

# Pecyn Dogfen Gyhoeddus

**Gareth Owens LL.B Barrister/Bargyfreithiwr**

Chief Officer (Governance)

Prif Swyddog (Llywodraethu)



CS/NG

23 Awst 2023

Sharon Thomas / 01352 702324  
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At: Cyng Richard Lloyd (Cadeirydd)

Cynghorwyr: Mike Allport, Bernie Attridge,  
Chris Bithell, Helen Brown, Paul Cunningham,  
Rob Davies, Adele Davies-Cooke, Carol Ellis,  
Gladys Healey, Dave Hughes, Paul Johnson,  
Richard Jones, Hilary McGuill, Ted Palmer,  
Mike Peers a Dan Rose

Annwyl Syr / Fadam

**RHYBUDD O GYFARFOD HYBRID**  
**PWYLLGOR CYNLLUNIO**  
**DYDD MERCHER, 30AIN AWST, 2023** am **1.00 PM**

Yn gywir

Steven Goodrum  
Rheolwr Gwasanaethau Democraidd

Sylwch: Gellir mynychu'r cyfarfod hwn naill ai wyneb yn wyneb yn Siambr Cyngor yr Arglwydd Barry Jones, Cyngor Sir y Fflint, Yr Wyddgrug, Sir y Fflint neu ar-lein.

Gofynnwyd i siaradwyr cyhoeddus a hoffent gyfarch y Pwyllgor yn Gymraeg neu Saesneg.

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd y ffrydio byw yn dod i ben pan fydd unrhyw eitemau cyfrinachol yn cael eu hystyried. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

Os oes gennych unrhyw ymholiadau, cysylltwch ag aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

## R H A G L E N

1 YMDDIHEURIADAU

2 DATGAN CYSYLLTIAD

3 SYLWADAU HWYR

4 COFNODION (Tudalennau 3 - 6)

I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 19 Gorffennaf 2023.

5 EITEMAU I'W GOHIRIO

6 MAE ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI)

Mae adroddiad y Prif Swyddog (Cynllunio, Amgylchedd ac Economi) yn amgaeedig.

### ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI) AR GYFER Y PYLLGOR CYNLLUNIO 30 AWST 2023

Rhif yr eitem	Cyfeirnod y Ffeil	DISGRIFIAD
<b>Ceisiadau sy'n cael eu hadrodd er penderfyniad (C = Cymeradwyaeth, G = Gwrthod)</b>		
6.1	FUL/000077/22	FUL/000077/22- C - Cais llawn - Codi 21 annedd fforddiadwy gyda mynediad i'r briffordd y gellir ei mabwysiadu yn Ffordd Rhewl Fawr , Penyffordd, Treffynnon (Tudalennau 7 - 20)
6.2	OUT/000042/22	OUT/000042/22- C - Cais aminellol - Dymchwel annedd bresennol a chodi bloc o bedwar rhandy preswyl, gydag un yn fforddiadwy, ynghyd â'r gwaith cysylltiedig yn Lornell, Halkyn Street, , Treffynnon (Tudalennau 21 - 28)
6.3	FUL/000621/23	FUL/000621/23- C - Cais llawn - Trawsnewid a chodi estyniad i adeilad allan i ffurfio swyddfa gartref a champfa, dymchwel rhan o wal ffin i greu man parcio oddi ar y stryd gyda phwynt gwefru cerbyd trydan yn Arweinfaf, Gwaenysgor (Tudalennau 29 - 40)
6.4	CONS/000790/22	CONS/000790/22- C - Cais ardal gadwraeth - Trawsnewid a chodi estyniad i adeilad allan i ffurfio swyddfa gartref a champfa; a dymchwel rhan o wal ffin i greu man parcio oddi ar y stryd gyda phwynt gwefru cerbyd trydan yn Arweinfaf, Gwaenysgor (Tudalennau 41 - 50)
<b>Materion Cyffredinol</b>		
6.5		063810 - Cais llawn - Adeiladu 12 caban gwyliau, derbynfa/swyddfa a gweithdy/storfa gyfarpar ym Mharc Gwledig Llaneurgain, Llaneurgain (Tudalennau 51 - 86)

**Sylwch y gall fod 10 munud o egwyl yn y cyfarfod hwn os yw'n para fwy na dwy awr**

# Eitem ar gyfer y Rhaglen 4

## **PLANNING COMMITTEE** **19 JULY 2023**

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 19 July 2023

### **PRESENT: Councillor Richard Lloyd (Chair)**

Councillors: Mike Allport, Bernie Attridge, Helen Brown, Paul Cunningham, Rob Davies, Adele Davies-Cooke, Carol Ellis, Gladys Healey, Dave Hughes, Paul Johnson, Richard Jones, Hilary McGuill, Ted Palmer and Mike Peers

**APOLOGIES:** Councillors: Chris Bithell and Dan Rose

**IN ATTENDANCE:** Chief Officer (Planning, Environment & Economy), Service Manager - Development, Senior Engineer - Highways Development Control, Planning Officers, Solicitor, and Democratic Services Officers

### **8. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **9. LATE OBSERVATIONS**

There were no late observations.

### **10. MINUTES**

The minutes of the meeting held on 21 June 2023 were submitted.

Accuracy

Councillor Gladys Healey said she had submitted her apologies but this had not been recorded in the minutes.

Subject to the above amendment the minutes were moved and seconded by Councillor Bernie Attridge and Councillor Rob Davies.

### **RESOLVED:**

That subject to the above amendment the minutes be approved as a true and correct record.

### **11. ITEMS TO BE DEFERRED**

The Chief Officer (Planning, Environment & Economy) advised that item 6.1 (FUL/00077/22) Erection of 21 Dwellings with Adoptable Highway Access was recommended for deferral. He provided background information and explained the reasons for deferral and said there had been a late change by the applicant, as detailed in section 1.04 of the report, as a result of the adoption of the Local

Development Plan. The Chief Officer advised that further consultation was taking place and the deadline for Local Members to respond was next week

Councillor Mike Peers moved the proposal and this was seconded by Councillor Ted Palmer. On being put to the vote, the item was deferred.

**RESOLVED:**

That agenda item number 6.1 (FUL/00077/22) Erection of 21 Dwellings with Adoptable Highway Access, be deferred.

**12. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

**RESOLVED:**

That decisions be recorded as shown on the Planning Application schedule attached as an appendix.

**13. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were no members of the public present at the start of the meeting.

(The meeting started at 1.00 pm and ended at 1.20 pm)

.....  
**Chairman**

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

**PLANNING COMMITTEE ON 19 JULY 2023**

<b>ITEM NO</b>	<b>TOWN/ COMMUNITY COUNCIL</b>	<b>SITE/PROPOSAL</b>	<b>THIRD PARTY / LOCAL MEMBER OBSERVATIONS</b>	<b>RESOLUTION</b>
FUL/000345 /23	Broughton Community Council	Full application- erection of three commercial buildings as Phase II of the Vista Business Park Development (B1 Business (light industrial), B2 General Industrial (business uses) and B8 Storage and Distribution uses), together with the extension of internal access road, parking, landscaping and installation of associated infrastructure	Rhys Davies (Agent) spoke in support of the application.	That planning permission be granted subject to the conditions set out in the report, in accordance with officer recommendation.

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.1

## FLINTSHIRE COUNTY COUNCIL

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

**COMMITTEE DATE:** **30<sup>TH</sup> AUGUST 2023**

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

**SUBJECT:** **ERECTION OF 21 DWELLINGS WITH ADOPTABLE HIGHWAY ACCESS**

**APPLICATION NUMBER:** **FUL/00077/22**

**APPLICANT:** **BLACK DOVE DEVELOPMENTS LIMITED**

**SITE:** **LAND AT RHEWL FAWR ROAD, PENYFFORDD, HOLYWELL**

**APPLICATION VALID DATE:** **25TH MAY2022**

**LOCAL MEMBERS:** **COUNCILLOR GLYN BANKS**  
**COUNCILLOR GMADDISON**

**TOWN/COMMUNITY COUNCIL:** **LLANASA COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **DUE TO THE SCALE OF DEVELOPMENT**

**SITE VISIT:** **YES (HELD ON 12 DECEMBER 2022)**

### 1.00 **SUMMARY**

- 1.01 This is a full planning application for the proposed erection of 21 dwellings on land at Rhewl Fawr Road, Pen-y-Ffordd. The application site is located on a parcel of land accessed off Cwrt-y-Glower, within the defined settlement boundary.
- 1.02 Members will be aware that this application was originally scheduled on the 23 November 2022 Committee meeting but deferred to allow the Community Council to address matters of confusion over their response; consideration of drainage implications and to allow a Members Site Visit to be undertaken. Following the deferral, the applicant has completed a Pre-Application Consultation and made amendments to the scheme.

- 1.03 The main issues to consider in determination of the application are the principle of development, highway safety and impact on amenity.
- 1.04 Planning permission was granted for a development of 23 dwellings on the same land which expired back in 2021. The granting of this permission is materially important and originally held significant weight. However, during determination of this application the Flintshire Local Development Plan has been adopted and the policy context for this site has now altered. The application site is located within a Tier 4 Defined Village. Accordingly, and in order to comply with Policy STR2 of the LOP, the application has been amended and the scheme now proposes the dwellings will be 100% affordable. The principle of development is considered acceptable.
- 1.05 Matters including highway safety, drainage and impact on existing residential amenity have been considered at length and are considered acceptable.
- 1.06 It is therefore recommended that planning permission is granted subject to condition and the applicant entering into a Section 106 Agreement in relation to Public Open Space and to secure the Housing Mix and tenure of the dwellings.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:
- To provide a Public Open Space Contribution of £23,100 in lieu of on-site play provision
  - To secure the housing mix and tenure of the affordable dwellings

**Conditions**

1. Time limit on commencement
2. Compliance with approved plans
3. Materials
4. Levels
5. Scheme for the parking and turning of vehicles
6. Details of the internal road layout
7. Surface water run-off
8. Construction Management Plan
9. No surface water discharge
10. No tree works unless qualified ecologist present to ensure no adverse impacts upon nesting birds or roosting bats.
11. Tree and hedgerow protection to be submitted, agreed and implemented prior to works commencement.



If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 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(s) Councillor G Banks & Councillor G Maddison:**  
No formal responses received at time of writing report

**Town/Community Council:** Confirms the concerns from residents that flooding will only increase once the construction of the 21 dwelling commences unless adequate drainage facilities are installed. The Town Council recognizes that the new application will now be subject to providing a SUDS Report, which they do not believe was required when the original application was submitted.

In addition, the note that the proposal for the 21 dwellings provides parking facilities for three vehicles per property. This effectively allows 63 vehicles access to the site via an extremely narrow lane, which they consider will cause problems for both vehicles and pedestrians.

Finally, the Council point out that the original planning application, 055398, was approved but subject to 17 separate conditions and they want confirmation that all 17 conditions have been met prior to commencement of the building works on this site.

**Highways:** No objections raised but recommends the imposition of conditions

**Community and Business Protection:** No objections raised.

**Welsh Water/Dwr Cymru:** No objection subject to the inclusion of a condition relating to surface water.

**Natural Resources Wales:** No objections raised.

**Coal Authority:** Standard developer advice applies.

**Education:** Due to existing capacity at the nearest Primary and Secondary schools no education contribution is sought with regards to this development.

**Housing Strategy:** Based on the most up to date Local Housing Market Assessment and Flintshire Council's housing waiting lists in relation to "affordable" properties there is a demonstrable demand for two and bedroomed dwellings on the affordable housing register. 1 and 2 bedroomed dwellings are most in demand on the social housing register.

#### 4.00 **PUBLICITY**

4.01 35 Neighbour Notifications were sent to neighbouring properties and a Site Notice was also displayed. Two re-consultation exercises have been completed following the submission of amendments and additional information.

4.02 11 letters of objection have been received and are summarised as follows:

1. Drainage implications for existing properties
2. Highway safety including point of access and traffic volumes
3. Lack of amenities in the village
4. Loss of residential amenity
5. Concerns with the integrity of the applicant

#### 5.00 **SITE HISTORY**

5.01 055398 - Erection of 23 dwellings with adoptable highway access - Approved 15.12.2016

#### 6.00 **PLANNING POLICIES**

##### 6.01 **Flintshire Local Development Plan**

- STR2 The Location of Development
- STR4 Principles of Sustainable Development, Design and Placemaking
- STR5 Transport and Accessibility
- STR11 Provision of Sustainable Housing Sites
- STR13 Natural and Built Environment, Green Networks and Infrastructure
- STR14 Climate Change and Environmental Protection
- PC1 The Relationship of Development to Settlement Boundaries
- PC2 General Requirements for Development
- PC3 Design
- PC4 Sustainability and Resilience of New Development
- PC5 Transport and Accessibility
- PC6 Active Travel
- HN2 Density and Mix of Development
- HN3 Affordable Housing
- EN1 Sports Recreation and Cultural Facilities
- EN2 Green Infrastructure
- EN4 Landscape Character
- EN6 Sites of Biodiversity and Geodiversity Importance
- EN7 Development Affecting Trees, Woodland and Hedgerows
- EN14 Flood Risk
- EN15 Water Resources

## **Supplementary Planning Guidance Notes**

- SPGN No 2. Space Around Dwellings
- SPGN No 3. Landscaping
- SPGN No 4. Trees and Development

## **National Planning Policy**

- Planning Policy Wales Edition 11
- Future Wales: The National Plan 2040

### 7.00 **PLANNING APPRAISAL**

#### 7.01 Site Description

The site is a 1ha area of land, roughly trapezoidal in shape and occupies a position within the settlement of Pen-y-Ffordd as defined within the FUDP. The site slopes gently downhill from a high point in the northwest to south-eastern boundaries with the newly constructed properties at Cwrt-y-Glowyr. The site is presently vacant, semi improved pastureland with access derived via a field gate from Cwrt-y-Glowyr.

7.02 The site is surrounded on three sides by existing residential development. The linear form of development to the north follows Ffordd Picton and comprises a mix of single and two storey dwellings. The aforementioned dwellings at Cwrt-y-Glowyr abut the application site to the southeast. The dwellings and garden areas at the northern end of Coed Mor, along with a communal garage area, form the southern boundary. Boundaries to the west abut further areas of agricultural land which are within open countryside. Boundaries are formed by hedgerows which have developed into expanses of scrub projecting into the site. A small stream is in evidence within the area of the north-western boundary.

7.03 The character of built form in the area varies, comprising mainly detached and semi-detached two storey and single storey dwellings to the north and east, whereas terraces and semi-detached properties dominate built form to the south.

#### 7.04 Proposed Development

The application is for a proposed development of 21 two storey dwellings which will consist of two different sized houses with associated parking, access road and amenity spaces. An area of 600m<sup>2</sup> adjacent to the western boundary will be left as grassland and scrub to provide a natural habitat resource, including one of the two existing mature trees.

7.05 The dwellings will vary in size with 16 No. 3-bedroom dwellings and 5 No. 2-bedroom detached dwellings. The properties will have between 51 and 240 square metres of private amenity space. 2 and 3 Car parking spaces will be provided for each of the dwellings and are located adjacent or in close proximity to the dwelling entrance.

- 7.06 Following the adoption of the Local Development Plan, which is detailed further below, the applicant has amended the application and the scheme is now proposed as entirely affordable which will be secured through the Section 106 Agreement.
- 7.07 Principle of Development
- Policy STR2 of the Flintshire Local Development Plan identifies settlement hierarchies within the County. Penyffordd is listed as a Tier 4 Defined Village which benefit from some services and facilities with which to sustain local needs. The Policy goes on to states that:
- 7.08 In Tier 4 Defined Villages housing development will only be permitted within settlement boundaries related to the scale, character and role of the settlement and which delivers local needs affordable housing. Provision will include:
- Windfall market housing (only permitted when essential to delivering affordable housing).
  - Exceptions Schemes for Affordable Housing adjoining settlement boundaries
- 7.09 The Councils Housing Strategy Manager has provided an up-to-date position with regards to Affordable Housing Need in the sub-market area. It is confirmed that there is demonstrable demand for most property types, with 2 and 3 bed roomed houses being most in demand for those registered on the Affordable housing register. There is a slight difference with regards to social rent where the greatest demand is for 1 and 2 bed roomed properties. There is also demand for larger four bed General needs homes.
- 7.10 With regards to tenure mix as the scheme is entirely affordable with no market dwellings the tenure mix will be determined on a site-specific basis taking into account housing need, size of development, local area, and overall scheme viability. This can be secured through the Section 106 Agreement.
- 7.11 The application as amended is now fully compliant with both local policy and will help to achieve the target number of affordable dwellings across the County as set out in the Plan. The principle of development is acceptable.

7.12 Design

This application varies slightly from that previously approved in terms of the layout and a reduction in the number of dwellings to 21 in total. The surrounding village of Penyffordd is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form but has no overall dominant local vernacular. The proposed development is considered visually acceptable.

