

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **WEDNESDAY, 22<sup>ND</sup> MARCH 2017**

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

**SUBJECT:** **FULL APPLICATION - DEMOLITION AND RELOCATION OF EXISTING CRICKET PAVILLION WITH ASSOCIATED PARKING AND ERECTION OF 91 NO. DWELLINGS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT NORTHOP CRICKET CLUB, FLINT ROAD, NORTHOP.**

**APPLICATION NUMBER:** **055807**

**APPLICANT:** **SWN DWR (NORTHOP) LTD & ANWYL CONSTRUCTION**

**SITE:** **NORTHOP CRICKET CLUB, FLINT ROAD, NORTHOP**

**APPLICATION VALID DATE:** **15<sup>TH</sup> AUGUST 2016**

**LOCAL MEMBERS:** **COUNCILLOR M. BATEMAN**

**TOWN/COMMUNITY COUNCIL:** **NORTHOP COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This full application proposes the repositioning of the existing cricket pitch and erection of new pavilion at Northop Cricket Club with associated parking, and erection of 91 No. dwellings with associated infrastructure and landscaping. The site which amounts to approximately 6.6 hectares in area is located to the south of the A55, outside the settlement boundary of Northop, but within a Green Barrier as defined in the Flintshire Unitary Development Plan.

1.02 Although there are a number of responses from Statutory Consultees awaited following the submission of additional information as part of the application, the applicants have lodged an appeal on the grounds of non-determination. In these circumstances the Local Planning Authority is prescribed a period of a further 4 weeks in which to determine the application.

## **2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

2.01 The site is located outside the settlement boundary of Northop within a Green Barrier where development would conflict with the adopted Development Plan. The weight to be attached to increasing housing land supply is not considered to outweigh the harm that would arise from inappropriate development which would harm the open character and appearance of the Green Barrier. The scale of development would also be harmful to the character and setting of Northop and its Conservation Area. This it is considered to be contrary to Planning Policy Wales (PPW) Technical Advice Note 1, and Policies STR1, GEN1, GEN3, GEN4, D1, D2, L1, HE1, HE2, HE7, HSG3 and HSG8 of the Flintshire Unitary Development Plan.

2.02 The application does not accord with the principles of sustainable development and the creation of cohesive communities, set out in section 4 of Planning Policy Wales. This development is contrary to the need to take a long term perspective to safeguard the interests of future generations, and specifically the creation of an attractive, legible, viable, safe and well-connected local community.

2.03 Consideration of the acceptability of the Surface Water drainage details, Flood Consequences Assessment (FCA) and Odour Assessment submitted as part of this application is still being undertaken. As a result it is not possible to confirm that the impact of development on surface water management, flooding or the living conditions of neighbouring occupiers with particular regard to odour can be satisfactorily addressed. This is therefore considered to be contrary to Policies GEN1, EWP13 and EWP17 of the Flintshire Unitary Development Plan.

2.04 The impact of development on the A55 trunk road has not been fully assessed. The proposal is therefore contrary to criterion A of Policy GEN1, and AC13 of the Flintshire Unitary Development Plan.

## **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor M. Bateman  
No response received at time of preparing report.

Northop Community Council

Object to the proposed development for the following reasons:-

- It is contrary to the Flintshire Unitary Development Plan Policy GEN4.
- The development would impact on the character and appearance of the village resulting in the loss of, and unacceptable harm, to the openness of the green barrier, and to the character of the village.
- The development would constitute an unacceptable increase in the number of dwellings in the village, totally out of proportion with its present size and adjacent to a Conservation Area.
- The development would place a substantial strain on local infrastructure and services.
- It would increase the volume of traffic impacting on residential amenity and road safety and would put an additional strain on the adjacent A55 junction.

Welsh Government Transport

Awaiting Response.

Welsh Government Land Use Planning Unit

Confirm that the site survey undertaken as part of the application fairly reflects the agricultural land quality across the site which is of Grades 3a/3b/4\*.

