

## **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**24 JULY 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, 24th July, 2013

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

Councillors: Chris Bithell, David Cox, Ian Dunbar, Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, Ray Hughes, Christine Jones, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts, Carolyn Thomas and Owen Thomas

### **SUBSTITUTIONS:**

Councillor: Marion Bateman for Carol Ellis and Brian Lloyd for Patrick Heesom

### **ALSO PRESENT:**

The following Councillors attended as local Members:

Councillor Hilary McGuill – agenda item 6.2, Councillor Sharon Williams – agenda item 6.3 and Councillor Clive Carver – agenda item 6.11

The following Councillors attended as observers:

Councillors Haydn Bateman and Hilary Isherwood

### **IN ATTENDANCE:**

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Support Officers, Democracy & Governance Manager and Committee Officer

## 34. **DECLARATIONS OF INTEREST**

Councillor Neville Phillips declared a personal and prejudicial interest in the following application and indicated that following advice from the Democracy & Governance Manager, he would leave the chamber prior to discussion of the item:-

**Agenda item 6.2 – Application for Outline planning permission for the demolition of Sunnyside & 66A Mold Road and the erection of 58 houses including detail of access, appearance, layout and scale at land at rear of 66A Mold Road, Mynydd Isa (048042)**

## 35. **LATE OBSERVATIONS**

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

## 36. **VARIATION IN ORDER OF BUSINESS**

The Chairman explained that there would be a slight change in the order of business. Agenda item 6.7 would be considered at the end of the agenda and as he wanted to speak on the item, he would vacate the chair and the Vice-Chairman would take the chair for the remainder of the meeting.

37. **MINUTES**

The draft minutes of the meeting of the Committee held on 19 June 2013 had been circulated to Members with the agenda.

Councillor Mike Peers referred to the fourth line of the final paragraph on page 2 and requested that the words after 'said that' be removed and replaced with 'it was the intention to change house types on 52 plots and create 58 plots with similar house types already approved'.

On being put to the vote, the suggested amendment was CARRIED.

**RESOLVED:**

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

38. **ITEMS TO BE DEFERRED**

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

39. **GENERAL MATTERS - APPLICATION FOR OUTLINE PLANNING APPLICATION - ERECTION OF A SINGLE STOREY DWELLING AT LAND REAR OF 27 MAES GWYNFRYN, GWESPYR, HOLYWELL (047859)**

The Committee considered the report of the Head of Planning in respect of this application.

The officer explained that the application had been granted permission by the Committee on 22 June 2011 subject to conditions and subject to the applicant entering into a Section 106 Obligation. To date, the agreement had not been signed and therefore a resolution was sought from Members as to the decision to be made on the application. Due to the lack of progress made in respect of the Section 106 Obligation, it was recommended that planning permission be refused.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded.

In response to a query from Councillor Owen Thomas about whether the applicant could pay a commuted sum for affordable housing, the Planning Strategy Manager said that the site was in a Category C settlement and had been permitted on local need and would compromise policy if there was no local need.

Councillor Marion Bateman asked whether the site was part of the calculation for the Category C settlement. The Planning Strategy Manager said that as the original permission had lapsed it was considered again under policy.

**RESOLVED:**

That planning permission be refused for the reasons detailed in the report of the Head of Planning.

40. **APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF 'SUNNYSIDE' & 66A MOLD ROAD AND THE ERECTION OF 58 HOUSES INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE AT LAND AT REAR OF 66A MOLD ROAD, MYNYDD ISA (048042)**

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 22 July 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 Neville Phillips, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and drew Members' attention to the late observations where comments from consultees, clarification to the report, and removal/addition of conditions were reported. The recommendation was for approval of the application subject to conditions and completion of a section 106 obligation.

The Chairman explained that unusually he had, following officer advice, decided to allow two speakers against the application, who would each be entitled to speak for three minutes, and the speaker in favour of the application would either be allowed to speak for six minutes or have two speakers each speaking for three minutes.

Mr. K. Armstrong-Braun spoke against the application. He referred to the late observations that he had submitted detailing his grounds for objection, correcting the reference to the play area being designated as a newt habitat, and he referred to the existing pocket park. He referred to the EU Directive and that no physical newt habitat survey had been carried out which he felt was a legal requirement. He said that the site was rich in biodiversity and wetland and that the local authority had a legal duty under Natural Environment & Rural Communities (NERC) regulations to maintain the area. Mr. Armstrong-Braun said that the application would destroy the site and the main objection of Envirowatch was that no ecological survey had been carried out for all species on the site.

Mr. Parry spoke against the application and explained that his main objections to the application were the exit from the site onto Mold Road, and the removal of 66A Mold Road which he felt was unacceptable as it would cause safety issues, adding that the applicant had purchased the site without having access to it. He also referred to wetland in the area and a report which identified a collapsed sewer and works which had been undertaken which Mr. Parry was not aware of. He asked Members to take notice of the local residents and refuse the application.