7.13 The layout takes full account of the existing dwellings adjacent to the site by maintaining separation distances which are in line with Council standards on space about dwellings and overlooking to secure privacy and amenity as well as respecting the private gardens of adjacent houses. The previous planning permission for this site secured additional boundary treatment details by way of a condition and I consider it important to re-impose that condition to safeguard amenity. The revised layout is such that separation distances and amenity spaces are adequate and therefore there is no need to restrict permitted development rights.

7.14 The density of the proposed development is 21dph. Policy HN2 of the LDP sets out that densities of new housing developments should be 30dph but it is important to note that surrounding characteristics of the site may affect this figure. In the case of this application the surrounding properties are generally detached or semi-detached with above average plot sizes. On average the dph of the surrounding residential areas ranges from 14dph for the area of detached properties on Picton Road, whilst the housing estate of semi-detached dwellings of Bryn Mor has a density of 24dph. Accordingly, whilst the density of the proposal is below that as set out in Policy HN2 this is reflective of the wider Penyffordd area which affords larger than average plot sizes. The density is acceptable.

7.15 Notwithstanding representations made by residents, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.

7.16 Highway Safety

Access to the site is derived from the residential cul-de-sac of Cwrt-y-Glower. Two and three parking spaces per dwelling are provided which is in fact above the levels as set out in policy PC5 of the FLDP. Whilst the three spaces exceeds the Policy and SPGN No.11 in most cases the spaces are located to the side of the proposed dwellings and as a result are not visually intrusive. The over provision of car parking spaces is not seen to dominate the development. In addition, the car parking provision does not seek to reduce sustainable travel options, as there are pedestrian linkages to the facilities in the village, whilst a bus stop is located approximately 120 metres away from the site. Highways Engineers have assessed the proposal and raise no objections in terms of road layout, access or parking provision.

7.17 Whilst the concerns of local residents with regards to an increase in traffic levels in the village are noted, with no objections on highway safety grounds it is considered that the proposal is compliant with

policies STR5 and PC5 of the Flintshire Local Development Plan.

7.18 Public Open Space

The proposals do not provide for on-site public open space intended for formal recreation and play, although there are two areas within the site which will provide for informal open space. Consultation with Aura Leisure has revealed that rather than formal provision within the site for play, and in accordance with the previous planning permission, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community.

7.19 The consultation has established that the sum requested should be used in connection with a project to upgrade existing play facilities at the nearby Coed Mor children's play area to the south of the site.

7.20 In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed five contributions towards a single project.

7.21 Education Contributions

Having regard to SPG23: Developer Contributions to Education, the development would not give rise to any contribution requirement at either Primary or Secondary School level as there is sufficient capacity within the schools in question.

7.22 Education colleagues have confirmed that the nearest primary school (Ysgol Bryn Garth C. P). has a surplus of spaces for additional pupils. The proposals would give rise to an additional six pupils. Accordingly, no contribution is sought for primary educational purposes as a consequence of this development.

7.23 The capacity at the nearest secondary school (Ysgol Treffynnon). Also has a surplus of spaces for additional pupils. The proposals would give rise to an additional four pupils. Accordingly, no contribution is sought for secondary educational purposes as a consequence of this development.

7.24 Drainage

With regards to drainage Welsh Water confirm that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. Welsh Water advise specifically that the application proposes to utilise permeable paving, and the applicant is advised that a service corridor should be provided around public sewers to allow access to these assets which would be included as a note on the decision notice.

7.25 Welsh Water also note that the applicant proposes to discharge surface water to a nearby watercourse and offer no objection to this in principle.

7.26 Concerns have been raised by local residents with regards to existing drainage capacity issues in the village and the potential of flooding

from the site. With regards to capacity issues this has been adequately addressed above with Welsh Water confirming that there is capacity.

7.27 The residents claim that flooding has occurred and worsened since the granting of planning permission previously. The site is not in a recognised flood zone and neither NRW or Welsh Water raise flooding as a concern despite complaints made directly to them from local residents. In addition, there is no evidence provided that the proposed development will exacerbate problems which appear to exist at times of extreme rainfall. Members will be aware that the application will be subject to SAB approval which will consider the methods of sustainable surface water drainage. The submission and approval of a suitable scheme to deal with surface water from the development will be an improvement to the lack of drainage facilities which exist currently.

#### 7.28 Ecological Matters

The application is supported by a Preliminary Ecological Appraisal which confirms that the site is not subject to any statutory or non-statutory designations. However, the site's western hedgerow boundary is likely to serve a landscape-scale role in connecting the nearby woodland to the wider landscape, and so is ecologically valuable green infrastructure when evaluated in the wider context. The site also has supporting value for protected species.

7.29 The site has the potential to support protected species such as foraging bats, nesting birds, great crested newts, reptiles and hedgehogs. All other protected species are likely absent from the site, due to unsuitable habitats, levels of disturbance, species range, and/or landscape context.

7.30 Although avoidance measures and mitigation measures will likely reduce any impact on protected species it is recommended that for security conditions relating to works to trees and the hedgerow be imposed.

#### 7.31 CIL Compliance

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'. 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:

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

As triggered by the proposed scale of the development, there is a developer requirement towards enhancing public open space in the

vicinity of the development. The developer has agreed to make a total payment of £23,100 towards the Coed Mor children's play area which has not received more than five contributions towards this project to date.

7.32 It is considered that the contribution required meets the Regulation 122 tests

7.33 Other Matters

Representations from a local resident raise concern with the integrity of the applicant and the fact that the previous planning permission lapsed. Neither of these matters are planning related or are material to the consideration of this application.

8.00 **CONCLUSION**

This application seeks planning permission for the proposed development of land at Rhewl Fawr Road, Penyffordd. Planning permission was granted for residential development of 23 dwellings on this land which lapsed in 2021. During determination of this application the Flintshire Local Development Plan has been adopted which changes the policy context for this site. The application site is located within a Tier 4 Defined Village and as such the policy requires that the windfall site provide local needs housing. The applicant has addressed this change and has amended the application to be entirely affordable housing. The principle of development complies with Policy STR2 and PPW11 and will help contribute towards providing the affordable housing target as set out in the Plan.

Matters including highway safety, drainage, ecological implications and public open space contributions have been assessed and are considered acceptable.

Concerns raised by residents in relation to residential amenity have been considered but the proposal complies with both local planning guidance and supplementary planning guidance.

8.01 Other Considerations

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

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

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

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the



achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

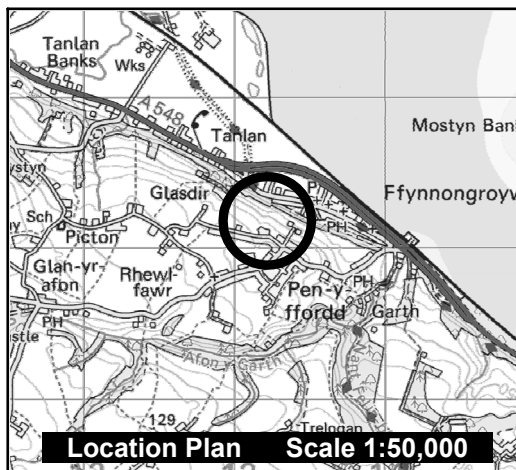
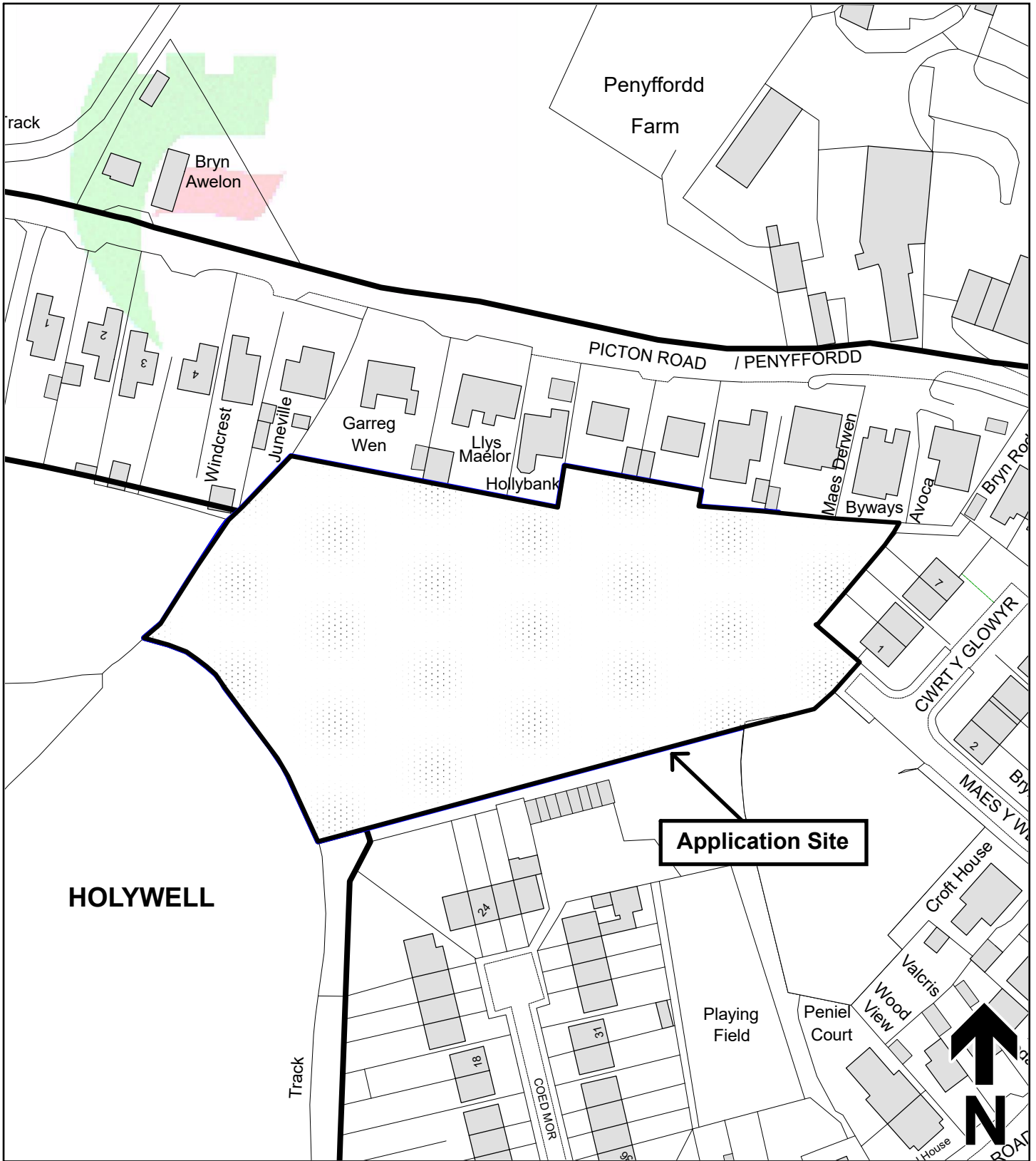
Responses to Publicity

**Contact Officer: Claire Morter**

**Telephone: 01352 703299**

**Email: [claire.e.morter@flintshire.gov.uk](mailto:claire.e.morter@flintshire.gov.uk)**

Mae'r dudalen hon yn wag yn bwrpasol



Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 1382

Planning Application FUL/000077/22

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.2

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **30<sup>th</sup> AUGUST 2023**

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

**SUBJECT:** **OUTLINE – DEMOLITION OF EXISTING DWELLING AND REDEVELOPMENT OF THE SITE BY THE ERECTION OF A BUILDING COMPRISING 4 NO APARTMENTS, ONE OF WHICH IS TO BE AFFORDABLE WITH ASSOCIATED WORKS.**

**APPLICATION NUMBER:** **OUT/000042/22**

**APPLICANT:** **MR A BRUMBY**

**SITE:** **LORNELL, HALKYN STREET, HOLYWELL, FLINTSHIRE**

**APPLICATION VALID DATE:** **23/5/22**

**LOCAL MEMBERS:** **COUNCILLOR T PALMER**

**TOWN/COMMUNITY COUNCIL:** **HOLYWELL TOWN COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST IN ORDER TO ASSESS ACCEPTABILITY OF SCHEME AND ADEQUACY OF HIGHWAYS**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

1.01 This outline application with all matters reserved for subsequent approval save access, layout, and scale, proposes the demolition of an existing bungalow at Lornell, Halkyn Street, Holywell, and redevelopment of the site by the erection of a building comprising 4 No apartments. Amended plans have been received in progression of the application reducing the number of apartments from 6-4, on which further consultation has been undertaken.

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

- 2.01
1. Outline – Reserved Matters
  2. Outline – Time Limits
  3. Materials to be submitted and approved.
  4. No surface water to discharge directly or indirectly into public sewerage system.
  5. Visibility splays of 2.4m x 43m in both directions to be provided with no obstruction to visibility over 0.6m in height.
  6. Visibility splays to be kept free from obstruction during site works.
  7. Access to be constructed as a vehicular footway crossing.
  8. Access to be a minimum of 5m in width.
  9. Parking facilities to be provided and retained.
  10. Positive means to prevent surface water run off onto highway to be provided.
  11. Construction Traffic Management Plan to be submitted and approved.

**3.00 CONSULTATIONS**

3.01 **Local Member – Councillor T Palmer**

Request site visit and planning committee determination to assess the acceptability of the scheme and adequacy of access to serve the proposed development.

**Holywell Town Council**

Oppose the application for the following reasons:

- i. highway concerns
- ii. overdevelopment of the site given its relationship to the Pant y Wern Care Home.
- iii. waste management and collection

**Highways Development Control**

Following the receipt of amended plans, confirm that an acceptable access and parking can be provided to serve the development.

**Community and Business Protection**

No adverse comments

**Welsh Water/Dwr Cymru**

Confirm that adequate capacity exists within the existing public sewerage system. Recommend that any permission includes a condition in respect of surface water disposal.

## **Natural Resources Wales**

No observations

## **Built Heritage Officer**

Support the amended design of the proposed building in the context of the character of existing development in the locality.

### **4.00 PUBLICITY**

- 4.01 Neighbour Notification  
65 neighbour notification letters sent to adjoining uses /properties.  
No responses received at time of preparing report.

### **5.00 SITE HISTORY**

- 5.01 None - relevant

### **6.00 PLANNING POLICIES**

- 6.01 Flintshire Local Development Plan (LDP)  
STR2 – The Location of Development  
STR4 – Principles of Sustainable Development, Design and Placemaking  
STR5 – Transport and Accessibility  
STR13 – Natural and Built Environment, Green Networks, and Infrastructure  
PC1 – The Relationship of Development to Settlement Boundaries  
PC2 – General Requirements for Development  
PC3 – Design  
PC4 – Sustainability and Resilience of New Development  
PC5 – Transport and Accessibility  
HN2 – Density and Mix of Development  
EN8 – Built Historic Environment and Listed Buildings

#### Supplementary Planning Guidance Notes (SPGN)

- SPGN2 – Space Around Dwellings  
SPGN3 – Landscaping  
SPGN11 – Parking Standards

#### National Policy / Guidance

- Planning Policy Wales (PPW)  
The National Plan Wales 2020-2040  
Technical Advice Note 12- Design  
Technical Advice Note 18 – Transport

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

The site the subject of this application amounts to approximately 0.05 hectares in area, and currently accommodates an existing detached bungalow named “Lornell”

7.02 The site is located on the western side of Halkyn Street, Holywell to the north of an over 55 retirement home at Plas y Wern, south of Ysgol y Fron Junior School, west of Jennard Court and east of Nos. 1 / 2 Tros y Maes Villas. The site is within the settlement boundary as defined in the Flintshire Local Development Plan and is adjacent to the Conservation Area boundary of Holywell.

### **Proposed Development**

7.03 The plans submitted as part of this application propose demolition of the existing bungalow and erection of a 2 – storey building comprising 4 No apartments. The building would measure approximately 14.6m x 10.6m x 7.9m (high) and be constructed having a mix of brick /render external walls and a concrete tile roof. Vehicular access to serve the development is proposed from Halkyn Street, through modification of the existing access.

### **Main Planning Considerations**

7.04 The main considerations to be addressed in determination of this application include:

- i) Principle of Development
- ii) Scale / Design
- iii) Impact on Living Conditions
- iv) Adequacy of Access

These issues are addressed in further detail below.

### **7.05 Principle of Development**

The site is located within the settlement boundary of Holywell which is a Tier 1 Main Service Centre as defined in the LDP, where provision is made in Policy STR2 for windfall sites coming forward, which help to contribute to the overall housing land supply and help to deliver the plans housing requirement. Given that the proposed development falls below the required threshold of 10 No units, set out in Policy HN3, there is no requirement or obligation to provide affordable housing, this being discretionary from the applicant’s perspective. The principle of residential development is therefore supported, subject to the safeguarding of relevant development management considerations.



