

## **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**6 NOVEMBER 2013**

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 6th November, 2013

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

Councillors: David Cox, Ian Dunbar, David Evans, Jim Falshaw, Veronica Gay, Alison Halford, Ray Hughes, Christine Jones, Brian Lloyd, Billy Mullin, Mike Peers, Neville Phillips and Gareth Roberts

### **APOLOGIES:**

Councillors: Derek Butler, Ron Hampson, Richard Jones, Carolyn Thomas and Owen Thomas

### **SUBSTITUTES:**

Councillors: Marion Bateman for Carol Ellis and Mike Lowe for Chris Bithell

### **ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillors Andy Dunbobbin and Paul Shotton – for agenda item 6.1

The following Councillor attended as an observer:-

Councillor Haydn Bateman

### **IN ATTENDANCE:**

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planners, Planning Support Officers, Principal Solicitor and Committee Officer

## 97. **DECLARATIONS OF INTEREST**

Councillor Ian Dunbar declared a personal and prejudicial interest in the following application:-

**Agenda item 6.1 – Full application – Erection of 37 No. dwellings and associated external/drainage works and part-reconfiguration of existing road at Fair Oaks Drive, Connah's Quay (051266)**

Councillor Mike Peers declared a personal interest in the following application:-

**Agenda item 6.2 – Full application – Erection of 2 No. wind turbines (110m to tip) and ancillary infrastructure and access at Kingspan Limited, 2-4 Greenfield Business Park 2, Greenfield (049300)**

In line with the Planning Code of Practice:-

Councillor Christine Jones declared that she had been contacted on more than three occasions on the following application:-

**Agenda item 6.4 – Outline application – Erection of 2 no. town houses, construction of means of access and associated works at 6 Welsh Road, Garden City, Deeside (049531)**

98. **LATE OBSERVATIONS**

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting.

99. **MINUTES**

The draft minutes of the meeting of the Committee held on 9<sup>th</sup> October 2013 had been circulated to Members with the agenda.

Councillor Mike Peers referred to the minute number 84, saying that he and Councillor Billy Mullin had been recorded as leaving the meeting prior to the determination of the application. He asked that the minute be amended to reflect the fact that they had returned to the meeting after the discussion.

**RESOLVED:**

That subject to the suggested amendment, the minutes be approved as a correct record and signed by the Chairman.

100. **ITEMS TO BE DEFERRED**

The Head of Planning advised that none of the items on the agenda were recommended for deferral by officers.

101. **FULL APPLICATION - ERECTION OF 37 NO. DWELLINGS AND ASSOCIATED EXTERNAL/DRAINAGE WORKS AND PART-RECONFIGURATION OF EXISTING ROAD AT FAIR OAKS DRIVE, CONNAH'S QUAY (051266)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 4<sup>th</sup> November 2013. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting. Councillor Ian Dunbar, having earlier declared an interest in the application, left the meeting during its discussion.

The officer detailed the background to the report and drew Members' attention to the late observations where responses from consultees and an additional letter of objection were reported. An additional condition and the replacement of condition 26 were also reported. Following the site visit, clarification had been provided that the type C houses would have dormers on to the front and the rear. The development was acceptable in principle and the main issues for consideration, which included the provision of open space and affordable housing, were reported in paragraph 1.01. An education contribution requirement would be met through a section 106 obligation if the application was approved and the public open space was considered acceptable. The development was not of executive style homes but provided a reasonable mix

and balance of house types and sizes so as to cater for a range of housing needs. There had been no objection on the issue of drainage by Natural Resources Wales or Dŵr Cymru/Welsh Water subject to conditions and Highways had not objected to the proposals. The officer explained that space around dwellings guidance had been met and the mitigation measures proposed had been assessed by the Ecologist who had advised that, with conditions and the £40,000 proposed payment for the enhancement of the wildlife area, there would be no detrimental impact on wildlife. The recommendation was therefore for approval subject to conditions and a section 106 agreement.