Highway Development Control Manager

Recommend that any permission includes conditions in respect of access, visibility and submission of Construction Traffic Management/Travel Plans.

Head of Pollution Control

Recommend that any permission includes conditions in respect of (a) the introduction of enhanced acoustic glazing in properties in close proximity to the A55 and (b) the construction of an acoustic barrier at the eastern boundary of the site with the A55.

Public Open Spaces Manager

In addition to the proposal for the new cricket club facilities, development should also provide for 5,000 sq.m. of enclosed recreational space set out as an informal games area with equipped play area.

Dwr Cymru/Welsh Water

Request clarification of surface water drainage details and the submission of an Odour Assessment given the site's proximity to the Northop Waste Water Treatment Works and the need to assess impact on occupiers of proposed development.

#### Natural Resources Wales

Request the submission of a Revised Flood Consequences Assessment in order to assess whether the consequences of flooding can be acceptably managed. Request that any permission includes conditions in respect of land contamination.

#### Housing Strategy Manager

The proposal to provide 22 affordable units on site comprising mix of 14 shared equity and 8 No. gifted units for intermediate rental is considered acceptable based on the identified need in the Northop area.

#### Capital Projects & Planning

Due to limited surplus places at Northop Ysgol Owen Jones Primary School request an educational contribution of £171,598 and an educational contribution of £443,256 to fund the accommodation of additional pupils at Flint High School.

#### Conservation Officer

Consider that the proposals will have an unacceptable detrimental impact on the setting of the Conservation Area and listed buildings at this location.

### **4.00 PUBLICITY**

#### **4.01 Press Notice, Site Notice, Neighbour Notification**

The application has been advertised as a departure from the development plan:-

38 letters of objection received which can be summarised as follows:-

- Site is located outside the settlement boundary of Northop and development would therefore be contrary to planning policy.
- Detrimental impact on Green Barrier/Conservation Area.
- Proposal represents overdevelopment of the site.
- Increased traffic generation.
- Application is justified on the essential need for a new cricket pavilion, but the existing pavilion contributes to the character of the village.
- Inadequacies of infrastructure to serve any increase in development on the scale proposed.
- Adequacy of drainage facilities.

3 letters of support which welcome:-

- Investment for Northop Cricket Club which is important for social reasons.
- Opportunities for affordable housing to be provided.

**5.00 SITE HISTORY**

5.01 None relevant.

**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

EWP13 – Nuisance

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

Technical Advice Note 1 Joint Housing Availability Studies  
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

The compliance with the above policies is assessed in detail below.

## **7.00 PLANNING APPRAISAL**

7.01 This full application proposes the repositioning of the cricket pitch and erection of new pavilion at Northop Cricket Club together with the erection of 91 dwellings with associated infrastructure and landscaping at Flint Road, Northop.

### **7.02 Site Description**

The site which is the subject of this application amounts to approximately 6.6 hectares in area. It is situated to the north-east of Northop and is bounded by the A55 and a waste water treatment works to the north-east and, the A5119 with existing properties at St. Peter's Park, Northop Road to the west. The site lies outside but to the north of the Conservation Area of the village which has a number of listed buildings, the most prominent being the Grade I Listed Church of St. Eurgain and St. Peter. To the north of the conservation Area and close to the Church is the Grade II\* Grammar School. The character of the site is defined by the existing Northop Cricket Club and open fields to the north between it and the route of the A55. It comprises a mix of Grades 3a/3b/4 agricultural land, of which approximately 15% forms Grade 3a.

### **7.03 Proposed Development**

The plans submitted as part of this application propose:-

- a. Re-location and re-orientation of existing Northop Cricket pitch (north-south) together with the demolition, relocation and erection of a new clubhouse with associated facilities.
- b. The erection of 91 No. dwellings, comprising 54 4 No. bed detached houses, 12 three bed semi-detached/mews houses, and 3 three bed detached houses for open market sale. In addition 16 three bed semi-detached/mews and 6 two bed semi-detached/mews dwellings are proposed to meet affordable housing needs.
- c. A scheme of hard/soft landscaping and a landscape buffer on the site's eastern boundary.

