

# Pecyn Dogfen Gyhoeddus

**Gareth Owens LL.B Barrister/Bargyfreithiwr**  
Chief Officer (Governance)  
Prif Swyddog (Llywodraethu)



At: Cyng David Wisinger (Cadeirydd)

CS/NG

Cynghorwyr: Mike Allport, Bernie Attridge,  
Marion Bateman, Chris Bithell, Derek Butler,  
David Cox, Adele Davies-Cooke, Ian Dunbar,  
David Evans, Veronica Gay, Patrick Heesom,  
Dave Hughes, Kevin Hughes, Christine Jones,  
Richard Jones, Richard Lloyd, Billy Mullin,  
Mike Peers, Neville Phillips ac Owen Thomas

28 Tachwedd 2019

Nicola Gittins 01352 702345  
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Annwyl Syr / Fadam

Bydd cyfarfod o'r **PWYLLGOR CYNLLUNIO** yn cael ei gynnal yn **SIAMBR Y CYNGOR, NEUADD Y SIR, YR WYDDGRUG CH7 6NA** am **DYDD MERCHER, 4YDD RHAGFYR, 2019** am **1.00 PM** i ystyried yr eitemau a ganlyn.

**Mae'r rhaglen hon yn destun cyfyngiadau o ran cynnwys oherwydd Cyfnod yr Etholiad sy'n dechrau ar 7 Tachwedd ac yn dod i ben ar 13 Rhagfyr.**

Yn ddiffuant

Robert Robins  
Rheolwr Gwasanaethau Democraidd

## **HYSBYSIAD GWEDDARLLEDU**

Bydd y cyfarfod hwn yn cael ei ffilmio a'l ddarlledu'n fyw ar wefan y Cyngor. Bydd y cyfarfod cyfan yn cael ei ffilmio oni bai fod eitemau cyfrinachol neu wedi'u heithrio dan drafodaeth.

Yn gyffredinol ni fydd y manau eistedd cyhoeddus yn cael eu ffilmio. Fodd bynnag wrth i chi ddod i mewn i'r Siambr, byddwch yn cydsynio i gael eich ffilmio ac i'r defnydd posibl o'r delweddau a'r recordiadau sain hynny ar gyfer gweddarlledu a/neu ddibenion hyfforddi.

Os oes gennych chi unrhyw gwestiynau ynglŷn â hyn, ffoniwch aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

## R H A G L E N

1 YMDDIHEURIADAU

2 DATGAN CYSYLLTIAD

3 SYLWADAU HWYR

4 COFNODION (Tudalennau 5 - 8)

**Pwrpas:** I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 6ed Tachwedd, 2019.

5 EITEMAU I'W GOHIRIO

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

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

**ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI)**  
**AR GYFER Y PYLLGOR CYNLLUNIO – 4 RHAGFYR 2019**

<b>Rhif yr eitem</b>	<b>Cyfeirnod y Ffeil</b>	<b>DISGRIFIAD</b>
<b><u>Ceisiadau sy'n cael eu hadrodd er penderfyniad</u></b> <b><u>(A = adroddiad er cymeradwyaeth, R = adroddiad er gwrthodiad)</u></b>		
<b>6.1</b>	060356 – A	Cais Llawn - Codi estyniad dau lawr i annedd yn Nhy Cornel, Park Grove, Cei Connah. (Tudalennau 9 - 18)
<b>6.2</b>	060048 - A	Cais llawn - Dymchwel adeiladau mynachlog, St. Damien's lodge a'r adeiladau allanol cysylltiedig ac ailddatblygu'r safle gyda 15 o dai ym Mynachlog Poor Clare Collettine, Upper Aston Hall Lane, Penarlâg. (Tudalennau 19 - 36)
<b>6.3</b>	059568 - R	Cais Amlinellol ar gyfer adeiladu annedd gweithwyr amaethyddol ar Fferm Maes Alyn, Ffordd Loggerheads, Cilcain. (Tudalennau 37 - 48)
<b>6.4</b>	059665 - A	Cais i gymeradwyo materion a gadwyd yn ôl yn dilyn cymeradwyaeth amlinellol 055936 yn Hillcrest, Mount Pleasant Road, Bwcle. (Tudalennau 49 - 60)
<b>6.5</b>	060478 - A	Cais Llawn - Ymestyn Strwythur Gwaith Cemegol presennol (Y Safle AED) i gynnwys offer prosesu newydd yn Warwick International Ltd, Coast Road, Mostyn. (Tudalennau 61 - 68)
<b><u>Penderfyniad am Apêl</u></b>		
<b>6.6</b>	060052	Apêl gan V.Davies yn erbyn penderfyniad Cyngor Sir y Fflint i wrthod caniatâd cynllunio ar gyfer adeiladu estyniad llawr cyntaf i gefn 23 Alyn Bank, Heol y Brenin, Yr Wyddgrug - GWRTHODWYD. (Tudalennau 69 - 74)

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 4

## **PLANNING COMMITTEE** **6 NOVEMBER 2019**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 6 November 2019

### **PRESENT: Councillor David Wisinger (Chairman)**

Councillors: Mike Allport, Bernie Attridge, Chris Bithell, Derek Butler, David Cox, Adele Davies-Cooke, Ian Dunbar, Veronica Gay, Patrick Heesom, Christine Jones, Richard Jones, Billy Mullin, Mike Peers, Neville Phillips and Owen Thomas

**APOLOGIES:** Councillors: Marion Bateman, David Evans, Dave Hughes, Kevin Hughes, and Richard Lloyd

### **IN ATTENDANCE:**

Chief Officer (Planning, Environment & Economy); Development Manager; Team Leader - Policy; Senior Planners; Senior Engineer - Highways Development Control; Solicitor; and Democratic Services Officers

## **32. DECLARATIONS OF INTEREST**

Councillor Owen Thomas declared a personal and prejudicial interest on agenda item 6.2 (060131) as a family member had objected to the application. He would therefore leave the room prior to the debate and vote on that item.

## **33. LATE OBSERVATIONS**

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting and were appended to the agenda on the Flintshire County Council website:

<http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MIId=4596&Ver=4&LLL=0>

## **34. MINUTES**

The draft minutes of the meeting on 2 October 2019 were submitted and confirmed as a correct record.

### **RESOLVED:**

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

## **35. ITEMS TO BE DEFERRED**

No items were recommended for deferral.

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

**RESOLVED:**

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

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

On commencement of the meeting, there were 15 members of the public in attendance.

(The meeting started at 1.00pm and ended at 2.16pm)

.....  
**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>



Mae'r dudalen hon yn wag yn bwrpasol



# Eitem ar gyfer y Rhaglen 6.1

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>th</sup> DECEMBER 2019**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF A TWO STOREY EXTENSION AND PROPOSED ALTERATIONS TO DWELLING AT TY CORNEL, PARK GROVE, CONNAH’S QUAY.**

**APPLICATION NUMBER:** **060356**

**APPLICANT:** **MRS LYNN PARTINGTON**

**SITE:** **TY CORNEL, PARK GROVE, CONNAH’S QUAY, DEESIDE, CH5 4HU**

**APPLICATION VALID DATE:** **5<sup>TH</sup> SEPTEMBER 2019**

**LOCAL MEMBERS:** **COUNCILLOR M. WHITE**

**TOWN/COMMUNITY COUNCIL:** **CONNAH’S QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **AT THE REQUEST OF THE LOCAL MEMBER DUE TO CONCERNS OVER THE SIZE OF THE DEVELOPMENT AND IMPACT ON THE STREETSCENE**

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

### **1.00 SUMMARY**

- 1.01 This is a householder planning application for the proposed erection of a two storey extension and associated alterations at Ty Cornel, Park Grove, Connah’s Quay.
- 1.02 A previous application for extensions and alterations was refused planning permission in 2019 due to concerns over the impact on neighbouring residential amenities. The applicant has sought to

address the reasons for refusal and has amended the design accordingly.

- 1.03 The proposed scheme will bring about the modernisation and improvement to the existing dwelling without causing any adverse impact on visual or neighbouring amenity.

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

- 2.01
- Time limit on commencement
  - Compliance with plans
  - Windows on the rear elevation to be obscure glazed and permanently fixed
  - Materials to be agreed
  - Levels

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Martin White – Requests committee determination and a site visit due to concerns over the size of the development and impact on the streetscene.

Connah's Quay Town Council

Objects to the proposal as there has been insufficient change to alter the Council's previous observations in the earlier planning application. It is considered that the design is still not in keeping with the surrounding properties; there will be unacceptable impact on local residents and the local area; it is overdevelopment of the property.

Community and Business Protection

No adverse comments to make regarding the proposal

**4.00 PUBLICITY**

- 4.01 Neighbour notification letters posted. 36 number of objections received raising the following concerns:-

- The address of the application is incorrect as it is listed as 1 Park Grove, not 103 Richmond Road.
- The proposed extensions would create a very overbearing two storey house in place of the existing bungalow. The increase in ridge height and floor area conflicts with the quiet mature location and character of the surrounding properties. The remaining amenity space would not be proportionate to the resulting dwelling.
- Loss of light and privacy

- The size and length of the development invites a large family to occupy which could cause issues of on street parking and manoeuvrability issues.
- The addition of a high boundary with newly planted trees to create privacy will add to difficulties to access to Park Grove.

## **5.00 SITE HISTORY**

5.01 059697 - Construction of bedrooms in roof space and two storey extension to both sides of property – Refused 16<sup>th</sup> April 2019

060889 - Proposed construction of bedrooms in roof space and two storey extension to both sides of property – Withdrawn 31<sup>st</sup> July 2019

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

GEN 1 – General Requirements for Development

GEN 2 – Development Inside Settlement Boundaries

D2 – Design

HSG12 – House Extensions and Alterations

AC18 – Parking Provision and New Development

SPG1 Extensions to dwellings

SGP2 Space Around Dwellings

## **7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a householder application for the erection of a two storey extension and alterations which include the raising of the roof by one metre, demolition of existing garage and erection of a replacement integral garage at the property known as Ty Cornel, Park Grove. The main issues to consider in determination of this application the character and appearance of the proposal and any impact on living conditions of adjoining residents.

7.02 Site Description

The application site is a rectangular parcel of land located within the settlement boundary of Connah's Quay as defined by the Flintshire Local Development Plan. The site consists of a single storey, two bedroomed bungalow which sits towards the east and south of the plot. The result is that the private garden area is located to the western side of the dwelling. In addition there is a small detached garage to the eastern side and an area of off road parking.

7.03 The site is located on a corner plot and is accessed off Park Grove but is also visible from Richmond Road. The application site is

surrounded by detached residential dwellings all of a slightly varying character and appearance due to the fact that historically the plots were developed as self builds.

7.04 Proposed Development

This application proposes the erection of a two storey extension to the side of the existing dwelling, together with the raising of the roof by a metre in height, demolition of the existing garage and erection of a replacement integral garage. The existing two bedroomed bungalow is relatively modest. The proposed alterations and extensions will increase the number of bedrooms to four and allow for a larger amount of living accommodation on the ground floor.

7.05 A previous application for the same site was submitted earlier in 2019 and proposed the erection of two extensions and bedrooms in the roof space. The Local Planning Authority refused planning permission for this scheme due to concerns over the scale of the proposed development and resulting negative impact on residential living conditions particularly with regards to overlooking into the adjacent property at 105 Richmond Road. Following negotiations with the applicant the scheme has been revised to remove the proposed dormer windows and alter the pitch and height of the proposed eastern extension.

7.06 Principle of Development

The application site is located within the Category A settlement of Connah's Quay in an area dominated by residential dwellings.

7.07 Policy HSG12 of the Flintshire Unitary Development Plan deals with proposals for alterations and extensions to existing dwellings. It states that proposals would be permitted providing they are subsidiary in scale and form, they respect the design of the setting and do not have unacceptable impact on neighbouring living conditions.

7.08 Regarding the scale and form of the proposal. Objections have been received suggesting that the proposal would result in overdevelopment. As a general guide and set out in the reasoned justification of policy HSG12 house extensions should be no more than 50% of the original floor space. In this case, excluding the detached garage the existing dwelling comprises 61 square metres of floorspace. The proposal will result in an increased total floor area of 82 square metres (excluding the integral garage). However, whilst this equates to a 74% increase in terms of floorspace, most of this is due to the provision of bedrooms in the roofspace and accordingly it is considered the proposal remains subsidiary in scale and form to the existing dwelling. The difference in the floor area of the existing and proposed garage is 8 square metres. In this case it is acknowledged that the resulting dwelling would be quite apparently larger than the existing dwelling. However, the proposed extensions (bearing in mind the revisions to the design) when considered against

the size of the plot, the resulting building is not considered overdevelopment.