Mr. I. Davies spoke against the application. He said that residents were extremely frustrated by the developer due to his not completing works that should have been undertaken on the existing site. He said that existing residents, who had not been advised that there would be a reduction in the specification on the proposed site, strongly objected to living on a building site. Mr. Davies raised concern at the obvious lack of parking which he felt would force residents to park on adjacent roads. He commented on the badgers which were to be relocated to wetland which was not their natural habitat. He questioned the adequacy of the report dealing with that aspect. Mr. Davies felt that the proposed houses were not in keeping with the current homes and the 167 letters of objection reflected the feeling of local people. The development would detrimentally alter the character of the estate forever. He felt that the site did not comply with policies D1 and D2 and asked the Committee to refuse the application.

Mr. P. Moren, the agent for the applicant, spoke in support of the application which he said had been the subject of extensive negotiation over three years. This was the third application for the site which had been submitted to the Committee and he felt that it addressed all of the concerns that had been raised. The application now included on site provision for open space and eight affordable rental homes and the applicant had confirmed that that he would enter into a Section 106 obligation for affordable homes, educational contributions, open space maintenance, enhancement and maintenance of wetland and a payment towards a travel plan. Mr. Moren said that the site had been allocated in the Unitary Development Plan (UDP) and as no development brief related to the site, there were no site specific requirements. He said that the site would be developed at the appropriate density and the character and design of the properties would be appropriate to the setting. He felt there was a general need for smaller, more affordable, family homes to meet market requirements. He added that as the Council was unable to meet its five year housing supply, the development should be permitted as it complied with national policies and was overall in accord with the UDP.

Councillor Mike Peers proposed refusal of the application, against officer recommendation, which was duly seconded. He said that the shortfall in housing did not mean that the application should be approved and the issue of the 2.5 storey dwellings overlooking the existing properties was still a concern. He requested information about the provision of the pumping station reported in paragraph 7.04 and regarding the issue of parking spaces which would result in the eight four bedroom properties being one short of the maximum standard. He felt that the provision of a travel plan was not a suitable alternative. Councillor Peers said that if a site was allocated in the UDP there was a need to ensure that it was the right development for that site and he felt that the Housing Strategy

Manager should have been in attendance at the meeting to explain why the affordable housing element was acceptable. He proposed refusal on the grounds of inadequate supply of affordable housing, lack of parking provision and the 2.5 storey properties overlooking existing dwellings.

Councillor Alison Halford concurred with the comments of Councillor Peers and referred to a letter which had been placed in the Councillor's pigeon holes about changes to the existing road layout which would result in the existing residents not being able to access their properties. She raised concern that the details of the letter were not included in the officer's report. In response, the Principal Solicitor referred to the last sentence in paragraph 7.41 where it was reported that it was noted that some of the residents of the existing eight houses had stated that they would not allow the realignment of the private road. He advised that this was not a factor to be taken into consideration in the determination of this application. He emphasised that the rights of the residents over that land was not a planning issue and was not relevant to Members considering this application.

One of the local Members, Councillor Paul Shotton, spoke against the application. He informed the Committee that he had sought the advice of the Deputy Monitoring Officer about a possible interest and had been advised that he could speak for five minutes. He said that the proposed development was not in keeping with the existing properties and was out of character with the area. He said that the UDP indicated that developments should be permitted if the design related well and was in keeping, which this application did not. He commented on the road layout which was one of the main concerns as it could not be altered until agreed by the residents, and he added that there did not appear to be any responsibility for the maintenance of the existing road. Councillor Shotton felt that it was unacceptable to relocate the badgers as it would place them in an unnatural habitat which was close to another badger set so could result in territorial fights. He also commented upon the reduced number of parking spaces for the four bed properties; the need for a soil contamination test; and a detailed scheme for the removal of surface water. He also felt that a financial contribution for Golftyn school should be included and play equipment provided for smaller children.

The other local Member, Councillor Andy Dunbobbin, also spoke against the application. He had received the same advice as that referred to by Councillor Shotton. He felt that the properties were out of character and not in keeping with the area and that the existing access was narrow and could not accommodate the 74 more vehicles that the new dwellings would create. He said that residents had been informed that only 15 properties were to be built on the site and that this, along with the lack of parking, was a concern. He felt that the shortfall of eight parking spaces did not comply with Council policies. Councillor Dunbobbin referred to proposed condition 23 that the final dwelling should not be occupied until all roads and pavements had been completed to adoption standard. He said that a similar condition had been included for the previous site but had not been complied with, and he therefore requested that a bond be put in place to ensure that this did not happen on this site. He felt that the six foot high wall which was to be erected would be seen by the existing residents and was not in keeping with the site. He also raised concern about the properties which were to be sited under power cables, and the lack of a response from National

Grid. Councillor Dunbobbin asked that the application be refused to allow a more appropriate application to be submitted which would protect the character of the area and complied with UDP policies. He said that residents were not against the development but wanted a development that was in line with the UDP.

