

Public Document Pack

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Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



CS/NG

26 January 2023

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To: Cllr Richard Lloyd (Chair)

Councillors: 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 and Dan Rose

Dear Sir / Madam

NOTICE OF REMOTE MEETING
PLANNING COMMITTEE
WEDNESDAY, 1ST FEBRUARY, 2023 am **1.00 PM**

Yours faithfully

Steven Goodrum
Democratic Services Manager

Please note: This will be a remote meeting. Public speakers have been asked if they would like to address the Committee in English or Welsh. The meeting will be live streamed onto the Council's website. The live streaming will stop when any confidential items are considered. A recording of the meeting will also be available shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

A G E N D A

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting held on 11 January 2023.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO PLANNING COMMITTEE ON 1 FEBRUARY 2023

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	RES/000385/22 - A	Reserved Matters - Proposed Storage and Distribution Unit with ancillary offices, associated accesses, car parking, service yards, security gatehouse, electricity substation, pump house and landscaping at Plot B, The Airfields, Northern Gateway, Deeside (Pages 9 - 24)
6.2	063810 - A	Erection of 12 no. holiday lodges, reception/office and workshop/equipment store at Northop Country Park, Northop (Pages 25 - 38)
<u>General Matters</u>		
6.3	063033	General Matters - Change of Use of land for the stationing of caravans for residential purposes at Dollar Park, Bagillt Road, Holywell (Pages 39 - 56)

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

Procedural Note on the conduct of meetings

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote.

At County Council and Planning Committee meetings, speakers' times are limited. A bell will be sounded to alert that the speaker has one minute remaining.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at:

<https://flintshire.public-i.tv/core/portal/home>

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PLANNING COMMITTEE **11 JANUARY 2023**

Minutes of the Planning Committee of Flintshire County Council held as a remote meeting on Wednesday, 11 January 2023

PRESENT: Councillor Richard Lloyd (Chair)

Councillors:

Mike Allport, Bernie Attridge, Chris Bithell, Helen Brown, Rob Davies, Adele Davies-Cooke, Carol Ellis, Dave Hughes, Paul Johnson, Hilary McGuill, Ted Palmer, Mike Peers and Dan Rose

APOLOGIES: Councillors Paul Cunningham, Gladys Healey and Richard Jones,

IN ATTENDANCE: Chief Officer (Planning, Environment & Economy),
Service Manager – Development, Team Leader – Planning Strategy
Team Leader - Highways Development Control
Team Leader – Development Management
Senior Planning Officer – Development Management
Solicitor (Legal Services) and Democratic Services Officers

38. DECLARATIONS OF INTEREST

None were received.

39. LATE OBSERVATIONS

None were received.

40. MINUTES

The minutes of the meeting held on 14 December 2022 were confirmed as a correct record, as moved by Councillor Bernie Attridge and seconded by Councillor Chris Bithell.

RESOLVED:

That the minutes be approved as a true and correct record.

41. ITEMS TO BE DEFERRED

No items were deferred

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

RESOLVED:

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

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

There was one member of the public present at the start of the meeting.

(The meeting started at 1pm and ended at 1.28 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 11 JANUARY 2023

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
FUL/000473/22	Hawarden Community Council	Full application - Erection of a new high-bay industrial building at Electroimpact UK Ltd, Manor Lane, Hawarden	Rhys Davies (Agent) spoke in support of the application.	That planning permission be granted as per recommendation
063498	Saltney Town Council	Full application - Proposed Extensions to dwelling at Pear Tree, Sandy Lane, Saltney		That planning permission be granted as per recommendation

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **1st FEBRUARY 2023**

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

SUBJECT: **RESERVED MATTERS APPLICATION FOR PROPOSED STORAGE AND DISTRIBUTION UNIT WITH ANCILLARY OFFICES, CAR PARKING, SERVICE YARDS, SECURITY GATEHOUSE, ELECTRICITY SUBSTATION, PUMP HOUSE AND LANDSCAPING**

APPLICATION NUMBER: **RES/000385/22**

APPLICANT: **COMMERCIAL DEVELOPMENT PROJECTS (CPD) LTD**

SITE: **PLOT B, THE AIRFIELDS, NORTHERN GATEWAY, WELSH ROAD, GARDEN CITY, DEESIDE**

APPLICATION VALID DATE: **25TH AUGUST 2022**

LOCAL MEMBERS: **COUNCILLOR CHRISTINE JONES AND COUNCILLOR DALE SELVESTER**

TOWN/COMMUNITY COUNCIL: **SEALAND COMMUNITY COUNCIL**

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an application for reserved matters following the grant of outline planning permission on land at Plot B, The Airfields, Northern Gateway. The application seeks consent for the erection of a storage and distribution unit with ancillary offices, car parking and associated infrastructure.

- 1.02 The single industrial unit will provide approximately 45,801 sq m internal employment floorspace for storage and distribution use together with 2508 sq m internal ancillary Office floorspace over three floors. The main building height will extend to a maximum of around 18 m to underside of haunch and around 22.5 m to ridge.
- 1.03 The Airfields site is identified for predominantly B8 uses, supported by B1 and B2 employment development as part of its allocation under Policy HSG2A in the Flintshire UDP (2011) for mixed use development and has outline planning permission (ref: 054758) on this land for an employment led mixed use development granted in May 2014. This application aligns with the masterplan for the site and will provide employment opportunities during construction and operational phases.
- 1.04 As Members may be aware the site is located within a defined C1 Flood Zone. A comprehensive Flood Consequences Assessment has been submitted with the application which has been modelled on the agreed mitigation scheme as part of the outline planning permission.
- 1.05 Finished Floor Levels (FFL) across the site are, with the exception of the loading dock and service areas, within the previously agreed parameters and both the Council and NRW are satisfied that there are no concerns and therefore no objections.
- 1.06 Further material planning considerations including highway safety; character and appearance; protected species and impact on neighbouring amenity.
- 1.07 In conclusion, this reserved matters application proposes the erection of a new storage and distribution unit on land within the strategic mixed use Airfields site. The principle of development is compliant with both local adopted and emerging development plans, together with national policy. It is therefore recommended that planning permission be granted, subject to the inclusion of conditions

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

- 2.01
- Compliance with plans
 - Submission and approval of a detailed scheme for the alteration and widening of the existing access
 - No works shall commence until the site access is constructed to the satisfaction of the Highways Authority
 - Submission and approval of a detailed scheme for the proposed additional site access
 - The access from the existing estate road shall have a visibility splay of 2.4m x 90m

- The proposed access from the Welsh Government Road 2 shall have a visibility splay of 2.4m x 90m in both directions
- The stated visibility splays at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
- The proposed access gates shall be designed to open inwards only
- Adequate facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles.
- Submission of a scheme for positive means to prevent the run-off of surface water from any part of the site onto the highway
- Submission of a full travel plan
- Submission of a Construction Traffic Management Plan
- Off-site highway works
- Landscaping details to be implemented and retained
- Contaminated land verification

3.00 CONSULTATIONS

3.01 Local Member

Councillor Christine Jones – No response received at time of writing report

Councillor Dale Selvester – No response received at time of writing report

Sealand Community Council

No response received at time of writing report

Community and Business Protection

Notes that there is a housing development in progress to the South of this site, the applicant taken this into consideration and has submitted a noise impact assessment and lighting assessment. No objections.

Highways Development Control

No objections subject to the inclusion of conditions

Welsh Water/Dwr Cymru

No objections received

Natural Resources Wales

No objections received in relation to flood risk; protected species or contaminated land.