- 7.09 The proposed extensions and alterations to the dwelling are respectful of the design and setting of the existing dwelling. Regarding the surrounding dwellings although it is apparent that whilst similar in design, the neighbouring properties are not identical in character. This is particularly apparent with the design of the adjoining property at 105 Richmond Road which is a two storey dwelling with gable rather than hipped roof design. Therefore it is considered that the proposal does respect the design of both the existing dwelling and surrounding area.
- 7.10 Finally Policy HSG12 requires the Council to consider the impact of a proposal like this on the living conditions of neighbouring properties to ensure it is not considered to be unacceptable. SPG1 and SPG 2 provide guidance in setting out desirable interface distances between dwellings, garden areas and parking spaces. It is considered that due to the positioning of the existing dwelling the relationships between the proposal and dwellings at 105 Richmond Road and 101 Richmond Road requires consideration.
- 7.11 The proposed two storey extension is being brought 1.24 metres forward of the existing dwelling. However, the distance between the windows on the front elevation of Ty Cornel and those at 101 Richmond Road is 21 metres. SPG1 details in the case of windows of two facing habitable rooms where direct overlooking is possible a guideline of 22 metres distance should be applied. Whilst it is acknowledged that the distance is slightly less than the guideline it is important to note that this is just a guideline figure and each site needs to be looked at on its own merits. In this case, given that there is still 21 metres distance and factoring in the natural boundary of the road of Park Grove it is not considered that there is any adverse impact in terms of privacy or visual impact.
- 7.12 Due to the positioning of Ty Cornel, the rear elevation is located close to the boundary with 105 Richmond Road. The previous application proposed the erection of dormer windows on both the front and rear elevation. This has now been amended by the applicant and replaced with rooflights. The rooflights on the rear elevation propose to serve a bathroom and en-suite, and would therefore be obscure glazed and permanently fixed, the retention of which could be conditioned if planning permission is granted. The revised scheme does now not cause any adverse impact on privacy to 105 Richmond Road.
- 7.13 SPG1 also provides guidance on the possible loss of light arising from extensions and alterations to the dwelling. The property at 105 Richmond Road has been extended recently with the provision of a single storey rear extension and new roof to utility. The single storey extension has been completed and includes two large windows on

the rear elevation. Taking a 45 degree angle from these windows it is clear that the existing utility/w.c already impacts on the light entering these windows. In addition, given the distance between those windows and the proposed extension, together with the difference in land levels it is not considered that there is any adverse impact on loss of light.

- 7.14 The side elevation of 105 Richmond Road has a kitchen window which is already facing the rear elevation of Ty Cornel. It is not considered that the proposal will affect light entering through this window to any greater amount.
- 7.15 In addition, the previous refusal proposed that the integral garage was to be at the same ridge height as the rest of the dwelling. This has also been revised to increase the distance between the rear elevation of the garage and the boundary of the site and accordingly reduce the height of the roof to a maximum of 4.6 metres. This height is slightly less than the ridge height of the existing dwelling and bearing this is in mind is not considered to cause any overbearing impact on the visual amenity of the occupiers of 105 Richmond Road.
- 7.16 The application site is slightly unusual in that the private amenity space is located to the side of the existing dwelling. SPG No. 2 provides guidance on the required amount of amenity space for the enjoyment of occupiers of the dwelling; in this case for a three bedroomed dwelling a guideline figure of 70 square metres would be applicable. Whilst the existing amenity space would be reduced in size, predominantly by the erection of the two store extension, approximately 116 square metres is retained, and as such it is considered that more than adequate space is retained for the enjoyment of the future occupiers and the proposal complies with SPG No.2.
- 7.17 Concerns have been raised that the increase in the number of bedrooms will result in vehicles being parked in the narrow cul-de-sac of Park Grove, and make manoeuvrability difficult for existing residents. The application proposes a single garage and the retention of off road car parking. For the proposed three bedroom dwelling two car parking spaces would be required. It is considered therefore that adequate parking provision is available at the property. Any on street parking would be outside of the control of the Local Planning Authority.

7.18 Other Matters

7.19 The Local Planning Authority are aware that there have been a number of objections to the scheme all raising concerns over loss of amenity and overdevelopment. Whilst the site is visible from a number of properties it is also recognised that a portion of the objections have been received from the wider community who are not directly affected by the proposal.

**8.00 CONCLUSION**

The proposed scheme would bring about the improvement and modernisation of the existing small two bedroomed dwelling without causing any adverse impact on the amenity of neighbouring properties or future occupiers of the dwelling.

It is therefore considered that the proposal complies with local and national policy. Accordingly, I recommend that planning permission be granted subject to condition

8.01 Other Considerations

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

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

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

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

**LIST OF BACKGROUND DOCUMENTS**

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

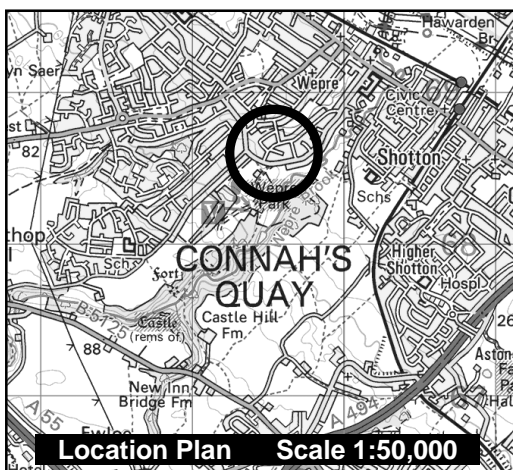
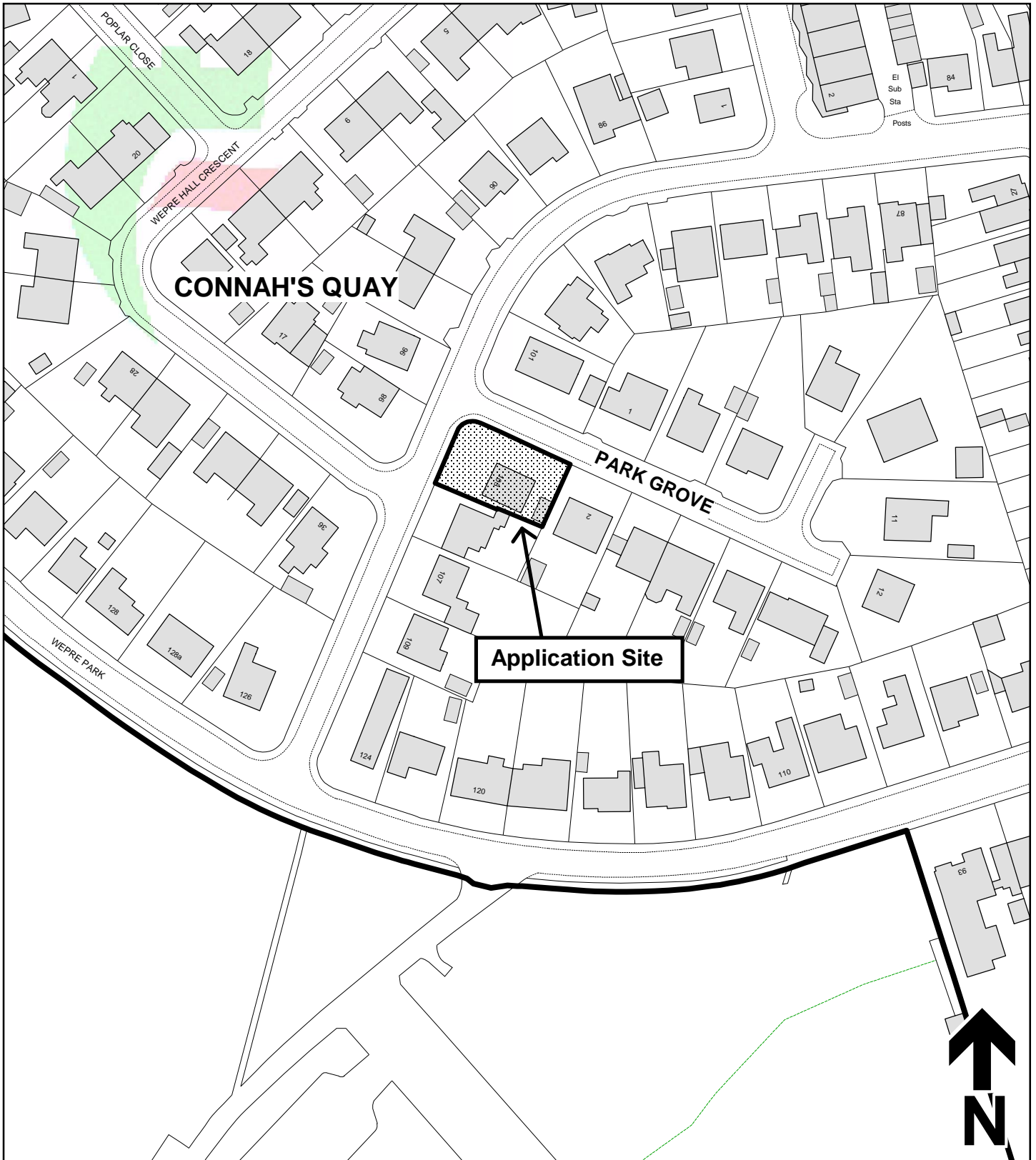
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Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Flintshire County Council, 2019.

Map Scale 1:1250

OS Map ref SJ 2968

Planning Application **60356**

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.2

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> DECEMBER 2019**

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

**SUBJECT:** **FULL APPLICATION – DEMOLITION OF THE MONASTERY BUILDINGS, ST. DAMIEN’S LODGE AND ASSOCIATED OUTBUILDINGS AND THE REDEVELOPMENT OF THE SITE WITH 15 NO. HOUSES AT POOR CLARE COLLETTINE MONASTERY, UPPER ASTON HALL LANE, HAWARDEN.**

**APPLICATION NUMBER:** **060048**

**APPLICANT:** **ECCLESTON HOMES LTD.**

**SITE:** **POOR CLARE COLLETTINE MONASTERY, UPPER ASTON HALL LANE, HAWARDEN.**

**APPLICATION VALID DATE:** **29<sup>TH</sup> MAY 2019**

**LOCAL MEMBERS:** **COUNCILLOR C.S. CARVER**  
**COUNCILLOR MS H. BROWN**  
**COUNCILLOR G. HARDCASTLE**

**TOWN/COMMUNITY COUNCIL:** **HAWARDEN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

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

### **1.00 SUMMARY**

- 1.01 This full application proposes the demolition of existing buildings at the former (now vacant) Poor Claire Collettine Monastery, Upper Aston Hall Lane, Hawarden, and the redevelopment of the site by the erection of 15 No. detached dwellings.

1.02 The site is located outside the settlement boundary of Hawarden, but within a Green Barrier as defined in the Flintshire Unitary Development Plan. 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 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to:-

- a) Secure management arrangements for the proposed access/internal roads.

Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Timescale for demolition/associated methodology for existing buildings.
4. Materials to be submitted and approved.
5. Siting layout, design of means of site access to be in accordance with details to be submitted and approved.
6. Forming of access not to commence until detailed design has been submitted and approved.
7. Access to have a visibility splay of 2.4 m x 3.47 m in a northerly direction and 2.4 m x 35.4 m in a southerly direction.
8. Visibility splays to be free from obstruction during construction phase.
9. Access gates to open inwards positioned a minimum distance of 12 m from existing carriageway
10. Facilities to be provided and retained within the site for parking/turning.
11. Positive means to prevent run-off of surface water to be provided.
12. No development including site clearance/demolition until a Construction Traffic Management Plan has been submitted/approved.
13. No development to commence on construction of new dwellings until a detailed Land Contamination Report has been submitted and approved.
14. Scheme for foul drainage to be submitted and approved.
15. Ecological mitigation in accordance with recommendations within Bat Survey Report.
16. Historic Building Survey to be undertaken prior to demolition of any buildings.
17. Entrance wall to be retained as part of the development.

18.No development to commence until the submission of a method statement/details of tree protection have been submitted for consideration and approval.

### **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor C. Carver  
Original Scheme

No objection to determination under delegated powers.

Amended Scheme

No response received at time of preparing report.

Councillor Ms H. Brown

Original Scheme

No response received at time of preparing report.

Amended Scheme

No objection to determination under delegated powers.

Councillor G. Hardcastle (Adjoining Ward Member)

Original Scheme

No response received at time of preparing report.

Amended Scheme

No observations as adjoining Ward Member.

Hawarden Community Council

Original Scheme

Objection. Concerns over vehicular access, increase in number of cars using Upper Aston Hall Lane, access route for pupils attending Hawarden High School.

Amended Scheme

Awaiting response at time of preparing report.

Highway Development Control

Original Scheme

No objection subject to

- a) The completion of a Section 106 Obligation to secure management arrangements for the proposed road and
- b) The imposition of conditions in respect of access, visibility parking and the submission of a Construction Traffic Management Plan.

Amended Scheme

Awaiting response at time of preparing report.

### Community and Business Protection

No objection subject to the imposition of a condition requiring the submission of a detailed and not draft Land Contamination Study.

### Welsh Water/Dwr Cymru

Request that any permission includes a condition to secure a satisfactory foul drainage scheme.

### Natural Resources Wales

No objection, considers the proposal represents a low risk to bats, subject to ensuring that any development is carried out in accordance with the submitted Bat Roost Assessment and Survey.

### Education

Advises that the schools affected by the proposed development are as follows:-

#### School Affected Primary School: Penarlog C.P. School

Current Number on roll (@ January 2019) 175 (excluding nunnery).

Capacity (@ January 2019) 196 (excluding Nunnery).

No. Surplus Places: 21.

Percentage of Surplus Places: 10.71%.

#### Schools Affected Secondary School: Hawarden High School

Current number on roll (@ January 2019) is 1098.

Capacity (@ January 2019) is 1145

No. surplus places is 47.

Percentage of Surplus places is 4.10%.

#### Primary School Pupils

School capacity  $196 \times 5\% = 9.8$  (10).

$196 - 10 = 186$  Trigger point for contributions is 186 pupils

(No of units)  $15 \times 0.24$  (primary formula multiplier) = 3.60 (4) No. of pupils generated)  $\times \text{£}12,257$  per pupil (Building Cost Multiplier) =  $\text{£}49,028.00$ .

