

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **WEDNESDAY, 27 SEPTEMBER 2023**

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

**SUBJECT:** **FUL/000489/23 - FULL APPLICATION - USE OF HOTEL AND INSTALLATION OF MODULAR ACCOMMODATION FOR A TEMPORARY PERIOD OF UP TO 7 YEARS AS ASYLUM ACCOMODATION AND SUPPORT CONTRACTS (AASC) INITIAL ACCOMMODATION HOSTEL AT NORTHOP HALL COUNTRY HOUSE HOTEL, NORTHOP HALL**

**APPLICATION NUMBER:** **FUL/000489/23**

**APPLICANT:** **Payman Holdings 3 Ltd**

**SITE:** **NORTHOP HALL COUNTRY HOUSE HOTEL, Northop Hall, Mold, CH7 6HJ**

**APPLICATION VALID DATE:** **12-Jun-2023**

**LOCAL MEMBERS:** **Councillor Marion Bateman & Councillor Linda Thew**

**TOWN/COMMUNITY COUNCIL:** **Northop Hall Community Council**

**REASON FOR COMMITTEE:** **Cllr Bateman and Cllr Thew – request the application be heard at planning committee as it falls outside the settlement boundary and is not a suitable location as it does not have the necessary environmental and physical infrastructure.**

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

**1.00 SUMMARY**

1.01 The proposed development comprises the conversion of the former hotel alongside the provision of 2-storey modular units on a former car park area adjacent to the hotel, to form an accommodation centre for asylum seekers. The main building will accommodate 156 occupants plus communal facilities whilst the 126 modular units will accommodate 252 occupants, giving a total of 408 occupants.

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

- 2.01
1. The development is considered to be inappropriate to the character of the site and its immediate and wider setting and would significantly alter the character and appearance of the hotel as a Building of Local Interest and disrupt its local distinctiveness as a historic asset. The proposal is therefore contrary to policy STR4, STR13, PC1, PC2, PC3, EN4, EN8 and EN10 of the Flintshire Local Plan.
  2. Insufficient information has been submitted to demonstrate that the access and surrounding road network, inclusive of footpaths and footways, is suitable to provide for the safe movement of traffic and pedestrians likely to be generated by the development. The proposal therefore fails to meet the requirements set out in policy STR5 and PC5 of the LDP.
  3. Insufficient information has been provided to enable an assessment of the volume of pedestrian movement that is likely to be generated by the development relative to the existing use. The proposal therefore fails to meet the requirements set out in policy STR5 and PC5 of the LDP.
  4. Insufficient information has been submitted to ensure that the physical and social infrastructure exists, or can be provided, to ensure the proposed development can be sustainably accommodated within the community without without resulting in significant harm. The proposal therefore fails to meet the requirements of policy STR6 and PC2 of the LDP, and the requirements of Planning Policy Wales to promote sustainable placemaking, as the proposal has failed to properly consider the context, function and relationships between the development site and its wider surroundings. This is also in conflict with the goals embodied in the Well Being of Future Generations Act, and the need to improve wellbeing by locating the right development in the right location.
  5. The overall scale, siting and design of the proposed development will result in a detrimental impact upon the living conditions, amenity and potentially the safety of the adjoining neighbouring residential properties as well as the living conditions of the occupants. It is therefore considered that the proposal therefore fails to meet the requirements of policy STR4 and PC2 and PC3 of the LDP.
  6. Part of the site's access road is located in Zone C2 of the Development Advice Map (DAM) contained in TAN15. In the absence of a Flood Consequences Assessment (FCA), insufficient information has been submitted to determine the effects of flooding on the proposal (a highly vulnerable development (residential)) and as such the proposal is contrary to LDP Policy EN14 and TAN15.

7. Public Footpath No. 39 would not be safeguarded and no suitable alternative is feasible due to the proposed development site. The proposal fails to meet the requirements of LDP policies STR5, PC5 and PC6.
8. Insufficient information has been submitted to assess the impact upon protected species and as such the proposal fails to meet the requirements set out in policies STR4 and EN6.
9. Insufficient information has been submitted to determine the impact of the development upon trees. The proposal is therefore contrary to policies STR4, EN4 and EN7.

### **3.00 CONSULTATIONS**

#### **3.01 Members of Parliament**

Jack Sargeant Member of the Senedd for Alyn and Deeside (MS/AS) and Member of Parliament for Alyn and Deeside Mark Tami MP – Object to the proposal – it is our clear belief that the site remains a viable hotel and because of the lack of such facilities in the area should not be moved from that use and future residents would not have access to important services. Limited transport links in the village make it difficult to access services and the hotel use is designed for short stays and is not suitable for long term accommodation.

Sam Rowlands Member of the Welsh Parliament for North Wales–objects stating this development will overwhelm and envelope the homes and businesses on the same site. This is entirely unacceptable and will have a significant, negative impact on the wellbeing of my constituents. The proposal does not meet the requirements of policies STR4, PE12 and STR5 of the LDP and has also reiterated the concern of the Betsi Cadwaladr University Health Board.