Mr. C. Davy, the agent for the applicant, spoke in support of the application. In response to the comments made, he said that a newt survey had been undertaken on the site which was allocated for residential development in the Unitary Development Plan (UDP). He said that the site met the five year housing requirements and all issues had been fully resolved to the satisfaction of the Council and the concerns raised by the residents had been addressed. He reminded Members that the application had been under consideration for nearly three years. The application was for three and four bedroomed properties and the density of the site was broadly in line with the UDP and met the criteria for space around dwellings. The proposal included splitting the area of public open space to allow for retention of trees on the site covered by Tree Preservation Orders (TPO). Mr. Davy felt that the risks could be mitigated satisfactorily with no risk to health and would not result in the loss of habitats on the site. He said that the County Ecologist and Natural Resources Wales (NRW) had accepted that a commuted sum could be used specifically for the purposes of restoring the conservation status of the Great Crested Newt within the environs of the site as the likelihood of newts on the site was low. He said that a traffic assessment had been undertaken and considered by Highways and an independent traffic consultant. He commented on the commuted sum of £212,000 which was to be paid towards affordable housing, educational provision/improvements, open space area, mitigation land and towards a travel plan. The District Valuer had assessed the viability of the site and had advised that the site would not be viable if the usual payments under a Section 106 Obligation were requested and therefore the sum of £212,000 had been considered to be reasonable. Mr. Davy said that negotiations had taken place with officers both pre and post submission of the application and he asked Members to approve the application.

Mr. J. Norwood from Argoed Community Council spoke against the application. He raised concern on health and safety grounds about the entry and exit of the site onto the very busy main road. He felt that more than 50 extra vehicles would exit the site on a daily basis which would involve cutting across the driveway of 68 Mold Road and the resident of this property would have to reverse his vehicle out of his driveway into the path of any vehicles exiting this site. He felt that the access was dangerous and he spoke of the bus stop close to the proposed exit which would restrict the view of vehicles exiting the site. It had been suggested that the bus stop would be moved 10 to 15 yards nearer to Mercia Drive but Mr. Norwood felt that this would be more dangerous and would make the entry into Mercia Drive more difficult.

Councillor Alison Halford proposed refusal of the application, against officer recommendation, which was duly seconded.

In response to the comments made, the Senior Engineer - Highways Development Control advised that the traffic assessment undertaken had indicated that at its worst the additional vehicle movements from the site would be 13 arriving and 27 departing in the morning peak and 30 arriving and 18 departing in the evening peak. She felt that even though the proposal was for 58 dwellings, it did not mean that all of the residents would leave/arrive at the peak times and Highways were therefore satisfied with the proposal.

Councillor Halford felt that drainage issues had not been properly addressed and spoke of the pond on the site and the wildlife in the area. She

said that houses that were built around the pond area were built upside down to prevent the main areas from flooding. She queried whether an ecological survey had been undertaken and said that her reasons for refusal were flooding and highway issues. She felt that it would be difficult for the owner of 68 Mold Road to get in and out of his driveway and said that the application should be refused due to the number of unresolved issues.

Councillor Mike Peers said that his main concern was the complete absence of the appropriate level of affordable housing. The site exceeded the threshold for triggering affordable housing payments and the commuted sum based on 30% on site affordable provision was £674,526 but it had been decided that only £56,170 would be requested which was significantly below the amount required and in his opinion was unacceptable. It was reported that the scheme was not viable and Councillor Peers referred to the assessment undertaken by the District Valuer and asked for further information on the negotiations leading to accepting the 20% affordable housing provision. He also referred to a report by Mullers which detailed the levels that could be afforded to still allow a profit to be received by the developer. The District Valuer had commented on abnormal costs due to contamination on the site and had requested an investigation be carried out on the site but the Muller report had not advised of any problems. In conclusion, he said that the applicant had not considered the risks of the application and the figures suggested for the Section 106 Obligation did not comply with policy. He felt that the applicant should have factored in the costs of affordable housing and said that the application could not be approved with the suggested level of funding.

The local Member, Councillor Hilary McGuill, said that permission for the site had been sought for a number of years but applications had either been refused or withdrawn by the applicant at the last minute. Her main concerns about the site were that it was an old tip; it flooded; there was a pond on the site and the land sloped. A meeting had been held with the Planning and Highway Officers and residents on 11 July 2013 but no mention had been made of the application being submitted to this Committee. She added that the letter did not advise that only one person would be able to speak against the application. Councillor McGuill raised concern about the suggestion to move the bus stop nearer to Mercia Drive as the buses currently stopped across Mercia Drive and moving the bus stop would make the situation worse. The land had been included in the UDP by the Inspector who had indicated that access could be gained from a roundabout but Highways had disagreed with this suggestion. She felt that methane gas could be present on the site and asked that more testing be undertaken. The access to 68 Mold Road would also be very difficult for the occupier of the property. She also queried whether a survey had been carried out on other ways to access the site.

Councillor Owen Thomas concurred that the access onto Mold Road was dangerous and commented on the loss of light into the dining room of the adjacent property due to the proposed erection of an acoustic fence. He raised concern about the amount of the commuted sum for affordable housing and the non compliance with policy to comply with 30% provision.

