

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 23 NOVEMBER 2022**

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

SUBJECT **GENERAL MATTERS – APPEAL ON THE GROUNDS OF NON-DETERMINATION – OUTLINE DEVELOPMENT OF LAND TO PROVIDE LODGES/CHALETS INCLUDING SITE OFFICE**

APPLICATION NUMBER: **063500**

APPLICANT: **MR GIZZI**

SITE: **LAND AT NORTHOP COUNTRY PARK**

APPLICATION VALID DATE: **7/9/21**

LOCAL MEMBERS: **COUNCILLOR M BATEMAN**
COUNCILLOR L THEW

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST GIVEN SITES SENSITIVE LOCATION WITHIN AN HISTORIC COUNTRY PARK.**

1.00 PURPOSE OF REPORT

For Members information this application is the subject of an appeal lodged and validated by Planning Environment Decisions Wales (PEDW) on the grounds of non-determination. The purpose of this report is to obtain Planning Committee resolution in respect of the approach to be adopted by the Council in respect of the appeal. PEDW have advised that the appeal is initially intended to be dealt with by the Written Representation procedure. Members are asked to endorse a recommendation that the proposal is supported subject to the imposition of conditions as referenced in paragraph 2.00 of this report with PEDW, advised accordingly.

1.01 **SUMMARY**

This outline planning application with all matters reserved for subsequent approval except for access and scale proposes the development of land at Northop Country Park, Northop with 24 No. lodges/chalets holiday park and a site office.

- 1.02 The application has been resubmitted following refusal of a recent outline application under 059999 in September 2020, for a 30 No. lodges/chalets development, site office with shop/convenience store and cycle hire facility. This application was refused on the grounds of concerns about scale/siting, and its associated impact on the Grade II Listed Soughton Hall Historic Park and Garden and Great Crested Newt (GCN) population, as referred to by statutory consultees at that time.

2.00 **RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS**

- 2.01
1. Outline – Time Limit
 2. Outline – Submission of Reserved Matters
 3. Materials to be submitted and approved
 4. Occupation of lodges/ chalets for holiday accommodation only
 5. Register of occupation to be kept / available to the Local Planning Authority
 6. Site /Finished Floor Levels to be submitted and approved
 7. Detailed landscaping specification to be submitted and approved
 8. Implementation of landscaping scheme
 9. Details of external lighting to be submitted and approved
 10. Details of parking /turning /unloading to be submitted and approved.
 11. Details of foul drainage connection point to be submitted and approved.
 12. Development to be undertaken in accordance with Great Crested Newt Management Plan
 13. Scheme for Giant Hogweed management to be submitted and approved.
 14. Scheme for bat mitigation /lighting to be submitted and approved
 15. Disposal of water from hot tubs to be undertaken via the public sewerage system or the transfer off site by registered operators.

3.00 **CONSULTATIONS**

3.01 **Local Member** Councillor M Bateman: Request Planning Committee determination given the sensitivity of the setting within an historic country park.

Councillor L Thew: Awaiting response at time of preparing report.

Northop Community Council: Object to the development on the basis of it having a significant impact on the historic park land

Highways Development Control: No objections. Recommend that any permission includes conditions in respect of parking, unloading and turning of vehicles, with the inclusion of highway supplementary notes upon any grant of permission.

Welsh Government (Economy – Trunk Roads): Following the submission of a noise survey in progression of the application, Welsh Government as highway authority for the A55 trunk road, does not issue a Direction.

Community and Business Protection: No adverse comments

Welsh Water/Dwr Cymru:

Note the intention to dispose of foul flows via the public sewerage system, to the west of the site. No objection subject to confirmation regarding the proposed point of connection.

Natural Resources Wales:

Recommend that any permission includes conditions in respect of Great Crested Newt (GCN) protection /mitigation and biosecurity in relation to Giant Hogweed management.

Clwyd – Powys Archaeological Trust (CPAT): No objections

Conservation: The site is located within the essential setting of the Grade II*Listed Soughton Hall Historic Park and Garden. Previous housing and leisure development have essentially altered the appearance of the landscape. In the context of these changes there is no objection to the principle of development subject to controls over design and landscaping which help to assimilate the development in the site and wider surroundings at this location.

Welsh Government – Land Quality Advisory Service (LQAS): A detailed Agricultural Land Classification (ALC) has been completed for the site in 2019. This survey has been

validated by the department and can be accepted as an accurate reflection of the land quality on the site. The survey concluded the site to be ALS subgrade 3a, 3b and non – agricultural land.