Rob Roberts Member of Parliament for Delyn – formally objects to the proposal – it would effectively be tantamount to making the village into a big prison camp. The proposal raises significant concerns and as such the proposal should be rejected. 400 men in the village would be excessive and extreme impacting on already stretched services, it would be detrimental to the village, detrimental to those accommodated there and above all detrimental to the individuals who live on site.

#### **Local Members**

**Councillor Bateman and Councillor Thew** – request the application be heard at planning committee as it falls outside the settlement boundary and is not a suitable location as it does not have the necessary environmental and physical infrastructure.

### **Adjoining Local Member(s)**

**Councillor Dave Mackie** – The application does not comply with Welsh Government Guidance for PAC which states: Where changes have not been made based on the feedback received, justification needs to be provided within the PAC Report. I could not find any justification why changes have not been made based on the feedback received in either the PAC report or in the whole of the Planning-DAS statement.

### **Town/Community Council**

**Northop Community Council** strongly feel that the plan to locate 400 individual men at the proposed site is completely inappropriate and would have a detrimental effect on both the 400 individuals themselves, having to live in cramped and unsuitable accommodation, as well as the local residents and wider community in general. Further concerns are summarised as:

- It's the wrong location.
- There are insufficient facilities to warrant them a decent lifestyle.
- There are a lack of GP and Dentist services, poor transport links, one small village shop and a local hostelry which is for currently for sale and may close.
- Lack of social facilities and local transport which will lead to frustration and boredom.
- Members acknowledge that these 400 individuals are vulnerable and are concerned that they will not receive the support they need, to assist them integrate within the new community that they find themselves living in.
- Concern is also expressed regarding the well-being of those local residents living in private dwellings attached to
- Northop Hall Country House Hotel
- Members believe that the failure of Home Office policies and the inability to process asylum seekers and refugees in a timely fashion, has led to this horrendous backlog.
- Finally, to treat asylum seekers in this manner is wholly inappropriate, whilst private companies offering completely inappropriate accommodation, make huge amounts of money. Northop Community Council does not condone this arrangement at all.

**Hawarden Community Council** - is completely opposed to the installation of this camp for young men and creation of a Hostel for Illegal Immigrants (and the plans for Plas Bellin), it is a careless and very dangerous scheme. Hawarden Community Council also has severe reservations concerning the quality of The Planning Design & Access Statement submitted for this scheme, as clauses are misleading and appear to misrepresent Flintshire County Council Policies and/or are incoherent and unintelligible for example points

nos. 45 + in the Applicants documents. Further concerns are summarised as:

- They have not considered the wellbeing of the immigrants or the diverse impact on the surrounding area
- Facilities within Northop Hall village are very limited
- A very real fear in the community, is that given their status there is an incentive to gain a jail term
- Poor public transport means that the visiting inhabitants will be confined to the village.
- No medical facilities available
- The area for the containers is far too small for the number planned. There will be a fire hazard.
- Concerns over pollutants entering the stream
- a large number of young men roaming
- around night and day. This could have a detrimental effect on tourism and community cohesion
- The development will adversely affect the people who live and share the grounds of the hotel currently, their quality of lives and overwhelm them
- Hawarden Community Council have not been able to make contact with the developer to discuss proposal
- PAC does not comply with Welsh Government Guidance
- 18 staff will be insufficient.
- insufficient consideration has been given to the wellbeing of the people who will use this facility

**Highways Development Control** - the Highway Authority recommend refusal for the following reasons:

- a) Insufficient information has been submitted to demonstrate that the access and surrounding road network, inclusive of footpaths and footways, is suitable to provide for the safe movement of traffic and pedestrians likely to be generated by the development.
- b) Insufficient information has been provided to enable an assessment of the volume of pedestrian movement that is likely to be generated by the development relative to the existing use.

**Community and Business Protection** - (Environmental Health) - In light of the noise survey provided Environmental Protection considers that the development is unlikely to cause any substantive noise problems as there will be adequate controls in place to deal with any issues that might arise. No objection to the proposal.

**Ecology** – It is recommended that appropriate bat surveys for the building as well as for any relevant trees to be removed or pruned in order to adequately inform the application as well as the proposed

biodiversity enhancements. In addition, there are opportunities to provide Biodiversity enhancement on site through the provision of native tree and shrub planting on the species poor amenity grassland and to enhance the existing boundaries, as well as the installation of bat and bird boxes, as proposed, providing no bat roost is present.

**Trees** - There are trees and hedges on and adjacent to the proposed development and as a result a BS5837:2012 tree report is required.

Several of the accommodation units are near to or over the position of mature or specimen trees. In addition, the existing vehicular access to the site passes through woodland, part of which is a Restored Ancient Woodland Site and underneath the crowns of specimen trees. The potential impact of development on these features needs to be also assessed in an Arboricultural Impact Assessment forming part of the BS5837:2012.