7.06 Scale /Design

Amended plans have been received in progression of the application, the scale /form/design of the building now proposed, having the appearance of a traditional pair of semi -detached dwellings. This amended design is supported by the Council's Built Heritage Officer and considered acceptable and sympathetic to the site and mixed form of single, 2 and 3 storey development in the locality, having regard to Policies PC2 and PC3 of the Flintshire Local Development Plan.

7.07 Impact on Living Conditions

Of particular importance in consideration of this application, is ensuring that the privacy of the occupiers of the proposed dwellings and those existing dwellings adjacent to the site are safeguarded as part of the proposed development. The submitted site layout does carry weight in the assessment process and considers the relationship of proposed building relative to existing development, in particular the 3-storey building at Plas y Wern adjacent to the sites southern boundary and 2 Troes Y Maes Villa whose side garden area abuts the sites western boundary. Whilst the internal layout of the apartments is not fixed as part of this application, there would be no direct interface relationship with Plas y Wern. The distance between the rear elevation of the proposed building relative to the gable of 2 Troes Y Maes Villa would however be approximately 23m which is more than the 12m guidance referenced in Supplementary Planning Guidance Note 2 – Space Around Dwellings. In addition, it is noted and acknowledged that the rear elevation of the building would be within 3m of the common site boundary with the garden area associated with the above dwelling increasing the perception of overlooking, but this is a residential area where a degree of overlooking can be reasonably expected to occur. It is therefore considered that that it is possible to design a layout meeting adequate interface separation distance which would safeguard the living conditions of occupiers of the existing / proposed dwellings.

7.08 Adequacy of Access

Consultation on the application has been undertaken with the Highway Development Control Manager who following the receipt of amended plans in progression of the application confirms that an acceptable access and parking can be provided to serve the development having regard to Policy PC5 of the LDP and SPGN11 - Parking Standards subject to the imposition of conditions in relation to access, visibility and submission of a Construction Traffic Management Plan.

**8.00 CONCLUSION**

The redevelopment of the site by the erection of a building as proposed as part of this amended outline submission, offers an acceptable scale /form/design of development that is sympathetic to

the site and that of existing development within the wider surroundings. There is no objection to the principle of development from a highway perspective and the application is supported as referenced in paragraph 2.00 of this report.

#### 8.01 Other Considerations

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

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

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

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

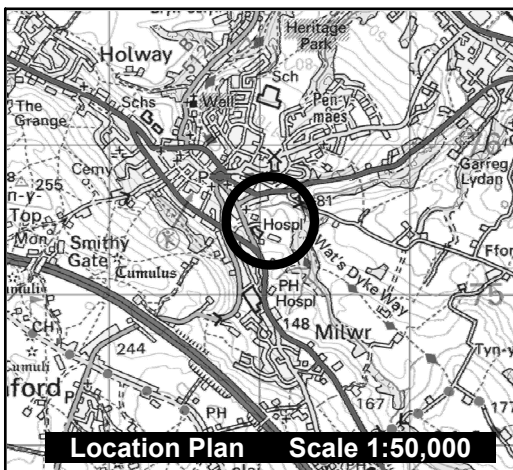
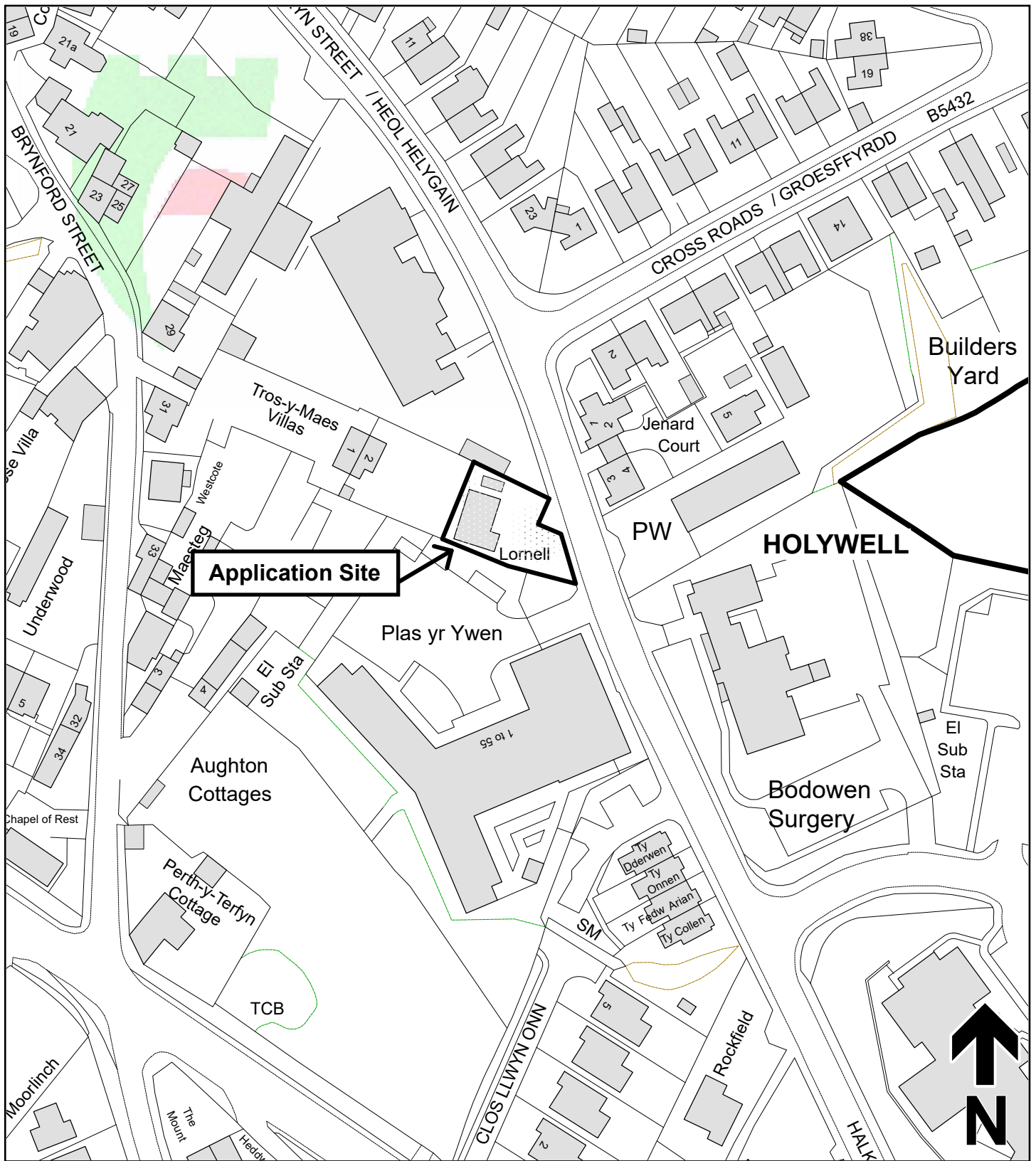
#### **LIST OF BACKGROUND DOCUMENTS**


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

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**Sir y Fflint**  
Flintshire  
COUNTY COUNCIL

Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Chief Officer: Mr Andrew Farrow

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**Legend**

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:1250
OS Map ref	SJ 1875
Planning Application	OUT/000042/22

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.3

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **30<sup>TH</sup> AUGUST 2023**

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

**SUBJECT:** **CONVERSION AND EXTENSION OF OUTBUILDING TO FORM A HOME OFFICE AND GYM, DEMOLITION OF PART OF A BOUNDARY WALL TO CREATE OFF STREET PARKING SPACE WITH AN ELECTRIC VEHICLE CHARGING POINT.**

**APPLICATION NUMBER:** **FUL/000621/23**

**APPLICANT:** **MR & MS M & S HODGSON & POOSTCHI**

**SITE:** **ARWEINFA, GWAENYSGOR, RHYL, LL18 6EP**

**APPLICATION VALID DATE:** **05-Jul-2023**

**LOCAL MEMBERS:** **CLLR G BANKS**  
**CLLR G MADDISON**

**TOWN/COMMUNITY COUNCIL:** **TRELAWNYD & GWAENYSGOR COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **CLLR G MADDISON - I WISH FOR THE APPLICATION TO BE DISCUSSED AT PLANNING COMMITTEE. REASON, THE DEVELOPMENT IS UNSUITABLE FOR A CONSERVATION AREA IN AONB**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This application seeks permission for the conversion and extension of outbuilding to form a home office and gym and the demolition of part of a boundary wall to create off street parking space with an electric vehicle charging point. The application is to be read alongside the associated conservation area consent - CONS/000790/22 application for the demolition of part of a

boundary wall in order to create an off-street parking space with an electric vehicle charge point.

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

**2.01 Conditions**

1. Time limit on commencement.
2. Compliance with approved plans.
3. Materials to be submitted and approved.
4. The use hereby approved is ancillary to the dwelling house.
5. Archaeological Watching Brief

**3.00 CONSULTATIONS**

**3.01 Local Member - Cllr G Maddison** - I wish for the application to be discussed at planning committee. Reason, the development is unsuitable for a conservation area in AONB

**Town/Community Council** - No comments received at the time of writing the report.

**Public Rights of Way** - No objection. Public Bridleway 10 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

**Highways Development Control** – Following revision of Block plan, no objection.

**Built Conservation** – Following examination the Conservation Team identified that the section of the wall subject to this application is un-historic in date, having been reconstructed within the last thirty years. Conservation thereby considers that the loss of a small section of modern wall would not be adversely detrimental to the character and appearance of the area on this basis raise no objection.

**Community & Business Protection (Pollution)** - No objection.

**Area of Outstanding Nature Beauty (AONB) Joint Committee** – No Objection

**CADW** - No comments received at the time of writing the report.

**Clwyd Powys Archaeological Trust** - No objection, recommend planning condition and archaeological watching brief

**4.00 PUBLICITY**

4.01 A site notice was posted outside the site and 18 Neighbour Notifications were sent to adjoining/nearby properties. At the time of writing a number of objections have been received. The objections are summarized as follows:

1. The plans do not appear to be drawn correctly.
2. PV Panels & scale of roof detrimental to the framing and focus of Arweinfaf.
3. Too big and overbearing
4. Loss of privacy
5. Personal business Use
6. Building subject to application already in use as personal training business use
7. No significant justification for the removal of the historic wall.
8. Impact on amenity, character and appearance of the village.
9. Highway safety concerns
10. Negative impact on the centre and character of Gwaenysgor and conservation area.
11. Appearance and impact on street scene
12. Misleading application description

## **5.00 SITE HISTORY**

5.01 064268 - Proposed outbuilding conversion and extension to form home office with off-road parking- Refused 29.09.2022 (Householder)

064269 - Proposed demolition of stone wall within conservation area to create new access- Refused 29.09.2023 (Conservation Area Consent).

## **6.00 PLANNING POLICIES**

6.01

Flintshire Local Development Plan (Adopted)  
PC1 – The Relationship of Development to Settlement Boundaries  
PC2 – General Requirements for Development  
PC3 – Design  
PC4 – Sustainability and Resilience  
PC5 – Transport and Accessibility  
HN4 – Housing in the Countryside  
HN5 – House Extensions and Alterations  
EN4 – Landscape Character  
EN5- Area of Outstanding Natural Beauty  
EN6 – Sites of Biodiversity Importance  
EN8 – Built Historic Environment and Listed Buildings  
EN9 – Development within or Adjacent to Conservation Areas

EN10 – Buildings of Local Interest  
EN18 – Pollution and Noise

Supplementary Planning Guidance (Adopted)  
SPGN No 1 – House Extensions and Alterations  
SPGN No 2 – Space Around Dwellings  
SPGN No.6 – Listed Buildings  
SPGN No 7 - Conservation Areas  
SPGN No 8 – Nature Conservation and Development  
SPGN No.11 - Parking Standards  
SPG on Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)

Gwaenysgor Conservation Area Appraisal and Management Plan

Future Wales Development Plan 2020-2040  
Planning Policy Wales (PPW) Edition 11

Welsh Government Technical Advice Notes (TAN)  
TAN12 - Design  
TAN24 – The Historic Environment

## **7.00 PLANNING APPRAISAL**

### Site & Surroundings

- 7.01 The application site is located Gwaenysgor and is within the Conservation Area and Area of Outstanding Natural Beauty (AONB).
- 7.02 The site consists of a relatively large, detached dwelling - part two storey, part single storey, located centrally within the village. The property is built in traditional stone and is surrounded by similar style dwellings.
- 7.03 The property has an area of amenity space at the rear that consists of a courtyard with a small orchard beyond. A stone wall surrounds the property with railings above the wall in front of the principal elevation.
- 7.04 The outbuilding is located at the rear of the site and forms an open store - ancillary to the main dwelling. The existing structure ties into the stone wall forming the courtyard area at the back of the property.

### Proposal

- 7.05 This application seeks permission for the conversion and extension of outbuilding to form a home office and gym and the demolition of part of a boundary wall to create off street parking space with an electric vehicle charging point. The application is to be read



alongside the associated conservation area consent application - CONS/000790/22 for the demolition of part of a boundary wall in order to create an off-street parking space with an electric vehicle charge point.

#### The Main Issues

7.06 The main issues for consideration in this matter are;

- Principle of development having regard to planning policy framework and background planning history
- Scale and design of development
- Adequacy of access
- Impact on living conditions & impact upon conservation area
- Impact upon AONB

#### Principle of Development

7.07 The application site is located in Gwaenysgor which a Tier 5 Undefined Village in policy STR2 of the adopted Flintshire Local Development Plan. Tier 5 settlements are the smallest settlements and do not have defined a settlement boundary. However, the application site sits at the centre of the village and is clearly contained within the existing built form of the settlement. There are no policies in the adopted Plan which would preclude the principle of converting and extending an existing building for an ancillary residential use.

7.08 Arweinfa is sited within an area identified as a Conservation Area and Area of Outstanding Natural Beauty (AONB).

7.09 The Welsh Government sets out in para 6.1.1 of Planning Policy Wales that schemes should preserve and enhance the historic environment, recognise its contribution to economic vitality and culture, civic pride and the quality of life, and to recognise its importance as a resource for future generations. It adds that schemes should ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest and to ensure that Conservation Areas are protected and enhanced. In respect of AONB's para 6.3.7 states 'In AONBs, planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas'.

7.10 Policies PC2 and PC3 seek new development to harmonise with and enhance the existing character and appearance of the site and surroundings.

7.11 Policy EN9 states development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character and appearance of the conservation area or its setting. New

development in such locations must also be of a high standard of design, respond to the area's special characteristics, and pay particular regard to:

- a. important views, vistas, street scenes, roofscapes, trees, open spaces, gaps and other features that contribute to the character or appearance of the conservation area;
  - b. the retention of historically significant boundaries or other elements that contribute to the established form of development;
  - c. the relationship to existing buildings and spaces, and pattern of development;
  - d. scale, height and massing, architectural design and detailing, the use of materials, boundary treatment, and public realm materials.
- Policy EN5 relates to development affecting Areas of Outstanding Natural Beauty (AONB) and states new development will only be permitted where it conserves or enhances the natural beauty of the designated area and its setting. In assessing the likely impact of development proposals on the natural beauty of the AONB, cumulative impact will also be taken into consideration.

- 7.12 The adopted SPG on Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) guides the key design considerations at these locations, which include scale, siting, design, materials, setting and landscape.
- 7.13 SPGN No.7 advises Conservation Area designation gives control over the total or substantial demolition of unlisted buildings within conservation areas, by making it necessary to obtain conservation area consent – see CONS/000790/22.
- 7.14 Given the above context, national and local policy confirm that the application site is in an appropriate location for such development subject to compliance with the relevant policy.

#### Conservation Area and Area of Outstanding Natural Beauty

- 7.15 The development site is located in a prominent position in the centre of the Gwaenysgor Conservation Area and is within an identified area of Outstanding Natural Beauty.
- 7.16 Gwaenysgor Conservation Area Appraisal and Management Plan, is a guidance document produced by the village following consultation with Flintshire County Council and carries some weight in terms of character and appearance, but does not supersede the adopted policies provided under the adopted Flintshire Local Development Plan, Supplementary Planning Guidance Notes and Welsh Government Technical Advice Note.
- 7.17 The document advises for the area that the familial character for the Gwaenysgor is strengthened by the use of common building materials and building form with the north eastern section of Arweinfaf identified

within the document as a focussed building with long views into the village, from routes converging towards the village core. Section 3 and subsequent paragraphs within this segment there is discussion of the alterations and changes that have occurred over the years, with the introduction of more modern elements in such as new windows, dormers and modern materials within the village. Paragraph 3.24 negative development include breaks in stone walls to create vehicular access ways.

