

PLANNING & DEVELOPMENT CONTROL COMMITTEE

9 APRIL 2014

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at County Hall, Mold CH7 6NA on Wednesday, 9th April, 2014

PRESENT: David Wisinger (Chairman)

Councillors: Chris Bithell, Derek Butler, David Cox, Ian Dunbar, Jim Falshaw, Alison Halford, Ron Hampson, Ray Hughes, Richard Jones, Brian Lloyd, Richard Lloyd, Billy Mullin, Neville Phillips and Gareth Roberts

SUBSTITUTIONS:

Councillor: Marion Bateman for Carol Ellis, Mike Lowe for Christine Jones and Veronica Gay for Mike Peers

ALSO PRESENT:

The following Councillor attended as Local Member:-

Councillor Rita Johnson - agenda item 6.2.

The following Councillors attended as observers:

Councillors: Haydn Bateman and Hilary Isherwood

APOLOGIES:

Councillors: Carolyn Thomas, Owen Thomas and Adele Davies-Cooke (for minute 179)

IN ATTENDANCE:

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

173. **DECLARATIONS OF INTEREST**

Councillor Chris Bithell indicated that he did not have a personal or prejudicial interest in the following application but as he had been a member of the Task and Finish Group for the hub, he had sought advice from the Monitoring Officer. The Monitoring Officer had advised that member of the Working Group was not a personal interest under the Members' Code of Conduct. However, in the interests of transparency and probity he would nevertheless withdraw from the room following the discussion but before voting took place on the application:-

Agenda item 6.7 – Erection of a Post 16 Education Centre and associated works at Deeside College, Kelsterton Road, Connah's Quay (051722)

In line with the Planning Code of Practice:-

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

Agenda item 6.5 – Retrospective change of use of land to residential purposes in connection with No. 21 Llys y Wern and erection of a boundary fence – land at Llys Cae'r Glo, Sychdyn (051497)

174. **LATE OBSERVATIONS**

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

175. **MINUTES**

The draft minutes of the meeting of the Committee held on 12 March 2014 had been circulated to Members with the agenda.

RESOLVED:

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

176. **ITEMS TO BE DEFERRED**

The Head of Planning advised that deferment of the following applications was recommended:

Agenda item 6.1 – Full application – Erection of 23 No. dwellings and associated works on land at (side of Ffordd Hengoed), Upper Bryn Coch, Mold (051105)

The Head of Planning explained that the application had been deferred at the previous meeting of the Committee to allow a site visit to be undertaken. Following the site visit, potential improvements for highways had been suggested which officers had not had the opportunity to discuss and there had been some confusion about which plan had been consulted on.

Councillor Alison Halford referred to the amended plans reported in the late observations and queried why the issue of gaps between the houses had not been included in the report. She also asked if the amended plans complied with Council's policies on distances between houses. The Development Manager explained that following receipt of objections on the application, discussions had taken place with the applicant who had offered to increase the distances from what was shown in the original plans. He advised that the original application had complied with policy so the proposed increases were a bonus and that deferral of the application would allow officers the opportunity to speak to the applicant. Councillor Richard Jones asked that the Local Member, Councillor Robin Guest, also be included in any negotiations on the application.

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

Agenda item 6.8

The Democracy & Governance Manager advised that deferment of the following application was recommended:-

Agenda item – 6.8 – Retrospective application for the erection of automatic number plate recognition cameras at entrance/exit to control the length of stay in car park and variation to Section 106 agreement of planning permission ref: 028289 to allow the above development at Aldi Foodstore Ltd, King Street, Mold (051655)

He explained that due to recent correspondence received from an objector who had raised a number of points, the issues raised needed to be considered in more detail to establish what was material and what was not.

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

RESOLVED:

That applications 6.1 (Upper Bryn Coch, Mold) and 6.8 (Aldi Foodstore, Mold) be deferred.