**Public Rights of Way** - Public Footpath No. 39 crosses the proposed development site. As such object to the proposal at this location the basis that Public Footpath No. 39 would not be safeguarded and no suitable alternative is feasible due to the proposed development site. Built Conservation - No objection on the basis that the harm to the setting of the building will only be for a limited period.

**Strategic Housing & Delivery Programme Manager** - The concentration of households in such a semi-rural setting may impact on services, for example health care. In addition the standards suggested by the proposed development fall drastically below those expected by Welsh Government were they to support such provision.

**Betsi Cadwaladr University Health Board (BCUHB)** - still have significant concerns with the planning application and there are still many questions that need to be answered in order for the Health Board to be able to ensure that the health of the IAH residents are met and that BCUHB can continue to discharge its duties to its wider resident population without negative impacts on health and wellbeing.

**North Wales Fire and Rescue Authority** - No observations regarding access for appliances and water supplies.

**North Wales Police designing-out crime Officer** - The “Asylum Accommodation and Support, Schedule 2, Statement of Requirements” document contains a requirement that doors and windows are capable of being secured to the minimum standards recommended by the Police and the Association of British Insurers (BS3621:2017) and I would expect the applicant to comply with this requirement.

**Welsh Water/Dwr Cymru** - capacity exists within the public sewerage network in order to receive the domestic foul only flows

from the proposed development site. We recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

**Natural Resources Wales (NRW) –**

**Flood Risk** - We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. The planning application proposes highly vulnerable development (residential). While the majority of the site is located in Zone A of the Development Advice Map (DAM) contained in TAN15 Planning (FMfP) identifies the application site to be mostly within Zone 1 with a small section falling into Flood Zone 2/3 (Rivers). Based on the information submitted, we note that the modular accommodation would be located outside the modelled flood zones. However, as the site access is at risk of flooding and is included within the red-line planning application boundary, we advise that a Flood Consequences Assessment (FCA) should be submitted in support of this application. We previously advised the applicant of this in our statutory pre-application response dated 3/4/2023 (our reference CAS-211695-COM2). If this information is not provided, we would object to this planning application.

**Protected Sites**- We have concerns that the proposed development, as submitted, will damage the features for which the SSSI is of special interest. We therefore recommend that planning permission should only be granted if an appropriate planning condition is included to avoid damage to the special interest features of the SSSI.

**Protected Species**- No objection subject to conditions.

**Foul Drainage**- We note the intention to connect foul drainage to the public sewer, we therefore have no further comments to make on this aspect of the proposed development.

**Airbus** – No objection

**Ramblers Cymru** – Objects as there are no details of the amended public path

**4.00 PUBLICITY**

4.01 342 Neighbour Notifications were sent to neighbouring properties and a number of Site Notices were also displayed outside the site and around the village of Northop Hall.

4.02 At the time of writing 2596 letters of objection have been received. The objections are summarised as follows:

- The proposal is outside the settlement boundary defined by the Flintshire Local Development Plan and should be placed in a more suitable location with accesses to services and amenities.

- The proposed modular units are an inhumane place to accommodate asylum seekers and will have a significant detrimental impact upon their mental health and wellbeing.
- The proposal will have a harmful impact upon Northop County Hall House Hotel as a building of local interest and also the open countryside setting.
- Large numbers of people with poor access to amenities and services could lead to crime and anti-social behaviour and therefore risk to public safety.
- The inevitable harmful impact of noise and loss of privacy to those residents living in close proximity to the site.
- The impact of heavy traffic associated with the facility on inadequate, poorly lit, high-speed roads coupled with poor vehicular and pedestrian routes to and from the site access is a significant safety concern for both asylum residents and local residents.
- Our right to access the public footpath (right of way) within the Hotel grounds would be impacted.
- Healthcare provision is stretched in Flintshire and accommodating significant numbers of asylum seekers will put additional strain on resources which will impact upon Flintshire Residents gaining access to this critical service.
- The proposal will impact on community cohesion and integration with an unsuitable increase in the local population.
- Negative impact on house prices
- Anti-social behaviour and safety/security concerns
- Inaccuracies of the application
- Concerns over sewerage and accuracy of use of mains sewers.
- The proposal will be overbearing for adjoining residents.
- Overlooking of adjoining properties
- Light and noise pollution
- Increase in amount of accidental or deliberate trespass.
- Lack of engagement from the proposer
- Loss of business and livelihood
- Flooding
- Adequacy of the number of staff proposed to cater for the facility.