Actual pupils  $175 \times 4$  (from the multiplier) = 179 does not meet the trigger.

Contribution requirement would be  $\text{£}0.00$ .

#### Secondary School Pupils

School capacity of  $1145 \times 5\% = 57.25$  (57)

Capacity  $1145 - 57 = 1088$ . Trigger point for contributions is 1088 pupils.

(No. of units  $15 \times 0.174$  (secondary formula multiplier) = 2.61 (3 No. pupils) generated  $3 \times \text{£}18,469$  per pupil (Building Cost Multiplier) =  $\text{£}55,407.00$ .

Actual pupils  $1098 \times 4$  (from the multiplier) = 1102 meets trigger of 1088.

Contribution requirement would be  $\text{£}55,407.00$ .

#### Natural Resources Wales

No objection as do not consider that the development is likely to be detrimental to the maintenances of the population of bat species provided the avoidance measures within the submitted bat report are implemented.

#### Council Ecologist

No objection in principle subject to the development being undertaken.

#### Clwyd-Powys Archaeological Trust

Recommend that any planning permission includes a condition requiring a programme of historic building recording, the equivalent of a Historic England Level 2 Building Survey. This will allow an analytical record of the buildings to be made prior to alteration.

#### Forestry Officer

The proposed site layout will result in the loss of selected trees but this represents an acceptable balance between retention/removal to accommodate redevelopment of the site. Recommend the imposition of a condition to control this aspect of the development.

### **4.00 PUBLICITY**

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

2 letters of objection the main points of which can be summarised as follows:

- Questions the extent of traffic movements being comparable to those generated by the former Monastery; and
- Expresses concerns about the impact of proposed development on existing trees/hedgerows.

#### Amended Scheme

One letter of objection received which is summarised as follows:

- Expresses concerns about the impact of proposed development on existing trees/hedgerows; and
- Expresses concerns about the impact upon wildlife and habitats;
- Expresses concerns in respect of the proposed amended width of the access, the potential for increased noise and impacts upon living conditions.

### **5.00 SITE HISTORY**

5.01 None relevant.

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy STR1 - New Development  
Policy STR4 - Housing  
Policy STR8 - Built Environment  
Policy STR10 - Resources  
Policy GEN1 - General Requirements for New Development  
Policy GEN3 - Development Outside Settlement Boundaries  
Policy GEN4 – Green Barrier  
Policy D1 - Design Quality, Location and Layout  
Policy D2 - Design  
Policy D3 - Landscaping  
Policy TWH1 - Development Affecting Trees and Woodlands  
Policy TWH2 – Protection of Hedgerows  
Policy WB1 - Species Protection  
Policy AC2 – Pedestrian Provision and Public Rights of Way  
Policy AC3 – Cycling Provision  
Policy AC13 - Access and Traffic Impact  
Policy AC18 - Parking Provision and New Development  
Policy L1 – Landscape Character  
Policy HSG4 – New Dwellings Outside Settlement Boundaries  
Policy HSG8 - Density of Development  
Policy HSG9 - Housing Mix and Type  
Policy SR5 - Outdoor Play Space and New Residential Development  
Policy EWP3 - Renewable Energy in New Development  
Policy SR5 – Outdoor Play Space and New Residential Development  
Policy IMP1 – Planning Conditions and Planning Obligations

### Additional Guidance

- Planning Policy Wales Edition 10 November 2018  
Technical Advice Note 1 – Joint Housing Land Availability Studies.  
Technical Advice Note 5 – Nature Conservation & Planning.  
Technical Advice Note 12 – Design  
Technical Advice Note 18 – Transport  
Technical Advice Note 24 – The Historic Environment.  
Supplementary Planning Guidance Note 2 – Space Around Dwellings  
Supplementary Planning Guidance Note 10 – New Housing in the Open Countryside  
Supplementary Planning Guidance Note 11 – Parking Standards  
Supplementary Planning Guidance Note 23 – Developer Contributions to Education

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This full application proposes the demolition of the former and presently vacant Poor Claire Collettine Monastery and associated outbuildings at Upper Aston Hall Lane, Hawarden, and



redevelopment of the site by the erection of 15 No. detached dwellings.

7.02 The total developed site area, which has an existing lawful residential use, amounts to approximately 0.8 hectares within the wider site area of approximately 1 hectare defined by the associated grounds/woodland. The site is located outside the settlement boundary of Hawarden but within a Green Barrier as defined in the Flintshire Unitary Development Plan.

7.03 Proposed Development

The plans which have been amended in progression of this application propose a total of 15 No. dwellings comprising the erection of 1 No. dwelling to replace the existing former lodge on the site frontage relative to Upper Aston Hall Lane, with the remaining 14 No. units on that part of the site which in the main corresponds with the footprint and associated curtilage of the existing former Monastery building.

7.04 There are 7 No. different house types proposed to be constructed having a mix of brick/rendered external walls. The site would be served from a central access point located in the current position as the access which presently serves the site. However, it is proposed that this new access is to be gated as part of the redevelopment of the site.

7.05 Main Planning Considerations

The main planning issues in this matter are:-

- Principle of development having regard to the purpose and character and appearance of the Green Barrier; the location of development outside settlement boundary and Housing Land Supply
- Adequacy of highways.
- Ecological matters.
- Impact on trees/hedgerows.

7.06 The Principle of Development

The site lies outside but directly adjacent to the settlement boundary of Hawarden and in the Green Barrier as shown in the adopted UDP.

7.07 PPW reinforces the statutory provisions that underpin a plan-led planning system. It explains that the Welsh Government is committed to promoting sustainable development, to ensure that social, economic and environmental issues are balanced and integrated, at the same time. The policy guidance also repeatedly sets out that previously developed (or brownfield) land should, wherever possible, be used in preference to green field sites.

- 7.08 Paragraph 3.34 indicates that “The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources.
- 7.09 The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors”.
- 7.10 Paragraph 3.56 notes that in respect of development in the open countryside, “All new development should be of a scale and design that respects the character of the surrounding area.”
- 7.11 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.
- 7.12 Policy GEN4 advises that development within the green barriers will only be permitted where it comprises one or more of a series of identified categories of development provided that it would not:
- contribute to the coalescence of settlements; and
  - unacceptably harm the open character and appearance of the green barrier.
- 7.13 Given that the proposal centres upon the erection of 15No. dwellings and does not fall within the scope of above policy framework, the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan and has therefore been advertised as such.
- 7.14 **Green Barrier Policy**  
The site lies adjoining, but just outside, the settlement boundary of Hawarden and within the Hawarden - Mancot - Hawarden Airport - Saltney (S River Dee) green barrier which was designated for the purpose of protecting the narrow gap between the settlements of Ewloe and Hawarden on the north side of the B5125. The objective of the green barrier is therefore to prevent coalescence of settlements and to assist in safeguarding the open countryside from the encroachment of built development.

- 7.15 UDP Policy GEN4 says that development will only be permitted within green barriers where it meets certain specified criteria and provided it would not contribute to the coalescence of settlements and unacceptably harm the open character and appearance of the green barrier. The proposed scheme would not meet any of the specified criteria, and so it would fall outside development plan policy.
- 7.16 Planning Policy Wales (PPW) also provides useful policy guidance on development in green barriers. It refers to the establishment of Green Belts and to local designation such as green wedges; ('green barriers' are the corresponding designation in Flintshire). PPW advises at Paragraph 3.69 that "when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply" and also advises that "substantial weight should be attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation."
- 7.17 It is clear that the proposed development falls outside the list of purposes for which development is considered to be appropriate. Thus the proposal must amount to inappropriate development in the green barrier.
- 7.18 PPW further advises (Para. 3.70) that "inappropriate development should not be granted planning permission **except** [my emphasis] in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge." This is a stringent and demanding test, and the planning balance is different to that applicable for land outside the green barrier.
- 7.19 Having regard to the purpose of the green barrier at this location, the site and surroundings and the fact that the proposals amount to inappropriate development in a green barrier, the proposal would, as a point of principle, be considered to harm the openness of the green barrier and therefore undermine its purpose.
- 7.20 It is therefore necessary to turn to consider whether there are any very exceptional circumstances which would outweigh this harm.
- 7.21 **Very Exceptional Circumstances**  
In considering this question, I consider that there are 3 very exceptional circumstances which exist to support the recommendation to allow the development proposed. These are:
- The existing lawful residential use of the site;;
  - The fact that the site amounts to previously developed land (PDL); and
  - The lack of a 5 year housing land supply.

7.22 *Lawful residential use*

Members will be aware that the site was formerly in use as a monastery building. This use involved the residential occupation of the site by the members of the order situated within the monastery. The site has not been put to any intervening use since the cessation of occupation by the order and therefore the site benefits from an existing and extant lawful use for residential occupation. The proposals would see a continuation of the residential use of the site.

7.23 *Previously Developed Land*

Previously Developed Land (PDL) is defined in Planning Policy Wales (PPW – Edition 10) as follows:

*“Previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure \*(excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.”*

7.24 Note 1 appended to this definition is of particular relevance to the site and the proposals. It serves to identify that curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously developed. However, this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land (as in this case) the whole site should not normally be developed to the boundary of the curtilage. It is incumbent upon the planning authority to make a judgement about the site layout in this context, bearing in mind other planning considerations such as policies for the protection of open space, playing fields or development in the countryside. Factors such as how the site relates to the surrounding area and requirements for on-site open space, buffer strips and landscaped areas will also need to be taken into account as part of his consideration.

7.25 Paragraph 3.51 of PPW advises that “previously developed land (also referred to as brownfield) land, should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.”

7.26 Built form within the application site is located within 2 very distinct areas. When considering the issue of PDL and its relevance to this site, it is considered that redevelopment should be focussed upon these areas. These areas are:

- a) St. Damien's Lodge (and its curtilage) at the site frontage forming one edge to the formal garden at the core of the monastery; and The area of the site containing the footprint of the former Monastery and its associated curtilage.
- 7.27 The existing buildings, including St. Damien's Lodge, have a total footprint area amounting to 1977.25m<sup>2</sup>.
- 7.28 The proposed site layout provides for a single replacement dwelling in the location of St. Damien's Lodge. The remaining 14No. dwellings are proposed within the area of the former monastery building and its immediate curtilage. The total footprint area of the proposed dwellings would measure 1619.61m<sup>2</sup>.
- 7.29 The proposals therefore represent a reduction in the area of built form of some 357.64 m<sup>2</sup> of floorspace. This represents a reduction of developed floor space across the site of 18%.
- 7.30 In considering the question of whether the proposals would affect the openness of the green barrier, I am of the view that this reduction in respect of both the extent and massing of built form within the site is a significant material consideration in relation to the consideration of whether vary exceptional circumstances are demonstrated to warrant the grant of planning permission.
- 7.31 *Housing Land Supply & Location Outside the Settlement Boundary*  
It is accepted that an objective of the planning system is to increase the supply of housing land where there is a deficit. The disapplication of paragraph 6.2 of TAN 1 requires the Council to determine whether considerable weight should be attached to a lack of housing land supply. The Council considers it can demonstrate a level of completions over the first three years of the LDP plan period which is excess of the annual housing requirement in the Deposit LDP. This proposal amounts to a welcome windfall site and it should be noted that the housing balance sheet makes allowance for appropriate windfall sites to come forward.
- 7.32 It must be noted that PPW refers in paragraph 1.17 that 'The Planning System provides for a presumption in favour of sustainable development...'. Essentially, the purpose of the presumption in favour of sustainable development is to ensure that social, economic and environmental issues are balanced and integrated in taking decisions on individual planning applications.
- 7.33 Whilst the application site is outside the settlement boundary of Hawarden, it note that it does directly abut the same. I am mindful that previous appeal decisions have established that the housing policies of the FUDP, in addition to its settlement boundaries, are now out of date. However, in accordance with the principles set out in PPW and having regard to the presumption in favour of sustainable

development. I turn to consider the sustainability merits of the proposal in this location.

- 7.34 The site by virtue of its adjacency to the settlement boundary, is located in close proximity to a range of services, including shops and schools; transport nodes including bus routes and rail station; and sits directly adjacent extensive and well equipped recreation grounds at Gladstone Fields. The site is visually and physically contained due strong physical boundaries formed by woodland to the rear and by trees along the southern boundary. It has a particular character with its landscaped grounds offering a sense of peacefulness and tranquillity reflecting its former use as a monastery. It sits comfortably in an open countryside setting and does not create a precedent or pressure for development of adjoining land particularly because of its green barrier protection.
- 7.35 I therefore consider the proposed development for the purposes of housing would result in a sustainable extension to the settlement of Hawarden.
- 7.36 Accordingly, I conclude that these factors, taken in combination, are such that the very exceptional circumstances required to be demonstrated to support development of this form within a green barrier have been demonstrated.
- 7.37 Adequacy of Highways  
Consultation on the application has been undertaken with the Highway Development Control Manager. For Members information no objection has been raised to the general principle of development at this location having regard to the conclusions of the Transport Statement submitted as part of the application, having regard to the number of anticipated vehicle movements associated with the scale of development proposed.
- 7.38 The Highway Development Control Officer has advised that it is normal practice however to require a road serving 15 No. dwellings to be constructed to highway adoption standards. The applicant confirms that the intention is for the access be gated and for it to remain under private control. Whilst there is no objection to this approach, Manual for Streets suggests that a Section 106 Obligation is the mechanism to control management arrangements in such instances.
- 7.39 Having regard to the above and subject to (a) the completion of Section 106 Obligation to ensure that the roads and footways are maintained and managed in an appropriate condition in perpetuity (b) the imposition of planning conditions in respect of access, visibility, parking, surface water and a Construction Traffic Management Plan the development is supported.