- 7.18 The Built Conservation Team have reviewed the documents submitted within the current submission which now proposes to extend and alter an existing stone outbuilding into a single storey structure rather than a two storey which had been refused under the earlier two applications due to the concerns raised over the impact of the development upon the overall character of the area.
- 7.19 The outbuilding subject to this application is located at the rear of Arweinfaf and it is intended to convert and extend the building to create a new office and gym building for personal use of the occupants of Arweinfaf. The use of the building for personal use can be controlled by condition.
- 7.20 As set out above the host dwelling and associated buildings are located in a prominent position in the centre of the Gwaenysgor Conservation area and near to a number of Grade II\* and II Listed buildings. It is noted that the Arweinfaf outbuilding was noted as a building that had a positive contribution to the character of the Conservation Area in Gwaenysgor Conservation Appraisal document.
- 7.21 It is considered that the previously refused two storey building was out of character in massing and appearance to the surrounding buildings and that the two storey building would be out of scale to the adjacent single storey cottage and would appear awkward being so close to Arweinfaf.
- 7.22 Under the current submission the applicants have now reduced the height of the ridge of the proposed converted and extended building. In addition, at the request of the Local Planning Authority the new dormer structure on the inward facing elevation has been removed and the building has retained a slated roof with traditional eaves.
- 7.23 The proposed roof contains three conservation style roof lights facing the orchard, with two new windows containing new cast stone lintels and stone of traditional scale. Facing into the courtyard are new timber framed double glazed, non-opening screens, enclosed within a timber structure with solar PV panels flushed to the roof. The design has been assessed having regards to its impact upon both the conservation area and the AONB and given the quality of the proposed structure/materials

and its overall design are deemed acceptable given the important location.

- 7.24 It is considered that the simpler, more traditional form with materials anticipated in a traditional garden outbuilding retain the character of the conservation area as well as that of the AONB .
- 7.25 It is worth noting that the AONB Joint Advisory Committee have no objection to the proposal.
- 7.26 In terms of the loss of the proposed wall, the Built Conservation Officer had an opportunity to re-examine section proposed to be removed and identified that the section of the wall is not historic in date, having been reconstructed within the last thirty years. It is thereby considered that the loss of a small section of modern wall would not be adversely detrimental to the character and appearance of the area.
- 7.27 In addition as this plot lies within the predicted medieval historic core of Gwaenysgor and the Conservation Area a condition will be imposed to ensure appropriate archaeological monitoring takes place during construction.

#### Impacts upon Living Conditions

- 7.28 Representation has been made to the extent that the proposal results in a loss of residential amenity of adjacent residents. Given that the site is relatively well screened from the adjoining properties and is single storey in nature, the living conditions are considered to be preserved to an acceptable degree having regards to policy PC2 and PC3 as well as SPG no's 1 & 2.

#### Highway Safety and Parking

- 7.29 In terms of the concerns raised by local residents regarding off road parking and highway safety, the Highways Development Control Team advised that a speed survey was undertaken which demonstrated that vehicular speeds passing the site are in the region of 15 mph and on this basis were prepared to accept a relaxation to the visibility standards generally required. As such they advise that whilst there is no longer a necessity to provide the measure of visibility originally requested (in the previous application), the speed survey results do indicate the necessity for a 14m sightline to be provided in the critical direction. This is based on the 85th percentile average 7 day speeds for westbound traffic (14.2mph).
- 7.30 The Highways Development Control Team subsequently raise no objection to the 2.0m set back along the centreline of the access and accept the sightline being drawn to the centre of the nearside lane, which has been addressed within revised drawings taking into account

that vehicles are unlikely to be driving tight up against the stone wall on approach.

- 7.31 Officers advise that the off-road parking for one car within Arweinfaf, would equalise the current situation and would not lead to material increase in highway safety. The proposal is therefore acceptable having regards to policy STR5 and PC5 of the LDP.

#### Other Issues

- 7.32 Concern has been raised over the accuracy of the plans. If it transpires that the development is not built in accordance with the approved plans, this matter that can be investigated by the enforcement team to see if it is expedient to take enforcement action.

### **8.00 CONCLUSION**

It is considered that the proposed conversion and extension of an existing outbuilding, the design of the proposed development and removal of the small section of wall are deemed acceptable having regard to the impact upon the conservation area and AONB. The proposal is within acceptable limits having regard to impact upon residential amenity as well as upon highway safety and parking. The development is therefore deemed acceptable having regards to the Flintshire Local Development Plan, supplementary planning guidance and National Planning Policy.

#### 8.01 Other Considerations

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

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

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

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

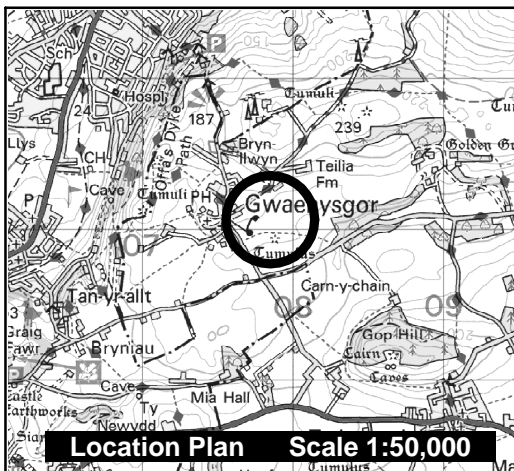
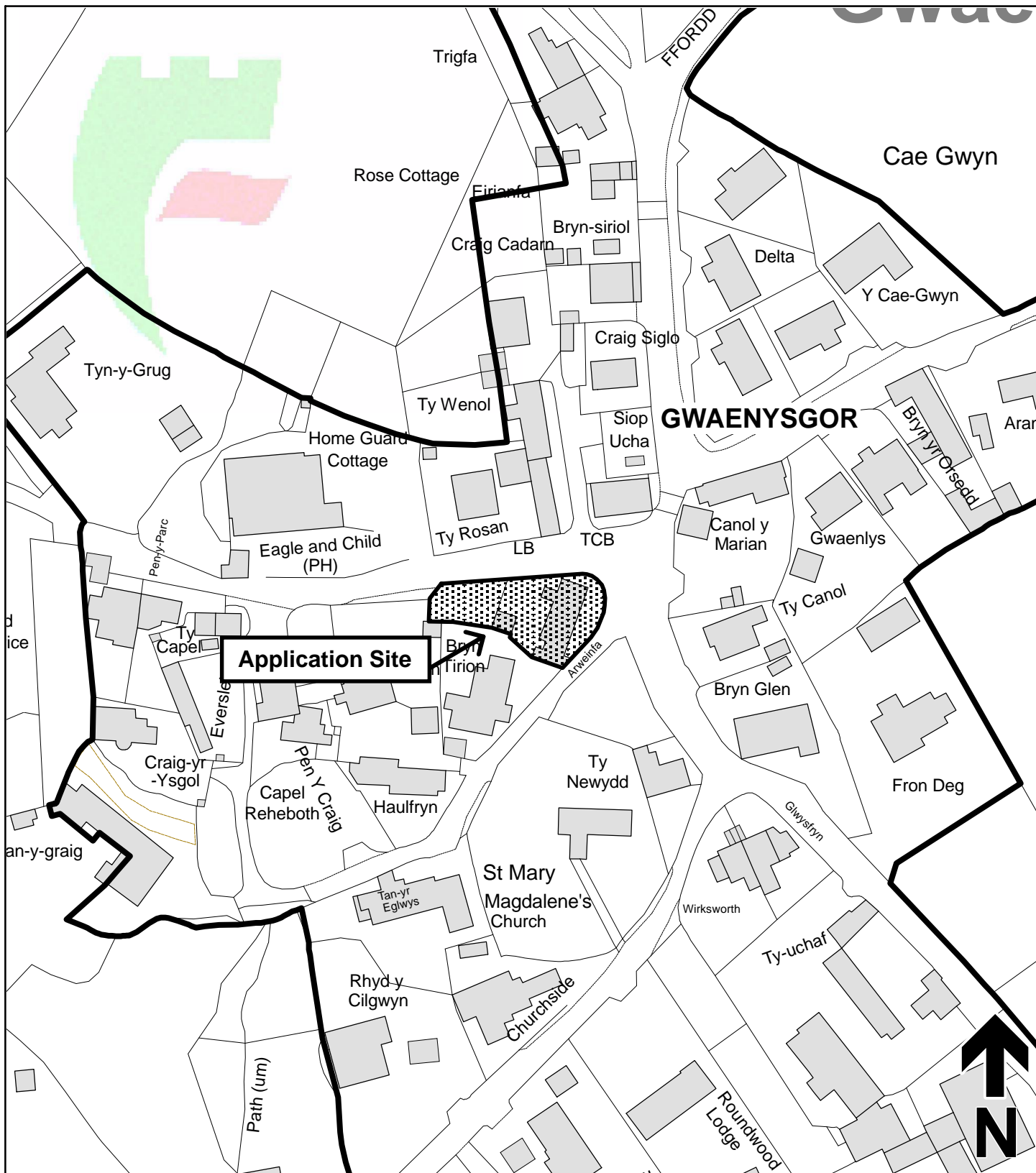
Responses to Consultation

Responses to Publicity

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Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale	1:1250
OS Map ref	SJ 0781
Planning Application	FUL/621/23

Mae'r dudalen hon yn wag yn bwrpasol



# Eitem ar gyfer y Rhaglen 6.4

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **30<sup>th</sup> August 2023**

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

**SUBJECT:** **THE DEMOLITION OF PART OF A BOUNDARY WALL IN ORDER TO CREATE AN OFF-STREET PARKING SPACE WITH AN ELECTRIC VEHICLE CHARGE POINT**

**APPLICATION NUMBER:** **CONS/000790/22**

**APPLICANT:** **M HODGSON & S POOSTCHI**

**SITE:** **ARWEINFA, GWAENYSGOR, LL18 6EP**

**APPLICATION VALID DATE:** **16<sup>TH</sup> DECEMBER 2022**

**LOCAL MEMBERS:** **CLLR G BANKS**  
**CLLR G MADDISON**

**TOWN/COMMUNITY COUNCIL:** **TRELAWNYD & GWAENYSGOR COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **Cllr G Maddison - I wish for the application to be discussed at Planning Committee. Reason, the development is unsuitable for a conservation area in AONB**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This application seeks conservation area consent for the demolition of part of a boundary wall in order to create an off-street parking space with an electric vehicle charge point. The application is to be read in association with the planning application: FUL/000621/23 - Conversion and extension of outbuilding to form a home office and gym, demolition of part of a boundary wall to create off street parking space with an electric vehicle charging point.

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

2.01 That conditional planning permission be granted subject to the following conditions:

1. Time limit on commencement.
2. Compliance with approved plans.

**3.00 CONSULTATIONS**

3.01 **Local Member - Cllr G Maddison** - I wish for the application to be discussed at planning committee. Reason, the development is unsuitable for a conservation area in AONB

**Town/Community Council** - No comments received at the time of writing the report.

**Public Rights of Way** - No objection. Public Bridleway 10 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

**Highways Development Control** – 2nd June 2023 - Following revision of Block plan, no objection.

**Built Conservation** – Following examination the Conservation Team identified that the section of the wall subject to this application is un-historic in date, having been reconstructed within the last thirty years. Conservation thereby considers that the loss of a small section of modern wall would not be adversely detrimental to the character and appearance of the area on this basis raise no objection.

**Community & Business Protection (Pollution)** - No objection.

**Area of Outstanding Nature Beauty (AONB) Joint Committee** – It is regrettable that part of the existing roadside stone wall will be lost, a characteristic feature of the Conservation Area. However, provided it is re-placed re-using re-salvaged stone to match the existing design, the Joint Committee raise no objections. You may wish to give some consideration to imposing a condition to ensure the outbuilding is used incidental to the dwelling.

**CADW** - No comments received at the time of writing the report.

**Clwyd Powys Archaeological Trust** - No objection, recommend planning condition and archaeological watching brief (attached to full

app: FUL/000621/23).

#### **4.00 PUBLICITY**

4.01 A site notice was posted outside the site and 18 Neighbour Notifications were sent to adjoining/nearby properties.

At the time of writing a number of objections have been received. The objections are summarized as follows:

1. Personal business Use
2. Building subject to application already in use as personal training business use
3. No significant justification for the removal of the historic wall.
4. Impact on amenity, character and appearance of the village.
5. Materials
6. Highway impact.
7. Negative impact on the centre and character of Gwaenysgor and conservation area.
8. Appearance and impact on street scene
9. Increased footprint, mass and scale
10. Misleading application description

In addition, one letter of support has been received which is summarised as follows:

1. This outbuilding appears to be completely contained within the applicant's property and is hardly visible.
2. This property has been beautifully restored to allow more environmentally sustainable options.
3. Sympathetic to its historic location

#### **5.00 SITE HISTORY**

5.01 064268 - Proposed outbuilding conversion and extension to form home office with off-road parking- Refused 29.09.2022 (Householder) – For information this application proposed an extension of the existing outbuilding to form a two-storey outbuilding at the rear of the dwelling with a meeting room/break room, toilet and store on the ground floor and office above. As such much more than what is proposed currently.

064269 - Proposed demolition of stone wall within conservation area to create new access- Refused 29.09.2023 (Conservation Area Consent).

## **6.00 PLANNING POLICIES**

- 6.01 Following the refusal of earlier applications 064269 and 064268 the planning policy context for Flintshire County Council has been updated with the adoption of Flintshire Local Development Plan (LDP), formally adopted on the 24th January 2023. The LDP replaces the Flintshire Unitary Development Plan which was the planning policy at the time of the two refused applications.

Flintshire Local Development Plan (Adopted)

PC2 - General Requirements for Development

PC3- Design

ENS- Area of Outstanding Natural Beauty

EN8 - Built Historic Environment and Listed Buildings

EN9 - Development within or Adjacent to Conservation Areas

EN10 - Buildings of Local Interest

Supplementary Planning Guidance (Adopted)

SPGN No 7 - Conservation Areas

Gwaenysgor Conservation Area Appraisal and Management Plan

Future Wales Development Plan 2020-2040 Planning Policy Wales (PPW) Edition 11

Welsh Government Technical Advice Notes (TAN) TAN12 - Design

TAN24- The Historic Environment

## **7.00 PLANNING APPRAISAL**

### **7.01 Site & Surroundings**

- 7.02 The application site is located in Gwaenysgor and is within the Conservation Area and Area of Outstanding Natural Beauty (AONB)

- 7.03 The site consists of a relatively large, detached dwelling - part two storey, part single storey which is located centrally within the village. The property is built in traditional stone and is surrounded by similar style dwellings.

- 7.04 The property has an area of amenity space at the rear that consists of a courtyard with a small orchard beyond. A stone wall surrounds the property with railings above the wall in front of the principal elevation.

### Proposal

7.05 Conservation area consent is required under section 74 of the Listed Building & Conservation Area Act (LB&CAA) for the demolition (and alterations) of most buildings within conservation areas.

7.06 This application deals specifically with the demolition of the wall in order to create a single off road parking space but is to be read in conjunction with the full planning application - FUL/000621/23, that seeks to Convert and extend the outbuilding to form a home office and gym, demolition of part of a boundary wall to create off street parking space with an electric vehicle charging point.

### The Main Issues

7.07 The main issues for consideration in this matter are;

- Impact of the demolition of the wall upon the character and appearance of the conservation area and its setting.

### The principle of Development

7.08 LDP Policy EN9: Development in or adjacent to Conservation Area states: Development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character and appearance of the conservation area or its setting. New development in such locations must also be of a high standard of design, respond to the area's special characteristics be of a high standard of design, respond to the area's special characteristics, and pay particular regard to (amongst other criteria):  
b. the retention of historically significant boundaries or other elements that contribute to the established form of development.

7.09 Gwaenysgor Conservation Area Appraisal and Management Plan is a guidance document produced by the village following consultation with Flintshire County Council and carries some weight in terms of character and appearance but does not supersede the adopted policies provided under the adopted Flintshire Local Development Plan, Supplementary Planning Guidance Notes and Welsh Government Technical Advice Note.

7.10 The principle of development is therefore acceptable subject to compliance with the above criteria.

### Impact upon the Conservation Area

7.11 Gwaenysgor Conservation Area Appraisal and Management Plan advises for the area that the familial character for the Gwaenysgor is strengthened by the use of common building materials and building form with the north-eastern section of Arweinfaf identified within the

document as a focussed building with long views into the village, from routes converging towards the village core. There is discussion within section 3 and subsequent paragraphs of the alterations and changes that have occurred over the years, with the introduction of more modern elements - such as new windows, dormers and modern materials within the village. Paragraph 3.24 states negative development include breaks in stone walls to create vehicular access ways.

7.12 The Built Conservation Team have reviewed the documents submitted within the current submission having regard to national and local planning policy and have re-examine the stone wall that is intended to be removed at a meeting on site.

7.13 Following further investigation the Built Conservation Team have identified that the section of the wall is not historic in date, having been reconstructed within the last thirty years.