## **5.00 SITE HISTORY**

- 5.01
- 058183 15no. new self-contained glamping pods with associated landscaping and external works. Withdrawn 20-Jun-2018
  - 058749 9no. new self contained glamping pods with associated landscaping and external works Refused 14-Sep-2018



- 061173 - Change of use of land for 9 glamping pods. Refused 14-Oct-2020

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Local Development Plan

STR1: Strategic Growth

STR2 The Location of Development

STR4 Principles of Sustainable Development, Design and Placemaking

STR5 Transport and Accessibility

STR6 Services, Facilities and Infrastructure

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

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

EN8 Built Historic Environment and Listed Buildings

En10 Buildings of Local Interest

EN14 Flood Risk

EN15 Water Resources

EN18 Pollution and Nuisance

#### Supplementary Planning Guidance Notes

- 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**

Northop Hall Country Hotel is an attractive building which stands on the site of an original manor house believed to have been built in the 13th Century. It is situated just south of Northop Hall Village. The hotel is approached via an impressive tree lined driveway that sweeps through the hotels gardens and grounds which extend to 9 acres of private land comprising formal gardens and grounds. The site partly adjoins a wildlife site and restored ancient woodland.

7.02 Immediately to the north-west of the application site lies a number of private residential properties and a cattery business. These properties are accessed from a branch road off the main driveway.

7.03 Northop Hall Country House Hotel is regarded as a 'building of local interest' which is considered to add to the richness of the local built environment and local distinctiveness of the area.

### **Proposed Development**

7.04 The proposed development comprises the conversion of the former hotel alongside 2-storey modular units within the grounds, to form an accommodation centre for asylum seekers. The main building will accommodate 156 residents plus communal facilities whilst the 126 modular units will accommodate 252 residents, giving a total of 408 residents. In terms of impact on the community and local area infrastructure, this would be equivalent to the addition of a new population from 170 new homes, overnight (assuming occupancy rate of 2.4 persons per dwelling).

7.05 The Planning, Design and Access Statement (PDAS) explains that the proposed use is temporary but for a period of up to 7 years as an Initial Accommodation Hostel whereby asylum seekers will be provided accommodation and subsistence while their application for asylum is considered. The facility would be run by ClearSprings Ready Homes. The PDAS explains that the Home Office supports the need and that this is only the second facility in Wales.

7.06 The PDAS provides operational information relating to the scheme. It will accommodate single males only and whilst designed to accommodate them for a period of days and weeks this may be a longer period of some months. The PDAS references the hostel providing dedicated on site staff and support, a high ratio of welfare, quality living, communal and external spaces, tv, wifi, 24 hour snack and beverages. Food would be centrally prepared and consumed in communal dining room. Reference is made to the ratio of staff, safeguarding, scrutiny, security (including body cams and proof of presence security technology) being high. It explains single adult males have the lowest burden on community infrastructure particularly in terms of schooling or access to health services but it

doesn't explain the degree of freedom the occupants will have to access the community. The PDAS explains that 'residents' would be delivered to / from the site in coaches, minibuses and dedicated vehicles. It recognises the limited number of immediately local facilities.

- 7.07 There are still key aspects of the operation of the proposed development which have not been provided as part of the submission. It is unclear whether occupants are 'held' within the facility and only allowed to leave the site under supervision and by organised vehicle or whether they are able to leave the site freely.
- 7.08 This is an important factor in determining how the proposed development, its day-to-day operation, and occupants will integrate or otherwise, with the local community. This was a significant concern raised at the planning pre-application advice stage and has again been reflected in the neighbour objections. It is therefore the opinion of the Local Planning Authority (LPA) that this has not been adequately addressed. Whilst the use applied for is 'temporary' - a time period of seven years is specified where with almost continuous occupancy over that time period, any impacts will be felt continuously over that time period.

#### Principle of Development

- 7.09 The Development Plan for Flintshire comprises the Future Wales: National Plan 2040 and the recently adopted Flintshire Local Development. The middle tier of the 3 tier planning system in Wales i.e. Strategic Development Plan has not yet been prepared.
- 7.10 Future Wales sets out the national development framework for Wales, giving direction for the period up to 2040. It sets a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. It states 'Future Wales is a spatial plan, which means it sets a direction for where we should be investing in infrastructure and development for the greater good of Wales and its people'. It goes on to state 'The Well-being of Future Generations (Wales) Act 2015 influences the way we plan for new development; it demands that development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales'. It recognises that '... considering whether a development is suitable in a certain place are difficult decisions where a balance often has to be found between competing priorities. We must strive to find solutions which maximise our contribution to the goals and well-being objectives'.

