

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **7<sup>TH</sup> JUNE 2017**

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

**SUBJECT:** **FULL APPLICATION – PROPOSED DEVELOPMENT OF 25 NO. DWELLINGS (PHASE 3) AT CAE EITHIN, VILLAGE ROAD, NORTHOP HALL.**

**APPLICATION NUMBER:** **055774**

**APPLICANT:** **ANWYL HOMES**

**SITE:** **CAE EITHIN, VILLAGE ROAD, NORTHOP HALL**

**APPLICATION VALID DATE:** **27<sup>TH</sup> JULY 2016**

**LOCAL MEMBERS:** **COUNCILLOR L A SHARPS**

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

**REASON FOR COMMITTEE:** **NUMBER OF DWELLINGS AND DEPARTURE**

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

**1.00 SUMMARY**

- 1.01 This is a full planning application for the erection 25 dwellings on land at Village Road, Northop Hall. This would be Phase 3 of this development site known as St. Mary's Park by Anwyl Homes.
- 1.02 The application site is located in the open countryside, outside any recognised settlement boundary in the adopted Flintshire Unitary Development Plan, where there is generally a presumption against new development.

While this site is outside any defined settlement boundary it is

1.03 considered that it is a sustainable location and is well related to the pattern of development and the adjacent settlement of Northop Hall. The allocated site which this site is adjacent to did not deliver the expected number of dwellings and therefore the three phases of development in total now deliver the original allocated number. The scale of development can therefore be accommodated within the village. It is therefore considered that the lack of a 5 year land supply and the sustainability of the site outweigh the fact that the site is located in the open countryside. The proposal is therefore in accordance with both PPW and TAN 1.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

2.01 Subject to entering into a S106 agreement unilateral undertaking or early payment for the following contributions;

- To gift 3 two bed dwellings to North East Wales Homes to be used as affordable housing
- To provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision towards a Multi Use Games Area at Lllys Ben Recreation Ground
- To provide a contribution of £73,876 to provide new hard standing games area/tennis courts at Hawarden High School
- Great crested newt avoidance and mitigation measures commuted sum of £1,850 per plot to off - site mitigation
- Management company for parking court to serve plots 85-91 and communal landscaping areas

1. Time commencement 2 years
2. In accordance with plans
3. Landscaping scheme to retain western hedgerow
4. Materials
5. Land drainage, surface water and foul details
6. Foul water connection shall be made between manhole reference number SJ27672501 and SJ 27673502.
7. Garages set back 5.5m behind the back of the footway
8. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
9. Positive means to prevent surface water run-off on to the highway
10. Parking and the gradient of the access road shall be a maximum of 1 in 15.
11. Land contamination – validation verification
12. Great Crested Newt – Reasonable Avoidance Measures
13. Arboricultural Method Statement
14. None of the trees shown to be retained shall be removed

If the Obligation pursuant to Section 106 of the Town & Country

Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor L A Sharps (at the time of consultation)

No response received.

Northop Hall Community Council

No objections.

Highways Development Control

No objection subject to conditions covering;

- Parking provision to be provided and retained
- Garages to be set 5.5metres behind the footway
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads
- Gradient of the access road shall be a maximum of 1 in 15
- Positive means to prevent surface water run-off onto the highway
- S106 agreement for the management of the private parking court which serves plots 85-91 as this is not laid out to adoptable standard

Public Protection Manager

A Geo-environmental report by Robert Fry was submitted with the application. This adequately deals with the potential sources of land contamination on the site and only a validation verification condition is required.

Welsh Water/Dwr Cymru

No objection subject to conditions specifying the connection point to the public sewerage system and a standard drainage condition.

Natural Resources Wales

No objection;

Flood Risk

The application site lies entirely within Zone a as defined by Welsh Government's Development Advice Map under TAN15 and therefore outside the extreme flood risk outline.

The applicant indicates it is their intention to dispose of surface water runoff at restricted rates to a ditch on the southern boundary of the site. Further information on this is required to ensure it is suitable.