Councillor Chris Bithell said that the site had been included in the UDP for housing provision but raised concern about the prematurity of the application. He

said that due to proposed treatment works by Welsh Water and the inclusion of a Grampian style condition to not allow the beneficial use of buildings earlier than 31 March 2014, he queried why the application had to be decided today. He suggested that the application be deferred due to the current economic climate to look at concerns raised including an ecological survey and to get a better deal for Mynydd Isa for affordable housing, play areas, educational contribution etc as the current request for the Section 106 Obligation was a loss of over £626,000 for the area. The proposal to defer the application was duly seconded.

The Democracy & Governance Manager reminded Members that the debate should now be confined to whether the application should be deferred or not.

Councillor Peers disagreed with the proposal to defer the application and said that it was clear from the report that there was no intention to provide sufficient affordable housing provision on the site. Councillor Bithell felt that the applicant would appeal if the application was refused and that it would be difficult to defend based on the comments made by Highways and NRW. He felt that deferral would allow time for further negotiations on the access/egress and to consider the ecological matters. Councillor Mullin concurred that deferment was the best option to address the issues that had been raised.

Councillor Halford agreed with deferment and withdrew her proposal to refuse the application. Councillor Peers as seconder agreed and asked that the developer be advised to take note of the policy for provision of 30% affordable housing. Councillor Gareth Roberts felt that a soil assessment to identify any possible contamination issues should also be undertaken. He added that deferring the decision would give the applicant an opportunity to meet policies and standards. Councillor Marion Bateman asked how much of the proposed site was on the area that was previously a tip as the agent had said a small area but the late observations reported that it was half the site. She also queried how many dwellings would be positioned on the area of the tip.

In response to the comments made, the officer said that the two viability assessments which had been submitted had been considered by the District Valuer. The reports showed a profit of 15% and 20% respectively for the developer but the District Valuer did not think that 30% affordable housing provision would make either proposal viable and therefore the total of £212,000 had been deemed reasonable.

The Planning Strategy Manager felt that Members should refuse or approve the application rather than deferring it. He advised that if it was contrary to policy then it should be refused but to defer on the grounds of prematurity could be seen as unreasonable behaviour. All issues raised had been considered during the three years since the application had been submitted and he questioned how long it would take to consider the items raised by Members at this meeting. He reminded Members that the site had been allocated for housing in the UDP. He spoke of inconsistency in decision making if deferral was on the grounds of prematurity due to works to be undertaken by Welsh Water as other applications had been approved with a Grampian style condition preventing beneficial use of the buildings earlier than 31 March 2014 unless the upgrading of the waste water treatment works had been completed; it was also a proposed

condition on this application. He urged Members to make a decision at this meeting.

In response to the comments of the Planning Strategy Manager, Councillor Bithell withdrew his proposal to defer the application. The seconder of the proposal agreed.

The Democracy & Governance Manager advised Members that there was now no proposal before Members and asked for a proposition.

Councillor Alison Halford again proposed refusal of the application, against officer recommendation, which was duly seconded. Her reasons for refusal were:-

- drainage issues not fully resolved;
- issues of access onto Mold Road;
- mitigation of ecological issues;
- ecological survey not being carried out;
- flooding issues;
- play area and open space issues;
- affordable housing being insufficient;
- soil contamination
- issue of parking

Councillor Gareth Roberts referred to the parking standards and the reduction from the guideline amount of 150 to 116 spaces. He highlighted paragraph 7.38 where it was reported that a Travel Plan would be produced to encourage sustainable travel to and from the site by residents via the use of walking, cycling, public transport and car sharing. Councillor Roberts felt that this would mean that residents would leave their cars at home therefore requiring an increase in the number of car parking spaces on site. The payment of £100 per dwelling towards the Travel Plan would be taken from the total commuted sum payment of £212,000.

The officer said that the contamination issues had been addressed in the report and the Council were satisfied that the appropriate wildlife surveys had been undertaken.

Following a discussion and on being put to the vote, the proposal to refuse the application on the following grounds against officer recommendation was CARRIED:-

- lack of affordable housing
- unsatisfactory access proposals
- inadequate ecological mitigation
- inadequate play and open space provision
- flooding and drainage issues
- under provision of car parking
- soil contamination.

**RESOLVED:**

That planning permission be refused on the following grounds:-

- lack of affordable housing
- unsatisfactory access proposals
- inadequate ecological mitigation
- inadequate play and open space provision
- flooding and drainage issues
- under provision of car parking
- soil contamination.

41. **FULL APPLICATION - CONVERSION OF WEST WING INTO 11 NO. APARTMENTS AT WESTBURY CASTLE, ABBEY DRIVE, GRONANT (050264)**

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 had been deferred at the meeting of the Committee held on 19<sup>th</sup> June 2013 to consider potential alternative options to access the site other than from Abbey Drive, having regard to concerns over the width and alignment of Abbey Drive itself. Other options had been explored but none were acceptable and it was therefore considered that the original recommendation of approval was appropriate.

Mr. D. Scanlon, the agent for the applicant, spoke in support of the application. He said that the property was vacant and it was felt that the proposal for low density residential units was a viable solution. The access would remain as it was and he asked Members to accept the recommendation and approve the application.