177. **USE OF LAND FOR STATIONING OF CARAVANS FOR THE RESIDENTIAL PURPOSES FOR 6 NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF HARDSTANDING AND UTILITY/DAYROOMS ANCILLARY TO THAT USE AT HUNTLEY YARD, CHESTER ROAD, FLINT (051726)**

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 7 April 2014. 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 additional comments were reported. Four letters of objection had been received and these were detailed in the report but the recommendation was for approval of the application.

Mr. A. Jones spoke against the application. He acknowledged the need for a permanent site but he felt that a more appropriate site had been refused. He referred to the narrowness of the bridge access to the site and the visibility of the access and raised concern about highway safety. He said that there was no indication of the number of people that could live on the site and it was possible that each site could contain three families. Mr. Jones said that the issue of the right of way to the site had not been addressed and Welsh Water had not been consulted. He felt that the site was unsuitable for human occupation and he raised concern about the density of the site and added that if housing had been proposed on the site, it would have been refused. He explained that he was the owner of the garage near the site which employed 37 people and added that access across the bridge was vital to his business. The Democracy & Governance Manager advised Members that the private right of way was not a material planning consideration.

Mr. J. Salt spoke in support of the application as the proposal was in line with planning policy. Approval of the proposal would address the issue of need of Gypsy and Traveller pitches in Flintshire which was for the provision of 16 pitches by the end of 2016. The existing access was adequate for the level of

development and Highways had not submitted any objections and no accidents had been reported. The proposal would seek to improve the site which had been a storage yard which was adjacent to the settlement boundary of Flint. Mr. Salt added that the soft landscaping proposed would be an improvement to the site and the site would be screened from public areas and would not cause any harm. He said that there were no flooding issues and that the applicant ran an existing site with the Council. He concluded that it complied with all national and local policies and he urged Members to approve the application.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He felt that there were no planning reasons for refusal and that with conditions it was a suitable site which would assist in meeting the needs for Gypsy and Traveller pitches. Councillor Ian Dunbar said that there were no problems with access to the site as the bridge was currently used by heavy goods vehicles.

The Local Member, Councillor Rita Johnson, spoke against the application. She referred to the four letters of objection and suggested that this number may have increased if others had seen the site notice as she felt that it had been placed in the wrong location. Access to the site was provided by a narrow humped back bridge and visibility of other vehicles was very poor and there was no pavement in the area. The bridge was in use 24 hours a day by the coach operator and a sewerage plant was located at the back of the site and vehicles to and from the plant would pass the site two to three times a day. Referring to paragraph 6.06 of the report she stated that the A538 was not a minor road and was already heavily congested, Councillor Johnson felt that the application should be refused. She also referred to Policy G1 of the UDP which covered issues including impact of noise and also highlighted the guidance that developments should not be approved for sites close to water sewerage works. She felt that the issue of children's safety had not been considered. Councillor Johnson also thanked the officer and the Head of Planning for their help in assisting her understanding of the application.

Councillor David Cox spoke against the application and indicated that Flint Town Council had provided a response even though it was not included in the report. He said that the view of Flint Town Council was that the site was a ribbon development and was outside the settlement boundary. The site was exposed to the sea and there was a risk of flooding and Flint Town Council had requested that the application should be refused.

Councillor Richard Jones queried whether the site was acceptable for good living as it was next to a water facility and a train line, referring to the decision on the site in Ewloe. If the application was approved, he suggested that a Grampian style condition be included regarding connection to the existing pipe located on Network Rail land before any work was carried out on the site.

Councillor Chris Bithell felt that there were no grounds to refuse the application and reminded Members that the applicant could submit an appeal if the application was refused and, in his opinion, costs would be awarded against the Council. The bridge and the access served the bus company and the water authority and the site had been used previously for business purposes so he felt that it was therefore a replacement of use. The proximity of the site to the

sewerage works had not been a problem for other users of the site and Flintshire County Council were deficient in the number of pitches required for Gypsies and Travellers. Councillor Billy Mullin felt that the application would enhance the area and would improve the quality of the site. Councillor Ron Hampson referred to the issue of the access to the site and the safety of the children. He commented on the lack of a pedestrian footpath and said that he would be supporting refusal of the application as the site was subject to flood risk. Councillor Richard Lloyd concurred that the highway was not suitable for pedestrians and added that he felt that it was not a suitable site for people to live on.