7.14 The Built Conservation Team is therefore of the opinion that the loss of a small section of modern wall would not be adversely detrimental to the character and appearance of the area on this basis. It is therefore the opinion of the Local Planning Authority that given the small scale nature of the development, with only a small section of the wall being removed the overall important vistas, views and street scenes would be maintained within the village and therefore the character and appearance of the Conservation Area maintained.

7.15 Whilst the AONB Joint Advisory Committee have expressed regret that an element of the wall is being lost they have not objected to the scheme

## **8.00 CONCLUSION**

In conclusion, given that this section of the wall to be removed is contemporary (built in the last 30 years) and not historic and given the fact the majority of wall surrounding the site will be retained the overall character and appearance of the Conservation Area will be preserved. The proposal therefore complies with Local Development Plan Policies PC2, PC3, EN8, EN9, EN10, SPGN 7, Gwaenysgor Conservation Area Appraisal and Management Plan and National Planning Policy.

### Other Considerations

8.01 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.

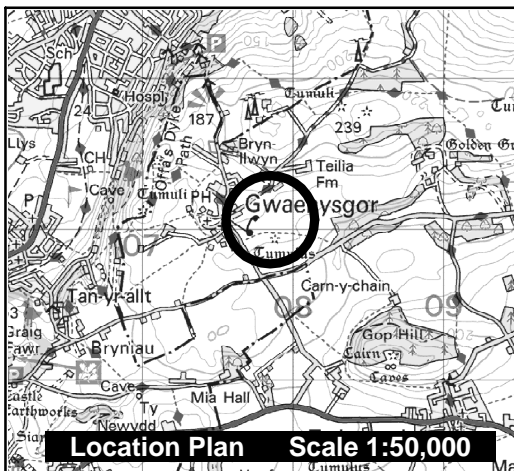
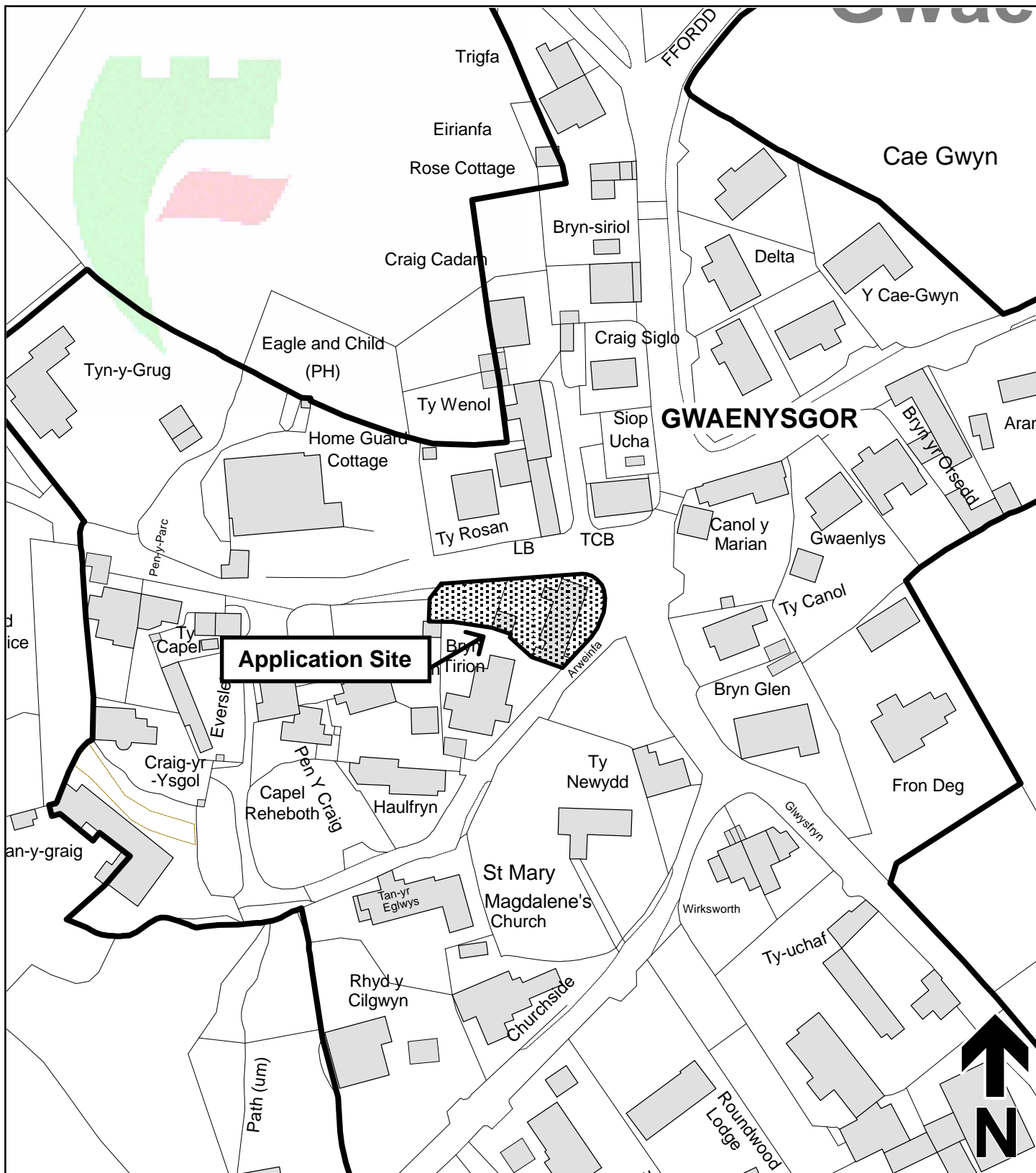
#### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer: Karl Spilsbury**  
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**Email: [karl.spilsbury@flintshire.gov.uk](mailto:karl.spilsbury@flintshire.gov.uk)**

Mae'r dudalen hon yn wag yn bwrpasol





Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 0781

Planning Application **CONS/000790/22**

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.5

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 30 AUGUST 2023**

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

**SUBJECT:** **GENERAL MATTERS – ERECTION OF 12NO HOLIDAY LODGES WITH RECEPTION BUILDING / SHOP AND ASSOCIATED WORKS**

**APPLICATION NUMBER:** **063810**

**APPLICANT:** **BALING WIRE PRODUCTS LTD**

**SITE:** **LAND AT NORTHOP COUNTRY PARK**

**APPLICATION VALID DATE:** **24/12/21**

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

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

### **1.00 PURPOSE OF REPORT**

- 1.01 For Members information this application is the subject of an Appeal lodged and validated by Planning and 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 intended to initially be dealt with by the Written Representation procedure.
- 1.02 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.
- 1.03 By way of the background history at this location. Members will be aware that the application the subject of this appeal was deferred consideration at the Planning Committee on 1/2/23. This was to allow the outcome of an appeal for holiday lodges /chalets on a nearby site within the Northop

Country Park to be determined by PEDW under (CAS -02031-S9D4L8) to be received, to aid the assessment process. The appeal decision was subsequently allowed and received on 25/5/23, although in the intervening period an appeal on non-determination in respect of this application 063810, had been lodged.

- 1.04 In allowing the appeal, the Inspector considered the proposal against national and local policies and whether there were any other planning considerations such as the fallback position i.e., the planning history relating to the Northop Country Park. The other main issues considered by the Inspector were the effect on the character and appearance of the locality and the impact of the proposal on the setting of the heritage assets. The Inspector concluded that there would be no harm to the character and appearance of the area and nor would there be harm to the setting and significance of the heritage assets identified. In applying the planning balance, the Inspector noted that although the proposed development was not justified in this location having regard to policy PE12, considerable weight should be given to the fall-back position and the economic, social, and environmental benefits arising from the scheme, such that the development meets Planning Policy Wales's sustainable placemaking outcomes. The appeal decision letter is attached for Members consideration at Appendix 1 and the planning appraisal section below addresses the Inspector's interpretation of Local Development Plan (LDP) Policies PE12 and PE13 in some detail.

#### **SUMMARY**

- 1.05 This full application proposes the development of land at Northop Country Park, Northop, for the siting of 12 No holiday lodges, with a reception /shop and associated works.
- 1.06 For Members information, amended plans have been received in progression of the application on which further consultation has been undertaken.

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

- 2.01
1. Time Limit on Commencement.
  2. In accordance with Approved Plans.
  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 scheme incorporating additional planting on site's western boundary 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 Members:**

##### **Councillor M Bateman**

Request Planning Committee determination, given the sensitivity of the site's setting within an historic country park.

##### **Councillor L Thew**

Request Planning Committee determination. Do not consider that this application should be determined until the current appeal lodged with Planning and Environment Decisions Wales (PEDW) for a holiday lodge chalet development within the Country Park submitted under 063500 has been formally determined, as it is considered that the applications are intrinsically linked.

##### **Northop Community Council**

Members have the following objections to the applications:

- proposal will act as a catalyst to further applications at this location.
- overdevelopment of the site.
- increase in traffic movements associated with the development site is inappropriate for tourist development which would not benefit Northop or the local area.

##### **Welsh Government (Economy-Trunk Roads)**

Do not wish to issue a direction.

**Highways Development Control**

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

**Community and Business Protection**

No objection

**Welsh Water/Dwr Cymru**

Following the submission of a sewer survey, raise no objection to foul flows being linked into the existing system. Request that details of the connection point are secured by condition.

**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)**

Confirm that there are no identified impacts to non-designated archaeology within the site and the archaeological potential is low.

**Built Conservation Officer**

No objection subject to the imposition of a condition securing further landscaping on the site's western boundary.

**Council Ecologist**

No objection subject to the imposition of a condition securing adequate Great Crested Newt (GCN) mitigation within the adjacent woodland.

**Trees Officer**

No objection - consider the Arboricultural Impact Assessment and Method Statement submitted as part of the application to be acceptable with all key trees to be retained.

**CADW**

Following the submission of amended plans accompanied by a Heritage Impact Assessment, raise no objections subject to the imposition of a condition to secure additional tree planting within the site.

**Welsh Historic Gardens Trust (WHGT)**

The main comments received can be summarised as follows:

- impact of further development on parkland within this open countryside location
- whilst welcoming a reduction in the number of lodges from

that initially proposed, consider this would represent further piecemeal development within the Country Park

- proposal would set a precedent for further holiday lodge development.
- If further suburbanization is acceptable, question why residential development is not planned for the site.
- consider that the proposed planting is seasonal and that a scheme of succession planting of parkland trees would be more appropriate.
- lighting should be controlled to minimize impact on dark skies.

#### **4.00 PUBLICITY**

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

Site Notice posted at the entrance to the country park, with 47 neighbour notifications with adjoining uses / properties.

40 letters of objection subsequently received the main points of which can be summarised as follows:

1. proposal is contrary to the established planning policy framework.
2. detrimental impact on the character of the site, wider surroundings, and the Grade II\* Listed Soughton Hall, Historic Park & Garden.
3. detrimental impact on ecology and habitats
4. safety concerns given relationship of site to existing golf course.
5. Impact on living conditions of occupiers of nearby dwellings
6. disposal of water containing high chemical concentration from hot tubs could adversely impact on eco-systems.
7. inadequacy of access

#### **5.00 SITE HISTORY**

5.01 1345/89 - Outline- Proposed 18 - hole golf course with club house, 4500m<sup>2</sup> office accommodation, 42 detached dwellings, a 200 - 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.

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.

063500 - Outline Development of land to provide lodge/chalet park and site office.

Appeal to Planning and Environment Decisions Wales (PEDW) on the grounds of non-determination - Allowed 25/5/23.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Local Development Plan (LDP)**

STR4 - Principles of Sustainable Development, Design and Placemaking

STR5 - Transport and Accessibility

STR6 - Services, Facilities and Infrastructure

STR7 - Economic Development Enterprise and Employment

STR10 - Tourism, Culture and Leisure

STR13 - Natural and Built Environment, Green Networks, and Infrastructure

STR14 - Climate Change and Environmental Protection

PC1 - The Relationship of Development to Settlement Boundaries

PC2 - General requirements for Development

PC3- Design

PC4 - Sustainability and Resilience of New Development

PC5 - Transport and Accessibility

PE12 - Tourist Accommodation, Facilities and Attractions

PE13 - Caravan Development in the Open Countryside

EN4 - Landscape Character

EN6 - Sites of Biodiversity Importance

EN7 - Development Affecting Trees, Woodlands, and Hedgerows



### **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)  
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**

### Introduction

- 7.01 This is a full application for the proposed siting of 12 No single storey holiday lodges with an associated reception building /shop on land at Northop Country Park, Northop. Amended plans have been received in progression of the application proposing a reduction in the number of lodges from 13-12 units, and deletion of a workshop building, from that proposed within the initially submitted scheme.

### Site Description

- 7.02 The application site which amounts to approximately 2.6 hectares in area, is located within the grounds of the Northop Country Park and the setting of the Grade II\* Listed Soughton Hall 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 located to the west of the main arterial route through the country park. The proposed lodges are proposed to be located on land to the north of the Northop Golf Course Clubhouse, Driving Range and the Celtic Arms Public House. The reception /shop are proposed to be located on an area of land to the west of the Celtic Arms. That part of the site where the lodges are proposed to be located, comprises an open parcel of land that is currently covered by shrubs and small groups of mature trees.

### Planning History

7.04 By way of the previous planning history within the Country Park as referenced in paragraph 5.00 of this report, it is important to note there are a range and mix of exiting well

established uses, comprising leisure, commercial, residential, and a Public House. There was in addition an intention for a tourism development, in the form of a hotel within the park, although this has not materialized, due to changes in economic circumstances since the grant of outline permission.

7.05 Proposed Development

The amended plans submitted as part of the application propose:

- i. the erection of 12 No single storey lodges measuring approximately 10.2m x 15m x 4.6m (high)
- ii. the erection of an L-shaped reception / shop measuring approximately 13m x 9.6m x 4.6m (high)

The buildings are proposed to be constructed having timber clad external walls and dark fibre cement roofs.

7.06 Main Planning Considerations

The Main Planning Considerations to be taken into account in determination of the application:

- 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.
- vi. impact on the living conditions of occupiers of nearby residential properties.
- vii. drainage.

7.07 Principle of development

The Northop Country Park is in open countryside as defined in the Flintshire Local Development Plan. The proposal is for the erection of 'holiday lodges' but there is no clear definition of what comprises a holiday lodge, and the LDP does not specifically reference them and nor is there any reference to their definition found in Planning Policy Wales (PPW). In fact, this is one of a number of more modern terms applied to proposals to develop 'higher quality' holiday accommodation that includes lodges, park homes, chalets and log cabins.

7.08 Notwithstanding this, the starting point for the assessment of all proposals for holiday accommodation that does not involve the conversion of existing buildings or new-build

bricks and mortar accommodation, logically has to be the way that proposals for static holiday caravans are considered in national and local policy terms, as at least there is a broad definition provided to use as a baseline for assessment.

- 7.09 The Caravan Sites Act (1960)(as amended in 1968, 2006) provides a broad definition of what constitutes a static caravan which includes:

“A structure designed or adapted for human habitation which –

- a). is composed of not more than two sections separately constructed and designed to be assembled on site by a means of bolts, clamps or other devices; and
- b). is, when assembled, physically capable of being moved by road from one place to another (whether being towed or being transported on a motor vehicle or trailer).

- 7.10 The later amendment to this definition in 2006 also established parameters for the dimension of these structures when assembled:

- a length of 65.616 feet/20 metres
- width 22.309 feet/6.8 metres
- height 10.006 feet/3.05 metres

- 7.11 The Council acknowledges that there is no specific policy in the LDP, or guidance in PPW, which deals specifically with holiday lodge proposals, where the lodge does not constitute a static caravan, as set out above. That said, given that the above definition is the only baseline that can be used, it is logical and necessary to consider the degree to which a lodge proposal differs from a static caravan proposal, having regard to the following considerations:

- the size of the lodges;
- the form, proportions, materials and design of the lodges;
- the means of bringing the lodges to the site;
- the means of erection on site;
- the degree of permanence, including the expected lifetime of the structure

- 7.12 Each lodge proposal should be assessed on its individual merits in terms of whether it would cause any additional planning harm over and above a static caravan proposal. Critical to this assessment is the balance to be struck between the fact that lodges tend to be larger than static

caravans, and the fact that lodge proposals tend to be of a higher quality in design, layout and use of materials than static caravans. PPW specifically refers to the need for a planning framework to provide for well-designed, good quality tourism facilities.

- 7.13 Consideration of the proposed development has therefore principally been undertaken having regard to Policy PE13 in the LDP whose key criteria seek to ensure that;
- i. there would be no material harm to the landscape character and environmental quality of the surrounding area and no adverse effects on European Sites either individually or cumulatively with other sites in the vicinity; and
  - ii. the scale of the proposal together with the number, siting and layout of the units, circulation roads and service buildings is appropriate to the characteristics of the site and locality; and
  - iii. the scheme incorporates substantial internal and structural landscaping.