Welsh Government

The outline planning permission for this site required the completion

of a number of off-site highway works once the development reached a trigger. That trigger has been met but the works not completed. Recommends the inclusion of a condition requiring that those works be completed prior to occupation of the building

4.00 PUBLICITY

4.01 Site Notice – No responses received at time of writing report

5.00 SITE HISTORY

5.01 062898

Application for approval of reserved matters following Outline Approval reference 061125 for the erection of 368 no. dwellings. – Approved 22.02.22

059938

Application for the approval of details reserved by condition nos. 7 (sustainable drainage scheme), 15 (landscaping) and 19 (construction environmental management plan) attached to planning permission ref. (058990) – Partially Discharges 13.08.19

059903

Application for the approval of details reserved by condition nos. 5, 7, 8, 9, 11, 12, 15, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 31, 32, 33, 35, 36 & 41 attached to planning permission ref. 058990 – Approved 19.08.19

059514

Application for approval of reserved matters following outline approval for the erection of 283 no. dwellings. – Approved 25.09.19

058990

Application for removal or variation of a condition following grant of planning permission. (049320) – Approved 25.10.18

058950

Application for approval of reserved matters phase 1 informal landscaping and POS following outline approval. (049320) – Approved 13.03.19

058531

Application for the approval of details reserved by condition no. 27 (construction management plan) attached to planning permission ref. 049320 – Approved 02.08.18

058514

Application for the approval of details reserved by condition

nos. 5 (phasing scheme) 6 (development brief), 30 (highway works/transport implementation strategy), 34 (framework travel plan) and 38 (scheme for the layout, design and timetable for implementation of works) attached to planning permission ref. 049320 – Approved 24.08.18

058508

Application for the approval of details reserved by condition nos. 5 (construction environmental management plan) and 6 (ecological compliance audit report) attached to planning permission ref. 057404 – Approved 07.08.18

058506

Non-material amendment following grant of planning permission 057404 – Approved 06.07.18

058452

Non-material amendment following grant of planning permission 057404 Amendment to shape of area for proposed temporary stockpiles of imported fill materials – Approved 14.06.18

058244

Application for approval of details reserved by condition No5 & No6 attached to planning permission ref 057404 – Partially Discharges 17.05.18

057404

Application for approval of reserved matters following outline approval 049320 for phase one enabling works comprising an access road, surface water drainage, landscaping and engineering works to create developments platforms – Approved 09.03.18

054488

Reserved matters application for phase 1 of the highway works and associated infrastructure works following outline approval 049320 for a mixed use development and associated infrastructure – Approved 01.03.16

051764

Temporary contractors compound to facilitate flood defence strengthening works – Approved 15.04.14

051139

Discharge of condition no.24 (Framework Ecological Mitigation and Enhancement Strategy) attached to planning permission ref: 049320 – Approved 25.09.13

050730

Engineering works to provide flood defence strengthening

along 1.5km of the River Dee embankment, to include sheet piling to a maximum depth below ground of 12m and a minimum height of 7.2m AOD and a proposed temporary access route and site compound – Approved 25.06.13

049320

Outline application for the redevelopment of a strategic brownfield site for an employment led mixed use development with new accesses and associated infrastructure including flood defences and landscaping. – Approved 07.01.13

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR3 – Employment

STR7 – Natural Environment

GEN1 – General Requirements for Development

D1 – Design Quality, Location & Layout

D2 – Design

D3 – Landscaping

L1 – Landscape Character

AC3 – Cycling Provision

AC4 – Travel Plans for Major Traffic Generating Development

AC13 – Access & Traffic Impact

AC18 – Parking Provision & New Development

HSG2A – Strategic Mixed Use Development, Land NW of Garden City

EM1 – General Employment Land Allocations (12)

WB1 - Species Protection

EWP12 – Pollution

EWP13 – Nuisance

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

EWP17 – Flood Risk

Local Development Plan Policies

Policy STR1: Strategic Growth

Policy STR2: The Location of Development

Policy STR3A: Strategic Site: Northern Gateway

Policy STR4: Principles of Sustainable Development, Design and Placemaking

Policy STR5: Transport and Accessibility

Policy STR6: Services, Facilities and Infrastructure

Policy STR7: Economic Development, Enterprise and Employment

Policy STR8: Employment Land Provision

Policy PC2: General Requirements for Development

Policy PC3: Design

Policy PC5: Transport and Accessibility

Policy PC6: Active Travel

Policy PE1: General Employment Land Allocations
Policy EN14: Flood Risk
Policy EN15: Water Resources
Policy EN16: Development on or near Landfill Sites or Derelict and Contaminated Land Policy EN18: Pollution and Nuisance

Supplementary Planning Guidance Notes

SPGN No. 3 - Landscaping
SPGN No. 11 – Parking Standards

National Policy

Planning Policy Wales Edition 11
Future Wales Act 2020-2040
TAN 11: Noise
TAN 12: Design
TAN 18: Transport

As the site forms part of the strategic mixed use allocation of HSG2A the principle of mixed use development including the B1 (office accommodation) and B2 (industrial production) and B8 (distribution) uses proposed is established.

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks reserved matters permission for the proposed erection of a storage and distribution unit with associated infrastructure on land at Plot B, The Airfields, Northern Gateway. The application proposes the construction of a large building together with ancillary office buildings.

7.02 The main issues to consider in determination of this application are the principle of development having regard to local and national planning policy together with matters including

7.03 Site Description

The application site comprises of to an area of land extending approximately 10.9 hectares (27.1 acres) in size and forms part of the former RAF Sealand 'South Camp' site, now referred to as the Airfields, which forms part of the Northern Gateway Strategic Mixed Use Development site. It is designated as Plot B on the Approved Airfields masterplan.

7.04 The northern boundary of the site comprises the Sustrans cycle path known as the Chester Millennium Greenway cycle route. Beyond that is Deeside Industrial Estate. The southern boundary of the Site is fronted by the Welsh Government's phase 1 commercial spine road. Beyond this there is a landscaped mound topped with an acoustic fence which has been constructed to screen residential

development which is taking place on the southern side of the phase 1 commercial spine road.

- 7.05 Beyond the Site's eastern boundary is Plot A which has been developed and is occupied by Amazon warehouse. The western boundary is the proposed alignment of the Welsh Government's phase 2 spine road. A length of the existing Northern Drain is located within the Site.
- 7.06 The Site had comprised managed grassland with some trees within the site along the northern boundary. The site already has an existing highway access to the phase 1 commercial spine road.
- 7.07 Proposed Development
The Proposed Development includes a single industrial unit which will provide approximately 45,801 sq m internal employment floorspace for storage and distribution use together with 2508 sq m internal ancillary Office floorspace over three floors. With the gatehouse, pumping station and transport offices also added in this totals 48,685 sq m.
- 7.08 The main building height will extend to a maximum of around 18 m to underside of haunch and around 22.5 m to ridge.
- 7.09 The principal B8 use will operate 24 hours per day, 7 days per week and 52 weeks per year. The applicant details that the functional requirements of the building and the processes it provides for dictate the scale, nature, form and layout of the development. The site will also accommodate areas for habitat creation and enhancement in order to increase biodiversity.
- 7.10 The main building will be located centrally within the Site and is rectangular in shape. The office block of the development would be located on the southern side of the main building. The development car park for employees will be located to the west of the main building and will accommodate 400 car parking spaces. This includes 24 accessible parking spaces, 16 mobility spaces and 20 EV charging spaces with 20 future EV charging spaces. A further 48 Future EV charging spaces for HGVs are shown in the service yard. 38 HGV trailer bays would be located on site. There are 60 cycle spaces and 18 motorcycle spaces. There will also be additional surface level and docking spaces (where HGV's will dock to load or unload to and from the building) around the north and south perimeters of the building. A one-way circular route for HGVs around the main building leading to service and delivery areas is proposed which would be secured with security gatehouses at the entry and exit points to the west of the main building.
- 7.11 In terms of the external appearance of the buildings, this has, by necessity, been driven by visual effects of the proposals, function

and operational requirements. Materials and colour will be uniform across the application site and aim to minimise visual effects as much as possible by selecting an appropriate palette of materials and colour. It is intended that the external roof and walls would be coated profiled steel cladding with Low Level Brickwork to the Office Block with natural mortar. Retaining Walls and the low level plinth to Warehouse Area will be in Pre Cast Concrete. Composite corner feature panels are proposed for the main building.

7.12 It is anticipated that the proposed development will generate 500 new full time jobs and 600 full time construction jobs.

Principle of Development

7.13 The site forms part of the strategic mixed use development allocation HSG2A land North West of Garden City within the Flintshire Unitary Development Plan. The Airfields and the Former Corus, Garden City site together make up the 'Northern Gateway', a comprehensive mixed use redevelopment which takes advantage of the strategic location and the availability of previously developed land.