Councillor Alison Halford agreed with Councillor Bithell that there was a need for Flintshire County Council to provide more pitches and this had been referred to by the Inspector at a recent appeal for a Gypsy and Traveller site application. It was not an ideal site but it was not on a main road (like Magazine Lane) and she added that even though work was ongoing to extend the Riverside site to include more pitches, this application should be approved. Councillor Gareth Roberts concurred that approval of the application was the correct decision.

In response to the earlier comment by Mr. Jones that Welsh Water had not been consulted, the officer advised that they had been consulted but had declined to comment. On the issue of flooding, Natural Resources Wales had been consulted and had advised that the site was outside the designated flood risk area. The Development Manager confirmed that a Grampian style condition could be included, as suggested earlier by Councillor Richard Jones.

The Planning Strategy Manager advised that no objections had been received from Network Rail who were responsible for the bridge to the site so access was not an issue. He confirmed that an application for housing would be reported for refusal as different policies applied but this site complied with the definition in the circular on Gypsy and Travellers sites. On the issue of ribbon development and the site being outside the settlement boundary as referred to in the comments from Flint Town Council, the Planning Strategy Manager said that this was only applicable to housing. The site was not in a flood risk area and even though the site was in close proximity to the sewerage works and a railway line, the Riverside site was near to the A494 and a sewerage works and an extension to that site was being considered so he asked Members to be mindful of the need to be consistent.

In summing up, Councillor Butler said that he welcomed the inclusion of a Grampian style condition regarding connection to the existing pipe located on Network Rail land before any work was carried out on the site.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the inclusion of a Grampian style condition regarding connection to the existing pipe located on Network Rail land before any work was carried out on the site.

178. **FULL APPLICATION - CHANGE OF USE TO RETAIN EXISTING B2 & B8 USES, TOGETHER WITH ALL EXISTING PERMITTED USES AND CHANGE OF USE TO INCLUDE SUI GENERIS USE TO IMPORT, STORE, RECYCLE AND PROCESS OF WASTE FOR THE MANUFACTURE OF BIOMASS FUEL AND SOLID RECOVERED FUEL PELLETS AND BRIQUETTES FOR USE IN WASTE TO ENERGY AT THE FORMER LAYBOND PRODUCTS LIMITED, RIVER LANE, SALTNEY (051499)**

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 7 April 2014. 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 explained that if the application was approved, the large amount of waste outside the building on the site would be removed and all processes would be undertaken in the existing building. No objections had been received from statutory consultees and the Local Member had not objected to the application but had raised concern about odours from the site. The officer drew attention to the late observations and said that the main issues that had been considered included the principle of development, need, flood risk, drainage, amenity and habitat. There was no reason to refuse the application and the officer advised that environmental permitting would also regulate the operations on the site.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. She welcomed the application which had been well thought out and which would bring employment to the area. Councillor Chris Bithell said that the Local Member had been involved in discussions on the proposals and that any issues which had been raised had been addressed. He asked that an additional condition to remove any superfluous equipment from the site be included if the application was approved. Councillor Halford agreed to include the condition in her proposal for approval.

The Local Member, Councillor Richard Lloyd thanked the officer for her excellent report and said that all of the issues that he had raised had been covered by conditions. His main concern had been the odours from the waste outside the building but if the application was approved, this would be moved inside and any existing waste would be used before any more waste was brought on to the site. Another concern was for the residents of Saltney and those that bordered the site. It was reported that Saltney Town Council had not responded but Councillor Lloyd indicated that they had replied and had requested that all conditions be enforced. He asked the officer to explain what was meant by the comments in paragraph 3.07.