Protected Species

The application site is located within 1km of the boundaries of the Deeside and Buckley Newt Sites Special Area of Conservation. These sites support a nationally important population of great crested newts. The development is not likely to be detrimental to the favourable conservation status of the GCN populations provided that any consent is subject to conditions or a UU/S106 covering;

- Submission and implementation of great crested newt avoidance and mitigation measures – Reasonable Avoidance Measures (RAM's)
- Licence is required under Regulation 53 of the Conservation of habitats and Species Regulations 2010

#### The Coal Authority

The application falls within the defined Development High Risk Area, therefore within the application site and the surrounding area there are coal mining features and hazards which need to be considered.

A Geo-environmental report by Robert Fry submitted within the application identifies that there are two recorded mine entries (shafts) present within close proximity to the site. The report confirms that the mine entries not to be within influencing distance of the development. Other than precautionary measures no further remedial measures are proposed.

#### Housing Strategy Manager

The SARTH (Social Housing Register) has 94 applications identifying Northop Hall as an area they are seeking affordable housing. There is an identified level of interest for intermediate products; affordable ownership and rent in Northop Hall. There are 9 applicants on the register wanting affordable ownership (e.g. shared equity); 2 applicants requiring 1 bed; 2 requiring 2 beds and 5 requiring 3 beds and 5 applicants requiring 2 beds houses for affordable rent.

#### Play unit

In lieu of one site open space provision to provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision towards a Multi Use Games Area at Llys Ben Recreation Ground

#### Education

The nearest Primary School is Northop Hall County Primary School which currently has 13.33% surplus places at present. A contribution is therefore not required.

#### Primary Calculation

School capacity 210 x 5% = 10.50 (11)

210 – 11=199 Trigger point for contributions is 199 pupils

(No. of units) 25 x 0.24 (primary formula multiplier) = 6 No. of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £73,542

Actual pupils  $182 + 6$  (from the multiplier) = 188 does not meet trigger

The nearest Secondary School is Hawarden High School which has -2.36% surplus spaces. A contribution is therefore required in accordance with LPGN 23. The development would generate 4 pupils using the secondary formula multiplier which would equate to £73,876.

School capacity of  $1145 \times 5\% = 57.25$  (rounded up or down) 57  
Capacity  $1145 - 57 = 1088$  Trigger point for contributions is 1088 pupils

(No. of Units  $25 \times 0.174$  (secondary formula multiplier) = 4.35 (4 No. of pupils) generated  $4 \times £18,469$  per pupil (Building Cost multiplier) = £73,876.00

Actual pupils  $1172 + 4 = 1176$  meets trigger of 1088

Contribution requirement would be £73,876.00 towards creating new hard standing games area/tennis courts at Hawarden High School. This would make available space between the current turf pitch and the school for an additional informal play area which would mean that the school would be creating a safer play environment to serve the increased capacity of students at the school.

#### **4.00 PUBLICITY**

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

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

4 objections on the grounds of;

- Overdevelopment of the site
- Extra traffic on the estate roads would be excessive
- There is only one entry in and out
- Impact on the junction of Hero's Place and Village Road where parked cars cause safety concerns
- No open space on the development
- No access for emergency vehicles if Hero's Place is blocked
- Request traffic calming on Hero's place

#### **5.00 SITE HISTORY**

5.01 None relating to this site only the adjoining housing development. The principle applications were;

048855 - Residential development consisting of 51no. dwellings,

new road and creation of mitigation land in relation to ecology.  
Appeal against non-determination. Allowed on appeal 31.01.13

052388 - Erection of 20 dwellings Approved after completing a legal agreement. 26.01.16

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

STR1 - New Development

STR 4 - Housing

GEN1 - General Requirements for Development

GEN3 - Development In the Open Countryside

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential Development

EWP14 - Derelict and Contaminated Lane

EWP17 - Flood Risk

Planning Policy Wales Edition 9 November 2016

Technical Advice Note 1 Joint Housing Availability Studies 2015

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the erection 25 dwellings on land at Village Road, Northop Hall. This would be Phase 3 of this development site known as St. Mary's Park by Anwyl Homes.

### **7.02 Site Description**

The application site is to the south of the Cae Eithin development off village road Northop Hall. To the west of the site is the wildlife mitigation land for phases 1 and 2 of the development. To the east of the development is undeveloped land and a public right of way runs from north to south between this land and the existing residential properties. To the south of the site is agricultural land and then the road which links to Stamford Way.