- 7.40 Ecology  
The proposed development would involve the demolition of both the main monastery building and St. Damian's Lodge. Consequently, a Bat Survey has been submitted as part of the application and consultation has been undertaken with Natural Resources Wales (NRW) and the Council's Ecologist in respect of this report.
- 7.41 It has been confirmed by NRW that there is a low risk for the presence of bats at this location, and that the development is not likely to be detrimental to the maintenance and population of the species concerned at a favourable conservation status in its natural range.
- 7.42 It is also confirmed that the proposed development is not likely to harm or disturb the bats or their breeding site's and nesting places at the site, provided the measures outlined in the accompanying bat report are implemented.
- 7.43 Impact on Trees/Landscape Features  
Consultation on the application has been undertaken with the Council's Arboricultural Officer recognising the site's location within a Green Barrier and its associated woodland setting.
- 7.44 To facilitate the proposed development, a number of trees and a hedgerow within the site will be removed, as specified in the Tree Survey which accompanies the submitted application.
- 7.45 The Arboricultural Officer has supported the removal of the identified trees/hedgerows, recognising the balance between tree retention and removal with the most important woodland group to the rear of the former Monastery Building being important from a visual perspective together with a number of trees and hedgerows on the site frontage which help to maintain the open setting of the site when viewed from Aston Hall Lane. As a result there is no objection to the proposed development subject to the imposition of a condition to secure and safeguard retention during development should Members support the principle of development at this location.
- 7.46 Education - Provision of Education Contributions  
Primary and Secondary formula multipliers have been applied to assess the potential impact of the proposal on the capacity of both Penarlag C. P. School and Hawarden High School. Due to capacity at Hawarden High School having been reduced below the 5% surplus spaces threshold as set out in SPG23, I am advised by Education colleagues that a section 106 contribution would be sought for £55,407. The trigger points Penarlag C. P. School have not been met and a contribution is not sought.
- 7.47 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure levy

- 7.48 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following regulation 122 tests;
1. be necessary to make the development acceptable in planning terms;
  2. be directly related to the development; and
  3. be fairly and reasonably related in scale and kind to the development
- 7.49 Where an Authority does not yet have a charging schedule in place, the CIL Regulations puts limitations on the use of planning obligations.
- 7.50 These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.
- 7.51 I am aware that the Planning Authority has secured 5 obligations towards Hawarden High School since April 2010. Accordingly, any further requests towards the same end would not be in compliance with the Community Infrastructure Regulations 2010 and therefore, by virtue of Reg.123, The Local Planning Authority may not make any further requests for S.106 contributions for the same purpose at this school.
- 7.52 The LPA cannot therefore consider a Section 106 agreement in respect of education capacity at Hawarden High School.
- 7.53 Having regard to the principles in relation to S.106 Agreements set out within Welsh Office Circular 13/97 'Planning Obligations', that such obligations should only be sought where without the same the Local Planning Authority would not grant planning permission, it falls to be considered whether the proposals ought therefore to be refused in the light of the implications of CIL.
- 7.54 Clearly, in relation to educational contributions towards primary school places at Hawarden High School, the development proposals bring about an adverse impact which cannot now be mitigated by a further Section 106 contribution. I have therefore considered whether or not, weighing all matters into the balance and exercising my planning judgement, I should recommend that this application should



be refused given that there is an impact at Hawarden High School which cannot be mitigated by way of a Section 106 contribution.

- 7.55 I am mindful of the fact that the proposals provide for the residential development of a site which benefits from an existing and extant residential use. I am also mindful that the Council has not met the requirement to maintain a 5 year housing land supply.
- 7.56 I am also mindful that, save the issue in relation to secondary education contributions, all other matters are acceptable on the assessment of their planning merits in all other respects. Nonetheless, there is an impact arising from the proposals which cannot be mitigated by a Section 106 obligation and this will impact upon the capacity of Hawarden High School. The impact therefore needs to be weighed against the matters set out above, and in light of CIL. The proposals, upon the application of the formula within LPG23 indicate that 3 pupils are expected to be generated from the development to attend this school which presently has 1098 pupils on the roll. The proposals would therefore increase the pupils on roll to 1101. The school has an actual capacity of 1145. The proposals would result in a further encroachment into the surplus places at the school below the 5% threshold. Therefore, in planning policy terms, the proposed development is in conflict with Policy IMP1 of the UDP.
- 7.57 If the development gave rise to a higher number of pupils and the school did not have any spare capacity at all, the impact may be such that the application should be refused, given that mitigation of the impact cannot now be taken into account as a result of CIL. However, having considered all the other matters set out in this report, I am of the view that, whilst finely balanced, the particular impact that would arise as a result of this proposed development is not so great as to warrant refusal of planning permission in this instance.
- 7.58 Layout and Living Conditions  
The site amounts to some 1.84 hectares in area. However, given the need to maintain the openness of the green barrier in this location; recognising the importance of both retaining the significant trees coverage upon the site and seeking to limit the proposed floor space to those areas currently covered by buildings and their associated curtilage, the actual developable area of the site amounts to 0.74 hectares. The density of the proposals therefore amounts to approximately 20 dwellings per hectare which, having regard to the edge of settlement location of the site and the sense of openness which is a key feature of the green barrier in this location, I consider to be appropriate.
- 7.59 I have had regard to the guidance set out in SPG 2 – space around dwellings, and I note that the proposals make provision for both depth and area of rear gardens and separation distances between existing and proposed dwellings which is broadly in accordance with the

guidelines. Accordingly I am satisfied that the proposals will not result in adverse impacts upon the living conditions of either existing or future occupiers of dwellings within or adjacent to the site.

- 7.60 Equally, having regard to the Councils parking guidelines, I note that the proposals provide for 3NO. car parking spaces per dwellings, which accords with the guidance in this regard.

## **8.00 CONCLUSION**

- 8.01 In conclusion it is my view that, notwithstanding the site's green barrier designation, the 'very exceptional circumstances' necessary to support a recommendation to grant permission for the development in the form proposed are demonstrated. The proposal is otherwise in accord with both national and local planning policy and, following assessment of the technical matters relevant to the site and proposals, is therefore considered to be acceptable. I recommend accordingly.

### **8.02 Other Considerations**

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

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

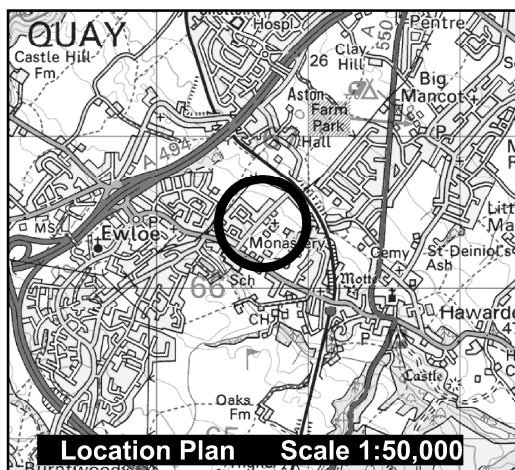
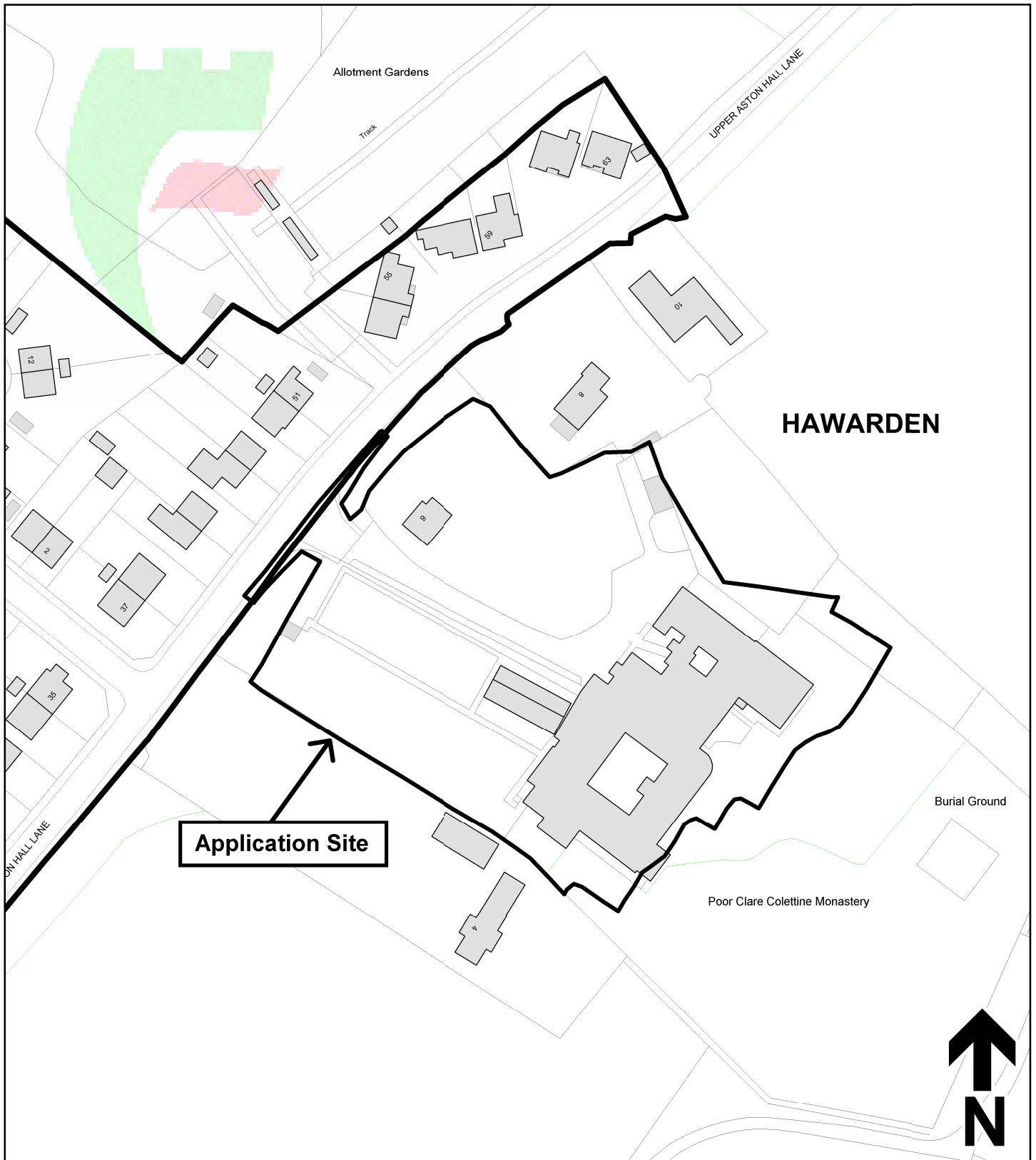
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

## **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
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Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**

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

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Map Scale	1:1250
OS Map ref	SJ 3066
Planning Application	<b>60048</b>

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.3

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 4 DECEMBER 2019**

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

**SUBJECT:** **OUTLINE APPLICATION FOR THE ERECTION OF AN AGRICULTURAL WORKERS DWELLING AT MAES ALYN FARM, LOGGERHEADS ROAD, CILCAIN.**

**APPLICATION NUMBER:** **059568**

**APPLICANT:** **MR. S. GRIFFITHS**

**SITE:** **MAES ALYN FARM, LOGGERHEADS ROAD, CILCAIN**

**APPLICATION VALID DATE:** **8<sup>TH</sup> FEBRUARY 2019**

**LOCAL MEMBERS:** **COUNCILLOR W.O. THOMAS**

**TOWN/COMMUNITY COUNCIL:** **CILCAIN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST IN ORDER TO RESPOND TO THE CONCLUSIONS OF THE APPRAISAL UNDERTAKEN.**

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

### **1.00 SUMMARY**

- 1.01 This outline application with all matters save access being reserved for subsequent approval, proposes the erection of an agricultural workers dwelling on land at Maes Alyn Farm, Loggerheads Road, Cilcain. The site is located outside any recognised settlement boundary but within the Clwydian Range Area of Outstanding Natural Beauty (AONB) as defined in the Flintshire Unitary Development Plan. In this respect a new dwelling must meet an essential agricultural need which is in accord with National/Local Planning Policy and is addressed in this report.

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

- 2.01
1. At this time that there is no functional and financial justification for an additional agricultural dwelling at this location. It is considered that the development would represent non-essential residential development in the open countryside. This is contrary to Planning Policy Wales (PPW) – Edition 10, Technical Advice Note 6 – Planning for Sustainable Rural Communities, Policy HSG4 of the Flintshire Unitary Development Plan.
  2. The proposed siting of the dwelling would not be closely related to the existing farm complex and appear as an isolated dwelling unit at this location. This is contrary to criterion d of Policy HSG4 of the Flintshire Unitary Development Plan and Supplementary Planning Guidance Note 10 – New Housing in the Open Countryside.
  3. The proposed siting of the dwelling would have a detrimental impact on the character of the Clwydian Range Area of Outstanding Natural Beauty (AONB). This is contrary to Criterion c of Policy GEN1, Criterion a of Policy L2 and Supplementary Planning Guidance - Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

## **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor W.O. Thomas  
Request site visit and planning committee determination in order to comment on the conclusions of the appraisal with a view to re-assessing the application.

Cilcain Community Council  
Support the application.

Highway Development Control  
No objection and do not intend to make a recommendation on highway grounds.