Councillor Dowie from Llanasa Community Council spoke against the application. On the issue of access he expressed concern that Highways and Public Protection had not submitted objections to the application. He said that there were two grade II listed pillars at the entrance to the site which were only 10 feet apart and there was no pavement in the area. He added that due to the narrow width of the road, two cars were not able to pass each other and he felt that this was dangerous. Councillor Dowie said that the Community Council and the local MP were against the application and reminded Members that previous change of use proposals for the building had been refused.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He felt that this was the most suitable route to the site and that the pillars would provide traffic calming ensuring that traffic reduced its speed. The application complied with policy and Councillor Roberts therefore felt that it could not be refused.

The local Member, Councillor Sharon Williams, spoke in support of the application. She said that the proposed apartments would attract professional people to the area and added that the applicant had overcome the concerns raised. The proposal complied with highway standards and she therefore asked the Committee to support the officer's recommendation.



Councillor Mike Peers queried why the route from Llanasa Road was unacceptable as he felt that it would be a compromise. In response, the officer explained that this would involve the construction of a new access road within a conservation area, which would effectively cut an agricultural field in half and as such the road could not be fenced off and would result in a significant difference in levels.

**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 Obligation, Unilateral Undertaking or advance payment of £733 per unit in lieu of on site play provision.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to REUSE the application.

42. **LISTED BUILDING APPLICATION - CONVERSION OF WEST WING INTO 11 NO. APARTMENTS AT WESTBURY CASTLE, ABBEY DRIVE, GRONANT (050265)**

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.

The officer explained that this was the listed building application for the item which had just been approved by Committee. He said that once Committee had resolved to make a recommendation on the application, it would be forwarded to Cadw for formal consideration and determination.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

That listed building consent be granted subject to the conditions detailed in the report of the Head of Planning.

43. **FULL APPLICATION - CONSTRUCTION OF A NEW RETAIL UNIT AND ASSOCIATED EXTERNAL WORKS AT MOLD AMBULANCE STATION, BYPASS ROAD, MOLD (050381)**

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.

The Development Manager detailed the background to the report and explained that the proposal was for a single storey retail unit with parking and delivery areas. An amendment to the scheme to incorporate a pitched roof had

been agreed following discussion with the applicant. The main issues for consideration were the principle of development and highway issues. He referred to policies S3 and S6 which the application complied with and said that the principle of retail development was acceptable given its location within the defined town centre and given the fact that the proposal was the relocation of an existing retail store within the town. The steel roof would be coated to match the church buildings in the area and landscaping would be carried out. The Coal Authority had no objections to the site subject to a condition requiring ground investigations being undertaken and even though it was in a C1 flood plain, the risk of flooding was low. It was proposed that the existing access would be moved and would be designed so as to allow traffic into the site from a southerly direction only and exiting to the north to prevent traffic from turning across the highway.

The Senior Engineer - Highways Development Control confirmed that Highways did not have any objections to the application and that the traffic proposals mentioned by the Development Manager would ensure that there were no waiting vehicles on Leadmills.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He raised concern about the proposed signage for traffic and said that it needed to be enforced. He had asked whether an island could be erected in the middle of Leadmills to ensure that traffic did not cross the highway but he had been advised that there was insufficient room in the carriageway to do so. He welcomed keeping the retail store in the town and said that shoppers would be able to access it on foot. Councillor Owen Thomas concurred and felt that signage would not prevent vehicles turning right out of the site. The Senior Engineer - Highways Development Control confirmed that the proposed arrangement would force traffic to turn left onto Leadmills.

### **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 either a Section 106 Obligation, Unilateral Undertaking or the making of an advance payment to provide the following:-

- The payment of £2500 to provide for the cost of a Traffic Regulation Order and the associated signage along Lead Mills and at the junction of St. David's Lane and Lead Mills.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed, a unilateral undertaking not received, or advance payment not made within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REUSE the application.

44. **FULL APPLICATION - ERECTION OF A TWO STOREY EXTENSION INCLUDING BALCONY TO EXISTING BARN AT DEER LODGE, CYMAU (050430)**

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.

The officer detailed the background to the report and explained that the application had been deferred by Committee on 17 April 2013 in order to negotiate an amended scheme to reduce the scale of the proposed extension. An amended scheme had been submitted but it was still considered to be out of scale and character with the original dwelling and the recommendation was for refusal of the application.

The applicant spoke in support of the application and explained some of the amendments that had been made to the scheme which included the removal of the balcony to the rear of the extension and the removal of the dormer windows. He stated that the changes had reduced the overall increase from the original footprint to 50% instead of the 96% increase proposed in the original application. Some of the features had been removed to create a more traditional finish and the length of the proposed extension had reduced from 10 metres to 8 metres. Mr. Price said that one objection had been received but that this had been withdrawn following submission of the amended plans provided that the drive parking area was finished and that the building was finished in stone and tyrollean. He felt that the new proposal complied with policy and was not an overdevelopment of the site.

Councillor Owen Thomas proposed approval of the application, against officer recommendation, which was duly seconded. He spoke of the negotiations between the applicant and officers and said that the applicant had made the requested amendments to the proposals. He felt that it should be approved as it was not affecting anybody and that approval was the best outcome. Councillor Mike Peers spoke of the site visit which had been undertaken and said that the applicant had made amendments to the scheme. He said that 50% increase in footprint was a guideline figure and that the proposed extension complied with the guideline and was therefore acceptable. Councillor Alison Halford concurred with the comments made and said that the applicant had worked hard to make the changes to the scheme and that the application should be approved.