7.14 Both component sites have the benefit of outline planning permission which as part of the approved mixed use includes a large commitment to providing employment generating, commercial and industrial development opportunities within the Deeside Enterprise Zone.

7.15 The proposed development will generate significant employment opportunities not only during the construction phases (600 full time) but once operational it is expected that more than 500 full time employment (FTE) jobs will be created.

7.16 The site's allocation for mixed use reflects both the strategy of the Flintshire Unitary Development Plan, Local Development Plan and the principles embodied in Planning Policy Wales. Furthermore, the Future Wales Plan identifies this area of Deeside as a National Growth Area for the promotion of economic growth and employment opportunities. In this context, there is a clear policy framework supporting the principle of commercial development on this site. The location of these proposed B2 and B8 uses within Plot B of the Airfields site conforms with the approved Masterplan for the site.

Highway Safety

7.17 The proposed development will be served by two accesses. The principal southern access will be taken from the Phase 1 spine road approved under permission 05448 and provides access to Welsh Road. A secondary western access is also proposed.

- 7.18 The accesses will be built to adoptable standards having visibility splays which are designed in accordance with a 30 mph speed limit. As required by the Outline Planning Permission the first 20 metres of each access that may be used by construction traffic will be surfaced to a wearing course before the commencement of development. As outlined at paragraph 2.01 of this report, following consultation with the Highways Engineer, notwithstanding the submitted information a number of conditions relating to the existing and proposed site accesses is suggested.
- 7.19 In terms of parking the recommendation set out in SPGN1 is 1 space per 100 sq m of floorspace for car parking spaces and 1 space per 1000 sq m for cycle parking. The proposals show a total of 400 spaces and 60 cycle spaces plus disabled, mobility and EV charging spaces.
- 7.20 Members will note the consultation response received from Welsh Government and the suggested condition relating to the implementation of off-site Highway Works. These works were required as part of the Outline planning permission subject to triggers being met across the whole Northern Gateway site. The landowner has entered into s278 Agreements with the Local Authority and Welsh Government and work is due to commence shortly. It is anticipated that the off-site highway works will be completed by May 2023 and therefore before occupation of this proposed industrial building but to afford security to all parties it is recommended that the suggested condition still be imposed.
- 7.21 The proposals accord with policies AC13 and AC18 of the Flintshire Unitary Development Plan.
- 7.22 Character and Appearance
The submitted Design and Access Statement confirms that the external appearance of the buildings, this has, by necessity, been driven by function and operational requirements. Materials and colour will be uniform across the application site and consistent with those used for this type of development. The elevations of the building will be broken up by vehicle docks, windows and fire exits.
- 7.23 The outline planning permission for the site required the submission of a Green Infrastructure Plan which has recently been updated to reflect the latest planning consents across the Airfields site. In addition to the approved details this application proposes additional hard and soft landscaping details which are considered acceptable. In addition, it is recommended that a condition be imposed that the landscaping be implemented and retained.
- 7.24 Flood Risk
The planning application proposes less vulnerable development.

The Development Advice Map (DAM) Flood Risk Map confirms the site to be within the C1 Flood Zone. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3: Rivers.

- 7.25 A Flood Consequences was submitted and following consultation with NRW the applicant has amended the proposal to increase finished floor levels. Most of the development platform is now shown to be at a level of 4.83m AOD (or higher), which is the agreed development platform level in the FCA. The loading dock and service areas are still shown to be below this level, with proposed levels of 4.52 to 4.70m AOD. The applicant explains that this is an operational requirement, as there must be a 1.2m level difference between the loading area and the finished floor level to allow unloading from articulated vehicles into the warehouse building. Due to this operational constraint there is a deviation from the agreed levels, and therefore the updated levels plan does not strictly comply with the mitigation measures outlined within the FCA.
- 7.26 However, it is noted that the entire perimeter of the site is to be raised to a level of 4.83m AOD or above, so levels would slope down from the outside edge of the site towards the loading areas. The applicant also details that the service yard has been designed to ramp back up to the minimum platform level within the confines of the service yard itself.
- 7.27 NRW consider that having lower levels in the loading area / service yard does not significantly compromise the principles of the agreed flood risk mitigation measures, on the basis that the remainder of the surrounding development platform is at or above the agreed minimum level.
- 7.28 The proposal is therefore considered compliant with Policy EWP17 of the FUDP and TAN15.
- 7.29 Land Contamination
The application is supported by reports demonstrating that the risk to controlled water from previous land uses of the site is low and can be adequately controlled by condition.
- 7.30 Protected Species
Bats and Great Crested Newts (GCN) may be present at the application site which are identified in supporting reports. It is considered that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 7.31 Furthermore, it is considered that the proposed development is not likely to harm or disturb the Bats and GCN or their breeding sites

and resting places at this site, provided the avoidance measures described in the CEMP are implemented.

7.32 Other Matters

The proposed development will achieve BREEAM Excellent and be designed in accordance with the energy hierarchy and a fabric first approach to reduce energy use and carbon emissions.

7.33 Members are advised that although the Flintshire Unitary Development Plan Policies are listed, the Local Development Plan policies as outlined at 6.01 align.

8.00 CONCLUSION

This application seeks reserved matters consent for the development of Plot B on the Airfields, Northern Gateway site, to provide a new storage and distribution unit. Works include the provision of large detached building with ancillary office buildings, security gatehouse, car parking and associated infrastructure.

The application site is located within a strategic mixed use development site which has the benefit of an extant outline planning permission for B1, B2 and B8 uses. The principle of this development on the former brownfield land is supported both in local adopted plan policy (HSG2A) and national planning policy (PPW11 and the Future Wales Plan).

Matters including highway safety, flood risk and air protected species have been considered and are considered acceptable. have also been addressed.

For the reasons outlined above it is considered that the proposal satisfies planning policy and I therefore recommend that planning permission is granted subject to the imposition of conditions as set out within paragraph 2.01 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

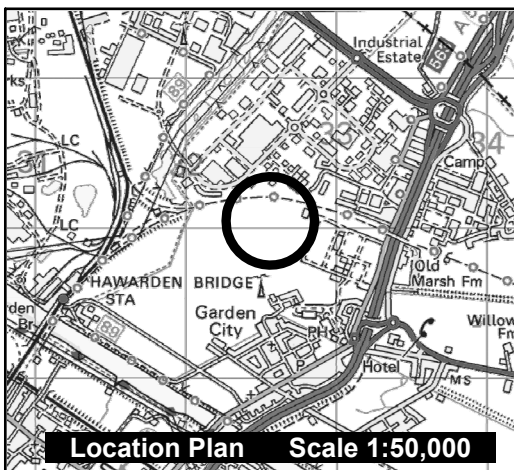
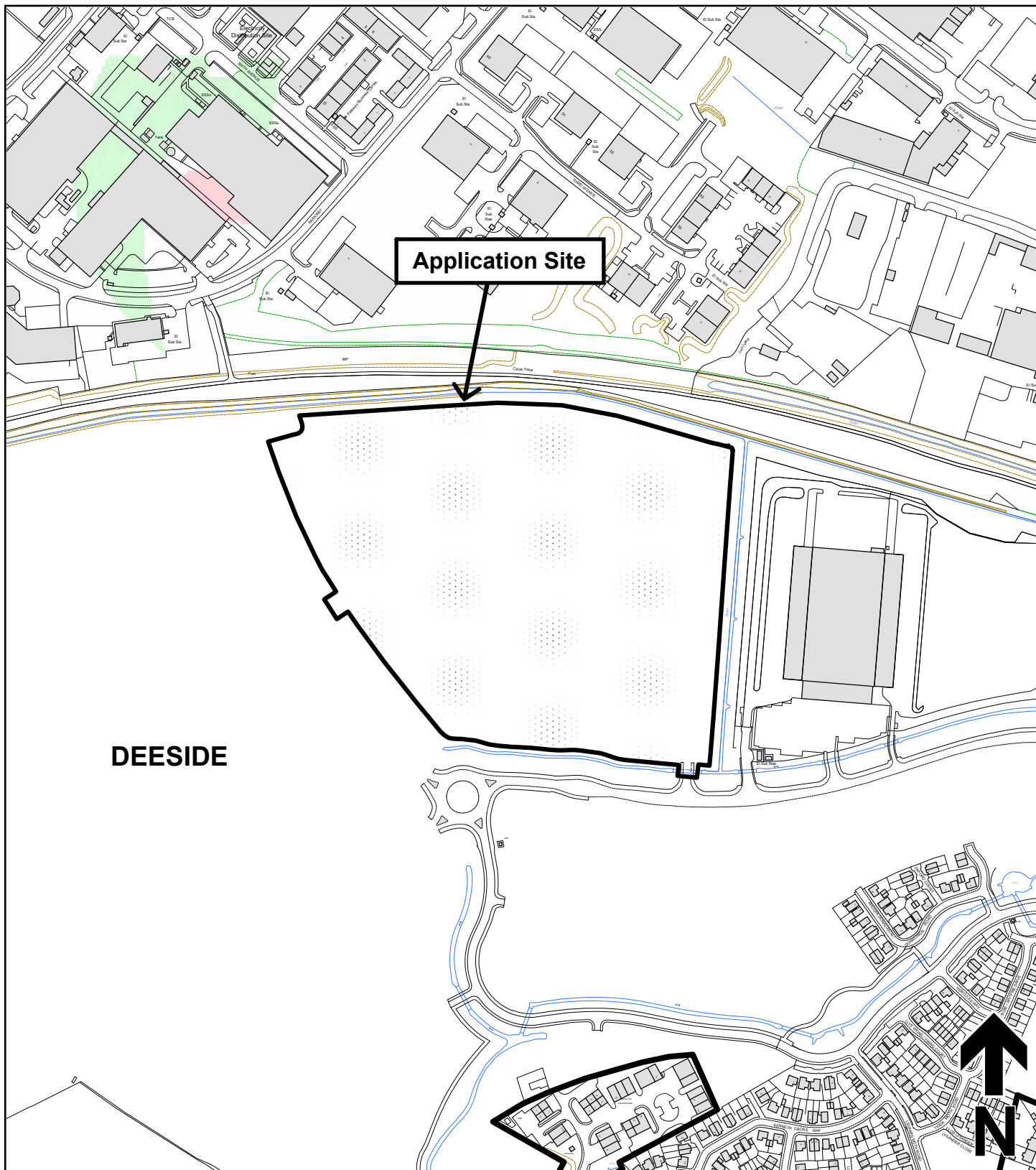
Responses to Publicity