Community and Business Protection  
No objection.

Natural Resources Wales  
No objection to the installation of a septic tank to serve the development subject to appropriate permits/exemptions being obtained.

Clwydian Range Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee

The proposed siting of the dwelling is not acceptable to the committee. It is some distance away from the main farm complex and will appear as an isolated dwelling in a sensitive area of open countryside. The siting would compromise existing landscape features and the committee would favour an alternative siting more closely related to the existing complex of farm buildings.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification  
No responses received.

**5.00 SITE HISTORY**

5.01 Erection of an agricultural building – Permitted 23<sup>rd</sup> December 2013.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
Policy STR1 – New Development.  
Policy GEN1 – General Requirements for Development.  
Policy GEN3 – Development in the Open Countryside.  
Policy GEN4 – Green Barriers  
Policy D1 – Design Quality, Location & Layout.  
Policy D2 – Design.  
Policy L2 – Area of Outstanding Natural Beauty.  
Policy AC13 – Access & Traffic Impact.  
Policy AC18 – Parking Provision & New Development.  
Policy HSG4 – New Dwellings Outside Settlement Boundaries.

Additional Guidance

Planning Policy Wales (PPW) – Edition 10  
Technical Advice Note 6 – Planning for Sustainable Rural Communities.  
Technical Advice Note 6 – Practice Guidance.  
Supplementary Planning Guidance Note (SPGN) 10 – New Housing in the Open Countryside.  
Supplementary Planning Guidance – Clwydian Range & Dee Valley Area of Outstanding Natural Beauty (AONB).

**7.00 PLANNING APPRAISAL**

7.01 Introduction  
This outline application with all matters save access being reserved for subsequent approval, proposes the erection of a second

agricultural workers dwelling on land at Maes Alyn Farm, Loggerheads Road, Cilcain.

7.02 It is proposed that the dwelling is sited within a field parcel to the north of the existing farm complex and the access which serves the existing farm buildings.

7.03 Although submitted in outline it is anticipated that the dwelling would be a 2 storey 3 bed farmhouse style dwelling, constructed having brick/render external walls and a slate roof. The scale parameters advanced indicate that the dimensions of the dwelling are proposed as follows:-

Minimum

10 m x 6 m x 6 m (ridge) 4.5 m to eaves.

Maximum

12 m x 7.5 m x 7 m (ridge) 4.5 m to eaves.

7.04 For Members information there is an existing dwelling at Maes Alyn which is currently occupied by the applicant's parent who are of retirement age and do not work full time on the farm unit.

7.05 The application therefore proposes a second permanent residence on the farm unit as the senior members of the family wish to pass over full management control of the business over to younger family members.

7.06 The conclusions of the submitted enterprise dwelling appraisal provided in support of the application is that:-

“Having inspected the farm and discussed the enterprise policy and practices with the applicants and considered the requirements of TAN6, we understand there to be a clear essential need for second residency on the holding to ensure that this prosperous business continues well in to the future under the applicant's management”.

7.07 Whilst the conclusions of the appraisal undertaken on behalf of the applicant are noted, the Local Planning Authority has commissioned the District Valuer to undertake an independent assessment to test those conclusions, in light of the farming practices undertaken.

7.08 It is considered that the main issues to be taken into account in assessment of this application focus on:-

- a) The principle of development having regard to the National and Local Plan Policy framework.
- b) The acceptability of the siting of the proposed dwelling relative to the existing farm complex.



- 7.09 National/Local Plan Policies  
Consideration of the application is undertaken having regard to the National/Local Plan Policy framework in particular Planning Policy Wales (PPW) – Edition 10, Technical Advice Note 6 – Planning for Sustainable Rural Communities and Policy HSG4 of the Flintshire Unitary Development Plan.
- 7.10 For Members information the relevant framework, to be taken into account, is as follows and has been referenced to aid Members deliberations on the application.
- 7.11.1 A. Planning Policy Wales (PPW) – Edition 10  
Paragraph 4.2.37 advises that All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. Planning authorities should follow the guidance in Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities and in the related practice guidance with regard to the requirements for rural enterprise dwelling appraisals. Applications for rural enterprise dwellings must only be permitted where the rural enterprise dwelling appraisal provides conclusive evidence of the need for the dwelling. In order to ensure that rural enterprise dwellings are retained for their intended purpose a condition restricting the occupancy of the property must be applied. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2: Planning and Affordable Housing, to ensure that the dwelling remains available to meet local affordable housing need should the original justification cease to exist.
- 7.11.2 B. Technical Advice Note 6 – Planning for Sustainable Rural Communities.  
Section 4.3.1 of TAN6 notes that one of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to their place of work whether this essential etc.
- 7.11.3 *Rural enterprise dwellings* include:
- A new dwelling on an established rural enterprise (including farms) where there is a functional need for a full time worker and the business case demonstrates that the employment is likely to remain financially sustainable. (See paragraph 4.4.1).
  - A second dwelling on an established farm which is financially sustainable, to facilitate the handover of the management of the farm business to a younger farmer. (See paragraphs 4.5.1 - 4.5.3).

- A second dwelling on an established farm which is financially sustainable, where there is a functional need for a further 0.5 or more of a full time worker and at least 50% of a Grade 2 Standard Worker salary, as defined by the latest version of the Agricultural Wages Order, is obtained from the farm business. (See paragraphs 4.5.1 - 4.5.3).
- A new dwelling on a new rural enterprise where there is a functional need for a full time worker and the criteria in paragraphs 4.5.3 a-e are fully evidenced. (See paragraphs 4.6.1 - 4.6.2).

7.11.4 Paragraph 4.4.1 goes on to state:-

New permanent dwellings should only be allowed to support established rural enterprises providing:

- a) there is a clearly established *existing* functional need; (See paragraph 4.8.1).
- b) the need relates to a *full-time* worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).
- c) the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so; (See paragraphs 4.10.1 - 4.10.3).
- d) the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; (See paragraphs 4.11.1 - 4.11.2),and
- e) other normal planning requirements, for example siting and access, are satisfied. (See paragraphs 4.12.1 - 4.12.2).

7.11.5 It is noted in paragraph 4.5.1 - 4.5.3 that:-

4.5.1 The Assembly Government wishes to encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable where the criteria set out in paragraph 4.4.1 cannot be fully satisfied. The two exceptions to the policy are:

- Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should

demonstrate majority control over the farm business and be the decision maker for the farm business; or,

- There is an existing functional need for an additional 0.5 or more of a full time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business. Technical Advice Note 6: Planning for Sustainable Rural Communities 19

4.5.2 In these circumstances a rural enterprise dwelling may be considered favourably provided the criteria set out above and in paragraph 4.4.1 c - e are met. These special policy exceptions will only apply to the first additional dwelling to be attached to an established farm after this TAN comes into force **and not to subsequent dwellings**.

4.5.3 It must also be demonstrated that the management successor or part time worker is critical to the continued success of the farm business, and that the need cannot be met in any other reasonable way, e.g. through the re-organisation of labour responsibilities. In addition, where all the criteria specified above are met the planning authority should ensure that the new dwelling is tied to the holding by way of a legal agreement.

#### 7.11.6 Flintshire Unitary Development Plan

Policy HSG4 - New Dwellings Outside Settlement Boundaries is referenced in paragraphs 7.11.6 – 7.11.8 as follows:-

New dwellings outside settlement boundaries will only be permitted where it is essential to house a farm or forestry worker who must live at or very close to their place of work and not in a nearby dwelling or settlement, provided that:

- a. the proposal is accompanied by an appropriately completed questionnaire, which will be the subject of an independent assessment of the functional and financial need for the dwelling in relation to the enterprise;
- b. the need cannot be met through the economic conversion and reuse of existing buildings on site;
- c. there has been no prior disposal of a dwelling or existing building suitable for conversion on the farm unit which could have been used to meet this need;
- d. the dwelling is sited so as to relate to buildings on the existing farm or forestry complex and that its design, scale, and appearance takes into consideration the landscape setting of the surrounding area; and
- e. the size, floorspace and type of proposed dwelling should be appropriate to that which the farm/forestry enterprise can sustain.

7.11.7 An occupancy condition will be imposed on the new dwelling, and the time period for an outline permission will be limited to two years, with approval of reserved matters required within two years and commencement within three years of the decision date.

Where other dwellings exist within a farm or forestry complex, the Council may seek to utilise legal agreements to control their occupancy.

7.11.8 Dwellings permitted as part of new farm or forestry enterprises where the case is not completely proven will, for a period of three years (or until the enterprise is fully established), be required to be of a temporary construction, and removed from site if the enterprise ceases.

7.12 In assessing the application in accordance with the policy requirements the Independent Agricultural Assessment on which additional information has been submitted from the agent, and taken into account following the initial publication of the report, has concluded:-

- a) That there is no existing legally binding or draft contract (conditional upon the grant of planning permission) in place to secure the transfer of the business to the applicant as required in paragraph 4.5.1 of Technical Advice Note 6.
- b) The nature of main operations being undertaken at the farm based on stock/cropping levels advanced do not meet, the functional test over a 12 month period in accordance with Technical Advice Note 6. Reference has been made in additional documents from the agent, to potential changes associated with the management of the sheep flock, and the applicant contemplating the keeping cattle but these activities are not being undertaken at present to warrant a different conclusion to be made. This however can be reconsidered/assessed if the enterprise subsequently changed in this respect.
- c) The time test for farming activities has been met in accordance with standard man day (SMD) requirements for the enterprise.
- d) Whilst the business has generated a profit capable of paying a full time wage, the return on investment/dividend on a return on capital employed, means the financial test is not completely proven.
- e) Whilst the concerns in respect of security of livestock from theft etc has been noted, there is already a dwelling at Maes Alyn occupied by others in the enterprise, to provide a deterrent/degree of security against theft.

f) Paragraph 4.4.1 (d) of Technical Advice Note 16 as referenced notes the need to consider the availability of any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned. Whilst noting the concerns of the agent that a number of properties that have been referenced for sale in the locality would be remote from the unit and a cheaper dwelling could be constructed on the site 4.4.1(d) requires an assessment to be made on any other house in the locality, rather than finding a specific suitable alternative property for the applicant.

7.13 Having regard to the above and having assessed the application in accordance with the relevant tests the independent assessment concludes that “whilst the time test can be considered to be met based on the increased stocking rates post October 2018, the functional, financial and other dwellings test are not completely proven to support a second workers dwelling at this location.

7.14 In order to assist the applicant in this respect, noting the considerations being given by the applicant to increasing stock levels for cattle and changes sheep farming practice on the unit the potential for a temporary accommodation on site was raised as a possible option at this stage. The situation could then be re-assessed over time having regard to the tests within Technical Advice Note 6. The agent has however requested that the application be determined as submitted.

7.15 Siting of Proposed Dwelling

Consideration of the acceptability of the siting of the proposed dwelling is undertaken having regard to Policy HSG4 of the Flintshire Unitary Development Plan and Supplementary Planning Guidance in addition to the conclusion of the independent Agricultural Assessment undertaken. In this respect it is considered that were the principle of development to have been supported that taking into account the above, it would be more practical and in accord with policy/associated guidance to develop any dwelling unit in closer proximity to the existing farmhouse and prevent separation by the existing and any future agricultural buildings. This is a view supported by the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee following the consultation exercise undertaken.

**8.00 CONCLUSION**

8.01 The need for a second agricultural workers dwelling at this location has been independently assessed, with it being concluded that the functional, financial and other dwelling tests are not met in accord with the requirements of Technical Advice Note 6. In addition the location of the position for the proposed dwelling should be more

clearly related to the main complex so that it does not appear in isolation to existing farming operations.

The application in its current form and at this time cannot satisfy the tests set out in TAN 6 and is in conflict with Unitary Development Plan Policy HSG4.