Councillor Chris Bithell said that the property was in the countryside and it had been given permission to extend due to its agricultural or historic merit. He said that the proposals resulted in an increase in floorspace of 77% and that far exceeded what was permitted in the policy. He felt that the Committee had no option but to refuse the application. Councillor Gareth Roberts concurred with the comments of Councillor Bithell and spoke of the impact of the scale and design of the proposals.

In response to the comments made, the Planning Strategy Manager said that policies were in place for a reason and spoke of the guidance about change of use and alterations to agricultural buildings.

Councillor Billy Mullin requested a recorded vote and was supported by the requisite five Members.

The officer reminded Members that the scheme had been amended but the new proposals did not comply with policy.

In summing up, Councillor Thomas said that each application should be taken on its own merits and that he felt that this application was reasonable and well planned.

On being put to the vote, planning permission was refused by 9 votes to 8 with 1 abstention. The voting being as follows:-

#### **FOR – GRANTING PLANNING PERMISSION**

Councillors: Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, Ray Hughes, Mike Peers, Carolyn Thomas and Owen Thomas

#### **AGAINST – GRANTING PLANNING PERMISSION**

Councillors: Marion Bateman, Chris Bithell, David Cox, Ian Dunbar, Christine Jones, Billy Mullin, Neville Phillips, Gareth Roberts and David Wisinger

#### **ABSTENTION**

Councillor Brian Lloyd

#### **RESOLVED:**

That planning permission be refused for the reasons detailed in the report of the Head of Planning.

45. **FULL APPLICATION - CONSTRUCTION OF A NEW PETROL FILLING STATION AND ASSOCIATED ACCESS ROAD WITH ALTERATIONS TO EXISTING HIGHWAY AT W.M. MORRISON PLC, NEIGHBOURHOOD CENTRE, FFORDD LLANARTH, CONNAH'S QUAY (050616)**

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 22 July 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 Development Manager detailed the background to the report explaining that the main issues for consideration were the principle of development in terms of the planning policy context, the impacts on visual/residential amenities, highways issues and drainage. He explained that the land was allocated for housing (approximately 15 houses) in the Unitary Development Plan (UDP). He highlighted paragraph 7.02 which reported the considerations which had been taken into account such as the published housing land supply undertaken in 2011 which demonstrated that the Flintshire Housing

Land Supply was in excess of five years and given the site would only add 15 dwellings, it was not significant in terms of housing supply.

He added that the development would be adjacent to a newly built substation, which would further reduce its suitability for housing and the proposed commercial development would be complementary to the existing neighbourhood centre. The existing trees/hedging would be retained and further planting would also be included to screen the site from the residential properties on the three sides of the site. The Development Manager commented on the coal mining, highway and drainage issues and explained that proposed development had been advertised as a departure to the adopted UDP. On the issue of health and safety, he said that a number of residents had raised concerns about vapours and emissions and added that these had been addressed. The fuel tanks would be located underground and would be monitored by means of a leak detection system and were designed to collect a minimum of 85% of the vapour.

In conclusion, the Development Manager said that the principle of development was acceptable and subject to the conditions in the report, the recommendation was for approval. He advised that during consultation, it had been requested that the opening hours of the petrol station not exceed the hours of the store. He referred Members to condition 9 about the proposed opening hours and said that even if the store was opening for longer than the times shown, the petrol station would be tied to the hours in condition 9.

Mrs. S.A. Wilcox spoke against the application as the representative for over 90 local residents. She raised concern about noise and pollution and said that it was incorrect to suggest that only those visiting the store would use the petrol station. She felt that the traffic congestion would increase and expressed concern about the coal mining features in the area which could cause catastrophic damage if they moved. Mrs. Wilcox felt that the kiosk would encourage the use of alcohol and cigarettes and queried why it was proposed to be built only 50 metres from neighbouring properties. She spoke of the impact on health and property values and said that even though residents had welcomed the shopping centre, a petrol station was not required. She asked the Committee to refuse the application.

Councillor A. Dunbobbin from Connah's Quay Town Council spoke against the application. He raised concern about the effect of the noise and increased traffic on the local residents and the effect on the environment; he felt that a risk assessment was required. Ffordd Llanarth was a busy road particularly at school times and he felt that the petrol station would increase the risk of school children being involved in a traffic accident if the proposal was approved.

The Democracy and Governance Manager advised Members to disregard the reference to property values in their determination of the application.

Councillor Ian Dunbar proposed refusal of the application, against officer recommendation, which was duly seconded. He felt that the proposal went against policy as it was allocated for housing and acknowledged the fears of residents, reiterating that the application should be refused.

Councillor Mike Peers felt that the comments of the Town Council should be taken into account and queried whether the UDP Inspector had to be notified about the departure from policy. He felt that low cost housing would benefit local people and that a commercial use should not be considered over the allocation in the UDP.

