

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
19 JANUARY 2011

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 19 January 2011.

PRESENT: Councillor A.M. Halford (Chair)

Councillors: M. Bateman, R.C. Bithell, H. Brown, D.L. Cox, C.A. Ellis, R. Hughes, G. James, C.M. Jones, R.B. Jones, W. Mullin, M.J. Peers, H.G. Roberts, C.A. Thomas and D.E. Wisinger.

SUBSTITUTES:

Councillor: R.G. Hampson for J.B. Attridge, H.D. Hutchinson for J.E. Falshaw and G.H. Bateman for F. Gillmore.

APOLOGIES:

Councillors: P.G. Heesom and N. Phillips.

IN ATTENDANCE:

Head of Planning, Development Manager, Planning and Environmental Strategy Manager, Senior Engineer - Highways Development Control, Senior Planners, Democracy & Governance Manager and Committee Officer.

200. DECLARATIONS OF INTEREST

Councillor C.A. Thomas declared an interest in the following application:-

Agenda item 4.4 – Full application – Change of use from light industrial to self catering tourist accommodation (2 units) including alteration and extension to existing building adjacent to Nant y Gain, Pentre, Cilcain (047735)

Councillors H.D. Hutchinson and M.J. Peers declared an interest in the following application:-

Agenda item 4.5 – Full application – Erection of 48 No. dwellings together with associated roads and sewers on land adjacent to Clydesdale Road, Drury (047841)

In line with the Planning Code of Practice:-

Councillor A.M. Halford declared that she had been contacted on more than three occasions on the following application:-

Agenda item no. 4.3 – Full application – Erection of a wall with electric gates to provide secure yard and extension of existing agricultural building for hay storage and general agricultural

purposes at Platt Farm, Lower Mountain Road, Penyffordd (047645)

Councillor M.J. Peers declared that he had been contacted on more than three occasions on the following application:-

Agenda item no. 4.10 – Outline application – Erection of a dwelling at 53 Chester Road, Buckley (047886)

201. MINUTES

The draft minutes of the meeting of the Committee held on 8 December, 2010 had been circulated to Members with the agenda.

Councillor R.C. Bithell queried whether the letter referred to on page 15 (application 047898) had been sent to Welsh Water. The Head of Planning explained that the letter had not been sent but a meeting had been set up with Welsh Water where the matter would be raised.

RESOLVED:

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

202. LATE OBSERVATIONS

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

203. ITEMS TO BE DEFERRED

The Development Manager advised that deferment of the following application was recommended:

Agenda item 4.9 - Full application – Erection of 5 No. detached dwellings/garages, extension to existing sound embankment to facilitate water harvesting scheme and re-alignment of public footpath 112 at land to the south of The Larches, Ewloe – to enable the impact of the development on the public footpath to be addressed further.

On being put to the vote, consideration of the application was deferred.

204. APPEAL BY ADMIRAL TAVERNS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION UPON LAND TO THE SIDE OF THE STAG INN, HIGH STREET, BAGILLT (047469)

RESOLVED:

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

205. APPLICATION FOR OUTLINE PLANNING PERMISSION – RESIDENTIAL DEVELOPMENT AT GLAN Y DON, HOLYWELL (047535)

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 advised that there had been no adverse comments from statutory consultees but detailed the objections raised in the 12 letters received from other third parties. He reminded Members that an outline permission was granted on the site in July 2003. The recommendation of approval included a section 106 agreement for open space provision and education provision and a condition for 30% affordable housing on the site had also been included. He added that if the site was developed by the applicant, which was a Registered Social Landlord and not sold on to another developer, the site would include 100% affordable housing.

Councillor R.C. Bithell proposed the recommendation for approval, with the two additional conditions identified in the late observations, which was duly seconded. He welcomed the figure requested for open space provision in view of deficiencies which had been identified in the area.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and in the late observations together with a Section 106 agreement, covering the following matters:

- Open space provision - £763 per dwelling to enhance existing recreation facilities in the community;
- Education provision - £3,500 per primary school pupil generated towards Ysgol Glan Aber.