Councillor Richard Jones said that a permit from Natural Resources Wales (NRW) would be required and the site would be monitored by NRW and he queried whether a condition to monitor the site by the Council was also required on the application. He referred to conditions 9 and 10 and queried how they could be enforced and managed and also asked how it could be ensured that there would be no detriment to the residents from leachate from the site. Councillor Derek Butler said that it was a comprehensive report but felt that there

was a need to co-ordinate with NRW to ensure that the conditions imposed were complied with.

In response to the issues raised and comments made the officer said that:-

- it was the intention of the applicant to remove all surplus equipment from the site
- paragraph 3.07 referred to statutory nuisance and that the Local Authority had received a number of complaints about odours from the waste on site. If planning permission was granted then nuisance from odour would be controlled by NRW not the Council
- discussions were ongoing with NRW on conditions for the site and the officer assured the Committee that conditions would not be duplicated but would be enforced
- conditions 9 & 10 were strongly worded in the full draft conditions to ensure that the building was sound to prevent odours or dust escaping from the building
- the site would be monitored by the Monitoring Team within the Minerals & Waste shared service
- Condition 17 required submission of a drainage plan to ensure that any leachate was contained within the site

On being put to the vote, 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, the conditions reported in the late observations, the extra condition requiring removal of superfluous tanks/equipment from the site and subject to the applicant entering into a legal agreement under the terms of the Town & Country Planning Act 1990 (as amended) Section 106 to:

- Provide a commuted sum of £5100 for additional funding required for the delivery of Phase 2 of the Saltney and Saltney Ferry 'Sense of Place' Riverside Walk Project.

If the Section 106 Agreement (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 REFUSE the application.

179. **FULL APPLICATION - DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE AT HIGH CROFT, CILCAIN ROAD, PANTYMWYN (051673)**

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 7 April 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained the main issues for consideration. A number of objections, which were detailed in the report, had been received but the application was reported for approval.

Mr. D. Fitzsimon spoke against the application on behalf of the residents of the neighbouring property. The principle was acceptable but the proposed dwelling was much taller than nearby dwellings and was closer to the boundary than the current dwelling. He highlighted paragraph 7.08 which reported the impact on the lounge window of the neighbours at Hill Green but there was also the main bedroom window on the same wall which had not been considered in the report. Mr. Fitzsimon said that Council guidelines indicated that there should be a separation distance from habitable rooms of 12 metres but there was only a gap of 5.5 metres so this was insufficient and did not comply with the guidelines. The patio area was also important to the residents of Hill Green, but this would be overshadowed by the proposed dwelling. He urged Members to refuse the application due to the overbearing nature of the development and its non-compliance with policies HSG1 and GEN 1.

Councillor Alison Halford proposed refusal of the application, against officer recommendation, which was duly seconded. She referred to the proposed increase in floorspace of 324% and the lack of compliance with guidelines about distances between dwellings. There was no mention in the report of the loss of light on the neighbouring dwelling and she queried the design which appeared to show that vehicles had to drive through the building to access the garage. Councillor Halford felt that the application should be refused as the size of the dwelling was unfair to residents and did not comply with Council guidelines.

Councillor Marion Bateman raised concern about the loss of amenity for the neighbours and queried whether a single storey extension could be included on the side of the dwelling nearest to the bungalow to reduce the height of the building. She referred to paragraph 7.11 which she felt was misleading as the feature of the parking/turning provision was not typical of the area, as was suggested in the report. Councillor Gareth Roberts felt that the proposed dwelling was in keeping with the area and added that the guideline for percentage increases in footprints applied outside the settlement boundary in the open countryside, so was therefore not appropriate for this application as the site was within the settlement boundary.

In response to a query from Councillor Richard Lloyd about increases over 50% of the original footprint, the Planning Strategy Manager explained that the existing dwelling covered 72 sq. m. and the proposed dwelling was 168 sq. m. but the plot was within a settlement and was large enough to support the dwelling proposed. The parking arrangement was not unusual and the distances of 12 metres between dwellings mentioned earlier was not applicable as this proposal was from side to side and provided 5.5 metre separation. The impact on the bedroom window had been considered and the height of the roof in relation to the boundary had been reduced so it was felt that the impact was appropriate.