### **7.03 Proposed development**

It is proposed to erect 25 houses on a 0.8 hectare site. This is an amended proposal from 27 dwellings due to concern about the impacts on the trees on the site. The development consists of 11 two bedroom houses, 8 three bedroom houses and 6 four bedroom houses of varying house types. 3 of the two bedroom houses would be gifted to NEW Homes as the affordable housing provision. This

meets the necessary 30% requirement as one gifted home is equivalent to at least 3 units managed by another provider. All the dwellings are two storey and are a mixture of brick and render external finishes with tiled roofs. Access to the site is via the main spine road into St. Mary's Park off Village Road and Hero's Place. Each dwelling has parking provision and rear private gardens. There is a landscaped area in the south east of the site to accommodate a mature oak tree. Along the northern boundary of the site the existing hedge is being retained to provide a wildlife corridor between Phase 2 and 3. There are a number of trees within his hedgerow to be retained.

7.04

The application was accompanied by a;

- Geo-Environmental Investigation Report
- Coal mining Risk Assessment
- Extended Phase 1 Ecological Survey
- Transport Assessment
- Drainage Strategy
- Tree and Hedgerow Survey
- Sustainability statement

7.05

During the course of the planning application a further detailed Tree Survey was also submitted.

7.06

#### Principle of development

Cae Eithin or St. Mary's Park as it is now known was an allocated site within the Unitary Development plan for 93 dwellings. Permission was granted through various applications as listed in the history for Phases 1 and 2 which comprises 73 dwellings. Phase 1 of the development is completed and occupied. Phase 2 which is 20 dwellings is under construction and only 4 units remain unsold. The allocated site included land to the west and south the of the Black Lion pub which has not come forward due to land ownership uncertainties.

7.07

The proposed development is for a further phase of this development and is outside the defined settlement boundary for Northop Hall. The application is therefore a departure from the development plan and constitutes development in the open countryside.

7.08

Although the UDP Plan period expired at the end of 2015, it still remains the development plan until the LDP is adopted and will therefore continue to be afforded weight, subject to its policies and proposals remaining in general conformity with guidance in PPW/TAN's.

7.09

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. The proposed development does not fall within or is justified to fall with any of those categories.

7.10

The dwellings are proposed in the context of the lack of a 5 year land supply and it's siting within a sustainable location. A statement justifying it in relation to the Council's Guidance note on Speculative Housing Development has been submitted.

7.11

#### TAN1 and PPW

It is acknowledged that, on the basis of the residual method of calculating housing land supply, the Council has a 3.7 year supply as at April 2014 which represents a decrease from the previous figure of 4.1 years. In the light of guidance in PPW and TAN1 it is accepted that there is a need to increase housing land supply through considering applications for appropriate sustainable development.

7.12

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.*"

7.13

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'.

7.14

Welsh Government Advice and National Planning Policy Planning Policy Wales Edition 9 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."

7.15

Planning Policy Wales Edition 9 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)*

7.16 *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.”*

7.17 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.”*

Sustainable development and capacity of the settlement

7.18 Northop Hall is a Category B settlement as defined by the UDP. Total growth up to April 2015 was 13.7%. This was within the timeframe of the housing strategy for the UDP up to 2015. The application site has been submitted as a candidate site for consideration as part of the Local Development Plan.

7.19 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 considered that the proposal does meet this element of national planning guidance as it is directly adjacent to the settlement of Northop Hall and is well served in terms of infrastructure and access. The proposed mitigation means that there would be limited impact on habitat. It is therefore considered that this is a sustainable site.

Affordable Housing

7.20 It is proposed to gift 3 two bed dwellings to NEW homes; plots 98 to 100. These would be for intermediate rent.

7.21 The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. This identifies a need for 14% 1 bed, 31.6% 2 bed, 28.5% 3 bed. This need is split between social rented (56.2%) and intermediate (43.8%) tenures.

The SARTH (Social Housing Register) has 94 applications identifying Northop Hall as an area they are seeking affordable housing. There is an identified level of interest for intermediate products; affordable ownership and rent in Northop Hall. There are 9 applicants on the register wanting affordable ownership (e.g. shared equity); 2

applicants requiring 1 bed; 2 requiring 2 beds and 5 requiring 3 beds and 5 applicants requiring 2 beds houses for affordable rent.

