

## **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**14 OCTOBER 2015**

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 14th October, 2015

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

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, Carol Ellis, David Evans, Alison Halford, Ray Hughes, Richard Jones, Richard Lloyd, Mike Lowe, Nancy Matthews, Billy Mullin, Neville Phillips, Gareth Roberts, David Roney, Owen Thomas

### **SUBSTITUTION:**

Councillor Veronica Gay for Mike Peers

### **ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor Dave Mackie - agenda item 6.2. Councillor Nigel Steele-Mortimer - agenda item 6.5.

The following Councillors attended as observers:

Councillors: Haydn Bateman, Amanda Bragg and Mike Reece

### **APOLOGY:**

Councillor Christine Jones

### **IN ATTENDANCE:**

Chief Officer (Planning and Environment), Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Senior Planners, Planning Support Officer, Housing & Planning Solicitor and Committee Officer

Project Engineer (Drainage) – Minute Number 70

Mr. R. Green from Natural Resources Wales – Minute Number 70

## 66. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

## 67. **LATE OBSERVATIONS**

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

## 68. **MINUTES**

The draft minutes of the meeting of the Committee held on 9<sup>th</sup> September 2015 had been circulated to Members with the agenda.

### **Matters arising**

Councillor Carol Ellis referred to pages 12 and 13 on the Waste Management Site application at Mold Road, Ewloe. She indicated that

complaints had been made by residents that the operator was moving waste in to the site at 11.30pm and were undertaking crushing of materials at the site. Natural Resources Wales had been approached but they had not taken any action as yet.

Councillor Richard Jones commented on the final paragraph on minute number 57 (erection of 19 dwellings at Ty Carreg, Stryt Isa, Hope) about the clarification that he had sought that the Section 106 obligation could not be legally challenged.

**RESOLVED:**

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

69. **ITEMS TO BE DEFERRED**

The Chief Officer (Planning and Environment) advised that deferment of the following applications was recommended:

**Agenda item 6.2 - Full application – Proposed new vehicular access to serve Plot 5 only of previously consented Gypsy Site at Ewloe Barn Wood, Magazine Lane, Ewloe (054095)**

And

**Agenda item 6.3 – Full application – Erection of a day room/amenity building on Plot 5 in lieu of previously approved day room as approved by permission 050463 at Ewloe Barn Wood, Magazine Lane, Ewloe (054096)**

The Development Manager explained that on the planning permission granted on appeal by the Inspector included an internal estate road running parallel to the A55, which would serve each of the plots. This application was proposing a new access for plot 5 only but an application had since been received requesting individual accesses for plots 2, 3 and 4. Officers felt that both applications should be heard at the same time and were therefore proposing deferment of application 6.2.

Application 6.3 was requesting the erection of a day room/amenity building on plot 5 and if approval had been given for application 6.2, this would result in the building being located next to the turning area on the approved plan. This application was also being recommended for deferment to allow further consideration to be given to the proposal.

It was intended that all of the applications would be submitted to the same Committee for consideration and discussions on the proposals would be undertaken with the Local Members. The Development Manager added that the proposals would result in the loss of some hedgerow and trees but as the approved plans included a condition for their retention, he suggested that a site visit also be held when the applications were brought back to the Committee.

The recommendation to defer the applications and undertake a site visit prior to the applications being submitted to the Committee for determination was recommended by Councillor Richard Jones and was duly seconded.

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

Councillor Alison Halford suggested that most of the hedgerow had already been removed and sought clarification on any enforcement action that was to be undertaken. The Development Manager said that officers would look into this and would update Members in the report when it was submitted to the Committee.

**RESOLVED:**

That applications 6.2 (new vehicular access at Magazine Lane, Ewloe) and 6.3 (erection of day room/amenity building, Magazine Lane, Ewloe) be deferred and that a site visit be undertaken prior to the report being submitted to the Committee.

70. **FULL APPLICATION - STRATEGIC FLOOD ALLEVIATION SCHEME FOR THE TOWN OF MOLD (052180)**

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 12<sup>th</sup> October 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 explained that the application had been submitted as a result of proposed works following the significant flooding in Mold in 2000 and 2012. The scheme would include the formation of culverts and the installation of attenuation tanks. The application had been deferred from the 22<sup>nd</sup> July 2015 meeting of the Committee due to concerns raised at the site visit held prior to the meeting; the report had been updated since that meeting. A further site visit had been held on 12<sup>th</sup> October 2015 to view the point of discharge into the River Alyn. The officer drew Members' attention to the late observations where an objection from a third party was reported. Previously Members had requested the attendance of the Council's Drainage Engineer and a representative from Natural Resources Wales (NRW) when the application was considered and the officer introduced Ruairi Barry (Project Engineer) and Rob Green (from NRW).

