

PLANNING & DEVELOPMENT CONTROL COMMITTEE
22 APRIL 2015

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, 22nd April, 2015

PRESENT: David Wisinger (Chairman)

Councillors Chris Bithell, Derek Butler, David Cox, Ian Dunbar (Vice-Chairman), Alison Halford, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips, Mike Reece, Bateman (Reserve) (for Marion Bateman), Jim Falshaw (Reserve) (for Owen Thomas), Lloyd (Reserve) (for David Roney) and Mike Lowe (Reserve) (for Billy Mullin)

APOLOGIES: Councillor Carol Ellis, Veronica Gay and Gareth Roberts.

ALSO PRESENT:

The following Councillor attended as local Member:-

Councillor Carolyn Thomas - agenda item 6.2.

The following Councillor attended as an observer:

Councillor: George Hardcastle

IN ATTENDANCE:

Chief Officer (Planning and Environment), Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planners, Democracy & Governance Manager, and Committee Officer

176. **DECLARATIONS OF INTEREST**

Councillor Mike Peers declared a personal/prejudicial interest in the following application because a family member was employed at Pennaf Limited.:-

Agenda item 6.1 – Full application – Proposed Alternative Site Access off Yowley Road and Alterations to Car Parking Arrangement to Residential Development Approved Under Planning Permission 050492 at 15-23 Yowley Road, Ewloe (053122).

Councillor Christine Jones declared a personal/prejudicial interest in the following application because the application site is located at the rear of her main residence:-

Agenda item 6.3 – Outline application – Erection of 6 No. Dwellings at Land to the Rear of 31 Welsh Road, Garden City (052887).

177. **LATE OBSERVATIONS**

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

178. **MINUTES**

The draft minutes of the meeting of the Committee held on 25 March 2015 had been circulated to Members with the agenda.

Matters arising

Councillor Chris Bithell referred to the concern he had raised in Minute 167, and asked if the situation had been monitored by the Enforcement Team. The Planning Development Manager responded that as far as he was aware it had not but he would make further enquiries about the matter with the Enforcement Team.

RESOLVED:

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

179. **ITEMS TO BE DEFERRED**

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers.

180. **VARIATION IN ORDER OF BUSINESS**

The Chair indicated that there would be a slight change in the order of business to bring forward agenda item 6.5. The remainder of the agenda would then follow in the usual order.

181. **FULL APPLICATION - ERECTION OF CONCRETE BATCHING PLANT AT BRYN THOMAS CRANE HIRE, CHESTER ROAD, OAKENHOLT (053011)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 20 April 2015. 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 highlighted the main planning considerations that were reported in paragraph 7.05 and outlined in the report. He referred Members to the late observations which included an additional suggested condition concerning days and hours of work.

Mr. John Yorke spoke against the application on behalf of concerned residents. He raised a number of concerns in relation to unsafe and inadequate access and highway safety. He commented on the lack of restriction on direction of travel to and from the entrance/exit points and the risks associated with heavy traffic and large vehicles seeking to perform manoeuvres in and out of the access. He also referred to the impact in terms of site operation and the number of days and hours worked which he felt had not been given sufficient consideration by Planning Officers. He referred to the number of Halkyn Quarry lorries which would travel through the centre of Flint and he expressed further

concerns regarding the scale and design of the building and the 26m. high structure proposed, which he said could not be obscured from public view

Mr. Huw Evans, the agent for the applicant, spoke in support of the application. He referred to the improvements that had been made to address the concerns raised by the local Member for the Ward, local residents and following discussions with Highways officers it was intended to close the central reservation gaps, ensuring that all traffic would turn left resulting in a net gain to highway safety. With regard to potential noise and dust issues he stated that the batching plant used a wet process and there was no objection from the Council's Pollution Control officers. He added that the proposal complied with the policies in the UDP and national policies concerning sustainable use of brownfield land and the creation and safeguarding of local jobs. Concerning the late observations he said that the suggested additional condition in relation to the days and hours of work at the site were also acceptable to the applicant.

Councillor Ray Hughes moved refusal of the application, against officer recommendation, which was duly seconded. He outlined his concerns in terms of highway safety on the basis of 30 ton lorries having to stop for both the cycleway and the road and commented on the lack of an acceleration/ deceleration lane. He added that this would introduce slow moving vehicles at both roundabouts. He believed that the safety of the general public travelling in the area was paramount and expressed the view that this outweighed any benefits to be gained by granting the application.

