus impacting detrimentally on its historical significance, form and function, as well as its setting. Development of the site would also impact on the setting of the historic park and garden, and on the setting of, and views in and out of, the conservation area.

7.39 Agricultural Land Quality

An agricultural land survey (ALC) was submitted with the application undertaken by Reading Associates to assess the agricultural land quality as the loss of Best and Most Versatile Agricultural land is a material planning consideration. The conclusions of the report suggest that micro-relief appears to make the difference between the site being all Grade 3b or majority Grade 2. The report found the site to be 3b on micro relief with two of the three borings taken indicated that the land was ALC Grade 2 without the micro-relief limitation.

7.40 Welsh Government's Land Use Planning Unit was consulted on the ALC in order to provide a technical review of the survey in accordance with TAN6 Annex B6. Their response is limited to a technical appraisal of the assessment and does not relate to the merits of the proposal.

7.41 Welsh Government advise that the key factor with micro-relief is whether the problem can be remediated using "normal management operations or improvements". If so, the limitation should be discounted. If remediating is likely to be impractical or highly expensive, micro-relief should be considered as limiting. Due to the uncertainty over the effect of the micro-relief in this instance more information was requested and a site visit was undertaken by the Welsh Government Officer.

7.42 Following the site visit Welsh Government considered that the majority of the site has no micro relief limitation and could easily be absorbed into the larger field unit to the north by the removal of the fence. Therefore the site appears to be majority Grade 2 (0.50ha) with an area of 3b to the east.

7.43 It is therefore considered that the proposal would lead to the loss of best and most versatile agricultural land. Although land ownership may prevent its use as part of the wider field, land is a finite resource and the only obstacle is the current fence line. Policy RE1 states "Development which would result in the loss of agricultural land of Grades, 1, 2 or 3a will be permitted only where;

- a) there is an overriding need for the development;
- b) the development cannot be accommodated on derelict, non-agricultural or low grade agricultural land, or
- c) available lower grade land has an environmental value or

designation which outweighs the agricultural considerations.

- 7.44 It is not considered that there is an overriding need for this development in this location and that although Flintshire does not have a 5 year land supply, there are other sites coming forward on lower grade land.
- 7.45 Ecology
The site is adjacent to Green Cottage Wood and Marsh which is designated as a Local Wildlife Site which consists of semi-natural broadleaved woodland and associated species rich marshy grassland.
- 7.46 The application is accompanied by an Ecological Appraisal (2015) and an additional Extended Phase I survey (2015/16) which also includes protected species mitigation. The surveys conclude that the site is agriculturally improved grassland adjacent to marshland habitats. The Council's Ecologist agrees with this description of the site albeit with willow encroaching into the grassland. The grassland itself is of little ecological value.
- 7.47 The Phase I survey confirmed that there are known great crested newts within close proximity. Great crested Newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning. The nearest record is 30m away and the development site offers good terrestrial habitat for amphibians. Badger activity and habitat was also recorded and the mature trees on the south western boundary offer potential for bats. The report's recommendations take account of the protected species and habitats present on the site.
- 7.48 Mitigation and reasonable avoidance measures for the great crested newts are proposed in the form of the long term management of the adjacent Wildlife Site up to the Brook, using a commuted sum provided by the developer, plus the creation of at least one additional pond. Such management would aim to enhance the grassland and woodland habitats for a minimum of 25 years. Access to achieve this management would need to be considered in further detail.
- 7.49 Badger activity would be monitored to assess whether a licence is required. There would be no significant impact on bats as long as the trees on the site remain. While sections of hedgerow would be removed to achieve the access and visibility requirements the hedgerow is species poor and could be mitigated for through other hedge planting on the site.

7.50 The part of the site which is to be developed is of poor ecological value. While there are protected species using the site it is considered that the proposed mitigation subject to a long term management plan would address any impacts.

7.51 Flood Risk

The site lies within Zone A as defined by TAN15 Development and Flood Risk. NRW's surface water maps shows large parts the site are at risk of surface water flooding. It is proposed to have an attenuation pond to the west of the development with an embankment around the pond. The additional information submitted indicates that properties will be positioned at a minimum level of 103m AOD which is taken to be the minimum finished floor level at the development. This is above the lowest level of the road at 101m AOD which crosses the watercourse and therefore well above the level at which any impoundment of water due to flood flows or blockage at the culvert would begin to weir across the road. NRW therefore have no objection subject to a condition setting minimum finished floor levels at 103mAOD.

7.52 Affordable Housing

Policy HSG11 is a criteria based policy which applies to affordable housing in rural areas. The overall expectation is that outside village settlement boundaries, proposals to development housing will require a 100% affordable housing provision where there is evidence of a genuine local need for such provision.

7.53 The applicants have not provided any evidence of affordable housing need in the area however they are proposing to gift 1 two bedroom dwelling to the Council. The Housing Strategy Manager states that The SARTH (Social Housing Register) currently has 932 applications – 95 have identified Northop as an area they are seeking social rented housing (house, bungalow or flat). There is an identified level of interest for intermediate products (intermediate ownership and rent) in Northop: with 19 applicants on the register wanting affordable ownership (e.g. shared equity) requiring 2 bed and 3 bed houses; and 13 applicants requiring 2 bed and 3 bed houses for intermediate rent. The proposal to gift 1no. 2 bed property to the Council for Intermediate rent therefore does meet the local need.

7.54 Education

The proposed development would not lead the capacity of Primary or Secondary schools reach the percentage trigger of less than 5% capacity so a contribution is not required as set out in Local Planning Guidance Note 23 Education.

7.55 Open Space

In accordance with Local Planning Guidance Note No 13 POS provision for a development of this type and size the Council would

require a payment of £1,100 per dwelling. The payment would be intended to be used to enhance toddler play provision at the children's play area located at Ffordd Owen, Northop. This would be secured through a S106 agreement if permission was granted. Not more than 5 contributions have been sought for this project and therefore the contribution would be CIL compliant if requested.

8.00 CONCLUSION

The site would lead to the loss of Grade 2 agricultural land without sufficient justification. It is not considered that there is an overriding need for this development in this location and although Flintshire does not have a 5 year land supply, there are other sites coming forward on lower grade land.

It is considered that the proposed development would result in a detached form of development not well related or connected to the nearby settlement and therefore the proposal cannot be considered to comply with the principles embodied within national guidance in PPW. The proposal is therefore contrary to both national and local planning policies and therefore in terms of para 6.2 of TAN1, significant weight should not be attached to the housing land supply shortfall.

The development of the site for residential development would have an adverse visual impact on the character of the open countryside in this location.

It is also considered that location and proximity of the proposed development to the above mentioned listed buildings, in particular Parkgate Farm which is a mid-Victorian estate farm would be detrimental to these historic assets. Development of the site would also impact on the setting of the historic park and garden, and on the setting of, and views in and out of, the conservation area.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the

Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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