Councillor Owen Thomas felt that the public would want to see a petrol station on the site and that it would be well used and added that the site did not suit houses. Councillor Billy Mullin said that the residents were opposed to the application and queried whether there was a need for a petrol station on the site. Councillor Chris Bithell asked when the last mining took place in Connah's Quay. Councillor Gareth Roberts referred to properties in his ward located near to petrol stations and said that the residents had never experienced any problems; he supported approval of the application.

In response to the comments made, the Development Manager said that on the issue of coal mining, a condition had been included for submission of intrusive site investigation works but added that any coal mining works were less likely to have an impact on this proposal than on housing. He felt that the petrol station was an extension of the existing retail park which would compliment what was already in place but advised Members against refusing on the grounds of need. It was felt that the proposal was acceptable in the area and the Development Manager spoke of the distances to neighbouring properties and the screening which was to be undertaken.

The Senior Engineer - Highways Development Control confirmed that Highways did not have any objections subject to appropriate conditions and added that following completion of a detailed transport assessment, there were no capacity issues on the existing network.

The Planning Strategy Manager said that the retail centre had been welcomed by residents and reminded Members that this site was part of a larger allocation and the principle of commercial development had been established. On the issue of low cost housing mentioned by Councillor Peers, he reminded Members that the site was only for 15 units so affordable housing regulations did not apply. In response to a question from Councillor Neville Phillips on the need for opening hours referred to in condition 9, the Development Manager said that it had been included to protect the residential amenity and was appropriate for the location.

In summing up, Councillor Dunbar raised concern about the narrowness of the road up to the mini roundabout and felt that it would be impossible for petrol tankers to turn into the site. He spoke of the increased traffic which would be generated if the proposal was approved and asked the Senior Engineer - Highways Development Control to comment on the traffic audit which had been undertaken. He said that a petrol station which was open 24 hours a day was situated less than a mile from the site. Councillor Dunbar felt that this proposal would be an added danger to residents as they used the land to cut across to the retail centre.

The Senior Engineer - Highways Development Control said that the existing arrangement for the access road and roundabout and pedestrian refuge

were the subject of a traffic assessment and met the requirements set so there were no special measures to be put in place to facilitate this application.

The Democracy & Governance Manager asked Councillor Dunbar to clarify that his reason for refusal was non-compliance with the UDP; Councillor Dunbar confirmed the reason.

**RESOLVED:**

That planning permission be refused due to non-compliance with the Unitary Development Plan.

Councillor Gareth Roberts indicated that he wished it to be recorded in the minutes that he had voted against refusal of the application.

46. **FULL APPLICATION - RESIDENTIAL DEVELOPMENT CONSISTING OF THE ERECTION OF 11 NO. DWELLINGS AT BRYN GWALIA BOWLING CLUB, CLAYTON ROAD, MOLD (050662)**

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 and drew Members' attention to the late observations where the objection from Mold Town Council and the comment and additional conditions suggested by the Head of Assets & Transportation were reported. The proposal complied with Policy SR4 as there were existing recreational facilities in close proximity and the site was adjacent to an existing area of open space which would be made more accessible to people in the local area by the provision of a footpath link through the site. The site was in a flood risk area but a Flood Consequences Assessment had been submitted with the application and had been assessed by Natural Resources Wales and found to be acceptable. Welsh Water had stated that there were capacity issues in the network in the vicinity and these works were scheduled to be resolved by 2015; a Grampian style condition had been requested to ensure that the properties were not occupied prior to that time. The application complied with the Policy on Space Around Dwellings and was therefore recommended for approval.

Councillor Gaffey from Mold Town Council spoke against the application. He said that it had been considered by the Town Council on a number of occasions and had been rejected each time. He was surprised to see that their comments had not been reported but welcomed their inclusion in the late observations. The main concerns raised were on highway grounds as they felt that access should be onto Y Coetir and not into Brooke Terrace. Councillor Gaffey said that the proposed access was next to a primary school and onto a road which provided access to the hospital. He also raised concern about the density. He asked that Members reject the access onto Brooke Terrace and reiterated his comment that it would be preferable to have the access onto Y Coetir.

Councillor Chris Bithell proposed refusal of the application against officer recommendation which was duly seconded. He queried the density of the site and asked whether it complied with policy and also asked about the parking allocation for each dwelling. Councillor Bithell felt that putting the access onto Clayton Road would create traffic problems in the area due to its location next to Bryn Gwalia school and as an access and egress point for the hospital. The owners of the properties in Brook Terrace parked in the road as they did not have any alternative parking area and additional vehicle movements to Clayton Road was a cause for concern. He added that he was not against the redevelopment of the land but felt that the access point should be moved. Councillor Marion Bateman felt that access onto Y Coetir was not suitable and said that she supported approval of the application. Councillor Owen Thomas queried whether the contributions from the Section 106 Obligation would be received prior to the development of the site.

In response to the comments made, the officer said that there were two parking spaces per dwelling which was in accordance with Council standards. The density was 50 dwellings per hectare and this was not considered to be out of character with the location. Payment from the Section 106 Obligation would be received at the time of the first occupation of the dwellings. The Head of Planning said that the Section 106 Obligation would set out when it was required and that controls would be in place to trigger the requirements of the Obligation.