8.02

#### Other Considerations

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

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

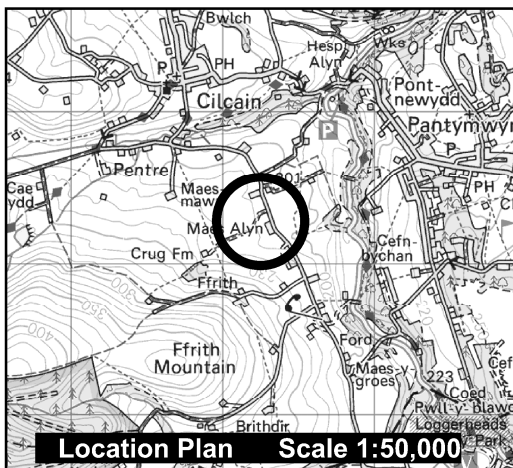
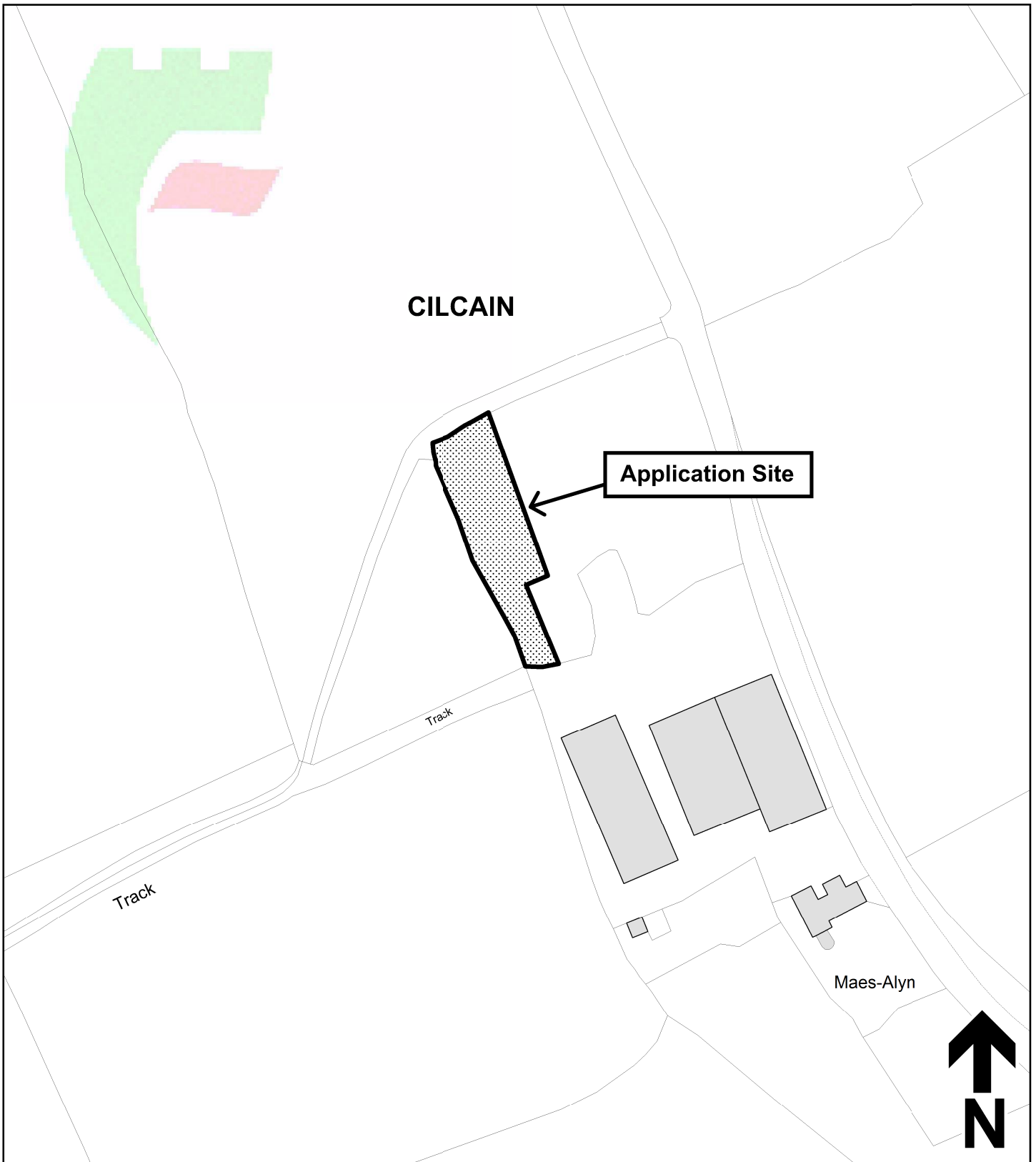
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

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

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

**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
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Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 1864

Planning Application **59568**

Mae'r dudalen hon yn wag yn bwrpasol



# Eitem ar gyfer y Rhaglen 6.4

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>th</sup> DECEMBER 2019**

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

**SUBJECT:** **RESERVED MATTERS APPLICATION- APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 055936 AT HILLCREST, MOUNT PLEASANT ROAD, BUCKLEY.**

**APPLICATION NUMBER:** **059665**

**APPLICANT:** **QUATREFOIL HOMES LTD**

**SITE:** **LAND TO REAR OF HILLCREST, MOUNT PLEASANT ROAD, BUCKLEY**

**APPLICATION VALID DATE:** **1<sup>st</sup> MARCH 2019**

**LOCAL MEMBERS:** **COUNCILLOR D HUTCHINSON**  
**COUNCILLOR M PEERS**

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SIZE OF PROPOSAL**

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

### **1.00 SUMMARY**

1.01 This is a reserved matters application for residential development at land to the rear of Hillcrest, Mount Pleasant Road, Buckley. The matters for which approval is being sought are access, appearance, landscaping, layout and scale.

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

- 2.01
1. In accordance with approved details
  2. Materials
  3. Final Floor Levels
  4. Final details of bat roost locations to be submitted
  5. Landscaping scheme and Implementation including hard landscaping and retaining structures
  6. Site access constructed prior to other site works
  7. Single access point only. Vehicular access from Mount Pleasant Lane to be permanently closed when new access brought into use.
  8. Parking plan
  9. Protection of trees in accordance with Arboricultural assessment
  10. Existing and finished floor levels

### 3.00 CONSULTATIONS

- 3.01 Local Member Councillor M Peers  
No comments received at time of writing

Buckley Town Council  
No observation

Highways Development Control  
Recommends conditions as part of any approval

Drainage  
Following discussions, a surface water drainage scheme has been agreed and secured by condition.

Community and Business Protection  
No adverse comments

Aura Leisure  
In accordance with Planning Guidance Note No. 13 POS Provision, the Council should be seeking an off-site contribution of £1,100 per house/dwelling, and £733.00 per apartments in lieu of onsite POS. The payment would be used to enhance teenage provision at Mount Pleasant Play Area, Drury.

Clwyd Powys Archaeological Trust  
No archaeological implications

Natural Resources Wales  
No objection to reserved matters

Ecology

No objection to layout. Mitigation details have been discussed with the applicant together with the need for a Management Plan for the Wildlife Mitigation land as put forward within the s106.

Main concern is the importance of receiving details of the reasonable avoidance measures, mitigation and compensation proposals for GCN and relevant bat species prior to any works commencing on site.

#### Education

Advises that there is sufficient capacity at the nearest Secondary School (Elfed High School) and that they do not request commuted sum payments with regard to Secondary education. There is a contribution requirement with regard to the nearest Primary School (Buckley Mountain Lane School) and that a contribution requirement of £61,285 is requested.

#### **4.00 PUBLICITY**

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

1 Letters of Objection received

- No landscaping details submitted
- No site investigation report submitted
- Impact of development on adjacent properties

#### **5.00 SITE HISTORY**

5.01 **055936** Renewal of outline planning permission ref: 046545 for residential development. Approved after completing legal agreement 07.06.18

##### **046545**

Renewal of outline planning permission ref: 041634 for residential development. Approved after completing legal agreement 07.10.13

##### **041634**

Outline - residential development. Approved 29.08.06.

##### **041043**

Outline - residential development. Withdrawn 26.05.06

##### **01/0/00191**

Renewal of planning permission 4/0/25009 to allow the extension of an existing industrial building. Approved 23.04.01

##### **96/0/00187**

Change of use of part of haulage yard to parking of up to six minibuses and two 53 seater coaches. Approved 09.07.96

#### **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
 Policy STR1 - New Development  
 Policy STR4 - Housing  
 Policy GEN1 - General Requirements for Development  
 Policy GEN2 - Development inside Settlement Boundaries  
 Policy HSG1 - New Housing Development Proposals  
 Policy HSG8 - Density of Development  
 Policy HSG9 - Housing Type and Mix  
 Policy D1 - Design Quality, Location and Layout  
 Policy D2 - Design  
 Policy D3 - Landscaping  
 Policy TWH1 - Development Affecting Trees and Woodlands  
 Policy EWP3 - Renewable Energy in New Development  
 Policy EWP14 - Contaminated Land  
 WB1 – Protected Species  
 WB2 – Sites of International Importance  
 AC13 – Access and Traffic Impacts  
 AC18 – Parking Provision and New Development
- SPGN2- Space Around Dwellings  
 SPGN11- Parking Standards

Planning Policy Wales 10<sup>th</sup> Edition December 2018

## **7.00 PLANNING APPRAISAL**

7.01 This is an application for approval of Access, Appearance, Landscaping, Layout and Scale reserved matters for a residential development of 20 no. dwellings.

### **7.02 Site Description**

The application site is currently accessed from Mount Pleasant Road between two residential properties, and is bounded by residential properties to the east and south. The site also abuts Drury Lane and is a brownfield site which includes the vacant residential properties of The Mount and Highfield along with an existing bus depot which includes an industrial building. The site is bounded by existing hedgerows and contains a number of trees. To the north west of the application site is a wooded area which is adjacent to a number of large ponds.

### **7.03 Principle of Development**

The site is allocated for residential development within the adopted Unitary Development plan for 15 dwellings and is within the settlement boundary of Buckley. The site was first granted outline planning permission in 2006 and subsequently renewed in 2013 and again in 2018. During consideration of the last renewal, a concern was raised that allocated sites are gaining planning permission and not being brought forward into completions which is exacerbating the

housing land supply situation. It was therefore considered that the renewal of this application should apply a 12 month condition for the reserved matters to be submitted and the outline shall be for two years only in order to stimulate development of the site. The current submission is in accordance with time limits on the previous renewal. The proposal has a developer associated with it and does not appear to be speculative. It would appear the intention is to now construct the dwellings. The principle of development has been established by this extant outline permission.

7.04 The indicative plan approved on the last Outline permission showed 24 dwellings on the site. The Site details submitted as part of the reserved matters is for 20 dwellings. Notwithstanding these previously approved indicative plans, the current submission deals with issues of layout and scale of development and can therefore be not constrained by the indicative layout considered at outline stage.

7.05 **Main Issues**

The main issues for this reserved matters application is considered to be the design and impact of the dwellings upon neighbouring amenity.

7.06 **Design and Impact upon character and appearance of area**

The development consists of a mix of 3, 4 and 5 bedroom houses. The dwellings are generally detached, albeit with 4 semi detached properties on the development, and constructed in a traditional manner with a mix of primarily brick and roof tile with rendered details throughout the site.

7.07 There is a mixture of property types in the vicinity, both the immediate site frontage on Mount Pleasant Road and within the Drury and Buckley areas. The proposed dwelling types are considered to be appropriate and representative of local vernacular.

7.08 I propose that a condition is imposed regarding the finished floor levels of the properties to safeguard against unacceptable impacts upon neighbouring residential amenity and to ensure that the development integrates into its surroundings acceptably.

7.09 The proposal makes efficient use of land whilst reflecting the prevailing character of development in the locality. The reserved matters application proposes less dwellings than considered at outline stage however the proposed density of 26 dph is acceptable as it accords with the neighbouring density.

7.10 **Living Conditions**

The site is bounded by the rear gardens of neighbouring properties on Mount Pleasant Road and The Brambles. Due to the orientation of the dwellings on site there is no overlooking onto the dwellings on The Brambles, or onto the semi-detached properties on the Mount Pleasant spur road next to the junction of Drury Lane. Where there are rear to rear interfaces, adequate distance has been provided to ensure that there is no detrimental impact upon neighbouring amenity.

- 7.11 The main areas where there is interaction between proposed dwellings and existing is where two alpha house types and one delta are back to back with the properties known as Hilltop and Hillcrest, where distances offered are 22 and 23 metres, which is in accordance with the relevant supplementary planning guidance SPG2. No. 4 The Brambles is back to gable, albeit offset, with a proposed dwelling, and itself has a shallow garden area. The distance between these properties is 17 metres, with an intervening double garage. This is in excess of the 12 metre guidance. Screening on the site boundary should mitigate against adverse impacts resulting from this development. Front to front interfaces throughout the site are in excess of 22 metres.
- 7.12 Where gables of proposed dwellings face existing dwellings, there are no windows serving habitable rooms and I do not consider there to be any issues of adverse overlooking from the proposal given its orientation and distance away from existing dwellings.
- 7.13 The proposed dwellings on the western boundary back onto open countryside and as such do not give rise to any adverse impacts upon existing amenity.
- 7.14 Garden areas across the site offer amenity areas of a size and arrangement that is in accordance with Supplementary Planning Guidance2- Space Around Dwellings. The majority of gardens exceed the 11 metre depth requirement within this guidance. Where this falls short, as is the case with the Alpha House types immediately to the rear of the existing properties known as Hilltop and Hillcrest, the gardens have a depth of 10 metres and the back to back distance with these properties is in excess of the required interface distance of 22 metres, as discussed above. Whilst it is acknowledged that there is a change in levels between the site and the existing dwellings that lie adjacent to the site I consider that the distances provided and boundary screening, will mitigate against any adverse impacts arising from the development.

7.15

### **Highways and Access**

A new access point to the site is provided from Drury Lane. The existing access point from Mount Pleasant Road is to be permanently closed prior to the occupation of the first dwelling.

- 7.16 Highways Development control have raised no objection to the principle of the access. Full highways details will be submitted for approval prior to the development of the site in accordance with the Outline permission.
- 7.17 Initial concerns were raised by highways on a number of points, including the general arrangement and highways surface water drainage but these have been overcome by the submission of amended details.
- 7.18 Existing conditions imposed at outline stage cover the matters raised within the consultation response from Highways Development Control, as such it is not necessary to impose any more conditions other than a condition requiring the closure of the existing access, as there was a typographical error on the outline consent, which required correction in the interests of clarity.

7.19 **Drainage**

Following negotiations between the Councils drainage section and the applicants an acceptable surface water drainage solution for the site has been agreed. Drainage details have been provided to the satisfaction of the Drainage engineers. Given the topography of the site and the geological conditions of the ground it was considered appropriate to have this confidence in the proposed approach prior to the matter being determined.

- 7.20 A pre-commencement condition was imposed on the Outline permission which required the submission and approval of a full foul and surface water drainage scheme prior to development. It is considered that this issue can be satisfactorily addressed through this condition now that a solution has been identified.