7.14 It is also important to consider the principle of 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, and the conclusions of a recent appeal allowed by PEDW for an outline planning application for the erection of 24 lodges/chalets within the country park. (Appeal reference CAS-02031-S9D4L8).

7.15 In terms of the relevant criteria from policy PE13, the proposals have been developed and amended to reduce the number of units originally proposed, principally to ensure that the development can be integrated into the existing site and landscape setting by ensuring the retention of existing important trees, hedgerows and other landscape features which define the site. A previously proposed workshop building has also been removed by the applicant, to provide a better balance between development and site setting. As per the recent appeal decision on an adjacent site that approved outline permission for 24 potentially larger lodge units, whilst there will be a change from undeveloped to developed land with this proposal, its scale of development, on its own or in combination with the recent adjacent appeal site, cannot be seen in isolation from the rest of the developed area of the Country Park. In this context, it is difficult to conclude that the proposed development would have an unacceptable impact to the landscape character or

environmental quality of the surrounding area.

- 7.16 The scale of development is limited to 12 lodges which are arranged in a well-spaced layout on the site, served by a central access road, which makes good use of the existing landscaping and tree cover. Further landscaping is proposed to further screen the site, and also to provide screening between the lodges on the site. In terms of the scale of the lodges, their footprint is slightly larger (12%/17 sq m) than the maximum dimensions that would be acceptable for a static caravan, with a ridge height up to 1.5m higher than for a static caravan. Given the overall scale of the country park, the existing and proposed additional landscaping, the context of existing mixed development in this location, the recent appeal decision allowing potentially larger lodges on a nearby site, and the degree of separation of the proposal from the existing residential development on the site (with intervening development also present), the proposal is appropriate to the characteristics of the site and locality.
- 7.17 The scheme has already been amended to reduce the number of units so that existing trees, hedgerows and other landscape features can be retained. The proposal is also accompanied by a comprehensive scheme of further internal landscaping comprising predominantly native species for additional trees and hedge planting. Overall, the scheme will have a significant degree of landscaping from first occupation, which will only increase year on year as the proposed additional planting matures.
- 7.18 Measured against the relevant criteria in policy PE13 therefore, and taking into account the difference between the scale of what comprises a lodge in this proposal, and that allowable within the definition of a static caravan, the proposal does not indicate a significant degree of harm (additional to or in its own right) that prevents this use from being considered appropriate in this location. The related facilities already available on the park in terms of a golf club and pub diner appear to provide complementary facilities to the location of appropriate, good quality holiday accommodation.
- 7.19 In terms of the location of the proposed development and the relevant policy considerations, in the recent appeal decision that approved similar holiday lodges on a nearby site in the country park, the Inspector considered that policy PE12 criterion d. was the more appropriate policy to consider lodge proposals against, than PE13. The Council fundamentally disagrees with this interpretation for the reasons given in support of the tests set out in policy PE13 above, as well as

the fact that criterion d. of policy PE12 does not relate to tourist accommodation as the introductory wording refers only to tourist attractions and facilities. Para 7.33 of the explanatory text supporting policy PE12 clearly states that “Tourist facilities and attractions include non-accommodation related tourism development”.

- 7.20 To apply PE12 d. in any other way is irrational, and would apply inappropriate and unnecessary tests to proposals for tourist accommodation i.e. criterion: i) whether an open countryside location is essential; ii) whether the proposal could be accommodated within an existing building or settlement boundary; iii) whether the development is based on a geographically restricted resource or activity. These, taken together with a requirement to travel by means other than the private car, if applied to tourist accommodation as in the previous appeal decision, would have the negative effect of preventing most forms of such accommodation from being approved, particularly in rural locations. This would be perverse and irrational, and this cannot be a correct presumption, and would certainly not accord with the positive intentions for tourist development set out in PPW.
- 7.21 That is why PE12 criterion d. only applies to attractions and facilities where a degree of control may be required, depending on the nature of the proposal. This is the only context in which the phrase ‘rural restraint’, used by the recent appeal Inspector, could logically apply, but is not one that is relevant to apply to tourist accommodation proposals in the form of static caravans or lodges, and does not appear in the LDP or in PPW.
- 7.22 In relation to criterion c. of policy PE12, which relates to ‘non-permanent accommodation such as chalets, pods, glamping and tent camping sites, these are by definition temporary uses of land and therefore the Council acknowledges that it would not be appropriate to consider this proposal against that criterion. As explained earlier criterion d. simply does not apply and in the Council’s opinion it is reasonable to apply policy PE13 in the way it has, as set out above.
- 7.23 From the above assessment and given the modest scale of the proposed development set in context with the range and scale of development that has already taken place at the country park, the principle of development is acceptable in relation to the relevant policies of the LDP, and in line with the positive presumption in PPW that encourages good quality tourist provision.
- 7.24 Scale / Form / Design

A tree survey report has 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 key existing trees and hedgerows and landscape features with there being a requirement for additional supplemental planting which can be secured by condition.

- 7.25 The proposed amendments to the layout which have reduced the number of lodges / removed a proposal for a workshop building help to provide for a better -balanced layout within a wooded concept. The proposal is therefore considered acceptable having regard to Policies PC2 and PC3 of the LDP
- 7.26 Impact on Soughton Hall Historic Park and Garden  
The site is located within the essential setting of the Grade II\* Listed Soughton Hall Historic Park and Gardens. Consultation on the application has been undertaken with Cadw , the Council's Built Conservation Officer, and The Welsh Historic Gardens Trust (WHGT)..
- 7.27 Whilst the response from WHGT is duly noted, this was an identical approach to which they took in relation to the nearby appeal site where they sought in essence to reverse the clock, in terms of requiring the re-instatement of the former extent of the Country Park. Given the amount of development that has taken place, this is not a reasonable requirement, and certainly not one that can be used to prevent a development of this modest scale, where the same principle has recently been established in this location and given the scale and mix of other development nearby.
- 7.28 Following the receipt of additional information by way of an updated Heritage Impact Assessment and revised layout from the applicant, it is considered by Cadw and Council's Built Conservation Officer, that the proposed reduced / amended scale of development will not have any impact on the Historic Park and Gardens, when considered in combination with the existing topography vegetation cover and supplemental planting which can be secured by condition.
- 7.29 The proposal is therefore considered acceptable in terms of heritage impact having regard to Policies PC2 and EN4 of the LDP, together with Planning Policy Wales (PPW 11) Cadw's guidance - Setting of Historic Assets in Wales May

2017.

7.30 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. In addition, there is no objection from Welsh Government (Economy- Trunk Roads)

7.31 The proposal is therefore considered acceptable from a highway perspective having regard to Policies PC2 and PC5 of the LDP

Impact on Ecology

7.32 Consultation on the application has been undertaken with Natural Resources Wales (NRW) and the Council's Ecologist.

7.33 This current application has been supported by Ecological Surveys to assess the impact of development primarily on Great Crested Newts, bats, birds and water vole. Both NRW and the Council Ecologist are supportive of the ecological mitigation measures advanced to safeguard the species referenced and their habitats. It is noted that some of the enhancements / mitigation measures required particularly in respect of the breeding ponds associated with the GCN population will need to take place outside the application site boundary, this is still on land within the applicant's ownership and the measures specified can as a result be secured by condition.

7.34 Of additional concern 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.

7.35 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 be secured by planning condition.



- 7.36 Impact on the Living Conditions of Occupiers of Nearby Properties  
Of particular importance in consideration of this application is to ensure that the living conditions of occupiers of existing residential properties located in proximity to the site are safeguarded.
- 7.37 The nearest residential properties to the site are Lower Soughton Hall and The Pippins located approximately 230m to the west, separated from the site by one of the holes at Northop Country Park Golf Club. In addition, approximately 470m to the south is the nearest dwelling Hillside House which forms part the main spine of residential properties. This is separated from the application site both in physical /visual terms by the Northop Golf Club House and Celtic Arms which act as a visual break at this location.
- 7.38 Consultation on the application has been undertaken with the Pollution Control Officer who has raised no objection to the Development. There is however considered to be a requirement to control external lighting associated with the development which can be secured by condition, and enhanced landscaping on the sites western boundary will help to minimise any impact of development.
- Drainage
- 7.39 Progression of the application has been impacted by the requirement from Dŵr Cymru Welsh Water, to confirm the precise connection point of the proposed foul drainage into the existing system. Following the undertaking of additional survey work, this has now been satisfactorily addressed and can be secured by condition.
- 7.40 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.
- 7.41 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, specifically aimed at tourism accommodation.

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.

8.03 The current proposal for holiday /tourist accommodation is proposed on a different part of the site within the Northop Country Park to that initially proposed for a hotel or holiday lodges under 063500, and therefore needs to be assessed having regard to the current national / local planning framework. Having considered the proposals against the relevant policies of the LDP, it is considered that the principle of development is acceptable.

8.04 The scale of development / amended site layout offers an acceptable and sympathetic form of development at this location which is acceptable having regard to its impact on heritage, ecology, and highways considerations. It is therefore recommended that planning permission be granted subject to the imposition of conditions as referenced in paragraph 2.00 of this report.

## **Other Considerations**

9.00  
9.01 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.

9.02 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.

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

9.04 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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Mae'r dudalen hon yn wag yn bwrpasol



## Appeal Decision

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by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 25.05.2023

Appeal reference: CAS-02031-S9D4L8

Site address: Land at Northop Country Park, Northop, Flintshire CH7 6WA

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr Gizzi against Flintshire County Council.
  - The application Ref 063500 is dated 7 September 2021.
  - The development proposed is development of land to provide Lodge/Chalet park to include single storey & two storey lodges and a site office.
  - A site visit was made by the Inspector on 31 January 2023.
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### Decision

1. The appeal is allowed and planning permission is granted for development of land to provide Lodge/Chalet park to include single storey & two storey lodges and a site office at Land at Northop Country Park, Northop, Flintshire CH7 6WA in accordance with the terms of the application, Ref 063500, dated 7 September 2021, and the plans submitted with it, subject to the conditions set out in the schedule of conditions to the decision.

### Application for costs

2. An application for costs has been made by Mr Gizzi against Flintshire County Council. This application is the subject of a separate decision.

### Procedural Matters

3. On the 24 January 2023 the Welsh Ministers issued a screening direction that the development the subject of this appeal is not an Environmental Impact Assessment (EIA) development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.
4. The site address in the above banner heading is taken from the Council's registration letter of the application and the appeal form. This more accurately describes the site address than that on the application and is used for the purposes of determination of this appeal.
5. The planning application is submitted in outline with access and scale considered at this stage. All other matters such as appearance, landscaping and layout are reserved matters for later determination and do not form part of this outline planning

application/appeal. Consequently, other than the locations of the accesses and the scale of development, I have treated the submitted plans in so far as these relate to layout, appearance, and landscaping for illustrative purposes only.

6. Site plan drawing no. 20-198 SP01 Revision A has been submitted to illustrate the indicative layout of the development and associated landscaping and shows the access detail which forms part of this application. The site plan shows 1 reception building and 24 new build lodges (11 units are two-storey and 13 units single storey).
7. The development parameters in relation to scale are read in conjunction with the site plan drawing mentioned above and the section drawing submitted with the application. As final floor levels are provided in conjunction with a scaled sectional drawing the parameters of the development can be deduced from these and there is sufficient information provided to decide this case.
8. The Council did not make a decision on the application. However, it has provided a position statement dated November 2022 following a Planning Committee meeting which considered the Council's stance on the application. The Council resolved to oppose the development and has cited two reasons. In brief, the first indicates that the development is harmful to the character and appearance of the area contrary to Flintshire Unitary Development Plan (UDP) Policies STR7, GEN1 and T4. The second reason is that the development would have an adverse impact on the zone of essential setting of the Grade II\* Listed Soughton Hall Historic Park and Garden contrary to paragraph 6.1.18 of Planning Policy Wales Edition 11 (PPW) and UDP Policy HE5.
9. The Flintshire Local Development Plan 2015-2030 (LDP) was adopted on 24 January 2023, replacing the UDP. The appeal is determined in accordance with the adopted LDP having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004. Future Wales, The National Plan 2040 (FW) forms part of the development plan for the purposes of Section 38(6).
10. The parties were requested to provide an updated planning policy statement to identify the relevant policies of the LDP and to those policies of the UDP which were replaced by their equivalent LDP policy and to assess the difference and the implications of these policies with relation to the proposed development. The parties were given an opportunity to comment on each other's submissions. These submissions have been considered in this appeal.
11. As the LDP is adopted I have a duty to have regard to the development plan and the relevant policies that consider the location of the development in the countryside. This becomes the first issue in the determination of this appeal.

### **Main Issues**

12. The main issues in this case are:
  - Whether the proposed development is justified in this location having regard to the policy of rural restraint and the relevant development plan policy, and
  - The effect of the proposed development on the character and appearance of the area, and
  - The impact of the proposal on the setting of heritage assets, and
  - Whether any conflict with the development plan or harm identified in relation to the foregoing issues is outweighed by other considerations which would justify granting planning permission with reference to a fallback position and other benefits.

## Reasons

*Whether the proposal is justified in this location having regard to the policy of rural restraint*

13. The appeal site is 2.4ha of land situated in the grounds of Northop Country Park. The appeal site is located outside settlement boundaries as defined in the LDP.
14. The relevant policies to be considered for the proposed development in relation to location are STR10 Tourism, Culture, and Leisure, PE12 Tourist Accommodation, Facilities and Attractions, PC2 General Requirements for Development and STR13 Natural and Built Environment, Green Networks, and Infrastructure. These replace the former UDP Policies T4 New Static Caravans and Chalet Holiday Sites, GEN1 General Requirements for Development, and STR7 Natural Environment which were referred to on the deemed reasons for refusal.
15. The Council has referred to and listed LDP Policies PE13 and PE12. However, I concur with the appellant that PE13 is directed at Caravan Development in the Open Countryside. This development is not only a use of land but comprises permanent buildings and there is no evidence to suggest that they are not buildings as defined by Section 336 of the Act as amended. Therefore, LDP Policy PE13 is not applicable to the development.
16. LDP Policy PE12 permits new or extensions to existing self-catering and serviced tourist accommodation and tourist attractions and facilities within defined settlements where proportionate in scale to the site and its surroundings. Outside defined settlement boundaries, which applies in this case, development will be permitted in the form of a) the extension to existing tourist accommodation and facilities; b) the conversion of existing buildings; c) non-permanent accommodation such as chalets, pods, glamping, and tent camping sites; and d) new build tourist attractions and facilities outside settlement boundaries. Criterion d) permits development if; an open countryside location is essential; the proposal cannot be accommodated within an existing building or within a defined settlement boundary; the development is based upon a geographically restricted resource or activity.
17. The appellant regards the development in accordance with Policy PE12 and refers to criterion c). However, in my view, this refers to non-permanent accommodation and the Council regards this as permanent development. I would agree that this development does not fall within c) even that it specifically mentions for example chalets. The words 'such as' in my view refers to an example of types of development that are non-permanent. Having regard to the particulars of this appeal development the proposal does not fall within this category.
18. In relation to criterion d) it would be difficult to conceive that this form and scale of development can be accommodated within an existing development boundary or accommodated within existing buildings. The Council and the appellant have viewed the development in the context of a fall-back position, but I must assess whether the development accords with the development plan in the first instance.
19. I consider that the proposed development conflicts with LDP Policy PE12. It is not essential for it be located there, and the development is not based upon a geographically restricted resource or activity. No case has been made that this development falls within exception a) of Policy PE12 an extension to existing tourist accommodation and facilities. It appears an entirely separate development from established leisure and retail developments that lie adjacent to the appeal site.
20. One of the National Sustainable Placemaking Outcomes in PPW is facilitating accessible and healthy environments. The proposal's location is not accessible by means of active

travel and public transport and is predominantly car dependent. The walking route to the local bus stop is mainly without a pavement and is unlit and comprises the verge of the A55 slip road. The bus stop is some 1km distance from the appeal site and would take on average over 15 minutes to walk. The site is some 8km from the National Cycle Route. In all, I do not consider that the proposal's location accords with PPW Placemaking Outcome in this regard.

21. I conclude that the proposed development is not justified in this location having regard to the policy of rural restraint and the relevant development plan policy.