Councillor Neville Phillips also referred to the letter to Members, which was dated 9 July 2013, and queried why its contents had not been included in the report. The Principal Solicitor reiterated his earlier comments and said that he had not seen the letter but if it related to the legal dispute about the realignment of the road layout, then it was not relevant for determination of this application. The Development Manager referred to the displayed information which provided detail of the current layout and the proposed new layout of the road. He confirmed that the alternative alignment provided a better access arrangement in planning terms but that the developer could not force the existing residents to use one as opposed to the other. The Planning officer confirmed that he had seen the letter and had referred to the fact that this was not a planning consideration in paragraph 7.41 of his report.

Councillor Gareth Roberts accepted that realignment of the road was a civil matter and also added that the issue of houses being under the electricity cables was not a material consideration for the committee although the proposed road alignment appeared to put them clear of houses. He referred to paragraph 7.36 and the Grampian style condition requested restricting the occupation of the proposed dwellings to a point not earlier than 1 April 2014; he asked what would happen if the works had not been completed by that date. On the issue of parking, he referred to applications in Mynydd Isa and the provision of a travel plan. In his view, that might cut the number of vehicle movements but would not reduce the number of cars on the estate and therefore more parking spaces would be required, not less. He said that paragraph 7.47 did not make sense and queried whether any words were missing. He supported refusal of the application on the issue of parking.

Councillor Veronica Gay expressed confusion about why the letter to Members was not a planning consideration and asked whether the issue of the dumping of tarmac which had been mentioned in the report was a planning issue. The Planning Strategy Manager said that the reference to dumped tarmac was one of the objections raised by the public. The reference to the legality about the negotiation of the road layout was reported in paragraph 7.41 and therefore both issues were referred to in the report in a different context.

The Senior Engineer - Highways Development Control said that Highways had no objection in principle subject to conditions and the applicant completing a Section 106 agreement. There were no capacity issues relating to the existing access to the site, and the number of parking spaces provided for the eight units was one less than maximum standard in the guidance for parking but was not considered to be a shortfall.

In response to the comments made, the officer said that the 34 metre separation distances applied to the 2.5 storey dwellings and the type C homes were well in excess of the separation guidelines. Natural Resources Wales found the issue of the pumping station acceptable subject to the appropriate conditions. The Housing Strategy Manager had confirmed the acceptability of the affordable

housing arrangements. A soil contamination test could be conditioned so that it was investigated prior to the development taking place and a strategy could be formulated to remediate against it. The officer added that National Grid had been notified about the application but had not responded. He reminded Members that some of the existing dwellings were close to power cables that were already in place when the properties were built.

The Planning Strategy Manager said that the issue of the 2.5 storey dwellings overlooking existing properties had not formed part of the reason for refusal on the previous application and he therefore cautioned against its inclusion as a reason to refuse this application. The site was allocated in the UDP for a notional 80 units and when looking at the overall density for the site, it was within the minimum density of 30 dwellings per hectare. On the issue of the new dwellings not replicating the existing properties, he had not heard anything said about any harm that this could create except for the first objection in paragraph 4.01. It was reported that the properties were out of character with the rest of the houses in the immediate area and could reduce the desirability of what was currently a highly sought after location. The Planning Strategy Manager said that planning policy encouraged diversity and smaller house types were required by the market. It was felt that the affordable housing element was acceptable as it maximised the options for those on the housing register who had identified Connah's Quay as their preferred location. With reference to the badgers issue, he said that they may have lived on the site of the existing homes but had been moved to accommodate that site and the County Ecologist and Natural Resources Wales said that the mitigation in place was acceptable.

In response to Councillor Roberts' earlier comment, the officer said that the word 'considered' had been omitted from paragraph 7.47.