7.04 The application is accompanied by:-

- A Design & Access Statement.

- Landscape & Visual Impact Assessment.
- Northop Cricket Club Supporting Statement.
- Transport Statement.
- Ecological Survey.
- Soils and Agricultural Use Quality.
- Air Quality Assessment.
- House Assessment.
- Flood Consequences Assessment.

7.05 Vehicular access to serve the development is proposed from a relocated junction point onto Northop Road, with a ghost island facility to enable a right turn into the development site.

7.06 In support of the application the applicants have advised that in their opinion that there are exceptional circumstances in which to support the scheme submitted in that:-

- i. The existing cricket club and facilities are substandard and there is no grant funding available to significantly upgrade the facilities.
- ii. The housing proposals would contribute to the Council's housing land supply and act as enabling development.
- iii. The development is sustainable.

7.07 Main Planning Issues

It is considered that the main planning issues can be summarised as follows:-

- Principle of development having regard to the national and local planning policy framework.
- The inability to demonstrate a 5 year land supply and the weight to attach to this.
- Impact of development on Green Barrier and wider landscape setting of Northop.
- Impact on setting of Conservation Area and Listed Buildings.
- Adequacy of existing highways and access arrangements to serve the scale of development.
- Adequacy of foul and surface water drainage.
- Provision of affordable housing.
- Impact on residential amenity.

7.08 Principle of Development

The site is located outside the settlement boundary for Northop within the Flintshire Unitary Development Plan (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 21%. 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 for the purposes of applying this policy. However, given the past recent level of growth in Northop, it is appropriate to assess the additional impact that this development will have on the settlement, on community cohesion, and on sustainability in general.

- 7.09 In terms of the policies in the 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. The proposal is also in direct conflict with UDP policy GEN4 Green Barriers, and with section 4.8 of PPW, as it does not fall within the definition of appropriate development within a green wedge/barrier. This is dealt with in more detail below.
- 7.10 Given that the proposal is for 91 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.
- 7.11 Housing Land Supply  
Planning Policy Wales & Technical Advice Note 1 requires each local planning authority to maintain a 5 year supply of housing land. The Council acknowledges that it currently falls below this requirement when using the residual method of calculation. Also the TAN prevents the Council from formally assessing its land supply until such time as the LDP is adopted.
- 7.12 Welsh Government Technical Advice Note 1 (TAN1 para. 6.2) 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 development plan and national planning policies.**”*[The Council’s emphasis in bold]
- 7.13 Planning Policy Wales Edition 9 November 2016 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.”*



- 7.14 In paragraph 4.2.4 it also 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 or*
  - *The relevant development plan policies are considered outdated or superseded or*
  - *Where there are no relevant policies*

*There is a presumption in favour of proposals 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.”*

- 7.15 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 sustainability. In such case the local planning authority must clearly state the reasons for the decision.”*

- 7.16 Recent appeal decisions however have advised 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.”*

- 7.17 It is therefore key in making the planning balance therefore to consider the sustainable development *‘key principle’* (see 4.3) and *‘key policy objectives’* (see 4.4) set out in PPW.

- 7.18 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. This is not new policy as some developers have argued, rather it is simply designed to *‘sign-post’* developers proposing speculative sites to provide appropriate information to justify their un-planned proposals, in line with the requirements of adopted local and national policy and the principles of sustainable development and Well-Being. The key objective of achieving sustainable development is examined in more detail below and notwithstanding the current position in respect of housing land supply, whether weight should attach to this depends on whether the proposed development would otherwise comply with development plan and national policies.