Councillor Chris Bithell referred to a plan which had been circulated to the Committee Members showing how the light to the bedroom would be affected by the proposal and asked for Officers to comment on the issue. The Development Manager advised that the document had not been received by officers but that

the impact on the neighbouring property had been fully assessed. The Democracy & Governance Manager suggested a short adjournment to allow officers to view the plan, and this was duly proposed, seconded and agreed.

Following the adjournment, the officer said that the plan showed the path of the sun and that for the majority of the day it would be on the opposite side of the dwelling to the bedroom so would not impact on the bungalow until the latter part of the day. The Development Manager commented on the plan which referred to the 45 degree rule as reported in Local Planning Guidance 1. He detailed when the rule was applicable but explained that this was not a reason to refuse the application.

In summing up, Councillor Halford said that this was an outrageous development which conflicted with Council policies and was overdevelopment and had an overbearing impact on the neighbours. She also felt that the application would result in loss of amenity and would overshadow the neighbouring property. Councillor Halford felt that the proposed floorspace exceeded policy guidelines and that space around dwellings guidance had also not been complied with. She also disagreed with the comments of the officer in paragraph 8.02 of the report.

On being put to the vote, the proposal to refuse the application (on the grounds of overbearing impact, overshadowing, loss of amenity and overdevelopment), against officer recommendation, was CARRIED.

RESOLVED:

That planning permission be refused on the grounds of:-

- overbearing impact
- overshadowing
- loss of amenity
- overdevelopment.

180. **RETROSPECTIVE CHANGE OF USE OF LAND TO RESIDENTIAL PURPOSES IN CONNECTION WITH 21 LLYS Y WERN AND ERECTION OF A BOUNDARY FENCE - LAND AT LLYS CAER GLO, SYCHDYN (051497)**

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 7 April 2014. 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 seven objections had been received which were detailed in the report. He added that no objection had been received from Highways.

Mrs. J. Butlin spoke against the application on behalf of residents. She said that the original plan which had been approved in 1991 had included two visitor parking spaces. She raised concern that a hedge had been removed which had destroyed a nesting site and indicated that the applicant had used the land for commercial purposes and the site was now obtrusive and an eyesore.

Mrs. Butlin commented on the loss of the two visitor parking spaces which were for the whole area of the development and said that this would result in visitors parking in the road which would reduce the access for any emergency vehicles. Removal of the visitor spaces had also created a hazard for the safety of children and others in the community and it was felt that the parking spaces should be restored.

Mr. D. Fitzsimon spoke in support of the application and said that the land in question was shown as visitor parking on the original plans. However a condition had not been placed on the application for them to be retained and they had never been adopted by the Council and had always remained in private ownership. The number of parking spaces per dwelling was in accord with national policy and Highways were satisfied with the level of parking provision on site. Mr. Fitzsimon indicated that removal of the hedge did not require planning permission and the replacement fence fitted in with the streetscene. He added that the Council could not enforce the use of the land for visitor parking and that third parties did not have a right to park on the land.

Councillor Marion Bateman proposed refusal of the application, against officer recommendation, which was duly seconded. She felt that ownership of the land was not a material consideration and in referring to paragraph 7.2, she suggested that the retention of the parking spaces was crucial, and a condition should have been imposed when the application was approved. Councillor Bateman referred to a letter from the architect on the application in December 1990 indicating that the visitor spaces were for the occupants of 1, 2 and 3 New Brighton Road with the officer reply indicating that the parking for visitors was crucial but had not been conditioned because the issue had been dealt with at the pre-application stage. She referred to paragraph 4.01 in the support statement which included the approved layout for the site but did not formally lay out the position of the two visitor parking spaces. Councillor Bateman asked that residents or visitor parking be identified when quoting figures for maximum parking spaces. She also read out from paragraph 10.66 of Policy AC18.