Contact Officer: Claire Morter

Telephone:01352 703299

Email: claire.e.morter@flintshire.gov.uk

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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 1:5000

OS Map ref SJ 3269

Planning Application RES/000385/22

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **1ST FEBRUARY 2023.**

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

SUBJECT: **FULL APPLICATION – 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**

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 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.
- 1.02 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, SUBJECT TO THE FOLLOWING:

- 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 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

Highway Development Control Manager

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

No response received at time of preparing report. Formal consultation on application /amended plans undertaken on 19/1/22 & 8/8/22. Subsequent chaser e-mails sent on 10/11/22 & 19/1/23. In addition, separate telephone discussions taken place on 19/1/23 and 23/1/23 to seek to obtain a response.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification 40 No letters of objection received, the main points of which can be summarised as follows:

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

5.00 SITE HISTORY

5.01 1345/89 – Outline – Proposed 18 -hole golf course with club house, 4500m² 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 Environment Decisions Wales (PEDW) on the grounds of non-determination currently undetermined

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 New Development

STR6 Tourism

GEN1 General Requirements for Development

GEN3 Development in the Open Countryside

GEN5 Environmental Assessment

D1 Design Quality, Location and Layout

TWH1 Development Affecting Trees and Woodlands

L1 Landscape Character

WB1 Species Protection

HE5 Protection of Landscapes, Parks and Gardens of Special Historic Interest

AC13 Access and Traffic Impact

AC18 Parking Provision and New Development

RE1 Protection of Agricultural Land

T4 New Static Caravans and Chalets Holiday Sites

EWP17 Flood Risk

Flintshire Local Development Plan

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

PC12 – Tourist Accommodation, Facilities and Attractions

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

7.01 Introduction

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.

7.02 Site Description

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.

7.04 Planning History

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 existing 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 materialised due to changes in economic circumstances since the grant of outline permission.

7.05 Proposed development

The amended plans submitted as part of this full 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 considered in determination of this application include-

- i) the principle of development
- ii) scale /design/form
- iii) impact on the character of the landscape, in particular the Historic Park and Garden and Scheduled Ancient Monuments
- iv) adequacy of access
- v) impact on ecology
- 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 Unitary Development Plan. Consideration of the proposed development is principally undertaken having regard to Policy T4, where proposals for new static caravan / chalet holiday sites are required to satisfy the following criteria.

- a) the scale of the proposal together with the number, siting and layout of units, circulation roads and service buildings is appropriate to the characteristics of the site and locality;
- b) the scheme incorporates substantial internal and structural

- landscaping.
- c) the proposal would not have a significant adverse impact on features or areas of landscape, nature conservation or historic value
- d) where appropriate, the site is easily accessible from the local highway network and is accessible by a choice of modes of travel, particularly by foot, cycle or public transport; and
- e) the proposal would not have a significant adverse impact on the amenity of nearby residents, other users of nearby land/property or the community in general.

7.08 Policy PE13 in the LDP adopts a simplified set of criteria but is generally consistent with the approach in the UDP

- 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

7.09 It is also important to consider the proposed development in the context of the previous planning history on the site, initially dating back to 1989 by virtue of an outline planning application for a mixed residential, commercial and leisure development, set within the country park.

7.10 The request to defer consideration of this application until the appeal decision from PEDW in relation to application 063500 is noted. It is however considered that the current application stands to be determined on its own merits recognising: i) it is on a different part of the Northop Country Park to that the subject of the appeal ii) the site is in different ownership to that forming 063500. The applications, though similar in terms of what is being proposed, are not linked and this current application is a stand alone application to be determined on its own individual merits.

7.11 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.

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 criteria a & b of Policy T4 and Policies D1, D2 of the UDP.

- 7.12 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 The Welsh Historic Gardens Trust (WHGT), Cadw and the Council's Built Conservation Officer.
- 7.13 Whilst no formal response on the application has been received from WHGT, following the receipt of additional information by way of an updated Heritage Impact Assessment / revised layout, 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.
- 7.14 This is therefore considered acceptable having regard to Policy HE5 – Protection of Landscapes, Parks and Gardens of Special Historic Interest and criterion c of Policy T4 of the Flintshire UDP together with Planning Policy Wales (PPW 11) Cadw's guidance – Setting of Historic Assets in Wales May 2017.
- 7.15 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)
- 7.16 The proposal is therefore considered acceptable from a highway perspective having regard to criterion d of Policy T4 and AC13 & AC18 of the Flintshire Unitary Development Plan.
- 7.17 Impact on Ecology
Consultation on the application has been undertaken with Natural Resources Wales (NRW) and the Council's Ecologist.
- 7.18 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.

- 7.19 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.
- 7.20 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.
- 7.21 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.
- 7.22 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 dwelling Hillside House which forms part the main spine of residential properties developed in accordance with the initial outline permission. 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.
- 7.23 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 the impact of development.
- 7.24 Drainage
Progression of the application has been impacted by the

requirement from Dwr 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.

- 7.25 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.
- 7.26 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.
- 7.27

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.
- 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.
- 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.

9.01 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.