Council Ecologist: No objection to the development subject to the imposition of conditions to i) secure and safeguard Great Crested Newt (GCN and bat populations and ii) the management and removal of Giant Hogweed.

CADW: No objection. The proposed development will not have any impact on:-i) the setting of the registered historic parks and gardens of Lower Soughton Hall and Gwysaney and ii) registered scheduled monuments.

Welsh Historic Gardens Trust: No response received at the time of preparing report

4.00 PUBLICITY

4.01 41 Neighbour Notifications were sent to nearby properties and a Site Notice was displayed. The application was also publicised by a Press Notice.

38 No letters of objection received, the main points of which can be summarised as follows:

1. no change in circumstances since refusal of a previous application for a lodge/chalet development in 2020
2. proposal is contrary to the established planning policy framework
3. detrimental impact on the character of the site, wider surroundings and the Grade II*Listed Soughton Hall, Historic Park & Garden.
4. detrimental impact on ecology and habitats
5. safety concerns given relationship of site to existing golf course.
6. site should be retained for the development of a hotel as initially proposed.
7. disposal of water containing high chemical concentration from hot tubs could adversely impact on eco-systems

5.00 SITE HISTORY

5.01 1345/89 – Outline – Proposed 18-hole golf course with club house, 4500m² office accommodation, 42 detached dwellings, a 198 bed hotel with leisure facilities and a 9 hole golf course with an equestrian centre. Granted July 1991

98/30/1334 – This application which in part relates to the extant permission on this particular section of the site, was for the approval of reserved matters for the erection of a 198-bed hotel with ancillary conference and leisure facilities. The application also included details of the office blocks and 16 detached dwellings. Approved 25/5/99

98/30/1345/ – Outline application for hotel, leisure and golf development, housing and offices. Granted 22/7/91

051782 – Outline planning permission with all matters reserved for the erection of 3 tourist/leisure let accommodation units and associated works Withdrawn.

059999 – Outline with some matters reserved for the development of land to provide a lodge/chalet park to include single storey and two storey lodges, a site office with shop/convenience store and cycle hire facility. Refused 20/9/20

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- STR1 New Development
- STR6 Tourism
- GEN1 General Requirements for Development
- GEN3 Development in the Open Countryside
- GEN5 Environmental Assessment
- D1 Design Quality, Location and Layout
- TWH1 Development Affecting Trees and Woodlands
- L1 Landscape Character
- WB1 Species Protection
- HE5 Protection of Landscapes, Parks and Gardens of Special Historic Interest
- AC13 Access and Traffic Impact
- AC18 Parking Provision and New Development
- RE1 Protection of Agricultural Land
- T4 New Static Caravans and Chalets Holiday Sites
- EWP17 Flood Risk

Supplementary Planning Guidance (SPGN)

- Supplementary Planning Guidance Note 3 – Landscaping

- Supplementary Planning Guidance Note 4 – Trees and Development
- Supplementary Planning Guidance Note 8 – Nature Conservation and Development

National Planning Policies

- Planning Policy Wales (PPW) – Edition 11
- Future Wales- The National Plan 2040
- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 12 - Design
- Technical Advice Note 13 – Tourism
- Technical Advice Note 18 - Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application with all matters reserved for subsequent approval except access and scale. The proposal relates to the principle of tourism development in the form of a 24 No lodge/chalet holiday park, with a mix of single and two storey accommodation types, and site office on land at Northop Country Park, Northop.

7.02 Site Description

The application site which amounts to approximately 2.4 hectares in area, is located within the grounds of the Northop Country Park and the setting of the Grade II* Listed Soughton Hall and separate Gwysaney Historic Park and Gardens. It is located to the south of the A55, at junction 33A, approximately 1.6 km to the west of Northop.

7.03 The site is accessed off the main arterial route through the country park It is located to the northwest of the existing housing, to the southeast of an existing commercial unit /office, and west of an existing vacant industrial unit. The golf course and public house on the site are also accessed from this arterial route.

7.04 The site is overgrown in parts with prominent tree lined boundaries. The area of the site closest to the existing commercial units, is less screened than its counterpart and separated by the expansive tree line running along a ditch through the centre on the site.