206. FULL APPLICATION – ERECTION OF A WALL WITH ELECTRIC GATES TO PROVIDE SECURE YARD AND EXTENSION OF EXISTING AGRICULTURAL BUILDING FOR HAY STORAGE AND GENERAL AGRICULTURAL PURPOSES AT PLATT FARM, LOWER MOUNTAIN ROAD, PENYFFORDD (047645)

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 17 January 2011. 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 explained that the local Member had asked for Committee determination due to the complex history of the site. In considering the extension he explained that the justification for the development was detailed in paragraph 7.06 of the report. In the context of

the proposed gate and wall the Development Manager referred to an apparent long standing dispute between the applicant and the adjoining building owner but he asked members to note that this aspect of the proposal did not in itself require planning permission. Corrections to the report were reported in the late observations along with clarification of the stop notice which had been referred to by the objector. He added that officers had requested additional information regarding the need for the building and were now satisfied that the building was required for agricultural use.

Councillor D.E. Wisinger proposed the recommendation for approval which was duly seconded.

Councillor R.C. Bithell raised concern at the claim made that additional storage for hay was required as he had been able to see on the site visit that there was room in the barn for hay storage; he felt that an independent assessment was required. He also raised concern about the proposed wall and gate and how vehicles attending the site would be able to manoeuvre. He proposed an amendment to defer consideration of the application for an independent assessment; the proposal was duly seconded. Councillor R.B. Jones concurred with the comments of Councillor Bithell. He said that his main concerns were about the turning circle but added that this had been covered in the late observations.

Councillor C.A. Thomas queried what evidence had been sought about the need for the extension to the agricultural building and whether further information could be requested on the turning circle.

Councillor D.E. Wisinger said that there had been suspicions that the building was being used for commercial purposes but referred Members to condition 3 in the report which stated that the building was to be for agricultural use only. He said that if the application was approved, it would give the Enforcement Team the powers to stop any commercial use.

Following the comments made, the Development Manager advised that an independent assessment was not usually requested for agricultural buildings. He referred again to the justification put forward for the building and suggested that it would be expected that there would be storage space available in January. He also explained that the right of access was a private matter; the Democracy & Governance Manager concurred and said that this issue should not form part of the consideration of the application.

On being put to the vote, the proposal to defer the application for further information was lost. The substantive motion was then voted on and the proposal to approve the application was CARRIED.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

207. FULL APPLICATION – CHANGE OF USE FROM LIGHT INDUSTRIAL TO SELF CATERING TOURIST ACCOMMODATION (2 UNITS) INCLUDING ALTERATION AND EXTENSION TO EXISTING BUILDING ADJACENT TO NANT Y GAIN, PENTRE, CILCAIN (047735)

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 the existing building was to be adapted to provide two chalets with a cedar cladding and shingle finish and referred to the policies applicable to the proposal, in particular policy T3, which was addressed in the report.

Councillor D.E. Wisinger proposed the recommendation for approval which was duly seconded. He felt that the proposed use of the building was more suitable than the existing building.

Councillor R.C. Bithell said that this was a building in an Area of Outstanding Natural Beauty (AONB) and asked why previous applications had been refused. He commented that if the application was permitted and the holiday accommodation use failed, then this would leave two new dwellings in the open countryside. Councillor C.A. Thomas said that she was aware that the AONB Joint Advisory Council members were concerned about the chalet type building in the AONB and felt that the justification put forward was not sufficient to grant permission.

Councillor H.G. Roberts felt that there was a need to restrict the use of the accommodation so that it was not used from mid January to the end of February in any year. He said that this would ensure that the buildings remained as holiday accommodation and requested that a condition be included on the application to reflect this. The Development Manager said that there was no need for a condition to restrict the use but one could be included if requested by Members. He said that the AONB had supported the development and their comments were included in the report. He said that the design for the conversion had been treated sensitively and incorporated natural materials. He added that any future proposed amendment to the use of the building would need to be the subject of a further application which, could be referred to the Committee for consideration.

In response to comments made about previous applications, the Planning and Environmental Strategy Manager said that the refusals all related to applications for residential development but this application was for holiday accommodation. He added that the policies permitted the use if planning conditions were met and said that this was a very specific design for a specific tourism use and would enhance the building already in place.