- 7.11 Policy 1 'Where Wales will grow' identifies Wrexham and Deeside as a National Growth Area whereby sustainable growth is delivered through growth in employment and housing and investment in infrastructure. Policy 2 addresses strategic placemaking with a number of principles of which the most relevant are:
- creating a rich mix of uses;
  - providing a variety of housing types and tenures;
  - building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;
  - increasing population density, with development built at urban densities that can support public transport and local facilities;
  - integrating green infrastructure, informed by the planning authority's Green Infrastructure Assessment
- 7.12 Policy 20 reinforces Wrexham and Deeside as being the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing and transport infrastructure.
- 7.13 Flintshire Local Development Plan – the site lies outside the defined settlement boundary of Northop Hall which is a Tier 3 Sustainable Settlement. It is therefore in open countryside whereby a suite of policies seek to strictly control new development, particularly new residential development. The LDP through policy STR2 directs new development to sustainable settlements based on the settlement hierarchy, or to allocated sites. There is no specific policy relating to this particular form of development as it represents a unique type of development and use of land. The closest policy is policy PC12 Community Facilities which permits new education, health and community facilities on suitable sites within settlement boundaries and outside settlement boundaries only through a) the conversion of an existing building b) extension to an existing facility and c) adjoining a settlement boundary or on suitable brownfield or previously developed land. Whilst the policy gives scope for the conversion of an existing rural building, it does not encompass or envisage the scale, nature or type of development proposed in this instance.
- 7.14 It is also worth noting that no evidence has been put forward by the applicant to justify the loss of this hotel facility (albeit for a temporary period of 7 years) as required by the policy PC12 to justify the loss.
- 7.15 Although Northop Hall has a level of facilities and services which meets the day to day needs of residents such as shop, pub, school and recreation facilities, it lacks a doctors or other healthcare facilities and is reliant on higher order settlements to provide these.

- 7.16 The proposal therefore needs to be considered against the wide ranging suite of policies in the LDP and also have regard to other material planning considerations, as part of the planning balance.
- 7.17 The PDAS has included an assessment of compliance of the scheme against policies, however, the LPA raises concern with this assessment which is highlighted further within this report.
- 7.18 The PDAS addresses the principle of development in the light of Northop Hall being a tier 3 sustainable settlement and the site being in a generally sustainable location. It is argued that given the lack of a policy it is a use that should be considered on its individual merits in relation to wider national need, home office support and stated Sanctuary visions at Welsh Government and at County Council level.
- 7.19 However, the PDAS offers little explanation as to what the Home Office guidance is in relation to facilities such as this and therefore it is difficult to understand why and how this site and location is considered suitable.
- 7.20 The applicant refers to LDP Policy PC1: The Relationship of Development to Settlement Boundaries and comments: The site lies outside a settlement boundary. The nature of use pointed to a self-contained previously developed site being suitable in the absence of an allocated site within a settlement limit.
- 7.21 However, there is no requirement or indeed expectation for a development to include either a specific policy or allocation in relation to the type of development proposed.
- 7.22 It is not evidenced why a site in open countryside is more preferable than a site within a settlement boundary, and notably a higher order settlement with a greater range of facilities and services.
- 7.23 The site is referred to as self-contained. Whilst it is set apart from the settlement and within its own grounds, it is not self-contained as the hotel building / site also accommodates residential and other uses. This also comes back to the nature of the use and the need for the applicant to clarify the degree of retention of occupants on-site (and why and how) or their degree of freedom of movement. There are no criteria for such a use that defines need, or that states what a preferable location is. Without this it is firstly difficult to understand how the occupants from the development will interact with the existing community, or if not intended to, how this will be prevented. The lack of information on this key point is a significant material consideration as the perception of fear that the community have in relation to this application is tangible and relevant to the consideration of this application.

- 7.24 It is considered that there are a significant number of policy deficiencies and uncertainties which highlight the degree of conflict between the proposals and the development plan.

Scale of Development and the impact upon the surrounding area

- 7.25 The LDP sets out in policy STR2 the settlement hierarchy and the proposed development (400 residents excluding staff) is larger than 12 of the 14 Tier 5 Undefined Villages and larger than 3 of the 17 Tier 4 Defined Villages. The settlement audit for Northop Hall shows a population at 2011 of 1530. The 2021 Census shows that this has increased to just over 1800. The development represents a 22% increase in population, but this is not a balanced population increase given that it comprises adult males only. Neither is it a gradual increase in population as the occupation of the proposed development could be at maximum when opened. Given the unique nature of the development and its scale it is considered that its acceptability must be based on a detailed assessment of potential harm balanced against the factors referenced by the applicant.
- 7.26 Having regards to LDP Policy STR6 and given the scale of development, it is important in ensuring that capacity exists or can be provided to ensure that the needs of the occupants can be met, without impacting on the ability of the settled community in accessing the same facilities and services.
- 7.27 In accordance with the consultation responses, Betsi Cadwaladr University Health Board (BCUHB) have highlighted significant concerns with the planning application as insufficient information has been provided. They state: In the absence of a Health Impact Assessment, BCUHB does not have assurance that the developer will be able to meet the health needs of the Initial Accommodation Hostel (IAH) occupants without negatively impacting the provision of services to the local and wider populations of North Wales, nor does it have assurance that the screening and testing facilities for the wider population of Wales will be able to support the increase in demand the site will bring. Assurance that the site will have limited or no impact on existing services can only be resolved by additional national resource/funding to support health provision. This would include funding to deliver primary care and specialist mental health services directly to AS at the IAH site; as well as funding to increase the capacity and infrastructure within BCUHB to manage infectious diseases; including national screening and testing services to be increased to be able to manage the increase in demand.
- 7.28 As the proposed scheme has not demonstrate that adequate and efficient infrastructure is in place or can be put in place to support the proposal it fails to satisfy the requirements of LDP Strategic Policy STR6 which states: An essential element in planning for sustainable places is to ensure that the physical and social

infrastructure exists, or can be provided, to ensure that when and where development occurs, it can be sustainably accommodated within communities.