In summing up, Councillor Peers accepted that the site had been allocated in the UDP but that it had to be the right development. He felt that the affordable housing had to be right and in accordance with policy. The reduced number of parking spaces was also an issue which was recognised in the report. He said that his reasons for proposing refusal were inadequate provision of affordable housing, lack of parking and (in response to a request for clarification from the Principal Solicitor) overlooking from the 2.5 storey houses.

On being put to the vote, the proposal to refuse the application was CARRIED.

**RESOLVED:**

That planning permission be refused on the grounds of inadequate provision of affordable housing, lack of parking and overlooking from the 2.5 storey houses.

102. **FULL APPLICATION - ERECTION OF 2 NO. WIND TURBINES (110 M TO TIP) AND ANCILLARY INFRASTRUCTURE AND ACCESS AT KINGSPAN LIMITED, 2-4 GREENFIELD BUSINESS PARK 2, GREENFIELD (049300)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 4<sup>th</sup> November 2013.

The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report, and drew Members' attention to the late observations where an additional reason for refusal was reported. It had originally been felt that the objection from Airbus and Liverpool John Lennon Airport could be mitigated against but having taken further legal advice, it was now felt that this could not be done. He detailed the main issues which included the principle of development in planning policy terms, the impact upon the setting of scheduled ancient monuments, listed buildings and conservation areas, and the effects on wildlife and the adjoining bridleway.

Mrs. G. Harrison spoke against the application saying that she was on the Board of Trustees of the Greenfield Valley and lived 750 metres from the proposed site. She felt that it was contrary to policies GEN1, EWP4 and STR7 and TAN 14 and that it would impact on a nearby care home which also provided a bat roost. Mrs. Harrison felt that Greenfield Valley Heritage Park provided peace and tranquillity which would be affected; the site was within 500 metres of houses and was in close proximity to the Site of Special Scientific Interest (SSSI), the Special Area of Conservation (SAC) and RAMSAR site, all close to the coastal path. She felt the wind turbines would provide health and safety issues and would cause upheaval to the local community. She referred to competition and said that water and other natural resources should be used. The turbines would not enhance or benefit the area and would be a blot on the landscape.

Mr. M. Harris, from the applicant company, spoke in support of the application. He explained that Kingspan was in the business of saving energy and the number of jobs at the site had increased from 30 to 388. He felt that the proposal would have two major benefits which were safeguarding the existing jobs and creating additional jobs, and the financial benefits that it would bring to the local economy. He said that the wind energy project was a critical part of the company achieving its targets and would allow the upgrade of the plant at Greenfield. He spoke of the benefits to the local economy which he said could be £500,000, and that it would attract business rates of £1.3m for the Council. Mr. Harris said that the project would transform the site and would safeguard jobs and bring financial benefits. He proposed that, if the application could not be approved, it be deferred to allow Members to undertake a detailed site visit.

Councillor Gareth Roberts proposed the recommendation for refusal which was duly seconded.

Councillor Mike Peers read out a statement on behalf of the local Member, Councillor Rosetta Dolphin, who was unable to attend this meeting. She asked that the Committee refuse the application. She said that the flicker and moving shadows would affect those with autism at Station House, Greenfield. The flicker would cover 900m from the mast and it was not known what impact it would have on the television reception. Councillor Dolphin felt that the ecology of the estuary would be impacted upon and added that the estuary was a SSSI and was important for migrating and breeding birds. Whilst she recognised that the company was a friend to the community and was a green company, she felt that the two large turbines would detract from the area and would impact on the

people and the area and were totally unacceptable as presented. There were many objections to the proposals and Councillor Dolphin urged the Committee to refuse the application.

Councillor Roberts said that Kingspan had a tremendous record and was a good employer but the proposals were not reasonable or acceptable. He said that at 110m high they would be two thirds as high as Blackpool Tower which could be seen from Holywell. He said that if the application was approved it would set a precedent and could lead to undesirable development on the coastal belt. He considered the comments of the North Wales Police and the airports recorded in the report to be damning. At the site visit, he had asked about the height of some sheds on the site and had been advised that they were 15 to 20 metres high. In relation to that, 110m turbines were not unacceptable. In conclusion, he said that he looked forward to Kingspan coming forward with a more appropriate, reasonable, application.