- 7.20 This site is outside the settlement boundary for Northop and in a green barrier, and there are a number of site specific factors to take into account such as the role and function of the green barrier, how the site actually relates to the settlement and, its connectivity to facilities and infrastructure.
- 7.21 Impact on Green Barrier and setting of Northop  
The site is within Green Barrier in the Flintshire Unitary Development plan. The issue of green barrier was discussed as part of the consideration of the omission sites during the UDP inquiry and the Inspector commented “*Although the site is well contained by existing development, the A55 and the A5119, it is an area of countryside which contributes to the rural setting of Northop. Moreover because of its open nature it is designated as part of the green barrier in order to protect a major road junction from visually intrusive development.*”
- 7.24 PPW provides guidance on green wedges or barriers and Policy GEN4 of the UDP is generally in conformity with that advice. There is one slight difference in that the GEN4 does not specifically use the term inappropriate development. Nevertheless the UDP Inspector approved the present wording of GEN4 and when read alongside the guidance in PPW, provides a clear position in respect of green barriers. Housing development, in the form proposed, does not form one of the types of development that can be permitted in a green barrier and therefore, by definition, the development being proposed here must be treated as ‘inappropriate development’. Paragraph 4.8.15 of PPW states that inappropriate development should not be granted planning permission except in exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Barrier.
- 7.25 The applicant has sought to justify such a large scale of development relative to this community and location on the basis of:
- It will enable the cricket club to be relocated as its facilities are sub-standard and there is no grant funding;
  - There is a lack of housing land supply;
  - The proposed development is sustainable.
- 7.26 In relation to the first of these, essential facilities for outdoor sport and recreation that maintain the openness of the green barrier can be appropriate. That said, the application seeks to relocate an existing and well established facility and in those terms the essential need has already been met. It is also unclear as to what it is that makes the existing facilities so ‘sub-standard’ to warrant consideration of this ‘enabling’ argument, as this has not been sufficiently explained by the applicant. For example the very short supporting statement states that “if the adjacent residential development opportunity was to take place, discussion have taken

place to redevelop some of the facilities at Northop Cricket Club to enable the club to enhance its position in the cricketing community. The exact shape of the development of cricket facilities has not been tied down yet, as discussions are only very preliminary with the club and the ECB...”.

- 7.27 This is with respect a somewhat tenuous link and not one that is in any way persuasive in terms of justifying development as an exception to policy, particularly green barrier, on the basis of an enabling argument. One would expect for example a more detailed assessment of what is required, as well as then enabling development of a scale that is sufficient to meet the identified need, and no more. In the case of this proposal, it is clearly a speculative housing-led proposal that may, or may not at this stage, have benefits for the cricket club. Equally, whilst there is limited planning weight that can be placed on the generic lack of grant funding, there is again a lack of information before the Council to understand the processes that the Club have gone through itself to explore various sources of funding as clearly, the redevelopment of the facilities in its own right might well be acceptable in a green barrier location.
- 7.28 In terms of the second reason put forward by the applicant, a lack of housing land supply on its own should not necessarily be given significant weight unless, in line with advice in TAN1 (para. 6.2), “the development would otherwise comply with development plan and national planning policies”, and also represents sustainable development.
- 7.29 In relation to local and national policy compliance, the proposal is in direct conflict with UDP policy GEN4 Green Barriers and section 4.8 of PPW, and against both sets of guidance comprises inappropriate development in a green wedge/barrier. In these circumstances, the above test set out in TAN1 is not met, and as such the weight to attach to a lack of land supply is very limited, as it is not the purpose of the TAN to make otherwise unsuitable sites, suitable.
- 7.30 This is clearly the case here. The purpose of the green barrier here is to protect the open countryside around the junction of the A55 and A5119 and to protect against encroachment of development into the open countryside.
- 7.31 An independent assessment of the submitted Landscape and Visual Assessment was commissioned by the Council to examine the impact of this proposed development on the green barrier and also the setting of Northop, given the specific reference of this by the UDP Inspector, and the ongoing concerns of the Council and Community. The Council’s landscape architect has concluded that **“the development will result in significant adverse landscape and visual impacts on a permanent and irreversible basis that will be experienced by a range of sensitive receptors. In my**