Councillor Alison Halford felt that the issue was that the authority had not conditioned the provision of visitor parking spaces on the application and that this issue should be addressed. She added that residents had been able to use the parking spaces for 22 years. She also referred to Section 106 arrangements which were being considered by the Audit Committee. The Democracy & Governance Manager explained that the application should be judged on its planning merits and comments of issues to be considered by other committees should be disregarded.

Councillor Derek Butler said that the parking spaces had not been conditioned and that the land had remained in the ownership of the builder until the legitimate sale to the new owner. Councillor Chris Bithell said that there was no reason to refuse the application as the land legally belonged to the developer. He had sympathy with the residents but spoke of the need to accept that a condition had not been included and of the importance to ensure that such issues were conditioned on future applications.

In response to the comments made, the officer said that the loss of the hedge was not covered by conditions and if the site was being used for

commercial uses then this would need to be reported to Enforcement as it did not form part of the planning application. On the issue of a Section 106 agreement, land on the site could have been conditioned for parking but this had not been undertaken. The Development Manager sympathised with the residents but the site was now owned by the occupier of 21 Llys y Wern and he could prevent the residents from using it. He said that the fence only needed planning permission because it exceeded one metre in height and abutted the cul-de-sac and added that if the area was to be used for the parking of his vehicles it was arguable whether there was a change of use involved.

In summing up, Councillor Bateman said that the residents of Llys Cae'r Glo were not aware that the land was owned by the developer which had resulted in them not being given the opportunity to purchase it. She added that the deeds of the properties at Llys Cae'r Glo indicated that there were visitor parking spaces on the site. The Democracy & Governance Manager reminded the Committee that the issues about the deeds and land ownership were not relevant to determination of the application.

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.

181. **EXTENSION TO DWELLING AND ASSOCIATED WORKS AT DEER LODGE, CYMAU (051394)**

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 explaining that this was a revised scheme to the previous application reference 050430 which was refused by Committee in July 2013. The recommendation of refusal of this application was on the grounds of scale and the impact on the dwelling.

Mr. M. Price, the applicant, spoke in support of the application. He said that the extension to the dwelling, that he and his family had lived in for ten years, was required to allow extra space following the birth of their baby daughter. There were three houses in the complex and the others had been extended. The principle of development had been accepted and permission for a single storey extension had been granted in 2002 but this had now lapsed. He felt that the revised proposal complied with planning policy and the 38% increase in the floorspace was below the recommended guideline of 50%. Mr. Price said that the proposal was respectful of the existing building and he commented on the slope of the land which was the reason for the proposed height of the building, which had been reduced since the refusal of the previous application. He indicated that there had not been any objections to the application and it would not affect anyone as it could not be seen. In conclusion, Mr. Price said that the height of the proposal had been reduced and the application complied with the

policy guidelines for extensions to dwellings and he therefore requested that the application be approved.

Councillor Alison Halford proposed approval of the application, against officer recommendation, which was duly seconded. She concurred that the proposal complied with policy and reminded Members that the applicant had reduced the ridge height and had complied with the guidelines for extensions to dwellings. She said that refusal of this application with a 38% increase when an earlier application for a much larger increase in footprint had been reported for approval was not consistent. Councillor Halford asked for clarification on paragraph 2.01 and said that the applicant had worked hard on the application including the suggestion to remove the balcony from the proposal.

Councillor Richard Jones concurred and said that this application was preferable to the earlier proposal which had been refused. The applicant had tried his best and the materials suggested would blend into the countryside and Councillor Jones felt that the proposal was acceptable. Councillor Derek Butler felt that approval of the application would go against the Council's policies and would set a precedent. He said that the application did not comply with policy and the scale of the dwelling needed addressing. Councillor Chris Bithell said that the original building was of historic and architectural merit and worthy of retention. He said that there would have been certain constraints on the alterations that could be carried out on the building such as scale and size and these should be considered by applicants before submission of applications for alterations. He said that the application that Councillor Halford was referring to was for a replacement dwelling in a settlement and could not be compared with this application. Councillor Bithell accepted that there had been a change in family circumstances but suggested that this could be overcome by other means rather than destroying a building that was worthy of retention. He queried what was meant by the subjective nature of the proposal in paragraph 3.01 and reminded the Committee that the applicant could submit an appeal if the application was refused. He said that the policies of the Council should be upheld and the application refused.