7.05 Planning History

By way of background planning history, an outline application illustrating the development of 30

lodges/chalets on the site, was refused under 059999 in September 2020, for the following reasons:

1. *The Local Planning Authority considers the proposal comprises an undesirable form of development, which by virtue of its scale and siting, would be at odds with the surrounding rural character. The proposal would result in an absolute change to a currently undeveloped area of land resulting in a significant expansion of built form into the countryside replica of an isolated modern housing estate. As such the proposal would be harmful to the character and appearance of the immediate and surrounding area and is therefore contrary to Policy STR7, GEN1 and T4 of the Flintshire Unitary Development Plan.*
2. *It is considered that the proposed development will have an adverse impact upon the zone of essential setting of the Grade II* Listed Soughton Hall Historic Park and Garden. It is considered that the proposed holiday lodge accommodation would be incongruous to the historical character and essential setting of the historic garden therefore conflicting with paragraph 6.1.18 of PPW10 which seeks to value, protect, conserve and enhance the special interest of parks and gardens and their settings. As such the proposal would be contrary to Policy HE5 of the Flintshire Unitary Development Plan.*
3. *The Local Planning Authority has been advised that there is insufficient information in relation to ecology matters concerning the protection of Great Crested Newt (GCN) populations. In the absence of further surveys and long-term compensation and mitigation, it has not been demonstrated that the proposed development will not be detrimental to the maintenance of the favourable conservation status of GCN. As such the proposal is contrary to Policy WB1 of the Flintshire Unitary Development Plan.*

7.06 Proposed development

This re-submitted application seeks to address the previous reasons for refusal in respect of application 059999. Although submitted in outline, the plans forming part of the application show a reduction in the number of units proposed on site from 30 - 24 lodges/chalets.

7.07 The application is supported by a series of reports, indicative sketches, site layout plans, lodge types, their footprints and sectional details and landscaping proposals for

13 No. single storey and 11 two storey chalets/lodges.

7.08 Within the site, the lodges / chalets would be sited in three No distinct areas, formed as a result of the position of the proposed access and existing / proposed tree planting which assist in creating the wooded concept for the lodge park.

7.09 Main Planning Considerations

The main planning considerations to be taken into account in determination of this application include: -

- i. the principle of development
- ii. scale /design/form
- iii. impact on the character of the landscape, in particular the Historic Park and Garden and Scheduled Ancient Monuments
- iv. adequacy of access
- v. impact on ecology / trees
- vi. impact on the living conditions of occupiers of nearby residential properties.
- vii. adequacy of drainage

7.10 Principle of development

The Northop Country Park is located in open countryside as defined in the Flintshire Unitary Development Plan. Consideration of the proposed development is principally undertaken having regard to Policy T4, where proposals for new static caravan / chalet holiday sites are required to satisfy the following criteria:

- a) the scale of the proposal together with the number, siting and layout of units, circulation roads and service buildings is appropriate to the characteristics of the site and locality;
- b) the scheme incorporates substantial internal and structural landscaping.
- c) the proposal would not have a significant adverse impact on features or areas of landscape, nature conservation or historic value.
- d) where appropriate, the site is easily accessible from the local highway network and is accessible by a choice of modes of travel, particularly by foot, cycle or public transport; and
- e) the proposal would not have a significant adverse impact on the amenity of nearby residents, other users of nearby land/property or the community in general.

It is also important to consider the proposed development in the context of the previous planning history on the site,

initially dating back to 1989 by virtue of an outline planning application for a mixed residential, commercial and leisure development, set within the country park.

- 7.11 The reserved matters relating to this outline planning permission were dealt with in two stages with it being proposed as part of a wider mixed development under 98/30/1334 that a proposed 200-bed hotel be developed on the site the subject of this current application. This element of the proposed development was never implemented.
- 7.12 Whilst the principle of tourism related development on the site by the erection of a hotel is established by virtue of the above extant permission approximately 20 years ago, the applicant's agent in support of the current application advises that "the current extant planning consent for a 198-bed hotel is not coherent with the current adopted UDP, and the proposed site is more conducive to a chalet/lodge park." The proposed development in my view continues with the spirit of the previously approved hotel by providing high quality tourist accommodation, whilst its scale and design are more appropriate to the characteristics of the site and locality, than the scale and massing of a 198-bed hotel building ensuring a preferential balance between the proposed development and its integration into the site and its surroundings.
- 7.13 Whilst the principle of a tourist use on the site is therefore established, there are no planning conditions or legal requirements for it to be developed for a hotel. The proposal for an alternative form of holiday accommodation on the site in the form of a lodge/chalet development is therefore acceptable recognising a) the timescale that has elapsed since the grant of outline permission b) change in economic circumstances during the intervening period and c) the current planning policy framework specifically Policy T4 of the UDP, which is addressed in further detail below.
- 7.14 Scale / Form / Design
The proposed number of lodges / chalets on the site has been reduced to 24 from the 30 units proposed in the previous planning application 059999. This reduced scale of development combined with suggested changes to the indicative layout through the introduction of smaller clusters of lodges/chalets, and retention of key landscape features with supplemental landscaping, provides for a less dense and more fluid layout form. As a result, this would overcome concerns previously expressed in relation to refusal reason 1 of 059999.
- 7.15 In addition, the site layout and associated building form would