Councillor H.G. Roberts proposed an amendment that the accommodation not be used from mid January to the end of February in any year; this was duly seconded. The Planning and Environmental Strategy

Manager said that there was no reason to have a seasonal shutdown and said that condition 5 restricted the use of the accommodation and added that this was the responsibility of the applicant. The Democracy & Governance Manager said that he was satisfied that condition 5 was enforceable and said that there were powers which would require letting documents to be produced if requested by the authority.

On being put to the vote, the proposal to condition the closure of the holiday accommodation from mid January to the end of February in any year was lost. The substantive motion was then voted on and the proposal to approve the application was CARRIED.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

208. FULL APPLICATION – ERECTION OF 48 NO. DWELLINGS TOGETHER WITH ASSOCIATED ROADS AND SEWERS ON LAND ADJACENT TO CLYDESDALE ROAD, DRURY, BUCKLEY (047841)

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 explained that amended plans had been received in progression of the application which proposed a reduction in the number of dwellings on the site from 49 as initially proposed to 48 and revisions to the site layout. The site was allocated for residential development in the Flintshire Unitary Development Plan. He referred to the late objections received in response to the reconsultation exercise and said that one of the main concerns was the adequacy of the access onto Clydesdale Road. However, the developer had looked carefully at alternatives and requested that the application be considered with the access off Clydesdale Road.

The officer advised that two additional highway conditions had been requested which related to visibility improvements at the junction between Clydesdale Road and Drury Lane to provide a visibility splay of 2.4m x 40m in both directions, and that the stated visibility splays at the proposed point of access should be made available and kept clear from all obstructions for the duration of the site construction works. He referred to the 14 affordable housing units which were to be provided on site and said that a considerable amount of work had been undertaken to integrate the units in a more sympathetic fashion, scattered through the development. The officer referred to plots 22 to 25 on the site and explained that permission was being sought subject to no further objections coming forward in respect of that area of the site. Delegated powers to the Head of Planning were requested to issue permission, if granted, if no new objections were raised during the consultation on the amended scheme. However, if new objections were

raised, the application would be referred back to Committee for further consideration.

Mr. M. Waite spoke in support of the application and said that the scheme had been amended on a number of occasions to meet the points made by objectors. He said that the principle of residential development had been established on the site and the land had been allocated for housing in the UDP; the inspector had endorsed the allocation. For a number of reasons, an access onto Drury Lane was not viable and the access onto Clydesdale Road was in accordance with advice from the UDP Inspector. Mr. Waite referred to the scale and mix of development on the site and said that the density was below 30 per hectare. He added that the 14 affordable housing units on the site would be sold at 70% of the open market value in perpetuity.

Councillor M.J. Peers, one of the local Members, said that the applicant had looked at the comments put forward and had noted the concerns. On the issue of affordable housing, he asked if the units could initially be offered to local people and only offered to others if local need was not identified. Having earlier declared an interest in the application, Councillor Peers then left the meeting prior to the Committee discussing the matter.

Councillor H.D. Hutchinson concurred that the affordable housing element should be offered to people in the area first. He referred to paragraphs 7.14 to 7.19 of the report on Access/Highways and said that a significant amount of consultation had been undertaken. He said that his preference for an access would be onto Drury Lane, but at a meeting with the developer it had been identified that this was not possible. Having earlier declared an interest in the application, Councillor Hutchinson also left the meeting prior to the Committee discussing the matter.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded. He said that every effort had been made to overcome the issues and concerns raised and this was reflected in the application before Members.

In referring to paragraph 7.29 of the report and the open space area which was to be maintained by a private management company, Councillor C.A. Thomas queried whether this could be added to a weekly inspection list and reported to the owner of the site if the equipment fell below health and safety standards. The Democracy & Governance Manager advised that the proposed Section 106 Obligation would include long term maintenance of the open space area but would not involve the Council carrying out inspections on the site. The Planning and Environmental Strategy Manager added that Leisure Services would provide details of the specification of the equipment for the open space area.

Councillor D.E. Wisinger thanked the officers for their work on the application, which he supported.

The Planning and Environmental Strategy Manager gave assurance on earlier comments made by Councillor Peers that local people would be given priority for the affordable housing units.