Councillor Mike Peers acknowledged that the applicant had sought to address closure of the central reservation gaps, however, he felt that further enhancements were required and that an acceleration/deceleration lane was needed on this fast stretch of road, in which case he would be happier with the proposal.

Councillor Derek Butler spoke in support of the application and the choice of location. He said the proposal would develop and protect employment in the area.

Councillor Chris Bithell stated that this was a brownfield site and officers from Planning and Highways had raised no sound planning reasons to refuse the application and he commented on the need to acknowledge the advice provided.

Councillor David Cox spoke against the application. He referred to the routes which heavy vehicles would have to take to and from Halkyn through Flint and said that the number of vehicles proposed would place a severe strain on traffic in the area.

Officers responded to the concerns raised and referred to the improvements that would be made to the existing access and that the Manual for Streets did not support the provision of acceleration/deceleration lanes. The concerns over routing could be met through a traffic management plan, which could be conditioned. Referring to the further issues raised regarding visibility Officers advised that arrangements were in excess of requirements. The Planning Strategy Manger added that the proposal complied with Policy EM4, he

referred to previous uses which included a petrol filling station and the existing heavy traffic through Flint.

In summing up Councillor Ray Hughes reiterated his concerns around highway safety and commented on the danger posed by the manoeuvring of heavy vehicles, slow moving traffic, lack of a deceleration lane, and a cycle-way.

The Chair asked Members to vote on the proposal put forward by Councillor Ray Hughes that the application be refused. On being put to the vote the proposal to grant the application was LOST

RESOLVED:

That planning permission be refused on the grounds of highway safety reasons

182. **FULL APPLICATION - PROPOSED ALTERNATIVE SITE ACCESS OFF YOWLEY ROAD AND ALTERATIONS TO CAR PARKING ARRANGEMENT TO RESIDENTIAL DEVELOPMENT APPROVED UNDER PLANNING PERMISSION 050492 AT 15 - 23 YOWLEY ROAD, EWLOE (053122)**

The Committee considered the report of the Chief Officer (Planning and Environment) 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.

Councillor Mike Peers having earlier declared an interest in the application, left the meeting prior to its discussion.

The Officer detailed the background to the report and highlighted the main planning considerations which related to the ransom strip across the preferred access but an earlier permission for 10 apartments used the access now proposed. She drew attention to the late observations and advised that the Local Member, Councillor George Hardcastle, had raised concerns about use of access and had requested that consultation be undertaken with Emergency Services. A shared surface was suggested and the Fire Service had indicated that this was acceptable provided that a width of 3.7 metres could be achieved.

Councillor Richard Lloyd moved refusal of the application, against officer recommendation, which was duly seconded. He stated that a site visit had not been undertaken regarding the application and outlined a number of concerns in terms of access. He referred to the Yowley Road site access and said it was not suitable as it was only 3.1 metre wide between kerbs, having a narrow footway on one side, overgrown boundary growth, and he disputed the availability of the 4.1 metres width required by the Fire Service. He also queried the ransom strip and the Democracy and Governance Manager advised that it was for Members to determine the application before them. Cllr Lloyd asked that clarification on the width of the Yowley road site access be provided and proposed that the application be deferred and a site visit undertaken. On being put to the vote the proposal was CARRIED.

RESOLVED:

That planning permission be deferred to allow width of access to be confirmed and a site visit to be undertaken.

183. **FULL APPLICATION - CONVERSION AND ALTERATIONS OF ADJOINING BUILDINGS TO FORM 4 NO. HOLIDAY FLATS AND CHANGE OF USE AND ALTERATIONS TO FIRST FLOOR LIVING ACCOMMODATION TO FORM ADDITIONAL 1 NO. HOLIDAY APARTMENT AT MAES Y DELYN, RHEWL, HOLYWELL (053146).**

The Committee considered the report of the Chief Officer (Planning and Environment) 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 highlighted the main planning considerations which were outlined in the report. She advised that there had been a number of objections to the application by local residents which were detailed in paragraph 4.01 of the report. She advised that the proposal complied with Policy T3 of the UDP as detailed in para. 7.07 of the report. Referring to the issues raised in relation to private amenity space and overlooking she said these had been taken account of and could be mitigated subject to the conditions recommended.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He welcomed the proposal which he said would help to promote and develop tourism in the area.

Councillor Ian Dunbar also spoke in support of the application and said the applicant had agreed to address the concerns raised by local residents and that the existing building would be converted into quality tourist accommodation.