Councillor N. Phillips commended Kingspan as a company but agreed that this development was unacceptable. Councillor Jim Falshaw agreed with the recommendation of refusal but queried the figures provided by the applicant on the amount of electricity that could be produced by the proposed wind turbines.

In response to the comments made, the officer said that the North Wales Police – Air Operations Unit were not objecting to the proposal but had raised concerns about the potential of the obstructions in poor weather. They had requested that the turbines should display suggested aviation obstruction lights during hours of darkness and periods of poor light and visibility. He said that at the site visit he had been asked about the height of the chimney at Castle Cement; he confirmed that it was 135 metres tall.

#### **RESOLVED:**

That planning permission be refused for the reasons detailed in the report of the Head of Planning and the additional reason in the late observations.

103. **FULL APPLICATION - CHANGE OF USE FROM COMMERCIAL TO 11 NO. SELF CONTAINED FLATS AND BEDSITS AT 94 WREXHAM STREET, MOLD (051152)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 4<sup>th</sup> November 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report explaining that there were no objections to the principle of the development and the only issue was one of parking. Consultation had been undertaken with the Head of Assets and Transportation who advised that subject to the imposition of conditions, no adverse impacts upon highway and pedestrian safety were anticipated. Whilst the proposals provided for only three no. additional car parking spaces, regard had been had to the location of the site within the town centre of Mold and its proximity to public transport links. In line with the guidance set out in Local Planning Guidance 11 Parking Standards, the normally applied standards were



not deemed required in connection with this proposal. He said that the local Member had spoken at the site visit and had drawn attention to the close proximity to the school in the area. The officer highlighted paragraph 7.11 where it was reported that, having regard to the proximity of the schools and the associated peak traffic flows, a Construction Traffic Management Plan was requested to avoid the conflict of traffic movements.

Mr. J. Williams, the agent for the applicant, spoke in support of the application. He said that the building was a significant landmark in Mold and in the past had been a public house and a retail business. The adjacent school had been built on the former bowling green and the proposal would bring the building back into a productive use. It would allow much needed one bedroom properties and it was the intention that the residents would not rely on cars as parking was limited. In conclusion, he said that it would give the building a new lease of life and commended the report and recommendation to Members.

Councillor Brian Lloyd proposed the recommendation for approval which was duly seconded. On the issue of parking, he said that this had never been an issue when it had been a retail site and he felt that any problems about traffic would be restricted to the start and end of the school day.

Councillor Gareth Roberts said that problems with parking had been recognised but felt that issues about parking standards and criteria needed to be raised with the Planning Inspectorate. He added that if the application was refused on the grounds of parking, then the application would be allowed on appeal and possible costs awarded against the Council.

Councillor Mike Peers said that he was in favour of supporting the application. He highlighted paragraph 7.13 on the issue of the location of bins associated with the apartments. He felt that the application should have included information on where they would be sited. Councillor Marion Bateman asked if parking was available on the road to the side of the site and sought assurance that the Construction Traffic Management Plan would be enforced.

In response to the comments made, the officer said that he had had discussions with the applicant and had been advised that he was proposing to site larger bins so that each apartment would not require its own individual bin. He said that he would advise Members of the details when they were known. The road to the side of the site was not in the ownership of the applicant as it was the access to the neighbouring funeral directors. However, he had been advised that there were ongoing discussions about informal arrangements for parking. He confirmed that the Construction Traffic Management Plan would be enforced.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 agreement to ensure payment of a commuted sum payment in lieu of on site public open space provision of £8063, such sum to be used to upgrade existing open public open spaces within the locality. This sum shall be paid upon the occupation of the fifth apartment.

104. **OUTLINE APPLICATION - ERECTION OF 2 NO. TOWN HOUSES, CONSTRUCTION OF MEANS OF ACCESS AND ASSOCIATED WORKS AT 6 WELSH ROAD, GARDEN CITY, DEESIDE (049531)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 4<sup>th</sup> November 2013. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report, explaining that the construction was a form of backland development but it was not unacceptable. He referred to paragraph 7.14 where it was reported that proposals for backland development on two sites in Mynydd Isa which had been allowed on appeal contrary to the Local Planning Authority's decision to refuse permission and that the circumstances here were similar,. He added that the principle of the backland development was considered acceptable and the site was capable of locating two dwellings served by an acceptable access.