**opinion, the landscape and visual impacts will be unacceptable and will result in the permanent loss of open countryside that helps to define the compact nature of the Northop settlement and prevent urban encroachment within a rural setting. Mitigation proposals do not sufficiently address the likely real impacts to alleviate concerns”.**

- 7.32 Impact on Northop Conservation Area/Listed Buildings  
In addition to the above assessment, part of the cricket ground at its southern edge is located within the Conservation Area of Northop which has a number of listed buildings, the most prominent being the Grade I Church of St. Eurgain and St. Peter. To the north of the conservation area and close to the character is the Grade II\* Grammar School.
- 7.33 The Church is clearly visible from all entrances into the village and for some distance around. Arrival into the village from the north is framed by the traditional style cricket pitch and pavilion and the boundary of the churchyard behind which is the perpendicular style church tower.
- 7.34 The Design & Access Statement submitted as part of the application makes no mention of the heritage of the village and makes no other reference other than to say that the development does not affect the setting of any Listed Buildings or Conservation Area.
- 7.35 Development on 6.6 hectares of land is considered to be a significant scale of development on the edge of the village and the open character of the site provides an attractive frame to the listed Church, other listed buildings and the Conservation Area.
- 7.36 Consultation on the application has been undertaken with the Council's Conservation Officer who considers that the setting of the Conservation Area is important, as are views into and out of the conservation area itself. It is considered that the new pavilion is out of character and scale with its location and the proposed housing would have a detrimental impact on the setting of the important historic assets.
- 7.37 Sustainability & Connectivity  
In terms of the applicant's third reason, that the development is sustainable, the applicant has provided little substantive evidence or assessment to show how the development of 91 homes in Northop is a sustainable proposition.
- 7.38 In very broad terms, Northop can be considered to be a sustainable location for development, as referenced as part of the emerging LDP, and the approach to categorising settlements outlined in the Key Messages document consulted on in 2016. 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 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, although clearly the green barrier objection would still apply.

- 7.39 However, at the scale of development proposed (21.9 % growth), and in addition to that which occurred during the UDP (21%, so cumulatively 42.9%), this is likely to have a major and significant impact on the settlement in terms of local economic, social, and environmental infrastructure. Taken together, the best way to express such harm, in addition to the policy harm outlined above, is in terms of the negative impact such a scale of development would have on the cohesiveness of this community, the consideration of which is a legal requirement on the Council from the Well-Being of Future Generations Act. No consideration has been given to this by the applicant, as to how such a significant scale of development and change in the community, could be successfully integrated. This is housing for housing's sake and is not driven in any sense by a desire to meet the local community needs for "sufficient, good quality housing, including affordable housing for local needs", as set out in PPW (page 60 'A Wales of More Cohesive Communities'). It is rather a speculative opportunity to create a demand to live in this attractive location. In this sense, Northop simply becomes the means to promote new housing to the wider market on a scale that is significantly in excess of anything that might either be needed locally, or that may successfully integrate into this community. Such an impact can dilute the existing character and identity of this settlement.
- 7.40 This was recently reinforced by Lesley Griffiths AM, Cabinet Secretary for Environment and Rural Affairs who, in clarifying to heads of Planning in Wales the Welsh Government's position on housing land supply, stated "**the principles of sustainable development and the creation of cohesive communities, which forms the basis of Welsh Government planning policies, remains and should not be undermined by the need to increase housing land supply**" [Council emphasis in bold].
- 7.41 It is also considered that the development area would create an unacceptable change to the historic built environment and sense of place and will result in an inappropriate urbanising of the historic settlement, as it will be visually intrusive and compromise the open character and appearance of the area, as well as compromising the

attractive rural setting of the historic settlement.