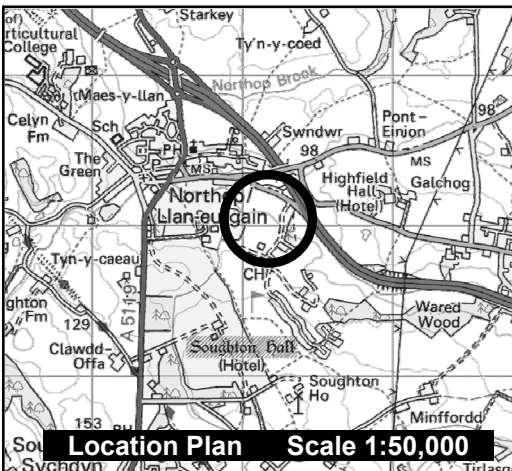
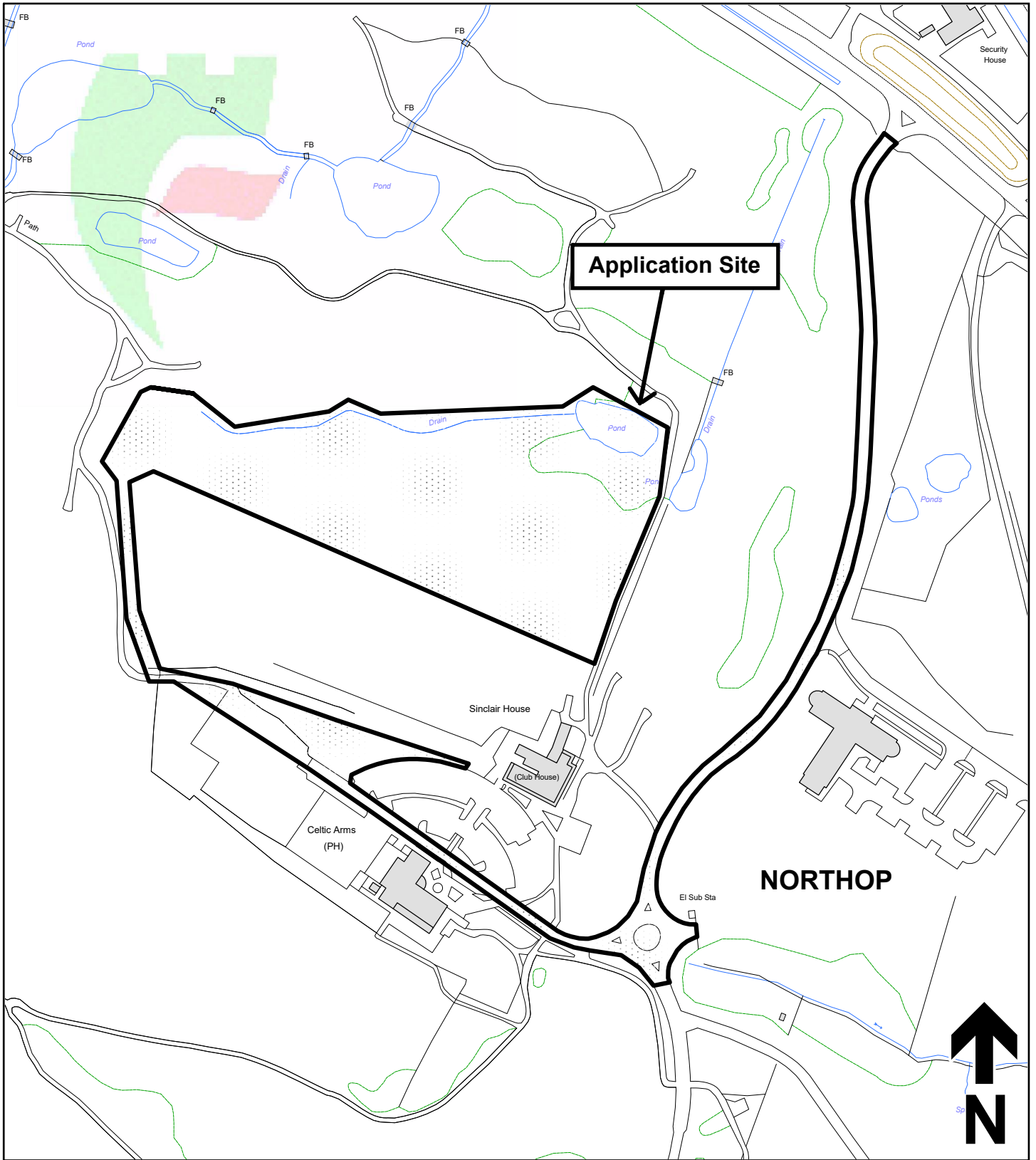
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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: Robert Mark Harris
Telephone: 01352 703269
Email: robert.m.harris@flintshire.gov.uk



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**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 1ST FEBRUARY 2023

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

SUBJECT: GENERAL MATTERS – DOLLAR PARK, BAGILLT ROAD, HOLYWELL - REQUEST FOR DELEGATED AUTHORITY TO RESPOND

1.00 PURPOSE OF REPORT

1.01 For Members information this application is the subject of an appeal lodged and validated by Planning Environment Decisions Wales (PEDW) on the grounds of non-determination. The purpose of this report is to obtain Planning Committee resolution in respect of the approach to be adopted by the Council in respect of the appeal. PEDW have advised that the appeal is initially intended to be dealt with by the **Hearing** procedure. Members are asked to endorse a recommendation that the proposal is supported subject to the imposition of conditions as referenced in paragraph 3.00 of this report with PEDW, advised accordingly.

2.00 SUMMARY

2.01 This is a full application for the change of use of land at Dollar Park, Holywell to provide for 7 residential gypsy plots. There is a long and complex planning history associated with the use of this land as a Gypsy and Traveller site, with the first occupation occurring in 2007.

2.02 Temporary planning permission was initially granted, on appeal, for the use of the land as a Gypsy and Traveller site in 2011, which was then renewed in 2016. Planning permission has only ever been granted on a temporary basis in view of the harm the Inspector identified at the time of the appeal. 12 years have elapsed since that decision was considered and the circumstances on the ground as well as the national planning context have changed since the original decision which both have a material bearing on how this application should be considered.

- 2.03 The draft Local Development Plan identifies a number of residential site allocations to meet the identified accommodation needs of Gypsy and Travellers set out in the Council's approved Gypsy and Traveller Accommodation Assessment (2016). The application site is not one of those LDP sites, and due to the temporary nature of the planning consent the needs of the families on this site remain unmet.
- 2.04 Concerns have previously been raised that the location of the site in the open countryside and within the wider setting of a Grade II Listed Building outweighed the benefits that would afford the occupiers of the site by granting a permanent planning permission.
- 2.05 However, this site has now been established for a period of in excess of 14 years. The residents have remained largely the same, with children and older residents residing there. The Council must consider if the previous concerns still outweigh the rights of the children and other vulnerable adults living on the site.
- 2.06 The landscape has matured both outside and within the site boundary, and this can be enhanced through the requirement for additional landscaping. National policy guidance confirms that it would be unreasonable to expect that a Gypsy and Traveller site in a location like this would not have some degree of visual presence. However, the Council are confident that this is now significantly less than when the site was first occupied.
- 2.07 Critically the national planning framework in respect to the provision of accommodation for Gypsies and Travellers has changed since the original temporary consent and subsequent renewal were granted. Following the guidance within the Housing Wales Act, Welsh Government published circular 005/2018 alongside updated advice within Planning Policy Wales. The circular both requires Local Planning Authorities to consider and meet the identified needs of Gypsies and Travellers, expressed through the GTAA, but not at the expense of also considering any unmet need that may exist or arise that is not recorded within the GTAA. Following this the emerging Local Development Plan has a dual policy approach whereby site provision has been made sufficient to meet the pitch demand highlighted by the 2016 GTAA, as well as a criteria based policy to deal with the unmet demand that arises following the point in time baseline of the GTAA. Given the temporary nature of the permission at the application site, the need that exists there is in essence unmet.
- 2.07 Although a fine balance, given the time that has elapsed with the site in use, the changes to the national policy context, and a careful

reflection on the perceived planning harm identified at the outset, it is contended that the rights of the children and the wellbeing of the adults, some of whom have occupied the site since 2007, now clearly outweighs the little, if any, planning harm that was apparent in 2011, but that has now been significantly reduced. Accordingly it is recommended that Members endorse the recommendation to support the application as submitted, subject to the imposition of conditions.

**3.00 RECOMMENDATION: TO SUPPORT THE PROPOSAL
SUBJECT TO THE FOLLOWING:-**

1. In compliance with the approved plans
2. Personal planning permission to the current occupiers
3. Restrictions on the number of plots
4. Restrictions on the number of static caravans per plot
5. No commercial activity to be undertaken from the site
6. No storage of commercial vehicles other than those used the occupiers
7. Submission of a landscaping scheme
8. Implementation of landscaping scheme
9. Visibility Splay
10. Parking provision for each plot

4.00 CONSULTATIONS

4.01 Local Member

Cllr I. Hodge - No response received at time of writing report

4.02 Holywell Town Council

Raises objection to this application on environmental grounds and has expressed concern about over development and highways accessibility issues.