7.21 **Ecology**

The application is not within, but is adjacent to the Deeside and Buckley Newt Special Area of Conservation at its northern (200 metres) and southern boundaries 100 metres). The land to the west of the application site is a Local Wildlife Site known as Etna Road Pools and is an important wildlife corridor linking the SAC compartments. As such it is considered that the site and its impact upon ecological issues is a materially significant factor in the acceptability of this scheme. This was a factor that was considered in depth at outline stage.

- 7.22 Great Crested Newts are the key feature of the SAC so it is important to ensure that there are no long term effects on the population through agreed avoidance and mitigation measures. There are numerous significant development pressures on the SAC as a whole, which in

combination with this proposal could have significant environmental effects. An area of land has therefore been set aside for ecological mitigation and to address the indirect recreation pressures adjacent to the application site within the applicant's landownership to compensate for the loss of land for development.

7.23 Details of proposed bat roosts have been provided, in accordance with a condition of the Outline consent. Their final locations can be determined prior to the commencement of development and I propose a condition to require this detail.

7.24 The proposed development and mitigation proposals have been assessed and it is considered that the development is not likely to have a significant effect on protected species or the adjacent SAC and SSSI. It was considered at outline stage, that the principle of development of this site satisfies the three tests required by the Habitats Directive. The site is allocated for residential development in the Flintshire Unitary Development Plan, therefore development of this site would bring economic and social benefits in terms of bringing forward a site for residential development which has been identified through the development plan process to meet the County's needs for housing growth. The development of the site would bring about environmental benefits in the form of the secured long term management and mitigation of the adjacent land for ecological purposes which is adjacent to the SAC and SSSI. The consideration of satisfactory alternative sites to meet the demand for residential use in the locality has been assessed through the development plan process. It is considered that proposed mitigation areas compensate for the loss of habitat and there would be no detriment to the maintenance of the great crested newt population and their conservation status. This mitigation is secured within the existing Section 106 legal agreement and with pre-commencement conditions previously applied to the site to ensure proper reasonable avoidance measures and mitigation is in place.

7.25 **Trees**

There are a number of trees with tree protection orders within the site. The development necessitates the removal of these trees. These are silver birch trees and it has been proposed that to mitigate against the loss of these trees the landscaping scheme will allow for the replanting of trees, and in particular mature specimens to the approval of the Local Planning Authority.

7.26 The site is currently in a poor state from an arboricultural point of view and has not been particularly managed. It is considered that the proposal would allow for a more considered planting scheme to the betterment of the site.



## 7.27 **Other matters**

The existing Section 106 Legal agreement requires the payment of £1,100 per dwelling for public open space requirements, as well as the sum of £12,257 per primary school pupil generated by the development, calculated as 0.24 multiplied by the number of dwellings. On the basis of the 20 Dwellings proposed this gives a calculated increase of 5 pupils and a total sum of £61,285

7.28 Pre-commencement conditions on the outline planning permission cover issues regarding the implementation of the approved highways scheme, the submission of a construction management traffic plan, drainage, contaminated land, and mitigation of ecological impacts. As these form part of the outline permission they do not need to be replicated on the reserved matters consent.

## 8.00 **CONCLUSION**

I consider the proposal to be acceptable, and in accordance with the principles established on the outline consent. This application represents the detail of this development, which accords with planning policy and local guidance and will allow for the development of this brownfield site, an allocation within the Unitary Development Plan. For the reasons discussed in this report I recommend that the proposal be approved in accordance with the conditions listed in paragraph 2.01.

### 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**

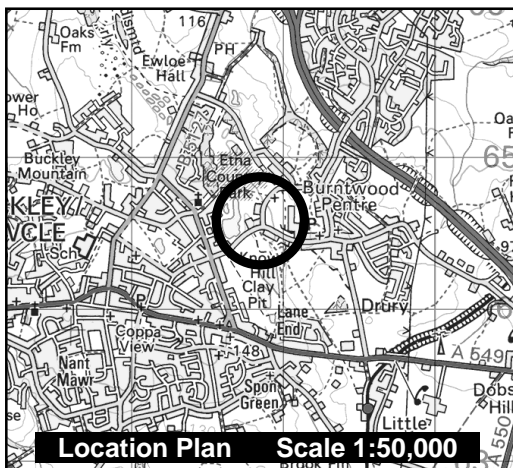
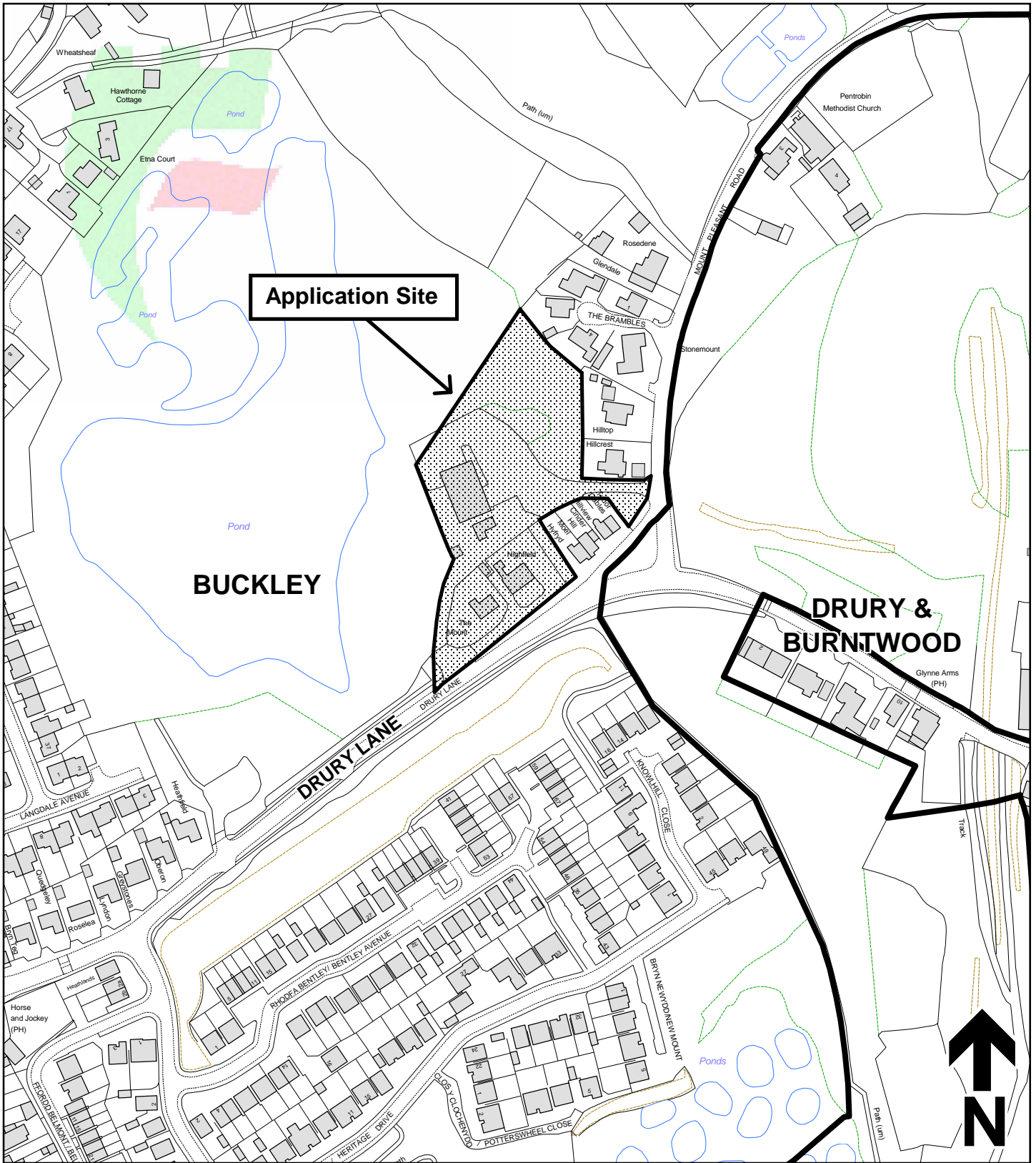
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

**Contact Officer:** James Beattie  
**Telephone:** (01352) 703262  
**Email:** james.beattie@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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Flintshire County Council, 2019.

Map Scale 1:2500

OS Map ref SJ 2864

Planning Application **59665**

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.5

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> DECEMBER 2019**

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

**SUBJECT:** **FULL APPLICATION – EXTENSION OF AN EXISTING CHEMICAL PLANT STRUCTURE 9THE AED PLANT) TO CONTAIN NEW PROCESSING EQUIPMENT AT WARWICK INTERNATIONAL LTD., COAST ROAD, MOSTYN.**

**APPLICATION NUMBER:** **060478**

**APPLICANT:** **WARWICK INTERNATIONAL GROUP LTD**

**SITE:** **WARWICK INTERNATIONAL LTD., COAST ROAD, MOSTYN.**

**APPLICATION VALID DATE:** **18<sup>th</sup> SEPTEMBER 2019**

**LOCAL MEMBERS:** **COUNCILLOR P HEESOM**

**TOWN/COMMUNITY COUNCIL:** **MOSTYN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **HEIGHT OF THE PROPOSED DEVELOPMENT IS OUTSIDE THE SCOPE OF DELEGATED POWERS**

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

### **1.00 SUMMARY**

1.01 This application forms a full planning application seeking permission for the extension of the existing Chemical Plant Structure to contain new processing equipment at its site there site on the Coast Road, Mostyn, Flintshire, CH8 9HE. The extension proposed will increase the height of the existing structure from its current level of 25m to 27m and create new elevated floor area of approximately 40m<sup>2</sup>. The current plant on site is located 25m from the coastal boundary fence

to the north-east of the site and 100m from the site's boundary fence on Dock Road to the south-west.

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

2.01 Conditions

1. Time limit on commencement.
2. To be undertaken as per the approved plans.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor P Heesom

No response at time of writing

Town/Community Council

Mostyn Community Council have no comments or objections to the application.

Community and Business Protection

No adverse comments to make regarding the proposal.

Health and Safety Executive

Do not advise on safety grounds against granting of planning permission in this case.

Natural Resources Wales

Have no objection to the proposed development as submitted and provide advice on protected species.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice

No letters of objection have been received with respect to this proposal.

**5.00 SITE HISTORY**

5.01 045609

Hazardous Substance Consent – Approved 19.05.11

051924

Combined Heat and Power Biomass Plant – Approved 13.08.14

056838

Application for a Lawful Development Certificate for the proposed extension of existing anti-spillage containment bund – Refused 13.06.17

057137

Extension to existing anti-spillage bund – Approved 03.08.17

059118

Extension of an existing high voltage substation.

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR3 - Employment

STR7 - Natural Environment

GEN1 - General Requirements for Development

WB2 - Sites of International Importance

WB3 - Statutory Sites of National Importance

EM1 - General Employment Land Allocations.

EM3 - Development Zones and Principal Employment Areas.

EM5 - Expansion of Existing Concerns

EWP7 - Managing Waste Sustainably

EWP12 - Pollution

EWP17 - Flood Risk

GEN 1 - General Requirements for Development

Planning Policy Wales Edition 10 (December 2018)

## **7.00 PLANNING APPRAISAL**

### 7.01 General

This application forms a full planning application seeking permission for the extension of the existing Chemical Plant Structure to contain new processing equipment at its site there site on the Coast Road, Mostyn, Flintshire, CH8 9HE. The extension proposed will increase the height of the existing structure from its current level of 25m to 27m and create new elevated floor area of approximately 40m<sup>2</sup>. The current plant on site is located 25m from the coastal boundary fence to the north-east of the site and 100m from the site's boundary fence on Dock Road to the south-west

### 7.02

7.03 The Mostyn site occupies an area of 20 hectares on the south west side of the Dee estuary, employing 160 permanent employees and up to 130 contractors. The site is one of the main global

manufacturers, which forms an additive used in detergent and biocide products.

7.04 The site the subject has been a chemical processing facility for over 40 years. Over the years the site has been in operation various modifications, extensions and changes have occurred as business has developed, new technologies emerged and increased legislative requirements having to be incorporated.

7.05 Main Issues

The main issues relating to the proposal relate to the change in height in the plant from 25 metres to 27 metres and the impact on protected species given the sites location adjacent to the following protected sites:-

- Dee Estuary / Aber Dyfrdwy Special Area of Conservation (SAC)
- The Dee Estuary Special Protection Area (SPA)
- The Dee Estuary Ramsar site
- Dee Estuary / Aber Afon Dyfrdwy Site of Special Scientific Interest (SSSI)

7.06 Proposed Development

The majority of modifications relating to the changes proposed can be implemented within permitted development rights. However, the current plant, requires to be modified such that the highest point of the structure will need to be increased in height from the present 25m to 27m to accommodate a critical change to the processing technology in the form of access platforms, pipework and structural steelwork. This will remain below the existing highest points at the site, which are currently boiler chimneys measuring 29.5m in height. This increase in height does not fall under existing permitted development rights and consequently this planning application has been submitted.

7.07 Pre-planning advice was sought before the submission of this application being provided under planning reference 059988. This advice identified that the resultant changes are located within the confines of the well-established industrial complex, the scale and the total cumulative impact would not be out of character with the surrounding development. The proposed changes are subsidiary to the existing plant on site and relate in scale and form with that of the existing development.

7.08 Impact on Protected sites

As part of the consultation process given the constraints and protected sites located adjacent to the application site the Natural



Resources Wales have been consulted. As a result of the consultations undertaken they have no objections to the proposed development as submitted and advises that the developer adheres to pollution prevention guidelines and good practice.