it is also considered be more sympathetic to the site than the scale and massing of a 3 storey 198-bed hotel building that forms part of the extant permission for the site. It is considered that indicative form of the 2-storey chalet/lodge units could be assimilated into the landscape by siting them against the backdrop of site boundaries, trees, and landscape features in a loose and well-spaced layout as illustrated by the indicative layout provided with the application which can be secured at reserved matters stage. The current proposal is therefore considered acceptable having regard to criteria a & b of Policy T4 and Policies D1 & D2 of the UDP.

7.16 Impact on Historic Park and Gardens – Soughton Hall / Gwysaney Grade II* & Scheduled Monuments

The site is located within the essential setting of the Grade II* Listed Soughton Hall and separate Gwysaney Historic Park and Gardens. It is also located in close proximity to the following scheduled monuments:

- FL023 Llys Edwin Medieval Fortified House Site
- FL082 Wat's Dyke: Section from Coed Llys to Chester – Holywell Road
- FL083 Wat's Dyke: Section from Chester –Holywell Road to Soughton Farm
- FL084 Wat's Dyke: Section South – East of Clawdd Offa
- FL085 Wat's Dyke: Section North & East of New Brighton
- FL165 Taylor's Pottery
- FL166 Pinfold Lane Pottery

7.17 Consultation on the application has been undertaken with CADW, Welsh Historic Buildings Trust and the Council's Built Conservation Officer with no objections raised to the impact of development on landscape or scheduled monuments referenced above, from any of the heritage consultees. The response from CADW in particular is an important one as, along with the way the applicant has satisfied the other previous reasons for refusal, this represents a material change in planning circumstances in terms of the scale and impact of the proposed development since the last outline refusal. This is what distinguishes how the previous outline was determined from the recommendation here

7.18 In assessing the impact of the proposed development on the Grade II* Listed Soughton Hall and separate Gwysaney Historic Park and Gardens, no objections have been raised from the Council's Built Conservation Officer and CADW. It is

important to note that the Council's Built Conservation Officer considers that recent housing and leisure developments within the country park have already changed the character and appearance of the site, with estate roads, buildings and boundary treatment introducing a suburban feel to this former open countryside location. This has already resulted in a significant change to the essential setting of the historic parks and gardens which was clearly deemed as acceptable at the time when planning permission was granted for the elements of the site that are already developed.

7.19 It is the consistent view of the statutory consultees referenced above, that the proposed reduced/amended scale of development and the indicative layout and landscaping will not have any adverse impact on the Historic Park and Gardens, when considered in combination with the existing topography and vegetation cover which helps to screen the existing and proposed development. The proposal is therefore considered acceptable having regard to Policy HE5 – Protection of Landscapes, Parks and Gardens of Special Historic Interest and criterion c of Policy T4 of the Flintshire UDP together with Planning Policy Wales (PPW 11) CADW's guidance – Setting of Historic Assets in Wales May 2017. In addition, this overcomes concerns previously expressed in relation to the second reason for refusal on 059999 and represents a significant change in planning circumstances.

7.20 Highways

The Highway Authority have been consulted on the proposal and confirm that there is no objection to the principle of development or the proposed access arrangements being put forward. The imposition of a condition relating to facilities for parking, turning, loading and unloading is requested on any grant of planning permission.

7.21 In addition, and during progression of the application, a noise survey was also requested by Welsh Government (Economy – Trunk with it being concluded that there is no impact to / from the highway network, and as a result Welsh Government do not wish to issue a direction in this respect. The proposal from a highway perspective is considered acceptable having regard to criterion d of Policy T4 and AC13 & AC18 of the Flintshire Unitary Development Plan.