4.03 Community and Business Protection

No objections raised.

4.04 Welsh Water/Dwr Cymru

No objections received as the applicant is utilising an alternative to mains drainage.

4.05 Natural Resources Wales

No objection.

4.06 Highways Development Control

It would appear the principle of the current proposal was approved on a temporary basis under planning reference 053163 back in 2016. On this basis, provided the previous conditions imposed as part of planning consent 053163 are repeated then no objections raised.

4.07 Education

No financial contributions being sought for either primary or secondary education.

4.08 Aura Leisure

No comments to make regarding the proposal.

5.00 PUBLICITY

5.01 Press Notice, Site, Notice and Neighbour Notification letters posted. 6 responses received 5 letters of support and 1 letter of objection.

Support

- The site is kept immaculate and the residents are part of the community
- Given the length of time the residents have been on site they should be allowed to remain
- The residents support the local businesses of Holywell and Bagillt

Objections

- The council have suitable and appropriate alternative pitches that could be utilised
- Traffic impact
- Impact on the Listed Building
- Failure to comply with Local and National Planning Policy
- The planning process should be respected.

6.00 SITE HISTORY

6.01 053163 - Continuation of use of land as residential gypsy site accommodating 9 families on 7 pitches, with a total of 13 caravans (no more than 7 static caravans) and retention of the hardstanding (including block paving), gates, walls, lighting columns and fences 3no. amenity blocks and erection 1no. additional amenity block. Approved 07.04.16

- 6.02 046832 - Change of use to residential caravan site for 6no. Gypsy families, each with 2no. Caravans and erection of 6no. amenity buildings, laying of hardstanding and construction of improved access (partly in retrospect) Refused 19.03.10. Allowed on appeal 5 year temporary permission 04.02.11.
- 6.03 043412 - Change of use (partly in retrospect) to caravan site (10 pitches) for residential occupation (not transit)by Gypsy-Travellers families, with alterations to site access, additional hardstanding, septic tank, utility buildings, erection of fencing to site boundary and between pitches and communal building. Refused 11.02.08. Dismissed on appeal 23.02.09.

7.00 PLANNING POLICIES

7.01 Flintshire Unitary Development Plan

- HSG14 – Gypsy Sites
- GEN1 – General Requirements of all Development
- GEN3 – Development in the open countryside
- D1 – Design Quality, Location and Layout
- D4 – Landscaping
- TWH1 – Development Affecting Tress and Woodland
- TWH2 – Protecting Trees and Woodland
- WB1 – Species Protection
- WB4 – Local Wildlife Sites and Sites of Geological Importance
- WB5 – Undesignated Wildlife Habitats
- L1 – Landscape character
- AC13 – Access and Traffic Impact
- HE2 – Development Affecting Listed Buildings and their Settings

Local Development Plan

- STR4 Principles of Sustainable Development, Design and Placemaking
- STR5 Transport and Accessibility
- STR12 Provision for Gypsies and Travellers
- STR13 Natural and Built Environment, Green Networks and Infrastructure
- PC1 The Relationship of Development to Settlement Boundaries
- PC2 General Requirements for Development
- PC3 Design
- PC5 Transport and Accessibility
- HN9 Gypsy and Traveller Accommodation
- EN2 Green Infrastructure
- EN4 Landscape Character

- EN7 Development Affecting Trees, Woodlands and Hedgerows
- EN8 Built Historic Environment and Listed Buildings

7.02 Supplementary Planning Guidance Notes

- SPGN No 6. Listed Buildings

7.03 National Policies

- Circular 005/2018 'Planning for Gypsy and Traveller Sites'
- TAN 24: The Historic Environment
- Planning Policy Wales Edition 11
- Housing Act 2014

8.00 PLANNING APPRAISAL

8.01 Introduction

This application seeks planning permission for the continued use of land at Dollar Park, Bagillt Road, Holywell as a Gypsy and Traveller residential site.

8.02 The proposal is to provide seven plots each with a mobile home, touring caravan and modest utility building. The mobile homes and touring caravans all fall within the definition of a caravan as outlined in Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968.

8.03 The main issues to consider in determination of this application are the impact of the development on the open countryside location; impact on the vista from the Grade II Listed Glyn Abbot; highway safety and the best interests of the occupiers of the site.

9.00 SITE DESCRIPTION

9.01 The application site lies to the east of Holywell on the south side of the A5026 Bagillt Road which runs between Holywell and Greenfield. The total site area is approximately 0.5 hectares.

9.02 The site was a former coal yard, following this use there was some limited use of the site for forestry purposes in association with the management of the surrounding woodland. The previous owner of the woodland obtained a Felling Licence and Woodland Grant Scheme from the Forestry Commission to carry out selective felling in the woodland. Prior to the site's occupation by gypsies and travellers it had regenerated naturally as grassland and scrub with a plateau of land inside the entrance gate. From its former use there

was an existing access to the site which was gated with an area of hardstanding.

- 9.03 Opposite the site is an access which serves three residential properties, 2 of which (the lodge and the coach house) are situated directly adjacent to Bagillt Road. Glyn Abbot a Grade II Listed Building, is set back approximately 70 metres from the road in an elevated position. There is a watercourse which runs south of the application site within the wooded area included in the applicant's ownership.
- 9.04 Since 2007 the site has been occupied by a number of gypsy families and has developed into a residential site with associated hardstandings, including block paving, fencing, walls, gates and lighting, along with brick built amenity buildings and wooden sheds. Foul drainage is dealt with by a septic tank which was installed on site by the current residents.
- 9.05 A temporary permission for 5 years was granted on 4th February 2011 (046832) (Appeal Decision APP/A6835/A/10/2132061) for "Change of use to residential caravan site for 6no. Gypsy families, each with 2no. Caravans and erection of 6no. amenity buildings, laying of hardstanding and construction of improved access (partly in retrospect)". This application included the provision of a new access point following highway safety concerns over the original site access which was a reason for the dismissed appeal on application 043412.
- 9.06 On the 7th April 2016 a further temporary permission for 5 years was granted for the continuation of the use of the site as a residential caravan site (reference 053136).
- 9.07 The most recent temporary permission 053163 allowed for the stationing of no more than 7 static caravans and up to 13 touring caravans and the erection of amenity buildings. Additionally the consent allowed for the retention of ancillary features such as gates, walls and hardstanding. The temporary permission expired in April 2021.

10.0 SITE HISTORY

- 10.01 The land was first occupied by gypsies in March 2007. A planning application made in May 2007 for use of the land as a residential caravan site by 10 gypsy families, including various elements of ancillary operational development, was refused by the Council in February 2008 and subsequently dismissed at appeal. In May 2008

the Council issued an enforcement notice in respect of the unauthorised use and operational development.

- 10.02 Although the appeals were dismissed the occupants remained on the site and subsequently submitted planning application 046832 for "Change of use to residential caravan site for 6 gypsy families each with 2 no caravans and erection of 6 no amenity buildings, laying of hardstanding and construction of improved access (partly in retrospect) in 2009. This application was allowed at appeal and a temporary permission was granted for a period of 5 years for the change of use to a residential caravan site for 6 Gypsy families, each with 2 caravans, erection of 6 amenity buildings, laying of hardstanding and construction of improved access.
- 10.03 This temporary permission was extended through application 053163 in 2016 which granted a further 5 year temporary consent.
- 10.04 While the monitoring of the movements of families on and off Gypsy and Traveller sites such as this can be problematic, in general the site residents have remained largely the same since the temporary permission was granted.

11.00 PROPOSED DEVELOPMENT

- 11.01 The proposed site incorporates seven permanent pitches. Each pitch consists of one dayroom, one touring caravan and one mobile home. The seven pitches on the site shall be occupied only by the current occupiers and their resident dependents. The Local Planning Authority hold details of the occupiers.
- 11.02 The utility blocks are finished with a render finish, interlocking roof tile and upvc wood effect fenestration. Each block provides a kitchen and bathroom for the occupiers of the plot.