Mrs. G. Fletcher spoke against the application. She said that the proposal was for two dwellings in the back garden of the property and that the applicant had tried to purchase parts of other gardens to undertake the proposal. She felt that the entrance to Tata Steel across the road from the site was already dangerous and that the danger would be increased by the addition of a further access. There had been problems with drainage this development would put more demands upon drainage and the provision of gas and electricity in the area. Light and privacy would be taken away from the neighbouring properties. She commented on the hedgerow and the birds that visited the gardens and highlighted the number of objections to the application. Mrs. Fletcher referred to a letter received from Mark Tami M.P. and said that the Northern Gateway project would provide plenty of housing for the area and that this commercial venture by the applicant showed a total disregard for residents.

Mr. D. Barker, on behalf of the applicant, spoke in support of the application and thanked the officer for the report. He said that the application was for outline approval only and that the planning officer had given consideration to all of the objections which had been received and which could be overcome by conditions. It was sustainable development for a site which could accommodate two dwellings with off road parking, would provide good quality housing and was located close to transport links. The roofs would be no higher than those of neighbouring properties. The proposal complied with policy HSG9 and was of a lower density than was suggested in policy HSG8. Mr. Barker said that the properties were in keeping with the area and had appropriate space around the dwellings. He said that the site was for a low density, high quality development which was in accordance with policy and there were no objections from statutory consultees. He also referred to the recent sites in Mynydd Isa that had been permitted on appeal and asked that the Committee approve the application.

Councillor Christine Jones proposed refusal of the application against officer recommendation which was duly seconded. She said that the proposal was not acceptable in that it was development in a back garden and would have

a detrimental impact on neighbouring properties which would be overlooked. She referred to the 44 letters of objection and that part of Welsh Road by the Blue Bridge was an accident blackspot. There had been two fatalities in the vicinity in recent years. The houses were not required in Garden City as 1000 properties were proposed on the Northern Gateway site. She said that work was being undertaken on the issue of flooding on the Northern Gateway site but queried whether it would alleviate the flooding problems in this area as some of the gardens were often waterlogged. Councillor Jones added that all planning applications should be assessed individually and not compared with other sites which had been allowed on appeal.

Councillor Ian Dunbar said that it was a well known flooding area and added that an additional entrance could cause problems for the traffic exiting the Tata Steel site. There had been a number of fatalities and crashes in the area and an additional access would increase problems.

Councillor Alison Halford agreed with the concerns of the third party speakers about the wildlife in the area and the hedgerows. She raised concern about whether the proposal was for backland development or not and about comparing the site to applications in Mynydd Isa which were allowed on appeal. She asked that the Planning Strategy Group look at the issue of backland development and the views of the Inspectorate on the issue.

Councillor Gareth Roberts said that the application appeared to meet all the criteria and queried the reasons for refusal. He felt that backland development was not in itself a reason for refusal, that there was a speed limit of 30mph in the area, and the visibility onto Welsh Road was appropriate. He said that the application should be approved.

In response to the comments made, the officer said that the proposal met the definition of backland development and all that was sought to be done in paragraph 7.14 was to show that sometimes backland development was acceptable. The proposal met with space about dwellings guidance and he explained that a significant amount of work had been undertaken to identify a solution to address the concerns about flooding in the area.

The Senior Engineer - Highways Development Control said that there was no objection from Highways subject to conditions which would deal with the visibility from the site which would far exceed the standard in TAN 18 for a 30pmh area. She had looked at the accident statistics for the area which indicated that one accident was as a result of the driver losing control of the vehicle and others were due to positive breath tests, so these were not grounds to refuse the application.

Councillor Jones reiterated her concern about flooding in the area and whether the work being undertaken in the area would solve the problems. She felt that surface water was also an issue and drainage in the area was inadequate.

The Head of Planning sought clarification of the reasons for refusal which Councillor Jones provided. These were:-

- Detrimental impact on highway safety
- Unacceptable risk of flooding
- Inadequate drainage capacity
- Loss of amenity and overlooking of surrounding properties
- Overdevelopment

The Planning Strategy Manager cautioned against the 'kitchen sink' approach and suggested that the Committee only put forward reasons for refusal that could be defended in an appeal.

On being put to the vote, the proposal to refuse the application, against officer recommendation, was CARRIED.