- 7.29 This is supported further by paragraph 2.49 in the Explanation of Policy STR6 which states: A key principle in planning for sustainable development is the well-being of communities. Development will only be permitted where there is adequate existing physical and social infrastructure, or where there are suitable proposals to increase provision to accommodate any additional demand deriving from proposed development and, where reasonable, to address deficiencies.
- 7.30 This also picks up on the intention in Planning Policy Wales to ensure sustainable placemaking, which requires that a proposed development must take into account the context, function and relationships between the development site and its wider surroundings. This is also aligned with the goals embodied in the Well Being of Future Generations Act, and the need to improve wellbeing by locating the right development in the right location. There is little if any evidence to show how the proposal will successfully integrate with the wider community and its limited infrastructure, what type of interaction or relationship there will be between the community and the occupants of the proposed facility, or how the well-being of either the occupants or the existing community will be improved by this proposal.

#### Design and Character.

- 7.31 In terms of character and appearance, Northop Hall Country House Hotel is regarded as a 'building of local interest', which whilst this does not share the same "statutory" protection as a listed building, is considered to add to the richness of the local built environment and local distinctiveness. Therefore, the impact of the overall setting to the Hotel is considered to be important in this context.
- 7.32 Policy EN10 states: The demolition or alteration of a Building of Local Interest will only be permitted where: .. b. in the case of alteration and extension that the works do not adversely affect the architectural or historic character of the building.
- 7.33 The applicant references low impacts on the setting of the building and the simple reversion to hotel use when the use expires.
- 7.34 The LPA considers that it is also necessary to have regard to impacts on the character and appearance of the broader site and locality, given that the development is for 7 years.
- 7.35 In terms of historical context several applications were submitted by previous owners to this Local Planning Authority over a period of

about five years for glamping pods set in the grounds of the hotel (see planning history above). The first application was for fifteen pods whilst the second and third were for nine. The Planning Authority considered that these developments were inappropriate as the units would have a detrimental effect upon the appearance of what is considered to be a heritage asset and were subsequently refused.

- 7.36 Having regards to the current proposal it is acknowledged that scheme is for a temporary period of 7 years, however it is clear that the installation of 126 modular units, stacked two storeys in height, flanking both the southern and western wings of the hotel will have a significant impact upon the setting of this heritage asset as well the wider setting of the site for the duration of that time period.
- 7.37 It is evident that the application has not considered the outcome the modular buildings would have upon the heritage asset and its setting as no heritage impact assessment (HIA) has been submitted in support of the proposal to evaluate built heritage assets on the site.
- 7.38 The historic grounds are part of the essential setting of this former country house and as such, when you approach it formally the traditional and historical appearance of the house should be protected and not subject to an inappropriate type of development. The current grounds of the hotel are attractive consisting of a curved drive, enclosing a lawned front garden, and which crosses a wooded dingle and a stream on a high embankment. It is flanked by mature limes and more recent Scots pines. There are extensive views from the site across the countryside.
- 7.39 The proposed development with its modern, modular appearance would appear completely alien to the site given its context which is exacerbated by the use of unsympathetic materials that jar with the traditional appearance of the hotel structure as well as the natural setting of the grounds.
- 7.40 The Local Planning Authority consider that given the prominent location of the development, it would have difficulties harmonising with the wider context of the Hotel grounds. The development is therefore considered to be inappropriate to the character of the site and its immediate and wider setting and would significantly alter the character and appearance of the hotel as a Building of Local Interest and disrupt its local distinctiveness as a historic asset.
- 7.41 The proposal is therefore contrary to policy STR4, PC2, PC3, EN4 and EN8 of the Flintshire Local Plan.

#### Residential Living Conditions



- 7.42 LDP Policy STR4 sets out important principles in achieving sustainable development, design and placemaking and seeks to ensure all new development (amongst other criteria) be designed to be adaptable, safe and accessible as well as contribute to the well-being of communities.
- 7.43 Policy PC2 sets out the general requirements for development and states (amongst other criteria) development should (b) not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution and (c) take account of personal and community safety and security in its design and layout.
- 7.44 In terms of the proposal's effect on living conditions there is little explanation provided within the application on the safety and living conditions of adjoining residents and whilst at the request of the Local Planning Authority, the applicant has provided a noise assessment which sets out control measures to reduce noise impact of the proposal on the adjoining residents, no detailed consideration has been given to explain the proposals impact upon residential amenity of neighbours by way of disturbance through increased activity or of mitigation measures to ensure personal and community safety and security.
- 7.45 This is particularly important as there is a cluster of 4 dwellings and the cattery directly adjoining the site.
- 7.46 The PDAS refers to the provision of fencing providing separation, the presence of a separate vehicular access and the orientation of rooms and modular units away from them so that there would be no additional day to day impacts from overlooking or similar impacts that would arise from the lawful use of the hotel.
- 7.47 However, it is evident that the proposed development and use is far more intense than that which could reasonably associated with the operation of the hotel which would be limited by the number of bedroom guests and ad hoc visitors to bar and restaurant. The presence of 400 occupants using the former hotel and the modular units as their main place of residence is quite different in nature (and scale) from being a guest in a hotel. Some of the neighbouring properties are also physically attached to the hotel building making the effectiveness of the proposed 'separation' measures questionable.
- 7.48 As set out in the neighbour objections there is a strong sense of fear amongst residents over the facility having regard to large number of people with poor access to amenities and services which it is

suggested could lead to crime and anti-social behaviour and therefore a risk to public safety.