7.22

It is therefore considered that the proposed affordable housing meets the identified need in the area.

7.23 Trees

There are a number of mature trees around the perimeter of the site and a mature oak in the southern part of the site. There are a number of smaller trees in the woodland area in the north east of the site.

7.24

The layout has been revised in order to retain the mature oak and some of the other key trees on the site. The majority of the boundary trees will remain apart from two oak trees in the western boundary that need to be removed in order to accommodate the drainage easement. Replacement planting is proposed in the form of strategic landscaping. It is now considered that the impact of the development on the trees is acceptable subject to the planting proposals proposed. Conditions will secure the retention of the trees and the replacement planting.

7.25

Ecology

The development area consist of an area of grassland formally used as a grazing paddock and an area of mixed woodland and dense scrub and areas of ruderal herbs. Two ponds are located within the north western corner of the paddock area however they are overgrown with grasses and low water levels.

7.26

The site is approximately 800m from Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) which are designated for great crested newts. These sites support a nationally important population of great crested newts. An extended Phase 1 habitat survey was submitted with the application.

7.26

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.27

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive`s requirements above, and a licensing

system administered by the Welsh Ministers.

- 7.28 Planning Policy Wales Edition 9 2016 paragraph 5.5.11 advises Local Planning Authorities that “The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its Habitat.”
- 7.29 TAN 5 (2009) states at paragraph 6.3.6:- “Regulation 3(4) of the Habitats Regulations requires all local planning authorities, in the exercise of their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by the exercise of those functions. Consequently, the Directive’s provisions are relevant in reaching planning decisions where a European protected species may be affected and it is therefore important that such planning decisions are reached in a manner that takes account of, and is consistent with, the Directive’s requirements. Those requirements include a system of strict protection for European protected species, with derogations from this strict protection being allowed only in certain limited circumstances and subject to certain tests being met.
- 7.31 These requirements are transposed by the provisions of the Habitats Regulations. The issues of whether development could give rise to a breach of the Regulations’ requirements, and whether there may be a potential need for a licence to avoid such a breach, are therefore a material consideration in a relevant planning decision, and where a licence may be needed, the three licensing ‘tests’ required by the Directive should be considered by the local planning authority.
- 7.32 Paragraph 6.3.7 then states:- *“It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) licence are likely to be satisfied.”*
- 7.33 The site is considered to be of a good quality habitat for amphibians with a mix of woodland and semi-improved grassland. There are a number of mature trees mainly within the boundaries of the site. The western hedgerow is the most species rich with hawthorn, blackthorn, hazel, holly, honeysuckle and oaks. The existing ponds are considered to be in poor condition and have become grassed over. There are great crested newt records for phases 1 and 2 of the development and within the Phase 3 area records of great crested newts existing from 2007.
- 7.34 NRW’s key concerns in relation to the adjacent development were related to the possible indirect effects on the SAC due to increased recreational pressures and the need to provide informal recreational

areas. The application site is located within 1km of the boundaries of the Deeside and Buckley Newt Sites Special Area of Conservation.

7.35 The previous two phases of development on the site have identified a potential impact on great crested newts and reasonable avoidance measures were undertaken along with a mitigation scheme on adjoining land. A compensation scheme is required to address the loss of amphibian habitat and the increased recreational pressures on the SAC. As no further compensatory land is available it is proposed to offset the impact on this phase with a commuted sum on a plot by plot basis secured by a legal agreement. This has been accepted by NRW. In addition to that in order to retain as many of the key wildlife features on the site a landscape plan should be submitted to retain the boundary hedgerows. This will be secured by condition.

7.36 In terms of other species a badger sett was relocated from Phase 1 of the development site into the mitigation area which is to the west of the current application site. No evidence of badgers has been recorded on the application site.

7.37 The proposed development and mitigation proposals have been assessed and it is considered that the development is not likely to have a significant effect on protected species or the adjacent SAC and SSSI. It is considered that this application satisfies the three tests required by the Habitats Directive. The Council does not have a 5 year land supply of housing and therefore development of this site would bring economic and social benefits in terms of bringing forward a site for residential development to meet the County's needs for housing growth. The development of the site would bring about environmental benefits in the form of commuted sum to be spent on wildlife projects around the SAC. This site is a logical extension of an allocated site in a sustainable settlement. The main impacts in this case are the indirect recreational impacts which are being met through the commuted sum.