- 7.42 Having regard to the above and notwithstanding the requirements of TAN1 which advise that the housing land supply figure should be treated as a material consideration in determining applications, this is based on the proviso that the need to increase supply would otherwise comply with the development plan and national planning policies.
- 7.43 From the foregoing assessment of the context relating to the principle of this development, and in particular the impact on the Green Barrier/Conservation Area/Listed Buildings within Northop, the development would be harmful to the character and setting of the village and openness of the green barrier. Equally, given the significant concerns about the negative impact of such a scale of development on the cohesiveness of the community, this proposal does not represent a sustainable proposition. In these circumstances it is not considered that material weight can be attached to a lack of housing land supply, sufficient to outweigh the clear harm from this proposal identified above.
- 7.44 Adequacy of Access  
Consultation on the details submitted as part of this application has been undertaken with Welsh Government Transport and the Council's Highway Development Control Manager.
- 7.45 A formal response to the application is still awaited from Welsh Government given the proximity of the proposed development to the A55 Trunk Road, although no objections to the development have been received from the Highway Development Control Manager subject to the imposition of conditions. Whilst the response from Welsh Government is still awaited it cannot be confirmed that there will be no impact on the A55 and therefore at this stage, it is considered that this should form a reason for refusal. In the event that Welsh Government respond before Planning Committee, Members will be advised accordingly.
- 7.46 Foul/Surface Water Drainage  
The site is located within a Flood Zone A as referred to under Technical Advice Note 15 – Development & Flood Risk. A revised Flood Consequences Assessment (FCA) has been submitted and has been referred to Natural Resources Wales (NRW) for formal assessment. The acceptability or otherwise of the FCA has not been received at the time of preparing this report, and the applicants have decided to appeal on the grounds of non-determination before the conclusions of this exercise have been received.
- 7.47 In these circumstances and as the issue has not been satisfactorily addressed to date, the Local Planning Authority cannot be satisfied that the impact from flooding can be acceptably managed and

therefore this it is considered should form a reason for refusal in these circumstances. Should NRW confirm acceptability to the Revised FCA in advance Planning Committee. Members will be advised accordingly.

7.48 Provision of Affordable Housing

Consultation on the proposal to provide 22 units on site comprising a mix of 14 shared equity and 8 gifted units for intermediate rental has been undertaken with the Housing Strategy Manager.

7.49 It has been confirmed that this mix of provision will meet the identified level of affordable housing need registered within Northop and is supported.

7.50 Impact on Privacy/Amenity

Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of existing/proposed dwellings are safeguarded.

7.51 The proposed site layout would ensure that separation distances between properties would be acceptable to avoid overlooking having regard to Local Planning Guidance Note 2 – Space About Dwellings.

7.52 As the proposed development site is in close proximity to the Northop Waste Water Works, an Odour Assessment has been requested by Dwr Cymru/Welsh Water, in order to ensure that the potential impact on occupiers of existing development can be addressed.

7.53 For Members information an odour assessment has subsequently been received on which further consultation has been undertaken. The acceptability or otherwise of this assessment is currently awaited. In these circumstances and as an appeal has been lodged on non-determination, until this issue can be satisfactorily addressed, it is considered that this should also form the basis for a refusal on the application.

**8.00 CONCLUSION**

8.01 In conclusion, it is acknowledged in accordance with TAN1, that the Council is not able to demonstrate a 5 year housing land supply. Also in accordance with TAN1, significant weight can only attach to this if the proposed development is otherwise compliant with local and national policies. This is not the case with this application, particularly where it is considered that development will have an adverse and detrimental impact on the open character of the Green Barrier and setting of Northop, including the Conservation Area/Listed Buildings.

8.02 In these circumstances the contribution that this development could make towards the supply of housing land is not sufficient to outweigh the harm identified above. In conclusion therefore the development represents inappropriate development in the Green Barrier and also has an unacceptable impact on the setting of the settlement, including the character of the Conservation Area/Listed Buildings in proximity to the site. Exceptional circumstances do not exist to clearly outweigh this harm, to warrant development at this location. I therefore recommend accordingly.

8.03 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

**Contact Officer:** Mark Harris  
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