7.22 Impact on Ecology / Trees

Of particular concern in the assessment of the previous application submitted under 059999 related to the inadequacy of information to assess the impact of development on a Great Crested Newt (GCN) population – this forming Reason for Refusal 3 imposed on the planning

decision certificate.

- 7.23 This current application has been supported by additional ecological survey information and consultation has been undertaken with Natural Resources Wales (NRW) and the Council Ecologist. As a result, it has been confirmed that subject to the imposition of a condition to secure adequate Great Crested Newt mitigation, that the proposal is acceptable and addresses the previous reason for refusal 3 of planning application 059999.
- 7.24 The Council Ecologist is also of the view that additional mitigation is required to ensure that the impact on the bat population in the locality is secured including control over lighting within the site. This can be secured by condition.
- 7.25 Of additional concern to is the issue of Giant Hogweed Management within the country park with measures currently in place to seek to address this matter both on the application site and wider area.
- 7.26 It is considered that there is a need for a blanket approach to seek to control its spread, but care is required when securing its removal in the interest of health and safety this being undertaken in a managed environment. It is considered that this should be the subject of the imposition of a condition consistent with other developments within the locality where this approach has been adopted. This can also be secured by planning condition.
- 7.27 A tree survey report has also been submitted as part of the planning. Application to aid formulation of the design /layout advanced. As a result, the site layout secures the retention of existing trees and hedgerows and landscape features with additional supplemental landscaping. This is considered acceptable from both a visual and ecological perspective
- 7.28 Impact on the Living Conditions of Occupiers of Nearby Properties
A significant consideration in the assessment of this application is to ensure that the living conditions of occupiers of existing residential properties located in proximity to the site are safeguarded. The nearest residential property to the site is Springfield Cottage fronting onto the access road adjacent to and forming the sites eastern boundary, although the property is screened from the development by existing landscaping.
- 7.29 Consultation on the application has been undertaken with the Pollution Control Officer who has raised no objection to the

development, given the proposed tourism use and separation to the nearest residential property. There is however considered to be a requirement to control external lighting associated with the development which can be secured by condition.

7.30 Adequacy of Drainage

It is proposed that foul drainage from the site is disposed of to a public sewer to the west of the site. This is acceptable to Dwr Cymru/Welsh Water subject to confirmation on the precise connection point into the system which can be secured by the imposition of a planning condition.

7.31 A specific area of concern that has been raised by third parties focusses on the potential introduction of hot tubs associated with the chalets/lodges with the possible disposal of water with high concentrations of chemicals into the wider eco-system.

7.32 Whilst the introduction of these facilities does not constitute development as they are not classed as building or engineering operations, it is recognised by NRW, that it is important to ensure that the water does not adversely impact on protected species or their habitat, through entry from field drainage patterns. Whilst this is a situation that would fall to be controlled by separate legislation applied by NRW, it is recommended that a planning condition be imposed to seek to ensure disposal of water into the main foul drainage system or that it be disposed of off -site and not into field drainage ditches.

8.00 CONCLUSION

8.01 It is noted and accepted that the initial design ethos in support for a mixed development of the county park, was for the development of a 198-bedroom hotel on the site the subject of this application. This permitted use has been extant since 1991 and had the economic or viability case existed for a large hotel in this location, it is reasonable to expect that such a development would have occurred by now.

8.02 Significant economic changes in the intervening period have however resulted in reconsideration of those initial proposals, there also being no legal or other requirement for a hotel to be developed at this location, and nor can the Local Planning Authority require one to be built.

8.03 The current proposal for an alternative form of holiday accommodation therefore needs to be assessed having regard to the current national & local planning framework, and

the recent background of planning history in relation to the refusal of proposed 30 lodge/chalet development under 059999.

8.04 The reduced scale of development & amended site layout offers an acceptable and sympathetic form of development at this location. The application satisfactorily addresses the 3 reasons of refusal forming application 059999 in that it would also safeguard the integrity of the Historic Park and Gardens and Great Crested Newt population at this location. It is therefore recommended that planning permission be granted subject to the imposition of conditions as referenced in paragraph 2.00 of this report.

8.05 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: Robert Mark Harris

Telephone: 01352 703269

Email: robert.m.harris@flintshire.gov.uk