The Senior Engineer - Highways Development Control confirmed that Highways did not have any objections to the proposals subject to conditions and that the proposed route met the standards of Technical Advice Note 18. The Planning Strategy Manager said that refusal of the application on highway grounds could not be justified and it would be difficult to defend on appeal.

In summing up, Councillor Bithell referred to the density of the proposal and said that 50 dwellings per hectare was overdevelopment as the guidelines in the policy was for 30 per hectare. He reiterated his comments that the access should be onto Y Coetir and asked that the Committee refuse the application.

The Planning Strategy Manager reminded Members that 30 dwellings per hectare was a minimum guideline and that there was no upper limit and that if the application was refused, reasons would need to be provided as to what harm the proposed density would cause.

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

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the Highways condition in the late observations and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide:-

- a commuted sum of £1,100 per unit to enhance recreation provision in the area in lieu of on site open space provision
- a payment of £24,514 education contribution towards Ysgol Bryn Gwalia



If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to REUSE the application.

47. **APPLICATION FOR OUTLINE PLANNING PERMISSION - ERECTION OF A DORMER BUNGALOW AT 1 PYSTYLL COTTAGES, CYMAU (050744)**

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 22 July 2013. The usual consultations had been undertaken and the responses received detailed in the report.

Councillor Gareth Roberts proposed the recommendation for refusal which was duly seconded. He said that the site was outside the settlement boundary and was for a new building in the countryside. He expressed his surprise at its inclusion on the agenda and the request for a site visit. Councillor Alison Halford said that the Chairman had the final decision about which sites were visited. The Democracy & Governance Manager responded that local Members had a right to call for a site visit if they had planning reasons to do so.

**RESOLVED:**

That planning permission be refused for the reasons detailed in the report of the Head of Planning.

48. **FULL APPLICATION - RE-PLAN TO 14 NO. DWELLINGS AND ASSOCIATED GARAGES AND PARKING SPACES ON A PREVIOUSLY APPROVED SCHEME OF 44 NO. DWELLINGS AT LAND AT OVERLEA DRIVE, HAWARDEN (050805)**

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 it was proposed to amend the approved house types on 14 of the 44 previously approved plots.

Commander B. Pearce advised that he suffered from ill health and spoke against the positioning of the play area which was to be sited on an area to the rear of his garden. He said that his garden was currently a quiet space but that he would be forced out of his garden by the noise from children using the play area and teenagers vandalising the area. He said that the play area was not needed and asked that it either be relocated or scrapped.

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

The Democracy and Governance Manager explained that Councillor Clive Carver had been granted a dispensation by the Standards Committee permitting him to speak on the application.

The local Member, Councillor Clive Carver, said that he had no objection to the amendment of house types but wanted to speak about the play area. He said that the proposed site was not a suitable location as it was located in a hollow next to a public footpath. He highlighted paragraphs 13, 14 and 15 of the appeal Inspector's report which said that the play area was poorly positioned and that changes on the site could allow the applicant to find an alternative location. Councillor Carver felt that it would be better sited nearer to the affordable housing or split into two areas on the site. The Inspector had felt that there was ample open space in the scheme for formal and informal areas. Councillor Carver highlighted condition 20 and quoted from Policy SR5 of the Unitary Development Plan and requested that the Committee exercise its right to relocate the play area to a more suitable location which would please residents and comply with the comments of the Planning Inspector. He referred to the late observations and said that Hawarden Infants and Rector Drew VA School, which would benefit from the Section 106 contributions, were to close in the summer; he asked that the names be checked to ensure that the correct school received the contributions.

Councillor Alison Halford queried the payment of the contributions so far into the building of the development and asked why the monies were not sought at the start of the build. Councillor David Cox asked if the application could be deferred to allow further negotiations to take place on the siting of the play area.

The officer responded that the application before the Committee today was only for the substitution of house types. The location of the play area had been the subject of lengthy negotiations and had been referred to in the Inspector's decision where he had imposed a condition referring to its siting. That condition was being replicated in the recommendation on this application. In response to the issue raised by Councillor Halford, the officer said that the staggering of the payments for the section 106 agreement had already been agreed.

The Head of Planning confirmed that the condition imposed by the Inspector would be replicated in the conditions.

**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 supplemental S.106 agreement which links the permission granted under this application to the provisions of the S.106 agreement, offered unilaterally at the appeal allowing development under Permission Ref: 048032, providing for the following:-

- a) The provision of 4 No. affordable homes by means of gifting the units to Flintshire County Council to be made available to people registered upon its Affordable Home Ownership Register.

- b) Ensure the payment of a total educational contribution of £66,500 towards educational provisions in the locality (£38,500 towards primary educational provision/improvements, and £28,000 towards similar secondary education level provision.)

The contributions shall be paid in 2 instalments of £33,250. The first instalment shall be paid upon the occupation of the 23<sup>rd</sup> dwelling and the second upon the occupation of the 35<sup>th</sup> dwelling.