- 7.49 In accordance with para 3.1. of PPW11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions.
- 7.50 The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.'
- 7.51 Given there is little explanation within the PDAS to provide reassurance on this point, the community's perception of fear is a material factor in the planning balance, and the application has failed to demonstrate how the facility takes account of personal and community safety.
- 7.52 Furthermore, in terms of residential amenity the cramped nature of the site as a consequence of the size, number and siting of the modular units within the grounds of the hotel will significantly impact upon the perception of being overlooked for the residents of the neighbouring dwellings as well as introducing a strong element of overbearing impact due again to the size and siting of the modular units within the grounds, and the resultant intensification of the use of the site.
- 7.53 The closest modular units will be within 5.5m of the closest residential property. Given their height, (two units will be stacked together) and their location on land which is significantly higher than the residential properties due to the topography of the land this will have a significant impact upon residential amenity resulting in a conflicting, overbearing form of development.
- 7.54 It is therefore considered that the proposal therefore fails to meet the requirements of policy STR4 and PC2 and PC3 of the LDP.

#### Flooding and Drainage.

- 7.56 Sewerage  
Whilst concerns have been raised by residents with regards to drainage, Welsh Water have confirmed that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site and as such have no objection to the scheme.

#### Flood Risk

- 7.57 The planning application proposes highly vulnerable development. While the majority of the site is located in Zone A of the

Development Advice Map (DAM) contained in TAN15, a small portion of the site's access road is located in Zone C2. The flood Map for Planning (FMfP) identifies the application site to be mostly within Zone 1 with a small section falling into Flood Zone 2/3 (Rivers).

7.58 It is noted that the modular accommodation would be located outside the modelled flood zones. However, as the site access is at risk of flooding and is included within the red-line planning application boundary, it is advised that a Flood Consequences Assessment (FCA) should be submitted in support of this application.

7.59 Whilst the applicant is aware of this, as it was highlighted in NRW's PAC response this has not been addressed as part of the submission and as such insufficient information has been to determine effects of flooding on the application in accordance with LDP Policy EN14 and TAN15.

#### Highway Safety

7.60 LDP Policy STR5 sets out the broad principles of transport and accessibility of which the most relevant criteria is i – facilitate accessibility ..by locating development in places with access to integrated transport infrastructure, thereby reducing the need to travel. Policy PC5, amongst other criteria reiterates the need to reduce the reliance on the car.

7.61 Whilst the PDAS makes reference to compliance with this policy, it is unclear how the proposed transport arrangements to access services and facilities complies with policy requirements based on the transport network.

7.62 The LPA requesting a transport statement from the applicant to address these concerns however, the Highways officer has reviewed the statement and maintains the stance that the application be refused for the following reasons:

7.63 a) Insufficient information has been submitted to demonstrate that the access and surrounding road network, inclusive of footpaths and footways, is suitable to provide for the safe movement of traffic and pedestrians likely to be generated by the development.

7.64 b) Insufficient information has been provided to enable an assessment of the volume of pedestrian movement that is likely to be generated by the development relative to the existing use.

7.65 The proposal therefore fails to meet the requirements set out in policy STR5 and PC5 of the LDP.

#### Public rights of way

- 7.66 Public Footpath No. 39 crosses the proposed development site.
- 7.67 The proposed design and layout has not taken into consideration comments made during the planning pre-application process and as such Public Footpath No. 39 would be directly affected by the proposed siting of the modular units.
- 7.68 There has been no proposal by the applicant to incorporate the route into the proposed layout and in the PDAS (paragraph 13) reference is made to applying under s.257 of the TCPA 1990 to temporarily stop up or divert Public Footpath No. 39 for the duration of the Development, stipulating PROW 414/39a/10 as being an alternative route.
- 7.69 There is however no legislation which allows for any route to be temporarily stopped up (and/or diverted) for a period of 7 years (Public Rights of Way can only be temporarily stopped up for this duration of time for the working of minerals (s.261 TCPA)).
- 7.70 As such any proposed diversion would have to be permanent under current legislation. The applicant has not put any proposed diversion forward for consideration and furthermore, given the nature of the development (and the planning application site) it would appear that no suitable alternative can be provided which would safeguard users of the public footpath and occupants based at the development.
- 7.71 In consideration of the above, the Public Rights of way officer objects to the proposal at this location the basis that Public Footpath No. 39 would not be safeguarded and no suitable alternative is feasible due to the proposed development site.