On being put to the vote, the proposal to approve the application as recommended with 3 additional conditions and delegated powers to the Head of Planning was CARRIED.

RESOLVED:

That delegated power be given to the Head of Planning to determine the application provided no new objections were received when consulting on the amended scheme and subject to the Section 106 Obligation/undertaking and conditions recommended in the report and to the 3 additional conditions in the late observations.

209. FULL APPLICATION – CONVERSION OF FIRST FLOOR TO FORM 4 NO. SELF CONTAINED APARTMENTS AND ERECTION OF PITCHED ROOF OVER EXISTING FLAT ROOF AT 79 CHESTER ROAD WEST, SHOTTON (047993)

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 17 January 2011. The usual consultations had been undertaken and the responses received detailed in the report.

The officer said that the application would encompass a number of external alterations to the building. He explained that the key consideration was the adequacy of the access and parking at the proposed development. However it was felt that given that the site was in a town centre location, the relaxation of parking standards was considered acceptable.

The Senior Engineer - Highways Development Control reiterated that Highways had no objections due to the town centre location and the good public transport links.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded. He added that he was not happy with the car parking but felt that if the application was refused, the Council would lose on appeal.

Councillor C.M. Jones said that the local Member was unhappy with the application due to the very limited parking. She said that there were car parks in Shotton but they were not near the application site. Councillor D.E. Wisinger felt that the conversion into 4 self contained apartments was overdevelopment and reiterated the concerns about parking.

In referring to (d) under paragraph 7.03, Councillor R.B. Jones queried whether the 3 car parking spaces to the rear of the building would be retained to serve the development. In response, the officer said that the spaces would

not be for the sole use of the occupiers of the apartments. The plan showed parking spaces but they were not specifically allocated for the apartments but could be used if they were free. In response to a comment from Councillor M.J. Peers, the officer reiterated that the number of spaces did fall short of the parking standards but there was public transport close by. The Development Manager said that the spaces could be used by the occupiers when available but this could not be conditioned as it would deprive the existing commercial use of parking space.

RESOLVED:

That planning permission be granted subject to the application entering into a Section 106 Obligation/Unilateral undertaking or advanced payment of a commuted sum of £733 per apartment towards the maintenance/enhancement of open space and to the conditions detailed in the report of the Head of Planning.

210. FULL APPLICATION – CONVERSION OF AND ALTERATION AND EXTENSION TO EXISTING FARM OUTBUILDING TO PROVIDE SHORT-TERM LETTING HOLIDAY ACCOMMODATION AT YNYS HIR FARM, PICTON ROAD, PICTON, HOLYWELL (047996)

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 explained that this was a re-submitted application following a previous refusal of planning permission and dismissal at appeal. It was reported that the main issues to consider were whether the current application overcame the previous concerns in relation to the scale and form of the proposed new build elements. The current proposal was a smaller scale than the original application and had decreased from 119 metres square to 70 metres square. She referred to TAN 12 and policy RE5 and drew Members' attention to condition 6 about a restriction on occupation to holiday let and length of stay. The officer said that it was the intention to keep a register to restrict the length of stay and to ensure that the accommodation was let for holiday purposes only.

Councillor H.D. Hutchinson proposed the recommendation for approval which was duly seconded.

Councillor D.E. Wisinger felt that there was very little difference from this application to the one which had been refused and dismissed at appeal. Councillor M.J. Peers agreed with the decision to dismiss the appeal on the original application as it drastically altered the building. However he said that this application followed the original footprint and he was more comfortable with the scheme.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

211. FULL APPLICATION FOR A CHANGE OF USE AND NEW SHOP FRONT AT 9-11 HIGH STREET, HOLYWELL (048046)

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 Development Manager acknowledged that the application raised a dilemma regarding the potential impact on the town centre, which was summed up in the reported response of Economic Development, and their conclusion that there were limited planning grounds for refusal. He referred to the fact that there had been no take up of the site even though marketing had taken place. The property had been vacant for two years, had been marketed for at least one year without success and it met with the criteria in Policy S7.

Mr. P. Jones spoke against the application and referred to the numbers of shops which had closed in the area. He felt that there were more than enough licensed premises in the town and that if the application was approved, other outlets would cease trading. He queried what efforts had been put into marketing the property and in response, the Development Manager said that evidence had been received of the marketing which had been undertaken.