**RESOLVED:**

That planning permission be refused on the grounds of:-

- Detrimental impact on highway safety
- Unacceptable risk of flooding
- Inadequate drainage capacity
- Loss of amenity and overlooking of surrounding properties
- Overdevelopment

105. **FULL APPLICATION - CHANGE OF USE FROM POST OFFICE TO RESIDENTIAL AND ASSOCIATED WORKS AT 15 DRURY LANE, DRURY (051191)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 4<sup>th</sup> November 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report, explaining that the application was for a change of use to provide a garage for the existing dwelling and for minor alterations to the dwelling. The application was reported for refusal on highways grounds due to the lack of adequate visibility from, and of, emerging vehicles, obstruction of the footway and adjoining highway due to the use of the proposed garage, and an unacceptable detrimental impact on highway safety.

Councillor Mike Peers proposed approval of the application, against officer recommendation, which was duly seconded. He felt that the visibility was unrestricted and that when the property was a post office, the area was always busy as vehicles could park on the highway without restrictions. He said that the implication that one vehicle stopping on the highway to use the garage would have a detrimental impact on highway safety when it was acceptable for several vehicles to park there when it was a post office. Councillor Peers felt that the alternative of the vehicle parking on the highway would create worse conditions than stopping the traffic to access into or exit from the garage. He said that public consultation had been held in the village and it had originally been proposed that a speed cushion would be placed in the highway outside the property. Following the consultation, the plans had been amended to move the speed hump further up the highway. He spoke of a nearby property which had

an adjacent high hedge in third party ownership adjacent to the property but visibility was not an issue there or at the access/egress to the chapel which required cars to access or exit between parked cars. He felt that the visibility was better in this application than at either of these sites. Councillor Peers said that off street parking was at a premium in the area and that a common sense approach should be taken, and the application be approved.

Councillor Neville Phillips supported the recommendation of Councillor Peers stating that the reason for refusal was not planning but highway safety. He referred to neighbouring properties with garages and concurred that those attending the chapel would have to block the highway to access or exit the chapel car park, just as the applicant would have to do on this application.

Councillor Ian Dunbar said that the applicant had indicated that he would take down his wall to improve visibility and added that he felt that stopping to open the garage would have no consequence to the highway. He agreed with the proposal to approve the application.

The Principal Solicitor reminded Members that highway and road safety considerations were material considerations in the same way as other planning matters and that it was inappropriate to state that the application was being recommended for refusal on "highways" rather than "planning" grounds.

In response to the comments made, the Senior Engineer - Highways Development Control referred to the application which had been withdrawn in August 2013. She advised that the applicant had been informed that if he removed the proposal for an integral garage, then the application would not require visibility constraints to be considered, and could be supported in highway terms. As the garage was in the front elevation of the property, egress would be from a restricted, enclosed, area which raised concerns about pedestrian safety.

Following a comment from the Chairman, on the advice of the Principal Solicitor, Councillor Peers withdrew his remark about the detrimental impact on highway safety being a nonsense and apologised for using the remark. He said that off road parking was always preferable to on road parking and even though the provision of the garage would have an impact, he felt that a common sense approach should be taken and the application be permitted.

On being put to the vote, the proposal to approve the application, against officer recommendation, was CARRIED. The Principal Solicitor reminded Members that it was usual practice, where an application was approved when it had been reported for refusal, to delegate powers to the Head of Planning to determine the appropriate conditions for the application.

**RESOLVED:**

That planning permission be granted subject to the conditions to be determined by the Head of Planning.

106. **APPROVAL OF DETAILS RESERVED BY CONDITION - DISCHARGE OF CONDITION NO. 6 (SUBMISSION OF A DEVELOPMENT BRIEF FOR THE SITE COMPRISING AN ILLUSTRATIVE LAND USE MASTER PLAN, GREEN INFRASTRUCTURE PLAN AND FLOOD MITIGATION PLAN FOR BUILT DEVELOPMENT AND A DESIGN STATEMENT) ATTACHED TO OUTLINE PLANNING PERMISSION REF: 049320 AT RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND (051025)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report explaining that the application was seeking to discharge condition 6 of permission 049320 which was granted in January 2013 to deliver an employment-led mixed use regeneration scheme, comprising a range of employment generating uses, local shops, residential development, public open space, surface water drainage improvements and new site access arrangements as part of the strategic development allocated in the Unitary Development Plan (UDP) under policy HSG2a known as The Northern Gateway. All matters were reserved for future consideration and the outline permission was subject to a number of conditions relating to principles of how the site would be developed. Applications were now coming forward to discharge the pre-commencement conditions prior to the submission of reserved matters applications to bring the site forward for development. It was agreed at the consideration of the outline application by this Committee that the discharge of condition applications which dealt with the Masterplan of the site should come before the Committee. She also explained the requirements of condition 6.