12.00 PRINCIPLE OF DEVELOPMENT AND NEED

- 12.01 As part of the preparation of the Local Development Plan (LDP) a Gypsy and Traveller Accommodation Assessment has been undertaken and approved by Welsh Government. This showed that during the Plan period there was an identifiable need to provide 19 pitches within the County.
- 12.02 Given the temporary nature of the permission at this site at the time that the Gypsy and Traveller Accommodation Assessment was

carried out, the needs of the families on this site form part of the unmet need identified in the Assessment.

- 12.03 Provision has been made for 3 residential site allocations at Magazine Lane, Ewloe, at Gwern Lane, Hope and at Riverside, Queensferry. The first two allocations are extensions or the remodelling of existing permitted sites and seek to meet the needs of existing residents and both have the benefit of planning permission. The third allocation is an extension to the existing Council run site but this extension does not yet have planning permission and is presently not available, although a planning application is presently being drawn up. The combined allocations in the LDP amount to 23 pitches which meets the identified need for pitches.
- 12.04 The current adopted Flintshire Unitary Development Plan (FUDP) contains policy HSG14 which provides guidance on proposals concerning gypsy sites. However, Members should be aware that this policy is somewhat dated and is not in line with the latest Welsh Government guidance in Circular 005/2018. In particular, the following criteria are no longer considered appropriate or applicable:
- a. there is a demonstrable need;
 - b. there are no suitable alternative sites either with planning permission or allocated for such uses;
- This outdated approach has been further strengthened by the responses provided by Welsh Government to HN9 policy in the Local Development Plan.
- 12.05 Circular 005/2018 adopts a sequential approach to identifying site sustainable locations within or adjacent to existing settlements with access to local services are considered first. The Circular goes on to state that 'Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries'. The site is in open countryside between the two settlements of Holywell which is a category A settlement in the adopted Flintshire Unitary Development Plan and Bagillt which is a category B settlement. The application site is not considered to be a remote open countryside location, it is close to the above mentioned sustainable settlements where there are a range of services and facilities available. Additionally, the application site has easy access to public transport links (bus route) which serve the wider county.
- 12.06 In the context of the guidance in the Circular (005/2018), Members should be aware that the proposal must be considered on its individual merits. Further consideration regarding the impact of the development on the openness and character of the area is addressed

below as will matters including the wellbeing and personal circumstances of the residents on the site.

- 12.07 In terms of the principle of development and outstanding need to be met, it is considered that the application conforms with both local (draft) policy and national guidance. The key planning test is whether any planning harm exists that should prevent this application from being approved. This report now considers the principle issues that the original Inspector considered and concludes on each of them, in the context of how the site now sits and appears in its location, and in the context of the up to date national and local policy position relating to Gypsy and traveller sites.
- 12.08 Impact on the Open Countryside
The site is situated within the open countryside. Prior to the occupation of the site, there were no buildings on the site, and the natural regeneration of the site meant it had a greenfield appearance and blended in with the open countryside location.
- 12.09 The character of the landscape has been altered since the site has been occupied by the nature of the earthworks and the scale of the development. Each pitch is demarcated with domestic fencing and the majority of the pitches are block paved. Each pitch has a static and or touring caravan and an amenity building in the form of a brick building or wooden shed. It is acknowledged that the introduction of the caravans, boundary gates/fences and other domestic paraphernalia did impact, especially initially, on the rural landscape.
- 12.10 However, consideration needs to be given that the change of use occurred more than fifteen years ago. It is clear through online imagery that during the early occupation of the site the lack of boundary vegetation and loss of trees resulted in a stark and visually intrusive development on the rural landscape. The boundary hedgerow has been allowed to redevelop and it is now felt, even in the winter months when surrounding trees and hedgerows are not in full leaf, that the impact is significantly reduced.
- 12.11 Circular 005/2018 accepts that open countryside locations are suitable for Gypsy and Traveller sites and this guidance post-dates both the original appeal decision and the subsequent renewal. This is material both to the acceptability of the siting and sustainability of the site's location which it is considered are in line with the circular guidance. The Circular also goes to say that it would be unreasonable to expect that Gypsy and Traveller sites in rural locations and settings should not have some visual impact on their surroundings. It cannot therefore be concluded that a permanent Gypsy and Traveller site will have any greater impact than when the original permission were

granted, and in fact with the passage of time and the guidance in the circular, the previous concerns over planning harm have failed to materialise to the extent originally perceived.

12.12 Planning permission for this site has only ever been of a temporary nature. Given this, it was considered unreasonable to expect the occupiers to invest in significant landscaping works on a temporary consent. From a wider vista it is considered that the site has matured and assimilated into the surrounding area. This current application however seeks a permanent consent for continued occupation. Whilst as outlined above it is acknowledged that the landscaping, especially on the boundary fronting Bagillt road has matured significantly, it is considered that this could be further enhanced and as such, I would recommend that if planning permission is granted that a suitably worded condition be imposed. The inclusion of the condition would ensure that although considered minimal any visual impact caused by the development by those passing the site on foot or in a vehicle would be even further improved.

12.13 Impact on the Listed Building

The site is located opposite the entrance to Glyn Abbot which is a Grade II Listed building. Set in its own grounds on an elevated site the principle elevation faces south across a terraced forecourt to open countryside. It retains a former stone lodge which is adjacent to an uphill drive to the building. It dates from the early to mid-nineteenth century, possibly 1830's, and has been referred to as a Classical two-storey villa with dignified and symmetrical three-bay stucco front given pediment treatment to advanced outer bays, under a hipped slate roof with rendered brick chimney stacks. The windows consist of nine-pane sash windows to first floor and small-pane tripartite camber-headed windows below. There is a central trellised porch with panelled double doors. It is listed as a fine local example of a Classical small country house.

12.14 Concerns have been raised during determination of the previous planning applications that the use of the land as a residential gypsy site harms the setting of the Listed Building. This matter was considered at length during the initial appeal inquiry reference 046832 (Appeal Decision APP/A6835/A/10/2132061) to establish the definition and scope of what constitutes the 'setting' of a Listed Building. It was concluded, at that stage, that the development could have an adverse impact on the wider setting of Glyn Abbot, albeit it, with acknowledgement that the existing built form and the highway of Bagillt Road would also have some affect.

12.15 Guidance contained within Policy HE2 of the Flintshire Unitary Development Plan confirms that the setting of a listed building may

be limited to its immediate surroundings, but can include land some distance from it. It can best be protected and enhanced through the careful control of development including highways improvements, and the sensitive design of elements such as street furniture, and landscaping.

- 12.16 Concerns have been raised that the caravans and particularly amenity blocks are incongruent with the rural landscape and therefore the outlook from the Listed Building. Circular 005/2018 provides guidance on design and layout of sites and clearly identifies the need to make provision for structures such as amenity blocks. Having regard to the modest scale and utilitarian design of the blocks as proposed at Dollar Park it is not unreasonable of the Council to consider this as an essential amenity facility to serve the site and needs of the occupants
- 12.17 As set out above, significant consideration needs to be given with regards to the maturity of the site. The stark initial development of the site has weathered, and the landscaping has been allowed to mature. The impact on the setting of the Listed Building was previously focussed on the wider vista rather than a direct impact on the building. The existing, and conditioned enhanced landscaping scheme as would be recommended, together with the maturity of the site is such that the Council no longer considers that the use of the land for the siting of caravans and additional infrastructure (amenity buildings) gives rise to any unacceptable harm on the setting of the Listed Building or its vistas.
- 12.18 The best interests of the child, personal circumstances and Human Rights
No details of the applicants or the site's resident's specific personal circumstances have been put forward other than that they have a need for lawful accommodation in this area where they can continue to live together as an extended family group and where they can obtain adequate health care and regular schooling for children.
- 12.19 The Council are aware through recent site visits that there are children living on the site (of school age), however the exact numbers and ages have not been provided by the applicants. As the application is subject to appeal it is possible that PEDW may request details of dependents from the applicant. It is also acknowledged that as the site has and continues to mature over time there may be more elderly or vulnerable residents.
- 12.20 In consideration of the planning application 046832 (Appeal Decision APP/A6835/A/10/2132061 paragraph 39) the Inspector stated that "The proposal would deliver clear benefits in terms of enabling a

stable and secure environment for the site's occupants in a location with accessibility to facilities and services. In particular, it would provide the present occupants with continuing access to established local arrangements for healthcare and education. Such matters are not to be discounted lightly. In addition, refusal of permission, so that the current occupants were required to vacate the site, would plainly be an interference with their rights to respect for family and private life and to the peaceful enjoyment of possessions, as identified in Article 8 and Article 1 of Protocol 1 of the European Convention on Human Rights”.