- c) Ensure payment of a commuted sum payment, part in lieu of on site recreation/open space provision of £25,000, such sum to be used to upgrade existing facilities within 3 miles of the site. This sum shall be paid upon the occupation of the 10<sup>th</sup> dwelling.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed, a unilateral undertaking not received, or advance payment not made within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

49. **FULL APPLICATION - ERECTION OF 4 NO. 2 BED APARTMENTS AND 3 NO. 1 BED APARTMENTS WITH ASSOCIATED PARKING ON LAND REAR OF 3 CHURCH VIEW, QUEENSFERRY, DEESIDE (050531)**

Prior to consideration of the application, the Chairman vacated the chair and the Vice-Chairman took the chair for the remainder of the meeting.

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 22 July 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 referred Members to the late observations. She explained that the ground floor of the apartment block would be used for parking due to the risk of flooding in the area and a Flood Consequences Assessment had been submitted with the application. There were two types of flooding in the area which had been assessed in detail. It was reported that Natural Resources Wales had no objections to the development as proposed subject to the appropriate conditions if the Local Planning Authority were minded to approve an application and were satisfied that the justifications outlined in Section 6.02 of TAN 15 were met. On the issue of the recent flooding due to the lack of capacity in the sewage network, the officer advised that Welsh Water had stated that works in the network in the vicinity of the site were scheduled to be resolved by 2014. A Grampian style condition had been requested to be imposed to ensure that the properties were not occupied prior to that time. It was reported that the side elevation was blank and was 12 metres from the habitable rooms of 3 and 5 Church View and that the separation distances were in accordance with the Council's guidance note on Space Around Dwellings. The officer added that the form of development was acceptable and therefore the recommendation was for approval with a Section 106 Obligation.

Mrs. H. Dodd spoke against the application as she felt that the development was overbearing. Most of the properties in the area were two storey but the proposed apartment blocks were three storey. She expressed concern about the flooding in the area which had been acknowledged by Welsh Water and said that the new development would overload the system and no proof had been provided of the works to be undertaken. Mrs. Dodd said that she was not against development on the site but she felt that a three storey building would be visually overbearing and the visual amenity would be compromised. She felt that the development was out of character and contrary to the existing properties in the area.

The local Member, Councillor David Wisinger, proposed refusal of the application, against officer recommendation, which was duly seconded. He said that the site was in a high risk flood area and expressed concern that Welsh Water had not provided details of the works that they intended to undertake. He felt that allowing more properties in the area would increase the problems experienced by existing residents although he accepted that such a reason could not be sustained on appeal. He commented on the proposed apartments being out of keeping with the area and said that they would overlook existing properties. Councillor Wisinger felt that the application should be refused on the grounds of unacceptable height and overlooking existing residential properties.

Councillor Christine Jones concurred with the comments made and queried whether the works on the sewage network would be carried out by 2014 and raised concern about proposed condition 9. She felt that the visual impact was unacceptable. Councillor Alison Halford felt that no applications should be permitted in the area until the flooding in the area ceased. Councillor Owen Thomas felt that it was an overdevelopment of the site and that the main issue was privacy for the existing residents as the windows of the proposed building overlooked the living quarters of the existing dwellings. Councillor Chris Bithell felt that the application was premature as Welsh Water might not be able to deliver their programme of works to complete the necessary changes to the network by 31 March 2014. Councillor Gareth Roberts said that the apartment block was proposed to be built on stilts due to the problems of flooding in the area. He suggested an amendment to the wording in condition 3, which was duly seconded, that 'no buildings on the application site shall be brought into beneficial use until completion of the works proposed by Welsh Water'.

In summing up, Councillor Wisinger said that Grampian style conditions had not always been applied in the past and he felt that the problem of flooding would not be solved in 2014. The Democracy & Governance Manager sought clarification from Councillor Wisinger that he was proposing refusal of the application on the grounds of inappropriate scale of development and out of character leading to overlooking of adjacent properties to the detriment of residential amenity; Councillor Wisinger confirmed the reason.

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 inappropriate scale of development and out of character leading to overlooking of adjacent properties to detriment of residential amenity.

50. **APPEAL BY MR. SIMON PARKER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR 049629 - EXTENSIONS & ALTERATIONS AND 049630 - ERECTION OF A REPLACEMENT DWELLING AT GELLI FARM, GELLI ROAD, PEN-YR-ALLT, HOLYWELL - (049629 & 049630) BOTH DISMISSED**  
**RESOLVED:**

That the decision of the Inspector to dismiss both of these appeals be noted.

51. **APPEAL BY MR. J. BARTON AGAINST THE NON-DETERMINATION BY FLINTSHIRE COUNTY COUNCIL FOR ONE PLANET DEVELOPMENT - ERECTION OF ONE DWELLING AND AGRICULTURAL BUILDINGS WITH ASSOCIATED WORKS AT WARREN DINGLE FARM, MOLD ROAD, PENYFFORDD - (049721) DISMISSED**

**RESOLVED:**

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

52. **APPEAL BY MR. L.R. BARKER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE RETROSPECTIVE APPLICATION FOR THE RETENTION OF A DORMER BUNGALOW AT 10 WILLOWFIELD ESTATE, PENTRE HALKYN - (050266) DISMISSED.**

**RESOLVED:**

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

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

There were 27 members of the public and 4 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 5.17 pm)

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**Chairman**