Councillor Carolyn Thomas, Acting Local Member, spoke in support of the application. She said she had attended the site which was in a residential area and had formerly been used as a public house. She said the proposed 5 holiday lets were one bedroom units and provided accommodation which was suitable for single people or couples and expressed the view that the impact on adjacent residents would therefore be minimal. She referred to the conditions that had been imposed subject to permission being granted which she felt would adequately address the concerns raised by local residents around privacy and overlooking adjacent property. Councillor Thomas commented that there was a lack of accommodation available for visitors who wanted to walk and enjoy the scenery in the area as bed and breakfast or hotel accommodation was frequently fully booked.

In summing up, Councillor Bithell, said that the application complied with planning policy and national policies on tourism and proposed that the application be approved. On being put to the vote the proposal was CARRIED.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

184. **OUTLINE APPLICATION - ERECTION OF 6 NO. DWELLINGS AT 31 WELSH ROAD, GARDEN CITY (052887)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 20 April 2015. 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 Christine Jones spoke (as a resident) against the application expressing a number of concerns around access to the site and she referred to the existing problems of parked cars outside the local Spar convenience store which combined a post office, delivery lorries, a busy intersection with pedestrian crossing and bus stop, and poor visibility. She raised further concerns that the road was not wide enough and would not be able to accommodate access by the emergency services. Councillor Jones referred to issues concerning drainage and said there had been flooding in the area due to blocked sewers. She summarised her reasons why she felt that the site was unsuitable for residential development.

Councillor Christine Jones having earlier declared an interest in the application, left the meeting prior to its discussion.

Mr. Barker, the agent for the applicant, spoke in support of the application. He said access to the site was gained via a shared access between 31 Welsh Road, a residential property, and 35 Welsh Road which was a Spar convenience store. He claimed that the design of the scheme took account of scale and form and a FCA had set the levels for the buildings. Landscaping would be of species of the same type and the development made best use of the land in policy terms. The site had formerly been used for garaging and was currently subjected to fly tipping and anti-social behaviour. He said the proposed scheme would be an improvement on past use and that the land had deteriorated into wasteland. In terms of the shared access and maintenance of such, Mr. Barker commented on discussions and an agreement that had been reached between the applicant and owners of the Spar convenience store. He also referred to the conditions which were to be met by the applicant subject to the application being granted.

Councillor Ian Dunbar moved refusal of the application, against officer recommendation, which was duly seconded. He expressed concerns regarding inadequate access, increased traffic, poor access onto Welsh Road, restricted visibility, and the danger posed by heavy vehicles. Councillor Dunbar also commented on the current pedestrian access through the site from Sealand Avenue which was used as a 'short cut' to the shops and bus stop on Welsh Road.

Councillor Chris Bithell also spoke against the application and reiterated the concerns expressed by Councillor Dunbar. He referred to the agreement that the agent had indicated had been reached between the applicant and owners of the Spar Convenience Store concerning access and maintenance and said that the details of this should be provided to the Committee. He queried whether the agreement reached was in perpetuity or a temporary agreement.

Referring to paragraph 7.24 of the report, Councillor Bithell raised a query around the floor levels of the dwellings and the need for internal steps to be provided. He commented on current and future use of the living space and the need for the dwellings to be compliant with disability guidelines.

Councillor Mike Peers queried the level of growth within the settlement in view of the proposed Northern Gateway development and he referred to paragraph 7.20 in the report and asked how the 'right of access' was to be maintained. Councillor Peers also referred to an existing housing development (at the back of the Spar Convenience Store) and asked how access was gained to those properties.

Councillor Derek Butler asked whether this was backland development and commented on the poor and complicated access arrangement. He proposed deferral of the application which was duly seconded. He explained that clarification around ownership and access was required.

Councillor Richard Jones raised the issue of domestic waste collection and said that the matter of kerb recycling should also be taken into consideration.

The officer responded to the comments and queries raised, advising that the difference in levels would be addressed under the Building Regulations, pointing out that properties had been allowed with garaging on the ground floor. In response to the growth of the settlement she advised that this was 9.4% as the Northern Gateway development was not included. She confirmed that the public right of way from the Sealand Avenue would be retained and that the other houses referred to accessed from the other side. The Planning Strategy Manager advised that the outline planning application was to determine whether Members agreed or not to the principle of development subject to the detail being provided at reserved matters stage.