## **8.00 CONCLUSION**

8.01 In summary, it is considered that the proposed development is acceptable. Whilst the works would fall foul of the permitted development rights, and thus require this submission of this application, the resultant changes are located within the confines of the well-established industrial complex, the scale of the total cumulative development would be in keeping with both the site and its surroundings, and is subsidiary to the existing operations and would physically relate to the scale, pattern and form of existing development at the Warwick site. I therefore recommend approval of the application subject to the conditions noted above.

### **8.02 Other Considerations**

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

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

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

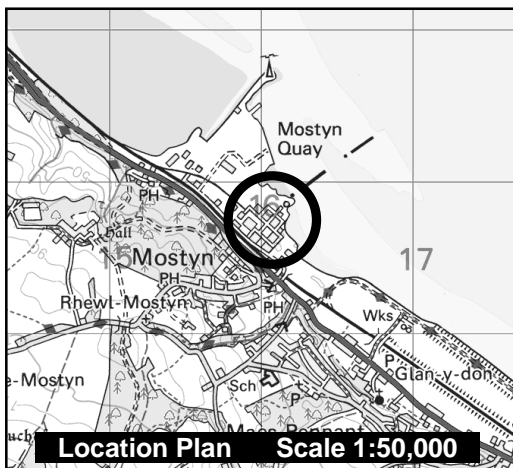
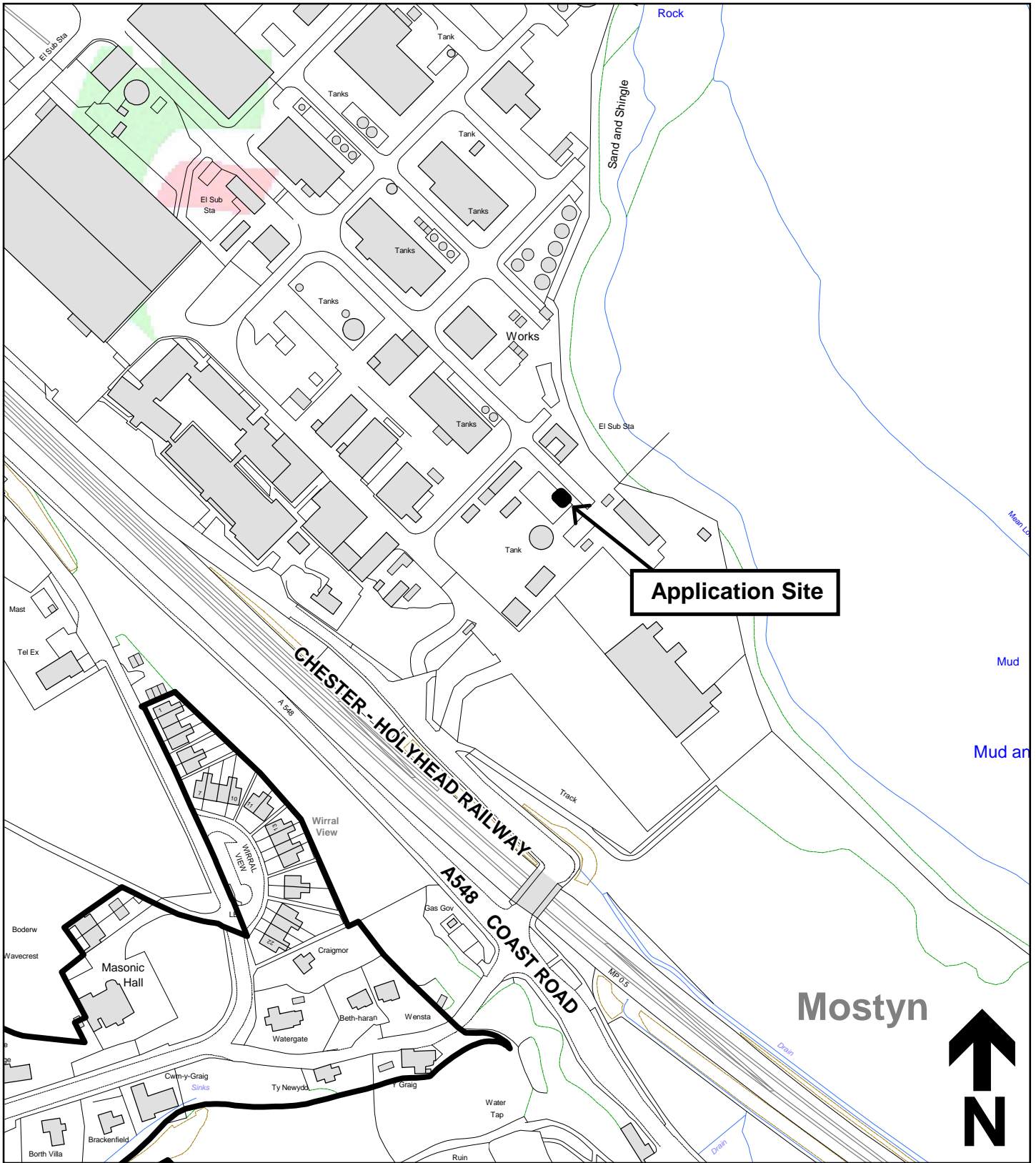
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Karl Slater  
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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 1:2500

OS Map ref SJ 1680

Planning Application **60478**

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# Eitem ar gyfer y Rhaglen 6.6

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> DECEMBER 2019**

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

**SUBJECT:** **APPEAL BY V. DAVIES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE PROPOSED ERECTION OF FIRST FLOOR REAR EXTENSION AT 23 ALYN BANK, KING STREET, MOLD – DISMISSED.**

### **1.00 APPLICATION NUMBER**

1.01 060052

### **2.00 SITE**

2.01 23 Alyn Bank, King Street, Mold.

### **3.00 APPLICATION VALID DATE**

3.01 30<sup>th</sup> May 2019

### **4.00 PURPOSE OF REPORT**

4.01 To inform Members of a decision in respect of an appeal, following the decision of the Local Planning Authority, under Delegated Powers, to refuse to grant planning permission for the erection of a first floor rear extension above the existing kitchen at 23 Alyn Bank, King Street, Mold.

4.02 The appointed Inspector was C. MacFarlane. The appeal was determined via written representations and was **DISMISSED**.

### **5.00 REPORT**

#### **5.01 Main Issues**

The Inspector considered the main issue to be effect of the proposed development on the living conditions of the occupiers of 25 Alyn Bank, with regard to light.

5.02 Light

The Inspector noted that the site is a two-storey terraced dwelling within a residential area of properties of similar age and appearance. The dwelling has an existing ground floor rear extension and the proposed development would extend the property to the same extent at first floor level.

5.03 The adjoining property, No. 25, has a rear first-floor window serving a bedroom, which would be positioned close to the side elevation of the proposed extension. Given the relatively modest size of the window, and that it is the only window serving this room, the Inspector noted that the height and proximity of the proposed development would result in a considerable reduction in the amount of light reaching the accommodation. Due to the position of the proposal to the south of No. 25, this reduction in light would be experienced throughout the day. The Council's adopted Supplementary Planning Guidance Note No. 01 'Extensions and Alterations to Dwellings' (SPGN) refers to the '45 degree' and '25 degree' rules when considering the effect of extensions on neighbouring occupiers and, although it is not to be applied prescriptively, the Inspector considered this to be useful guidance. The proposal breaches both these thresholds by a clear margin and would therefore conflict with the guidance in the SPGN. The appellant referred to nearby examples of rear extensions, specifically at No. 21, which would also not comply with the guidance in the SPGN. However, the Inspector noted there are differences in the policy context which applied at the time and the use of the room affected, meaning the development at No. 21 is not directly comparable. The existence of other extensions in the locality did not justify the harm identified, and the Inspector considered the appeal proposed on its own merits.

5.04 Other Matters

The Inspector noted the appellant's comments that the development would improve the quality of the dwelling to the benefit of the well-being of current and future occupiers and of the need to ensure an appropriate mix of housing types which meets the needs of the local area, which is supported by Planning Policy Wales (PPW). This should, however be balanced with other material considerations and would not outweigh the significant harm to the living conditions of the occupiers of No. 25 identified above and the resultant conflict with the adopted UDP. The Inspector also had regard to the desire of the appellant to provide improved accommodation in order to remain in the property. However, the Inspector was mindful that the harm identified would be permanent and is not outweighed by the appellant's particular circumstances. The Inspector recognised that the occupiers of No. 25 have not raised any objections to the proposal but a lack of opposition is not in itself a reason to grant planning permission.

## **6.00 CONCLUSION**

- 6.01 The Inspector concluded the proposed development would be harmful to the living conditions of 25 Alyn Bank, with regard to light, and would conflict with Policy HSG12 of the Flintshire Unitary Development Plan and the Council's adopted SPGN, which, amongst other things seek to ensure development does not have an unacceptable impact on nearby residents. Accordingly, the appeal was **DISMISSED**.

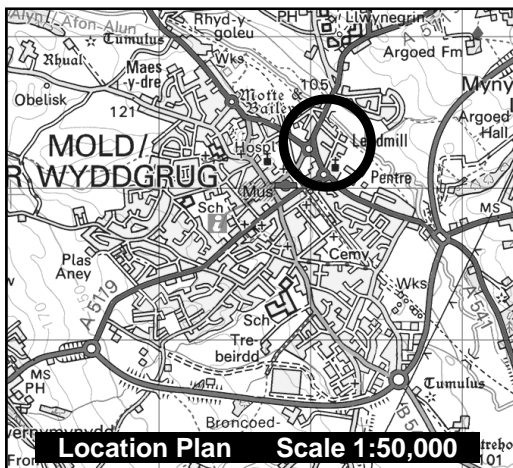
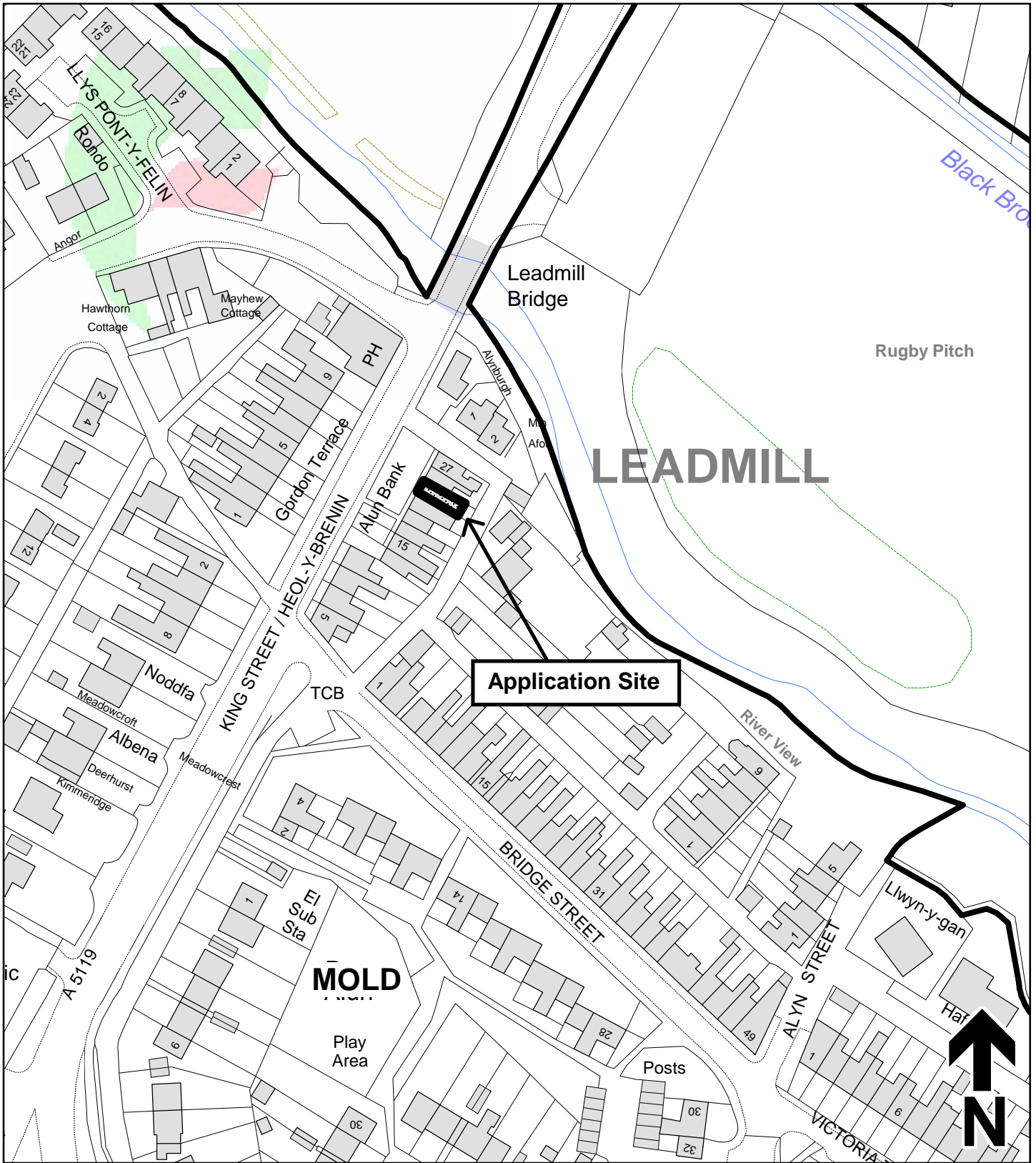
### **LIST OF BACKGROUND DOCUMENTS**

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

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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **60052**

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