Councillor Ron Hampson felt that the common sense approach should be taken and the application approved as no objections had been received and the dwelling could not be seen. Councillor Gareth Roberts said that decisions had to be consistent and fair and that the policies in place should be applied. This application could not be compared with agenda item 6.4 as that was for a replacement dwelling within the settlement boundary but this was for an extension in the open countryside.

In response to the comments made, the officer referred to paragraph 7.04 where it was reported that Policy HSG12 allowed the extension and alteration to dwellings provided it was subsidiary in scale and form to the existing dwelling. The ridge height had been reduced but the overall roof height of 6.1 metres was the same as for the previous proposal. It was felt that the roof height could be reduced to a more appropriate height for a single storey extension.

The Planning Strategy Manager expressed his disappointment at some of the comments expressed by Members and concurred that this application could not be compared with the earlier application on the agenda. On the issue of the

38% increase, the first floor had been removed from the previous application and the percentage increase was determined by floor area but the overall mass of the building remained the same as the previous application which had been refused. He queried why the single storey extension required such a high roof and why roof lights were proposed when there were sufficient windows and patio doors proposed for the extension. He referred to paragraphs 7.07 and 7.08 and reminded Members that if the application was permitted, this could result in an almost identical application to the one refused in 2013 as the Planning Authority would have no control if the applicant wanted to include a first floor.

Councillor Halford raised concern at the comments of the Planning Strategy Manager about the need to comply with policy when there were two reports on the agenda which had inconsistent recommendations for similar applications. Councillor Bithell said that officers had given advice on the policies concerned and expressed concern at the comments of Councillor Halford. The Democracy & Governance Manager agreed with Councillor Bithell to the extent that it was not appropriate for Members to personalise comments when the officer was advising the Committee.

On being put to the vote, the proposal to approve the application, against officer recommendation, was LOST.

RESOLVED:

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

182. **FULL APPLICATION - ERECTION OF A POST 16 EDUCATION CENTRE AND ASSOCIATED WORKS AT DEESIDE COLLEGE, KELSTERTON ROAD, CONNAH'S QUAY (051722)**

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 referred Members to the late observations where comments of the Head of Assets and Transportation were reported. The officer suggested that a framework also be included along with an additional condition for a scheme for cycling provision. The proposal which would accommodate 700 students would be contemporary in design and would also include parking provision on site.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He thanked the officer for the report for the long awaited development for the post 16 education centre on the site which was currently a surplus Coleg Cambria sports field. He referred to the new access off Golftyn Lane and said that the proposal would create a centre of excellence that students would want to attend.

Councillor Derek Butler welcomed the application but referred to highways issues which were being investigated. Councillor Chris Bithell said that concerns

had been expressed about parking on the highway but this application included parking on site so would alleviate the concerns raised. Councillor Richard Jones felt that the proposals did not accord with the Council's plan for Lifelong Learning and suggested that the application could not be approved because of this. He also queried why the Lifelong Learning Directorate had not been consulted on the proposals and suggested that the application be deferred. The Democracy & Governance Manager advised that whether the application complied with Lifelong Learning policy should not concern the Committee and added that the application should be considered on its planning merits. Councillor Bithell responded that the proposal was in line with Lifelong Learning policy and that discussions had taken place as part of the Hub Task and Finish Group. He added that a report on the proposal was being submitted to the meeting of the Lifelong Learning Overview & Scrutiny Committee the following day.

In response to the comments made, the officer said that it was not a requirement for the applicant to consult with Lifelong Learning Directorate on the application. However, he had spoken to Head of Development & Resources who was in support of the scheme.

Councillor Jones queried why application 6.1 had been deferred because consultation had not been undertaken when he had been advised that this application could not be deferred because Lifelong Learning had not been consulted. The Democracy & Governance Manager responded that application 6.1 had been deferred to allow the public to be made aware of plans for the application but it was not necessary to consult with Lifelong Learning on this application and therefore the application should not be deferred to allow consultation with the directorate.