#### Ecological Matters and Trees

- 7.72 The access to the hotel lies adjacent to Brook Park Farm Wildlife Site to the north and east; the northern part is identified ancient woodland. The remainder of the surrounding land is grazed farmland. The site boundary includes fencing, native hedge with mature trees and garden hedges and shrubs.
- 7.73 The modular builds are proposed mainly on existing hard standing and amenity grassland of negligible ecological value as stated in the Preliminary Ecological Report (PEA).
- 7.74 The PEA references that no trees will be impacted but no information has been provided to confirm this.
- 7.75 Several of the accommodation units are near to or over the position of mature or specimen trees. In addition, the existing vehicular

access to the site passes through woodland, part of which is a Restored Ancient Woodland Site and underneath the crowns of specimen trees.

- 7.76 The potential impact of development on these features needs to be also assessed in an Arboricultural Impact Assessment forming part of the BS5837:2012. No statement has been provided.
- 7.77 Following a site visit by the Council's Tree Officer and Ecologist it is the opinion of the LPA that one Sycamore will need to be removed to accommodate pods and there is potential to impact boundary trees. In particular, the mature weeping willow with dense ivy which has potential for roosting bats.
- 7.78 A previous 2020 Preliminary Ecological Appraisal by Enfys for the Glamping pods planning application highlighted the value of the woodland for badgers and woodland edge for roosting, foraging and commuting bats.
- 7.79 The building due to its location in proximity to woodland has high potential as a bat roost. While the building will not be directly impacted by this proposal, the number and elevation of pods, the associated increase in lighting and noise would impact a bat roost if present.
- 7.80 As such appropriate bat surveys for the building as well as for any relevant trees to be removed or pruned in order to adequately inform the application as well as the proposed biodiversity enhancements need to be submitted and agreed.
- 7.81 Planning Policy Wales (PPW) 10 (para 6.4.5) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity". There are opportunities to provide Biodiversity enhancement on site through the provision of native tree and shrub planting on the species poor amenity grassland and to enhance the existing boundaries, as well as the installation of bat and bird boxes, as proposed, providing no bat roost is present. This can be secured by condition.

## **8.00 CONCLUSION**

- 8.01 The applicant considers that the development meets a clear need for a hostel on a suitable and available site and that substantial weight should be given to the need to accommodate asylum seekers and that there is no requirement to explore alternatives.

- 8.02 Whilst the site is available it is far from evidenced or proven that it is suitable for the proposed use in terms of a range of policies, guidance and material planning considerations. Neither is there any definitive information that relates to the need, either nationally or locally, to locate asylum seekers in North Wales or specifically Flintshire.
- 8.03 It is noted that a key principle within PPW is the principle of 'the right development in the right place'. Although there is ultimately no policy requirement to consider alternatives, this should not be read as implying the only available site / proposal should be accepted. What is clear is that the principles of sustainable placemaking have not been followed by the applicant, and as a consequence the well-being of those in the existing community has the potential to be negatively impacted by the proposal.
- 8.04 Similarly, whilst some weight should be attached to the need to house asylum seekers, this again should not make an unacceptable site and location acceptable.
- 8.05 The PDAS recognises in para 84 that there would be localised impacts for the duration of the development. However, the applicant states that ClearSprings Ready Homes would be contracted by the Home Office to operate the site under the requirements of the AASC, but the PDAS fails to explain what this entails.
- 8.06 The PDAS refers to there being substantial social benefits through the provision of much needed accommodation but does not address wider social benefits or dis-benefits arising from the operation of the development.
- 8.07 It is considered that the proposal will during its operation be detrimental to the character of the site and its immediate and wider setting and would significantly alter the character and appearance of the hotel as a Building of Local Interest and disrupt its local distinctiveness as a historic asset. Furthermore the overall scale, siting and design of the proposed development will result in a detrimental impact upon the living conditions, amenity and potentially the safety of the adjoining neighbouring residential properties contrary to the policies highlighted above.
- 8.08 Insufficient information has been submitted to demonstrate that the access and surrounding road network is suitable to provide for the safe movement of traffic and pedestrians likely to be generated by the development or that the physical and social infrastructure exists, or can be provided, to ensure the proposed development can be sustainably accommodated within the community without detriment.
- 8.09 Nor has any information been submitted to determine effects of flooding on the proposal or on protected species and trees.

Additionally, Public Footpath No. 39 would not be safeguarded, and no suitable alternative is feasible due to the proposed development site.

- 8.10 Having regards to all the above, the proposal fails to meet the requirements of Local and National Planning policy and is therefore recommended for refusal.
- 8.11 Other Considerations
- 8.12 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.
- 8.13 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.
- 8.14 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.15 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**

**Telephone: 07721649855**

**Email: [karl.spilsbury@flintshire.gov.uk](mailto:karl.spilsbury@flintshire.gov.uk)**