#### *Character and appearance*

22. The drive into the Country Park leads through its landscaped grounds and serves an existing office building, Northop Golf Club, public house/restaurant, residential houses, and an industrial unit.
23. The site is predominantly tree lined along a central belt of the site where a small stream runs through it. The land which is predominantly grassland, scrub and gorse is more open alongside a road that runs to the west of the site. A track and a boarded-up property lie to the east of the site. The site has no landscape designation but historic parks and gardens, listed buildings and other heritage assets are situated to the west of the site.
24. Following a previous refusal, the appeal/application proposal has been revised to reduce the number of chalets/lodges on the site and an indicative layout has been provided to show how these units would be assimilated into the site allowing for the access and internal routes to be designed around existing trees and hedgerows, and other topographical and natural features. An indicative scheme of landscaping has also been provided centred around the new internal driveways within the site, which is an issue for consideration under any reserved matters application.
25. The proposed development is amongst other commercial, leisure and residential development that have been granted planning permission and have been carried out. There is a large residential development to the south-west of the site on the intervening slope between the historic park designation and the appeal site and is shrouded by trees. The golf course adjoins part of the internal road complex to the Country Park which borders the appeal site. The golf course sweeps around behind the site to the south. A vacant industrial building with associated parking borders the site to the south. To the north the boundary of the appeal site adjoins a commercial office building and car park. In view of all this the site is not regarded as open countryside.
26. The site is a large irregular shaped area which is substantially landscaped on the boundaries of the site with trees and hedgerows. The site dips into a landscaped area where a stream runs through and beyond this the land climbs into a secluded northern portion of the site which again is substantially screened from the office car park and on other boundaries of this site. Substantial trees are situated on the south-eastern side of the site. The indicative layout shows new buildings on areas that are visible from the Country Park internal road where the land is relatively open with limited screening from the road and the golf course. This is the side of the appeal site the development would be seen; all other sides are heavily screened from view. The landscape impact would be limited to the immediate area and seen in the context of the existing golf course.
27. There would be no harm to the intrinsic quality of the countryside and any impact would be localised to the immediate area which itself is already developed. The development would harmonise with the established character, local distinctiveness and appearance of the site and surrounding landscape.



28. The scale of the development and access details are not inappropriate, and the indicative layout shows locations of buildings set within landscaped areas or against the backdrop of established screening. Most of the two-storey scale buildings are situated on the northern part of the site which is enclosed.
29. There would be a change from undeveloped land, but the land is not seen in isolation from the rest of the developed area of the Country Park. The Council has not demonstrated the harm that would result to the character and appearance of the area over that which is already developed on adjoining sites. The concern that this is a formal layout which is at odds with the rural character is not one that relates closely to the development site, given my conclusion that it would be seen and read in conjunction with established development in the vicinity of the site. Layout is not a matter which forms part of this application, and the Council has control over density and layout and landscaping in any subsequent reserved matters application. The site is discreetly positioned in the overall context of its locality due to the considerable structural landscaping within and on the boundaries of this site.
30. I conclude that the proposed development would not harm the character and appearance of the area and would not conflict with LDP Policies PC2 and STR13.

#### *Heritage assets*

31. The heritage asset identified as being affected by the appeal development is Soughton Hall Registered Historic Park and Garden (RHP&G) (Grade II\*). This is set out in the Council's position statement and deemed reason for opposing the development. Contained within the boundaries of Soughton Hall RHP&G is Lower Soughton Hall RHP&G (Grade II).
32. The appellant's Heritage Impact Assessment (HIA) December 2020 also identifies a cluster of five listed buildings centred at Soughton Hall and an outlying lodge. These are: Soughton Hall (Grade II\*), Garden Walls, Corner Turrets, Gates and Gate Piers at Soughton Hall (Grade II\*), Stable Block at Soughton Hall (Grade II\*), Coach-house Range at Soughton Hall (Grade II\*), Game Larder to west of Soughton Hall (Grade II), Lower Lodge to Soughton Hall (Grade II) and Well Head at Soughton Hall (Grade II).
33. Within Lower Soughton Hall RHP&G the HIA identified two listed buildings, Lower Soughton Hall (Grade II), and Bath-house at Lower Soughton Hall (Grade II).
34. It has not been suggested that the proposed development affects the listed buildings or their settings as the focus of concern has been on Soughton Hall RHP&G. However, the HIA covers these listed buildings in the assessment. I have had regard to these in my consideration of this appeal under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
35. PPW provides guidance on Historic Parks and Gardens under paragraphs 6.1.18 - 6.1.19. Planning Policy Wales Technical Advice Note 24 (TAN 24): The Historic Environment, paragraph 7.2 indicates that local planning authorities should protect and conserve parks and gardens, and their settings, included in the register of historic parks and gardens.
36. Paragraph 1.25 of TAN 24 sets out that the setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset. Similarly, the published guidance on The Setting of Historic Assets in

Wales May 2017 indicates that the importance of setting lies in what it contributes to the significance of a historic asset.

37. Following the adoption of the LDP Policy EN8 Built Historic Environment and Listed Buildings is the relevant policy in relation to the issue of heritage assets. This replaced UDP Policy HE5. The significant difference being that HE5 considered adjacent areas and zones of essential setting and significant views affecting RHP&G and landscapes whilst LDP Policy EN8 does not refer to adjacent areas or zones of essential setting. LDP Policy EN8 seeks to protect and conserve historic landscapes, parks, and gardens. However, PPW and TAN 24 requires an assessment of RHP&G on their special interest and their setting.
38. In its letter in response to the application CADW indicates that all the scheduled monuments located within 3km of the proposed development are not seen because of the intervening topography, buildings, and vegetation. CADW considers that the proposed development would not have any impact on setting of any scheduled monument. In relation to Soughton Hall, Lower Soughton Hall and Gwysaney RHP&Gs, CADW indicate that intervening topography, buildings, and vegetation would block all views between them apart from Soughton Hall. The proposed development would not have any impact on the setting of RHP&Gs of Lower Soughton Hall and Gwysaney. CADW indicate that the application/appeal site is located some 250m east of the boundary of Soughton Hall RHP&G and is inside the essential setting (although this is not mentioned in LDP Policy EN8). CADW concurs with the appellant's HIA that the impact of the proposed development on the setting of Soughton Hall RHP&G would not be significant.
39. The HIA has followed the 4-stage approach to assessing impacts to settings of heritage assets as set out in CADW's guidance, The Setting of Historic Assets in Wales May 2017. It examines the attributes of setting which may explain its contribution to the significance of the asset. The HIA undertook a bare earth study (excluding vegetation and buildings) of the extent of the potential intervisibility of the proposed development from around Soughton Hall RHP&G depicted in a Zone of Theoretical Visibility (ZTV) map. The ZTV reference mapping points were taken at the end of the roof ridgelines of the proposed lodges as located on the indicative plan. This provided the theoretical analysis of where the proposed lodges would be visible without screening. The second ZTV map studied the impact on the presence of screening and buildings on theoretical intervisibility between the proposal site and the Soughton Hall RHP&G.
40. The second ZTV map shows that one proposed roof point would be visible in a small area within the Soughton Hall RHP&G adjoining the boundary of the Lower Soughton Hall RHP&G. This is in the context that sixty proposed roof points would be possibly seen closer to the appeal site from the adjoining golf course and to the east of the A55.
41. The significance of Soughton Hall RHP&G is derived for its well-preserved early eighteenth-century parkland planting, the contemporary lime avenues that flank the drive approaching the house, the importance of the associated group value listings of the early eighteenth-century Grade II\* house, coach house range and stable block, garden walls with turrets, the game larder and garden well head. The Register describes the landscape park as medium size situated on gently undulating ground bounded by the B5126, the A5119, Northop golf course, and a minor road to the south. There are two avenues of lime trees that flank the main western and southern approaches to Soughton Hall.
42. The Register marks the significant views to the north and to the south of the main hall. These views would also be significant when viewed back towards the main hall. I note that the Register does not identify any significant view from Soughton Hall RHP&G towards the appeal site. Between Soughton Hall RHP&G and the appeal site there is intervening development. This comprises the residential estate of modern houses and the

development of the golf course. The public house and the golf club house are situated just to the north-west of the appeal site and is closer in terms of physical distance to the boundary of the RHP&G than the appeal site.

43. Having viewed the appeal site and its environs from several vantage points including those highlighted in the HIA the visual impact of the development would be negligible upon the setting of Soughton Hall RHP&G. The immediate setting to the east of the boundary of the RHP&G towards the appeal site has been changed significantly by the established residential houses and the golf course. The residential development is an intervening built form between the RHP&G and the appeal site. These houses are strung along a linear route which are on a higher level than the appeal site and are shrouded by trees. The undulations of the adjoining golf course which sits in-between the appeal site and the residential development when viewed in one aspect of the view also diminishes the possibility of intervisibility between the RHP&G and the appeal site.
44. I therefore concur with the HIA and CADW that the impact of the proposed development on the setting of Soughton Hall RHP&G would not be significant. The HIA sets out in some detail the attributes of the setting that contributes to the significance of the heritage assets. Since these have been set out in the evidence, I have fully considered them in the determination of this appeal. The HIA also evaluates the impact of the proposed development on the significance of the assets. I concur with the assessment.
45. The proposed development would not have an adverse effect on the special characteristics of Soughton Hall RHP&G as this is relatively self-contained within the boundaries of the immediate parkland which is substantially screened. The landscape setting has changed and developed over-time and I concur with the HIA that the RHP&G is a separate entity to the Country Park which has been developed as a golf course and other mixed-use developments. Although the development site was once part of the Soughton Hall estate it was not the parkland itself but formed part of tenanted farmland. This farmland has since been developed as set out forming the Country Park with little legibility connection with the RHP&G. I concur with the HIA that the proposed development would not dominate the historic asset visually and would not detract from our ability to understand and appreciate the asset.
46. There is no criticism from CADW that the development would be harmful and add to the mix of developments already in place and cumulatively adversely affect Soughton Hall RHP&G. The HIA acknowledges there would be a slight urbanising effect, but the impact would be negligible in the overall context of the site and surrounding area. I consider that the proposed development whilst adding further to the Country Park developments does not change the balance tipping the impact into a harmful effect on the setting of the heritage assets.
47. The Welsh Historic Gardens Trust (WHGT) oppose the proposed development noting that this is not a redevelopment of the footprint of Springfields, the reduction in the amount of development does not outweigh previous objections, the original outline planning permission has long lapsed, there is no public interest in the scheme it is not enabling development, there are concerns about the materials, uniformity of the layout, hard landscaping and that the development would adversely affect views from within the Park and the listed landscape itself. The Trust also refers to the issue of tree loss and that the buildings would be located within the tree root protection areas. There is also concern about ecology and concern about cumulative incremental changes taking place in the Country Park. It is considered that the development does not accord with the Placemaking outcomes of PPW in promoting active travel and providing a choice of transport modes to the site and is heavily reliant on the use of the private car. The

increase in vehicular movements because of the development would have a detrimental impact on the peaceful quality of the site.

48. I note that the application site does not include Springfields and is therefore outside the scope of this appeal. The proposal is considered on its individual merits and the preceding scheme does not fall to be considered in this appeal. I consider that the development would not significantly impact the setting and the significance of the heritage assets and there is no need to determine whether it constitutes enabling development. Materials, layout, and landscaping are matters to be covered by any subsequent reserved matters application and do not form part of this appeal for outline planning permission. Issues relating to trees and ecology are considered under other matters, but these did not form part of the deemed reasons for opposing the proposal. Placemaking is a matter to be weighed in the conclusion and planning balance of this decision.
49. The development would not conflict with LDP Policy EN8. I conclude that the proposed development would not harm the setting and significance of the heritage assets identified.

#### *Other considerations and fallback*

##### *Fallback*

50. The appellant and the local planning authority recognise that there is a pleaded fall-back position to consider whereby a development in this instance has been granted planning permission and is extant and which could be built on the appeal site. This alternative development is to be assessed on whether there is a realistic prospect of taking place which is considered more certain than a theoretical possibility of occurring. In assessing whether the likelihood of the alternative development taking place there must be no impediment for it be instigated and no further approval required such as a planning condition to be agreed that might prevent the alternative development from taking place. If these matters are met, then the alternative development would need to be assessed against the appeal proposal to establish whether the alternative would cause more harm than the appeal development.
51. Outline planning permission was granted under reference 1345/89 by Delyn Borough Council in July 1991 for a mixed-use development at Northop Country Park. The permission included an 18-hole golf course with club house, office accommodation, 42 detached dwellings, a 200-bed luxury hotel with leisure facilities, and a 9-hole golf course with an equestrian centre.
52. The Reserved Matters reference 98/30/1334 relating to the above outline planning permission reference 1345/89 was dealt with in two stages. Reserved matters approval for the provision of a three storey 198-bed hotel with ancillary conference and leisure facilities together with 250 parking spaces, offices and 16 residential units was granted by Flintshire County Council on 25 May 1999. The approved site plan shows the proposed hotel building and car parking located on the appeal site. Elements of the reserved matters approval have been implemented such as the housing and office accommodation. Consequently, the hotel development on the appeal site according to the appellant and the local planning authority is extant.
53. The local planning authority has not indicated that there is an impediment to the hotel development. Having examined the reserved matters approval reference 98/30/1334 supplied by the interested parties there are several planning conditions which require approval before the hotel development can take place. I have no information from the appellant that these conditions have been discharged. However, in looking at these conditions that relate to the hotel development they do not require that the schemes to be agreed are implemented merely that such schemes are submitted in writing and approved

by the local planning authority. Such omissions mean that the developer would not be required to implement what was agreed by that condition, and therefore there is no enforcement of the conditions imposed on the reserved matters approval in so far as these relate to the hotel development. There is one condition (number 8) that requires that traffic calming measures are implemented in accordance with details agreed in writing in advance with the local planning authority. However, in my view this is not a requirement of such significance to the reserved matters approval that it goes to the heart of the reserved matters decision.

54. Even if this interpretation is wrong, I consider that the 'pre-commencement' conditions that pertain to the hotel development (numbers 3, 5, 8, 9, 10) are not of such significance that they go to the heart of the reserved matters decision. There is one condition (number 14) that requires levels to be agreed but again it cannot be enforced against since whatever was/is agreed it does not have to be implemented. Condition 1 indicates that 'development shall not be carried out otherwise than in complete accordance with the attached plans and specifications, unless otherwise specified in the imposed conditions or otherwise agreed in writing by the local planning authority'. This in my view does not prevent the developer from derogating from the conditions highlighted due to a failure to secure an implementation clause in relation to that condition unless it contradicts the approved plans. There is nothing submitted in evidence to indicate that this would be the case.
55. In all, I consider that the reserved matters approval in 1999 for the hotel development which was implemented by the carrying out of the residential and office elements of the approval is on the balance of probability extant.
56. The appellant's final comments on the appeal suggests that the extant permission for the hotel is currently being explored with a number of potential operators being interested in the building and operation of the hotel. It is asserted that all operators consider the hotel would be a viable prospect and that the extant permission has a real prospect of being implemented.
57. I consider that the prospect of the hotel development taking place as being greater than a theoretical possibility. This real prospect of the hotel development taking place is a fall-back position in which to assess the appeal development against.
58. The hotel development shown on the layout plan encompasses the whole appeal site and land to the south of the office development car park shown on drawing SK001, which is outside the appeal site boundary. The size of the hotel building would be considerable. There are two wings to the building with a central connecting arm linking both wings. It would be a development in depth and across most of the appeal site. The proposed elevations of the building are broadly three-storey in height with a large expansive roof that extends above by another floor and a half in height. In my view, it is a building of substantial scale and massing.
59. The impact of the hotel development on heritage assets and the visual impact on the character and appearance of the area would be significant and harmful. As indicated the development would extend into the adjacent field connecting to one of the arms of the existing roundabout. The car parking would provide 190 spaces with an overspill of 60 spaces to the south-east of the building. The central spine of established trees and individual clusters of trees within the site would be removed to make space for the hotel building. I would consider that the development of this scale and extent would fail to meet the relevant policies of the LDP if it were presented now.

60. I conclude that the fall-back situation has a real prospect of taking place and that the alternative hotel development would be significantly harmful and have a much greater adverse impact than the appeal development.
61. I have been referred to Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30. The letter from Aaron and Partners Solicitors dated 18 October 2022 indicates that the Court of Appeal cast doubt on the view that a planning permission authorises a number of independent acts of development which each act being lawful if carried out in accordance with the permission, and instead favoured the approach that permissions need to be carried out in their entirety. The failure to carry out the permission in its entirety may then be construed as unlawful. As a result, the view is taken that the alternative development is unlikely to be implemented.
62. The case went to the Supreme Court (SC). If the issue concerned with raises the question whether the hotel development could not be implemented because it is incompatible with the planning permission for the other elements of the same reserved matters approval then this is not the case, because the hotel approval is not inconsistent with the remainder of the reserved matters approval that has been carried out to make it physically impossible to implement. If the concern is that approving this appeal would be incompatible with the hotel development scheme, then in my view, and in line with the SC judgement the implementation of the appeal proposal would render any earlier permission physically impossible, and the earlier permission would then become unlawful. I therefore do not consider that the Hillside case adds to the issue under consideration.
63. Having regard to all these matters I accord the fall-back significant weight.