- 12.21 The Council consider that this approach is still relevant and holds the same if not significantly more weight given the length of the time the site has been established as outlined further below.
- 12.22 It is acknowledged that children are living? on the site and the Local Authority has a statutory duty under the Childrens Act 2004 to safeguard and promote the welfare and well-being of the children.
- 12.23 There is also a national and international obligation contained in article 3(1) of the United Nations Convention on the Rights of the Child (“UNCRC”): “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”
- 12.24 These considerations are again significant material considerations in making a decision as to the impact any decision would have on the children residing on the site. If permission is refused then the impact of not having a settled base would need to be considered and weighed in the planning balance as a primary consideration. Essentially a refusal to grant planning permission could result in the children living in roadside locations without access to schooling, health care and community facilities.
- 12.25 There have been several letters of support from third parties in relation to the proposal. This demonstrate the intrinsic link that the residents of the site have with the communities of Bagillt and Holywell and emphasis further how a decision to refuse planning permission and uproot these families could be harmful to their wellbeing.
- 12.26 Highway Safety
It would appear the principle of the current proposal was approved on a temporary basis under planning reference 053163 back in 2016. On this basis, provided the previous conditions imposed as part of planning consent 053163 are repeated, then there are considered to be no concerns from a highway perspective.

12.27 For Members benefit those conditions included details regarding the visibility splay from the access and parking provision for each plot.

13.00 CONCLUSION

13.01 This application seeks planning permission for a permanent Gypsy and Traveller site on land at Dollar Park. Although there has been a long and complex planning history associated with this site, this application must be considered on its individual merits.

13.02 Both local and national planning policy supports the location of Gypsy and Traveller sites within the open countryside, and by virtue of the length of time this site has been established, it is now blended well into the landscape.

13.03 The Council has considered the previous concerns with regards to the impact of the vista from Glyn Abbott, but as with the impact on the landscape, the maturity of the site is such that I do not consider that this holds significant weight, especially when one factors in the national guidance contained within Circular 005/2018. In addition, the present national policy position as set out in circular 005/2018 post-dates both previous temporary consents, but now clearly identifies the dual requirement to make provision for identified needs by allocating sites in the LDP, as well as to consider unmet or unidentified needs on their merits, via a criteria based policy. As the existing permission is only a temporary one, the need that exists from the families on site is an unmet need that needs to be met.

13.04 In addition, the Council are aware that there are both children and vulnerable adults (do we know if vulnerable adults are there) living on the site. The protection of their rights is paramount and must be carefully considered in the planning balance. To uproot these families whose children attend local schools and are registered with medical practices would be harmful.

13.05 Overall and on balance it is considered that the reasons given for initially granting temporary planning permissions on this site do not hold the same weight. The development of local and national policy is such that the rights of the occupiers on site outweighs the limited, if any, harm caused to the visual appearance of the landscape. Do we need to mention setting of Glyn Abbott?

13.06 It is considered that the submitted details are acceptable and I therefore recommend that Members support the recommendation as set out in paragraph 3.00 of this report.

13.07 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.

13.08 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.

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

13.10 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

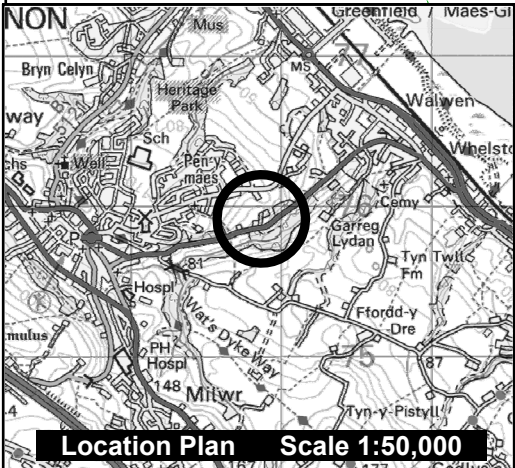
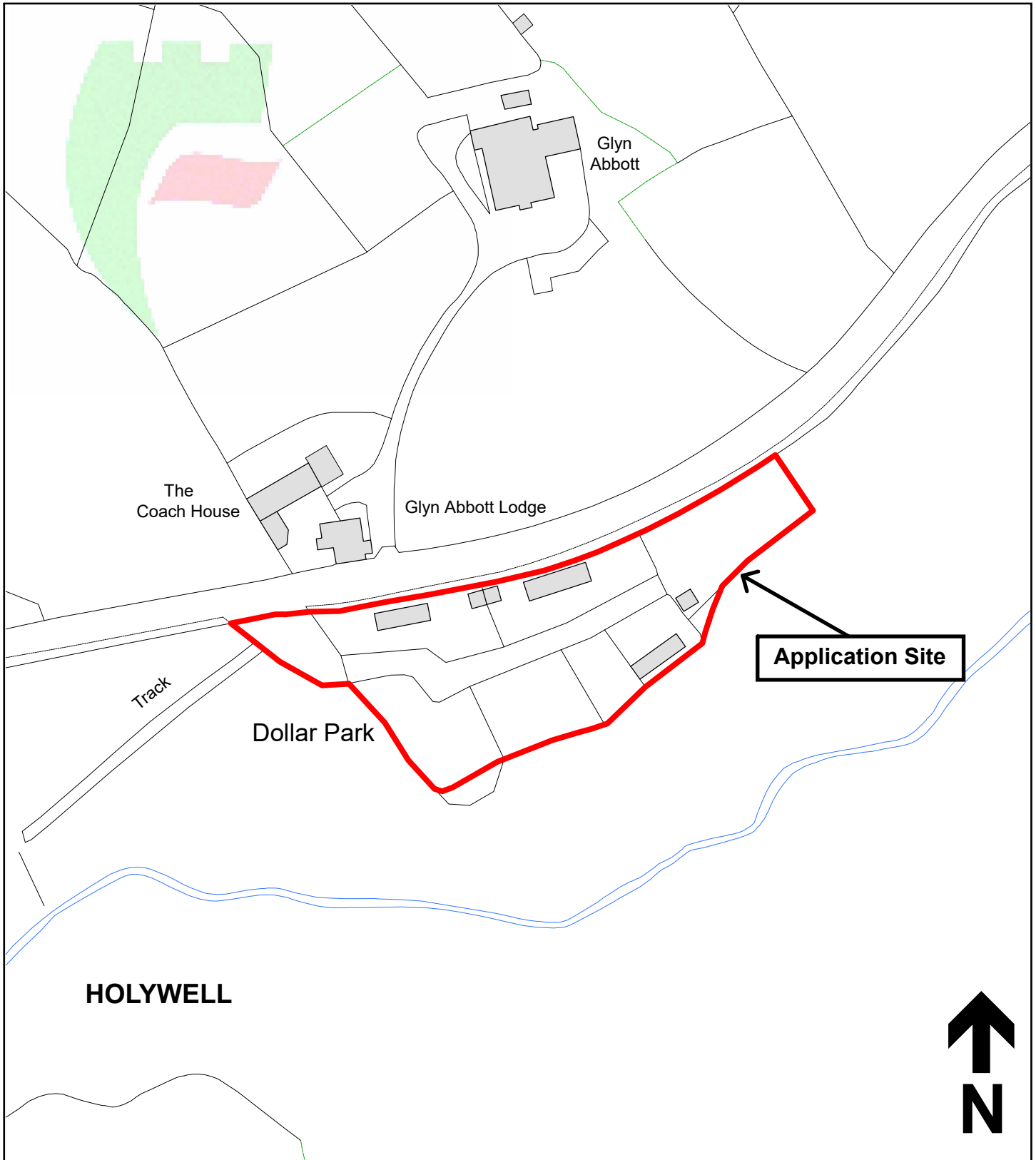
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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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 1975

Planning Application **63033**

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