7.38 It is therefore considered the impact on protected species has been addressed.

#### Highways

7.39 The access to the site is via the access to phase 1 of the development site off Village Road into the spine road for the development which is known as Hero's Place. Highways have no objections to the proposed access to the development. The spine road through the development is of sufficient width for the traffic that would be generated.

#### S106 contributions and CILG compliance

7.40 The application requires commuted sums for off-site open space improvements, improvements to education provision, a management

company for a private parking court and landscaping management and a commuted sum for amphibian mitigation.

7.41 The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.42 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

It is considered that the S106 requirements in relation to affordable housing, open space, education contribution and newt mitigation measures satisfy the regulations and circular.

#### Open Space

7.43 Local Planning Guidance Note No.13 Open Space Requirements (LPGN13) and Policy SR5 Play Areas and New Housing Development of the Adopted Flintshire Development Plan sets out the Council's requirements in terms of new residential development and the provision of recreational open space. Due to the existing levels of provision of open space in the locality and the proximity of them to the development the approach on all phases of this development has been for an off-site contribution of £1,100 per dwelling to be sought. In this instance this contribution will be towards the provision of a Multi Use Games Area at Llys Ben Recreation Ground. This is in close proximity to the application site and it is considered that this meets the Regulation 122 tests.

#### Education

7.44 The Council has adopted Supplementary Planning Guidance Note No.23 Developer Contributions to Education on 17th July 2012. The nearest Primary School is Northop Hall County Primary School which currently has 13.33% surplus places. The nearest High School is Hawarden High School which has -2.36% surplus places. As the secondary schools only has less than 5% surplus spaces an education contribution is required in line with the SPG to this school.

7.45 The formula is set out in the SPG and is as follows. (No. of Units 25 x 0.174 (secondary formula multiplier) = 4.35 (4 No. of pupils) generated 4 x £18,469 per pupil (Building Cost multiplier) = £73,876.00. Actual pupils 1172 + 4 =1176 meets trigger of 1088 Contribution requirement would be £73,876.00

7.46 The commuted sum would contribute to development of new hard games court provision, as based on Building bulletin guidance and assessment. Hawarden High school have a spatial shortfall in hard games area and the existing hard play area also has suitability issues as it also doubles up on parking and main access into the school therefore has implications on management and safeguarding.

7.47 The proposal would be to provide a new suitable hard standing games area/tennis courts on an informal part of the existing school playing field near to the current Artificial turf pitch (ATP). This has the added benefits of allowing the school to re-organise its space to facilitate additional informal play through the use of the hardstanding and car parking areas creating a safer environment for pupils staff and visitors. It is considered that this meets the Regulation 122 tests.

#### Ecology

7.48 As the site is in an area with known great crested newt records and has the potential to cause indirect impacts through increased recreational impacts on the SAC a compensation scheme is required to offset these impacts. This approach is set out in the draft Local Planning Guidance Note 8a Great Crested Newt Mitigation which is in the process of being adopted. The commuted sum will be spent on wildlife projects in and around the SAC areas through Building Wildlife project. It is considered that this meets the Regulation 122 tests.

#### Car parking court and landscape management

7.49 There are private areas within the site including a parking court which would not meet adoption requirements from a highways point of view and some strategic landscape areas including a mature oak tree. In order to ensure for the future maintenance of these areas the Council wants to ensure that these are covered by a private management company. It is considered that this meets the Regulation 122 tests.

### **8.00 CONCLUSION**

8.01 While this site is outside any defined settlement boundary it is considered that it is a sustainable location and is well related to the pattern of development and the adjacent settlement of Northop Hall. The allocated site which this site is adjacent to did not deliver the expected number of dwellings and therefore the three phases of development in total now deliver the original allocated number. The scale of development can therefore be accommodated within the village. It is therefore considered that the lack of a 5 year land supply and the sustainability of the site outweigh the fact that the site is located in the open countryside. The proposal is therefore in accordance with both PPW and TAN 1.

#### 8.02 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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