*Economic, social, and environmental benefits*

64. The appellant contends that the proposed development will bring significant economic benefits to the local area through visitor spending and support local businesses such as the golf course and the public house and restaurant. The proposal now does not include a shop and cycle hire and visitors seeking leisure facilities and a place to eat out would need to locate this off-site, which would assist the local economy.
65. It is envisaged that the proposed development would create up to 15 new full-time jobs comprising of site manager, site office staff, grounds and maintenance staff and housekeepers.
66. In relation to social benefits, the proposal would provide high quality holiday accommodation, providing opportunities for visitors to explore the outdoors and what Flintshire has to offer.
67. The appellant asserts that the development is in accord with PPW's definition of sustainable development in relation to the three dimensions; economic, social, and environmental. The proposal would deliver significant economic benefits, through its contribution to the economy in terms of visitor spending, supporting local business and employment generation. In environmental terms, the scheme would not give rise to any adverse impacts on the natural, built, and historic environment. As such, the proposed development constitutes sustainable development under PPW.
68. In relation to this factor, I accord it considerable weight.

**Other Matters**

69. Representations have been made by residents, Northop Country Park Occupants Association (NCPOA) and Northop Ward and Local Councillors. Included with these letters are six appendices, a Barrister's opinion and a letter from Aaron and Partners Solicitors.

70. These representations and appendices have been considered in this appeal. The concerns and objections relate to the following matters.

*Foul drainage*

71. The appellant confirms that the foul drainage from the development would connect to a public sewer that would discharge to a pumping station which is outside the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). The development does not have any implications for the riverine SAC in terms of increased phosphate levels because the pumping station is situated outside the SAC catchment area. Both Natural Resources Wales (NRW) and Dŵr Cymru/Welsh Water (DC/WW) have not objected to the development on this basis and recommend that planning conditions be imposed. This proposal differs materially therefore to appeal decision reference APP/A6835/A/19/3240671 which concerned phosphates. There are concerns about the adequacy of the sewers to cater for the development and the damage that may be caused to the infrastructure. DC/WW has not opposed the development and indicate that a planning condition be imposed to control this element of the development.

*Ecology, biodiversity, and trees*

72. Concerns have been expressed in relation to the ecology studies and their age and the effect on the biodiversity of the Country Park. The Great Crested Newt (GCN) Mitigation Strategy is a more recent study than others submitted. The Council's Ecologist and NRW are satisfied that provided conditions are imposed on GCN Mitigation Strategy, bat roosts and scheme to remove Giant Hogweed the development would be acceptable.

73. The appellant has provided a Tree Condition Survey which included an arboriculture assessment, method statement and tree protection plan. This plan included Construction Exclusion Zones to protect trees during construction. The local planning authority was satisfied on this issue, and it did not form part of the deemed reasons for refusal. As layout is a reserved matter the Council has further control on this aspect of the development, and I am therefore satisfied that the development is acceptable in relation to impact on trees.

*Previous scheme and consistency*

74. Concern has been expressed that this appeal development should be dismissed because a 30-unit scheme was refused by the Council. However, I am dealing with this appeal under a different development plan context following the adoption of the LDP. I am not bound by the previous refusal and further evidence has been presented with is appeal.

*Amenity, safety, and highway concerns*

75. Residents are concerned that there would be genuine safety concerns for future occupants of the development in relation to the proximity of the golf course and miss hit golf balls that could cause serious injuries. There are also living conditions concern with the increased activity on the site resulting in disturbance, loss of privacy and security. There are issues relating to pedestrian safety, mobility for all users of the development and the adequacy of the internal roads to deal with the volume and weight of vehicles on a substandard road. I note these concerns, but the development would be some 100m from the housing and there are no concerns raised by the Council in relation to noise and disturbance. No objections have been raised to the development from the Highway Authority.

*Adequacy of the information*

76. As noted in the procedural paragraph the development is not regarded as an EIA development under the Regulations and a Screening Direction has been issued. There

are also concerns about the information submitted in relation to scale and design parameters. As noted in the procedural paragraph I am satisfied that there is sufficient information presented to decide on these matters. Other matters relate to the impact on Green Barrier and that no Landscape and Visual Impact Assessment (LVIA) have been provided. The site is not located within a Green Barrier and the Council did not indicate that an LVIA was required in this case or that the application was deficient in relation to the assessment on visual impact and landscape character.

## **Conditions**

77. The Council's suggested conditions 3, 6 and 7 are not included because they are covered by any subsequent reserved matters application for appearance and landscaping. Levels are detailed on the submitted plans and form part of the considerations that determine the scale of the development at outline stage. There is no need to require further details on levels. Suggested condition 8 is included to deliver and secure implementation of any landscaping details in the reserved matters application. Condition 9 is revised to exclude surface water as this is a requirement of the Sustainable Drainage Systems (SuDS) approval by the local authority acting in its SuDS Approval Body role before construction begins. Condition 9 is necessary to ensure a scheme for the disposal of foul water is submitted to and agreed by the local planning authority as is required by the statutory undertaker DC/WW.
78. Conditions 13 and 15 are needed to secure biodiversity enhancement and gigabit capable broadband infrastructure to support the roll-out of digital communications infrastructure across Wales in accordance with Policies 9 and 13 of Future Wales. I regard the biodiversity measures included with the application to provide appropriate mitigation, but they are not enhancements as required by Policy 9. Condition 16 is necessary to ensure that the amount of development is controlled through the outline permission and is no more or less than that described by the appellant in its submissions.
79. Condition 14 is needed to ensure that water disposal from any hot tubs that may be provided on site is connected to the existing public sewerage system or disposed of appropriately off-site by an approved contractor. The Council has suggested that water disposal from hot tubs should be through the public sewerage system as disposal via surface water could be detrimental to protected species. I would concur since preserving protected species is a material consideration, and a condition ensuring this protection seems necessary, reasonable, and proportionate to the proposed development. It remains unclear whether this matter is controlled through other legislation and a condition is necessary to be satisfied that it is capable of effective regulation.
80. I also have made minor re-drafting changes to other conditions, but their substance have not been altered.

## **Planning Balance and Conclusions**

81. I am required to determine this proposal in accordance with the development plan unless material considerations indicate otherwise. The starting point is therefore the development plan (FW and LDP). I have found the development would comply with the development plan policies relating to heritage assets and the character and appearance of the area. These matters are neutral in the final balance as this is expected of all developments.
82. I consider that the proposed development is not justified in this location having regard to the policy of rural restraint and the relevant development plan policy, LDP Policy PE12. This policy is considered important because it is the most relevant and principal policy relating to the location of the appeal development in the countryside. In addition, the proposal does not accord with the Placemaking outcome in terms of accessible location in



PPW. I attach significant weight in relation to this matter against the proposed development.

83. Therefore, the appeal scheme should be regarded as being in conflict with the development plan when taken as a whole, despite the matters where I have identified policy compliance.
84. It is therefore necessary to consider whether there are other material considerations that indicate a decision other than in accordance with the development plan.
85. I attach significant weight in favour of the development in relation to the fall-back position. I also attach considerable weight in favour of the development in relation to the other considerations on economic, social, and environmental benefits. In this regard the development meets PPW sustainable placemaking outcomes, maximising environmental protection and limiting impact and growing the economy in a sustainable manner.
86. In the final balance, I conclude that the conflict with the development plan and the identified harm in relation to the first issue is outweighed by other considerations which would justify granting planning permission with reference to the fall-back position and other identified benefits of the scheme.
87. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns, and villages even better places in which to live and work.
88. I therefore conclude that the planning balance is to allow this appeal.

*Iwan Lloyd*

INSPECTOR

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### **SCHEDULE OF CONDITIONS in relation to Appeal Ref: CAS-02031-S9D4L8**

- 1) Details of the appearance, landscaping, layout, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
Reason: The application is submitted in outline with access and scale submitted for consideration these reserved matters listed in the condition require approval from the local planning authority before any development begins.
- 2) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.  
Reason: In accordance with the provisions of Sections 91 to 93 of the Town and Country Planning Act 1990 (as amended).
- 3) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: In accordance with the provisions of Sections 91 to 93 of the Town and Country Planning Act 1990 (as amended).

- 4) The development, in so far as, the forementioned plans relate to scale, access, ground and finished floor levels forming part of this application shall be carried out in accordance with these plans: [Site plan drawing no. 20-198 SP01 Revision A and Site sections drawing scale 1:300, No. 20-198 SE01].

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

- 5) The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The site operator shall maintain an up-to-date register and the information shall be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: In the interests of ensuring that permanent residential occupation of the site and units is prevented in accordance with Policies PC2 and HN4 of the Flintshire Local Development Plan.

- 6) All planting, seeding or turfing comprised in the approved details of landscaping in any subsequent reserved matters application for landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of securing that a landscaping scheme is carried out in accordance with any reserved matters application to be submitted to the local planning authority in accordance with Policies PC2 and PC3 of the Flintshire Local Development Plan.

- 7) Notwithstanding the submitted details, no security lighting shall be installed until a scheme for the proposed positions, heights, level of illumination and angle of illumination has been submitted to and approved in writing by the local planning authority. The security lighting shall be carried out in accordance with the approved scheme.

Reason: In the interests of safeguarding visual amenity in accordance with Policies PC2 and EN4 of the Flintshire Local Development Plan.

- 8) Facilities shall be provided within the site for the loading, unloading, parking, and turning of vehicles, in accordance with a scheme to be submitted to and approved by the local planning authority prior to the commencement of any site works. Such facilities being completed prior to the occupation of the holiday unit it relates to and thereafter be kept available for such purposes for the lifetime of the development.

Reason: To ensure that provision is made for servicing the site and that adequate parking and manoeuvring space is provided to serve the development, to avoid the necessity for reversing movements into or from the highway in the interests of highway safety, maintaining the free flow of traffic on the adjoining highway and in compliance with Policy PC2 of the Flintshire Local Development Plan.

- 9) No development shall commence until details of a scheme for the disposal of foul water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained in perpetuity.

Reason: In the interests of protecting health and safety of residents and to ensure no pollution of or detriment to the environment in accordance with Policy PC2 of the Flintshire Local Development Plan.

10) No development shall commence until a Great Crested Newt (GCN) Conservation Plan has been submitted to and approved in writing by the local planning authority. The Conservation Plan shall incorporate the principles outlined in the Great Crested Newt Mitigation Strategy (Grey, R. 2021. Eitive Ecology), and shall include the following:

- a pre-commencement amphibian survey using traditional GCN survey techniques in accordance with an agreed written methodology; and
- the submission of updated details and a plan concerning GCN avoidance and mitigation measures including fence construction and maintenance; and
- details of timing, phasing and duration of construction activities and conservation measures; and
- a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development; and
- an Ecological Compliance Audit to evidence compliant implementation of all ecological avoidance, mitigation and compensation works. The Audit shall identify Key Performance Indicators that are to be used for the purposes of assessing and evidencing compliant implementation of proposals; and
- persons responsible for implementing the works; and
- post-construction monitoring and record dissemination for a period of no less than 3 years.

The Conservation Plan shall be carried out in accordance with the approved GCN Conservation Plan and details.

Reason: To ensure conservation of protected species in accordance with Policies STR13 and PC3 of the Flintshire Local Development Plan.

11) No development including site clearance shall commence until a scheme for the management of Giant Hogweed on the site has been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of health and safety and in accordance with Policies STR13 and PC3 of the Flintshire Local Development Plan.

12) No development shall take place, nor shall there be any site clearance until measures designed to safeguard bat roost sites including lighting proposals have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure conservation of protected species in accordance with STR13 and PC3 of the Flintshire Local Development Plan.

13) No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.

14)The disposal of wastewater from any hot tubs that may be provided on site in connection with the chalets/lodges hereby permitted, shall be connected to the existing public sewerage system, or disposed of off-site, to an approved contractor.

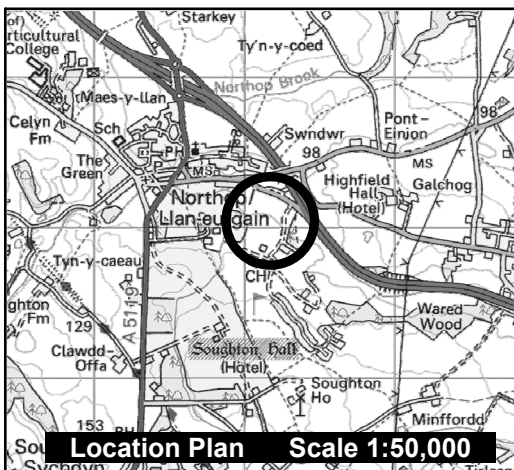
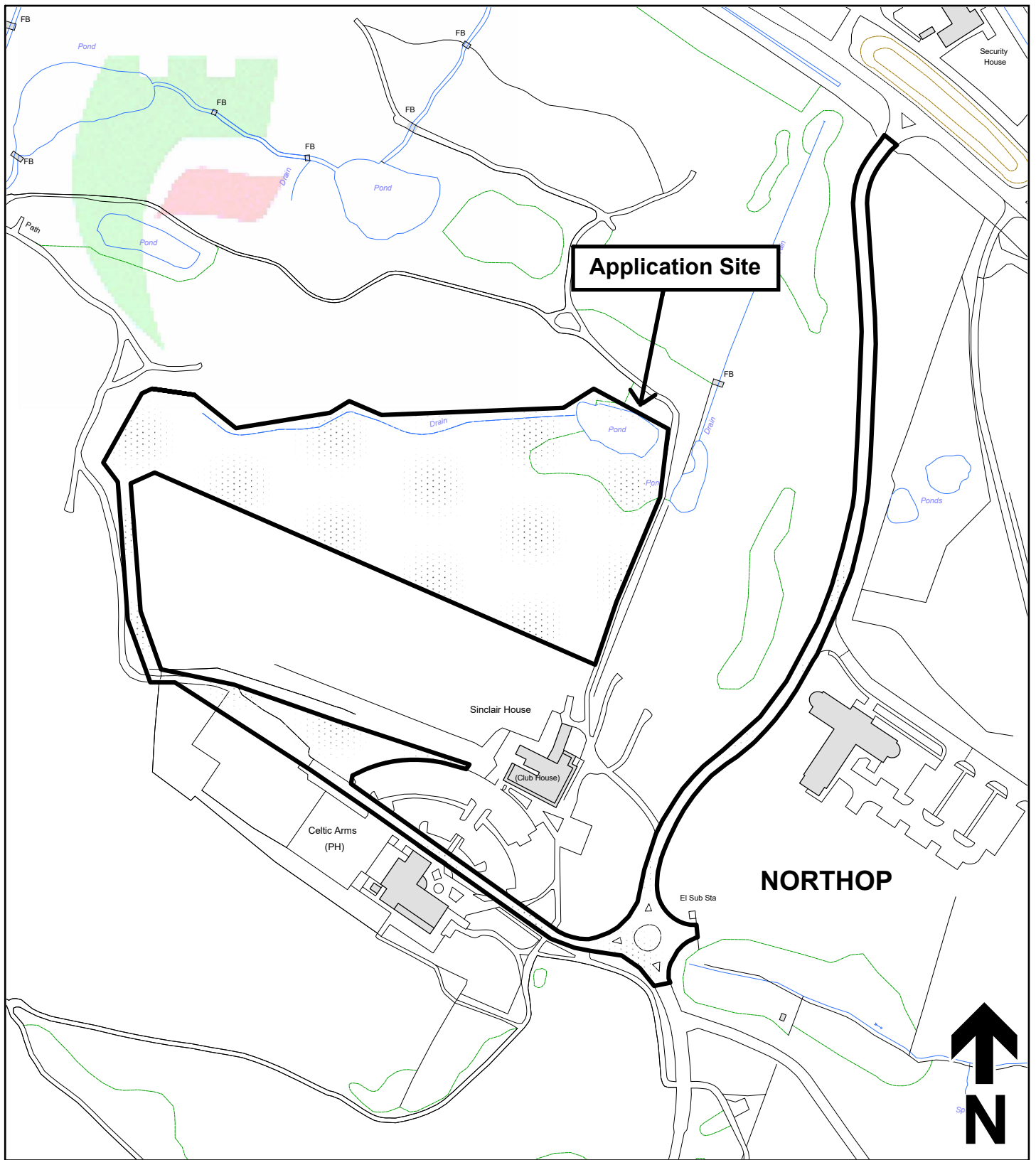
Reason: To ensure there is no detriment to protected species and their habitats in accordance with Policies STR13 and PC3 of the Flintshire Local Development Plan.

15)No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

16)The development shall not exceed 24 holiday units and 1 reception building.

Reason: In the interests of ensuring that the amount of development is restricted in the outline planning permission in the interests of visual amenity and impact on heritage assets in accordance with Policies STR10, STR13, PE12, PC2, PC3 and EN8 of the Flintshire Local Development Plan.



Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

### Legend



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2567

Planning Application **63810**

Mae'r dudalen hon yn wag yn bwrpasol