In summing up, Councillor Ian Dunbar said that the development would complement the 21st Century School programme and would be a centre of excellence.

Prior to the vote, Councillor Bithell left the meeting. On being put to the vote, the application was approved.

RESOLVED:

That planning permission be granted subject to:-

- the conditions detailed in the report of the Head of Planning;
- the conditions reported in the late observations including a Section 106 obligation to fund a Traffic Regulation Order and traffic calming measures;
- submission of a framework and full travel plan; and
- an additional condition requiring cycling provision within the site.

After the vote had been taken, Councillor Bithell returned to the meeting.

183. **FULL APPLICATION FOR CIVIC AMENITY SITE CONSTITUTING AMENDMENTS TO A PREVIOUSLY APPROVED SCHEME AT LAND REAR OF C.C. CRUMP & CO., PRINCE WILLIAM AVENUE, SANDYCROFT (051787)**

Prior to consideration of the item, the Chairman advised that he would vacate the Chair to allow him to speak on the application. 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 7 April 2014. 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 indicated that it was an amendment to the scheme which had previously been approved in 2009. The site area had reduced by approximately half for this application when compared to the previous site and a revised layout and scheme were reported. The site would be on one level and would be split into a public area and a service area from where the skips could be removed without conflicting with the public area. There would be a 1.2 metre wall between the public and the skips and the access to, and exit from, the site were detailed. A portakabin would also be included on the site for the operatives of the civic amenity site. No statutory objections had been received but two objections had been received from neighbours due to concerns about increases in traffic and odours and noise from the site. The officer felt that the objections had been addressed in the report.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. Councillor Derek Butler had reservations about the capacity as the site was a replacement for both the Queensferry and Saltney sites. He felt that the site was in the correct location but asked whether there was any potential to expand the site if required.

The Local Member, Councillor David Wisinger, welcomed the report and thanked the officer for including him in the consultation on the application. He indicated that he had been advised of a number of concerns from residents about increases in traffic and noise as a result of the proposal.

Councillor Marion Bateman asked for an explanation of how the traffic would be managed on the site. Councillor Veronica Gay welcomed the new site and the removal of any steps to the skips but she also had concerns about the diminished size of the site. She asked that safeguards be put in place to prevent the previous site in Saltney from becoming an area for fly-tipping. Councillor Gay also raised concern about the exit from the site onto a smaller road which would be used by vehicles removing the full skips from the site. She felt that vehicle movements on the site would be an issue and queried whether vehicles could enter through the proposed exit and leave the site through the proposed entry into the site. Councillor Lloyd also asked for details of the hours of operation and queried whether anyone with a van permit would be able to use this site. He also asked that the site at Saltney be landscaped once the waste collection site was closed.

In response to the comments and questions from Members, the officer explained that it was considered that there was adequate space on the site to allow the free flow of traffic but he added that operatives would be present to provide guidance. It was estimated that approximately 4,000 tonnes of waste per

annum would be brought to the site and there would not be a restriction on the number of times skips could be removed and replaced with empty skips so it was considered that the size of the site was appropriate. It was proposed that the hours of operation on the site would be 7am to 9pm Monday to Sunday, including bank holidays.

The Planning Strategy Manager reiterated the comment that the size of the site was suitable for the movement of traffic but he added that a condition could be included for the on-site management of public traffic. The Senior Engineer - Highways Development Control said that Highways had not submitted an objection to the application. Approval had previously been given for a larger site and as the area was an existing industrial estate, there were no capacity issues. On the issue of exiting the site onto the road used by vehicles removing the skips, the Senior Engineer - Highways Development Control advised that there was adequate width for two vehicles to pass. In response to the suggestion from Councillor Bateman that a right of way be identified, the Senior Engineer - Highways Development Control indicated that a scheme could be considered.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the additional condition for an on site traffic management plan.

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

There were 29 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.59 pm)

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Chairman