The Democracy and Governance Manager referred to the negotiations over ownership referred to in para. 7.17 of the report and advised that if Members needed further clarification over the possibility of a S.106 Agreement they should defer consideration of the application to obtain this.

The Chair asked Members to vote on the proposal put forward by Councillor Derek Butler that the application be deferred. On being put to the vote the proposal was CARRIED.

RESOLVED:

That planning permission be deferred to clarify the ownership and rights over the access and any rights over the alternative access to the rear of the Spar store.

185. **FULL PLANNING APPLICATION FOR THE ERECTION OF 6NO. APARTMENTS WITH ASSOCIATED ACCESS AND PARKING AT 1 QUEEN STREET, QUEENSFERRY. (053080)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site

visit on 20 April 2015. The usual consultations had been undertaken and the responses received detailed in the report. An amendment to and additional comments received since the preparation of the report were circulated at the meeting.

Mrs. S. Speechley, local resident, spoke against the application. She stated she was the immediate neighbour to the proposed development and expressed concerns that it would have a direct impact on her property. She referred to the 9.2 metre distance to the gable of her property and the height of the development which she felt was overbearing and visually intrusive to herself and neighbouring properties and was not in keeping with the character and two-storey build of properties in the surrounding area. She raised concerns around lack of privacy, inadequate parking, and highway safety. Mrs. Speechley also referred to the objection which had been put forward by Natural Resources Wales (NRW) to the proposal.

Councillor Christine Jones moved refusal of the application, against officer recommendation, which was duly seconded. She referred to the site visit which had been undertaken and outlined her concerns regarding the overbearing and intrusive size of the development. She also stated that the site was located within a flood risk area and drew attention to the objection to the proposal by NRW on the grounds that the Flood Consequences Assessment had failed to demonstrate that the development could be built flood-free in the design flood event.

Councillors Chris Bithell and Richard Jones raised concerns around the provision for undercroft parking and the erection of a three storey building. They also referred to a previous application in the area and said there was a need to seek clarification from NRW over the inconsistency in their stance concerning this proposal. Councillor D. Butler queried how NRW could express two different views in the same area. Councillor R. Lloyd said that the height was not in keeping and Councillor M. Peers felt that the design needed to be looked at and that he would be more comfortable if the ridge height was reduced.

In responding to the points raised the officer advised that the criteria relating to the similar development for 8 units nearby was the same and that NRW's stance was inconsistent. In design terms the impact on the amenity of neighbours had been addressed and the ridge height was only 800 mm. higher than the existing buildings. The Development Manager added that the principle of this development was acceptable in planning and sustainability terms and this was the type of development that was needed to help address our lack of housing land supply. Because of the flood risk constraints it was necessary to incorporate the undercroft parking but this had been looked at carefully and officers had addressed the impact on neighbouring properties.

Councillor Chris Bithell proposed deferral of the application which was duly seconded. He explained that further explanation was required from the NRW as to why there was inconsistency in the decision regarding this proposal and their stance taken on another recent application in the area.

In summary Councillor Christine Jones reiterated the views expressed by Councillor Bithell and stated that justification from NRW for the inconsistent stance should be sought.

The Chair asked Members to vote on the proposal put forward by Councillor Chris Bithell that the application be deferred and on being put to the vote the proposal was CARRIED.

RESOLVED:

That planning permission be deferred to seek further clarification from NRW over the justification for the inconsistent stance on this application and another recent application in the area.

186. **GENERAL MATTERS - CONVERSION OF REAR OF FORMER CHURCH TO TWO BED APARTMENT AT ENGLISH CONGREGATIONAL CHURCH, HIGH STREET, BAGILLT (051084)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application.

The Planning Officer referred to previous consideration of the application by the Committee at the meeting held on 12 March 2014 when it was resolved that conditional permission be granted subject to the applicant entering into a Section 106 Obligation to ensure the proposed development made provision for affordable homes in the area . He reported that as no progress had been achieved with the applicant's agent to sign the Section 106 Agreement it was recommended that the application be refused.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. On being put to the vote the proposal was CARRIED.

RESOLVED:

That planning permission be refused for the reasons detailed in the report of the Chief Officer (Planning and Environment).

187. **APPEAL BY ANWYL CONSTRUCTION CO LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 41 NO DWELLINGS, OPEN SPACE AND ACCESS WORKS AT OLD HALL ROAD/GREENHILL AVENUE, HAWARDEN - ALLOWED (051613)**

RESOLVED:

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

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

There were 3 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.50 pm)

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Chairman