The discharge of pre-commencement conditions was the first stage in the process that would feed into and inform the detailed design of the first phases of development which would be the subject of subsequent reserved matters applications. This process complied with the requirements of Policy HSG2A of the UDP. The Design Statement set the principles for the illustrative land use Masterplan with subdivision of the site into proposed land uses in a series of plots and pods. The officer reminded Members that the Masterplan dealt with on site issues and that off site issues would be part of any reserved matters applications. Whilst the Design Statement and Masterplan set out the phasing in general terms, the detailed phasing of each parcel was required to be submitted under condition 5 prior to the development of that phase. The level of detail provided as part of this application was therefore deemed sufficient at this stage.

The Flood Mitigation Plan submitted as part of the application to discharge condition 6 was part of the overall site Flood Consequences Assessment (FCA) submitted to discharge condition 12. Natural Resources Wales in their assessment of the Flood Mitigation Plan element of this application had therefore also assessed the FCA as a whole. However, they had highlighted that the FCA had not shown the site was fully compliant with TAN15 with respect to off-site flooding. These conditions would need to be addressed as FCAs were produced for individual phases of the development in accordance with condition 12 of permission 049320.

The Masterplan provided for five hectares of public open space. The Council's requirement in terms of Local Planning Guidance Note 13 Open Space was four hectares. However, the designation of this, as required by the Public Open Spaces Manager, was in a more formalised way than that proposed. The details of the open space provision for each phase of the development were controlled by a further condition on the outline permission.

The officer said that the details submitted to discharge condition 6 were sufficient and met the requirements of the condition.

Councillor Alison Halford proposed the recommendation to discharge the condition in accordance with the submitted details, which was duly seconded.

The local Member, Councillor Christine Jones, thanked the officer for her report and the work that she had undertaken. She welcomed the exciting development but sought assurance that a footway/cycleway on Sealand Avenue would be provided, even though paragraph 7.34 reported it as being financially unviable at this stage. She felt that it could be a bus route and cycle/footway but did not want it to become a rat run. Councillor Jones also requested that the area be landscaped and that signage be provided at the top of Welsh Road. The Principal Solicitor advised that the officer had earlier indicated that off site requirements could not be specifically addressed at this stage.

**RESOLVED:**

That the condition be discharged in accordance with the submitted details.

107. **APPEAL BY MR. M. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR AN 11 KW MICRO GENERATION WIND TURBINE WITH CONTROL BOX AND ALL ASSOCIATED WORKS AT GOP FARM, DYSERTH ROAD, TRELAWNYD - DISMISSED (050049).**

**RESOLVED:**

That the decision of the Inspector to dismiss this appeal be noted.

108. **APPEAL BY OM PROJECTS LTD AGAINST THE NON-DETERMINATION BY FLINTSHIRE COUNTY COUNCIL FOR THE ERECTION OF A SINGLE STOREY CONVENIENCE STORE AND ASSOCIATED CAR PARKING FOLLOWING THE DEMOLITION OF EXISTING STORAGE BUILDING AT MORRIS GARAGE, WREXHAM ROAD, MOLD - ALLOWED (050252)**

**RESOLVED:**

That the decision of the Inspector to allow this appeal be noted.

109. **APPEAL BY MR. N. POPPLEWELL AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING GARAGE AND ERECTION OF A ONE BEDROOM ANNEX AT 18 VAUGHAN WAY, CONNAH'S QUAY - ALLOWED (050312)**

**RESOLVED:**

That the decision of the Inspector to allow this appeal be noted.

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

There were one member of the press and 33 members of the public in attendance.

(The meeting started at 1.00 pm and ended at 3.39 pm)

.....  
**Chairman**