Councillor D.E. Wisinger proposed the recommendation for approval which was duly seconded. He referred to the number of empty shops in Holywell and said that if shops continued to close, others would not come to the area. Councillor D.L. Cox agreed and felt that if the application was approved, it would encourage other retailers into the area.

Other Members referred to the Wetherspoons public house which had recently opened in Shotton and had not adversely affected the town centre. Councillor R.B. Jones felt that the application would be good for Holywell and could extend the shopping experience; he added that it would employ up to 20 people.

Councillor H.G. Roberts referred to paragraph 7.06 and said that if the application was refused, it would be lost on appeal with costs against the Council. He acknowledged the comments of Mr. P. Jones but said that there were no planning grounds to refuse the application.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

212. APPLICATION FOR OUTLINE PLANNING PERMISSION – ERECTION OF A DWELLING ON LAND REAR OF 53 CHESTER ROAD, BUCKLEY (047886)

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 17 January 2011. The usual consultations had been undertaken and the responses received detailed in the report.

The Development Manager explained that a previous application on the site had been dismissed on appeal and that there had been no change on the site since the appeal. The Senior Engineer - Highways Development Control highlighted the two reasons for refusal which included the visibility at the point of access onto Chester Road and the inadequate width of the access. She explained that there had been a change in the guidance in 2007 on TAN 18, however a suitable access could not be achieved.

Mr. B. Lomax, the agent for the applicant, spoke in support of the application. He said that he had undertaken some research and had identified that there had not been any accidents as a result of the access. He referred to anti-social behaviour and said that this was a major problem at the rear of the site but the introduction of surveillance on site could overcome this. He said that the decision of the planning inspector did not bind the decision of Members and asked them to consider the implications of the fallback position which could result in the site being turned into an allotment with daily travel to and from the site.

Councillor R.B. Jones proposed approval of the application which was duly seconded. He said that the site did have permission in 1990 but this had lapsed and added that one additional vehicle would not increase the risk identified in the reasons for refusal.

Councillor H.D. Hutchinson said that Mr. Lomax had given an unbiased and fair statement. He felt that approval of the application would tidy up the area and said that in his opinion there was only a minor problem of visibility to the left of the entrance to the site. He added that he was not aware of any accidents at the access and referred to the four letters in support of the application signed by local residents.

Councillor M.J. Peers referred to the Inspector's decision and said that TAN18 had been relaxed and the visibility splay had now been reduced to 43 metres and was now adequate. However in referring to the third paragraph on page 105, he said that it was still the Highways Officer's view that the visibility was short of the revised standards. Councillor Peers also referred to the 85th percentile speed and said that the traffic stream was not there.

In responding to the comments made, the Development Manager said that an allotment was not a realistic fallback position for the site and it was a dangerous precedent to grant permission because the site was untidy. He confirmed that Members were not bound by the decision of the inspector but

requested that Members carefully consider the advice provided by the Senior Engineer - Highways Development Control regarding the limitations at the access to the site. The Democracy & Governance Manager commented that the view of Mr. Lomax was not unbiased as he was the agent for the applicant, however the views of Council officers were unbiased.

In summing up, Councillor R.B. Jones said that the difference in vehicle movements as a result of the application was very small. He added that as planning permission had been approved in 1990, and as there had been a relaxation of TAN 18 and no accidents in the area, he felt that the application should be approved.

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

RESOLVED:

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

213. DURATION OF MEETING

The meeting commenced at 2.00 p.m. and ended at 4.54 p.m.

214. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 13 members of the public and 2 members of the press in attendance.

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Chair

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

PLANNING AND DEVELOPMENT CONTROL COMMITTEE	DATE: 19 JANUARY 2011
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MEMBER	ITEM	MIN. NO. REFERS
Councillor C.A. Thomas	Change of use from light industrial to self catering tourist accommodation (2 units) including alteration and extension to existing building adjacent to Nant y Gain, Pentre, Cilcain (047735)	207
Councillors H.D. Hutchinson and M.J. Peers	Erection of 48 No. dwellings together with associated roads and sewers on land adjacent to Clydesdale Road, Drury (047841)	208