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He said that this was an opportunity to apply for funding from Welsh Government (WG) and said that if this application was not agreed and the works undertaken, then nothing would be done. He felt that the proposal would alleviate any problems further downstream and queried whether the Council had the funding to contribute to the scheme.

The Local Member, Councillor Chris Bithell, said that Mold had been very badly flooded in November 2000 mainly in the West and East of Mold. The floods had caused considerable problems and residents had been forced to leave

their homes for several months and their health and wellbeing had been significantly affected. There had been a campaign for a scheme to combat the problems and this had been achieved and residents could be assured that something had been undertaken. The culvert through the centre of town was incapable of dealing with the water off Hafod Moor and was causing flooding problems at Cae Bracty, an area that was principally in Councillor Haydn Bateman's ward. Councillor Bithell commended many aspects of the scheme but raised concerns about the proposal to capture the Hafod Moor water and take it west of the town to Rhyd Y Goleu, which would jeopardise properties in those areas with the additional water. Councillor Bithell referred to a scheme from a number of years ago which had proposed using the east of Mold unlike the current proposal which was to the west of the town. He spoke of the cost of the scheme which would increase water into the River Alyn and said that it had been indicated that the water from Hafod Moor would peak before the water from the catchment area. It was reported that the attenuation tanks would be necessary to meet the required design criteria of the 100 year (+ climate change) event but Councillor Bithell said that in 1974 there had been two severe storms. He also spoke of the flooding that had occurred in 2000 after a prolonged period of heavy rain and raised concern that this could happen again and that water could not be controlled.

Councillor Owen Thomas commented on the flooding in the Love Lane car park in Mold which had occurred during the last 12 months and raised concern that putting more water into the River Alyn to the west of the town would increase problems. Councillor Richard Jones spoke of the inspection and maintenance of the drains and asked how it could be ensured that funding was available to undertake this in times of reduced resources.

In response to the comments made, the Project Engineer said that he agreed with the comments of Councillor Bithell about not being able to control water and said that the proposed scheme would ensure that the flood risk was managed. He referred to early designs of a scheme to take the water to the south east of Mold but following a project appraisal report which identified work on uphill land that would need to be undertaken, this had increased the costs three-fold when compared to this current application. He commented on the cost/benefit ratio and advised that the impact of the scheme on the River Alyn was negligible. On the issue of maintenance of the tanks, he advised that the bypass channel was on third party land and, in referring to two pumping stations in the town, said that funding for future maintenance was a matter for discussion beyond the planning application. He added that planning was one aspect of the scheme and funding and deliverability were separate issues.

The Chief Officer (Planning and Environment) referred to the query from Councillor Butler about whether the Council had funding available for the scheme. He advised that the authority did not have the monies to fully support the scheme but had retained some money to put towards it. However he reminded the Committee that the Council would not be able to bid for funding if planning permission was not in place.

The Planning Strategy Manager felt that the Committee could either decide to do nothing and risk flooding reoccurring in the future or take a proactive

approach and implement a scheme that could manage the risk. He added that it was a clear cut case.

Mr. Green from NRW spoke of the modelling work that had been undertaken to identify the impact on the River Alyn. He commented on the unpredictability of flood events and of the negligible impact of this scheme on a small number of properties.

In summing up, Councillor Butler spoke of the concerns that had been raised by Members but added that the Environment Agency should also take a share of the responsibility for not coming up with the finance to do a proper job. He raised concern that the costs of this project would escalate year on year but that to do nothing would still generate costs and cause problems for residents due to flooding. He concluded that he had the same concerns as the Local Member but that he would prefer that the scheme progressed rather than nothing being done.

**RESOLVED:**

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

71. **FULL APPLICATION - CHANGE OF USE FROM SHOP TO 2 NO. RESIDENTIAL UNITS AT DEESPEED MOTOR FACTORS, 100-102 CHESTER ROAD EAST, SHOTTON (052329)**

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.

The officer detailed the background to the report and referred Members to the late observations where it was reported that the third sentence in paragraph 7.05 should refer to 4 not 5 one bedroom flats. The application was being submitted to Committee because of the Section 106/early payment for open space provision which officers did not have delegated powers for.

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

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 agreement/unilateral undertaking or earlier payment for the following contributions:-

- £733 per unit for enhancements to 'toddler play provision' at North Street Play Area in lieu of on-site provision

If the obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

72. **FULL APPLICATION - ERECTION OF DETACHED GARAGE AND FORMATION OF ACCESS AT 13 BRON HAUL, TRELAWNYD (053545)**

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 Development Manager detailed the background to the report and explained that the proposal was for the erection of a detached garage which was a stand-alone building with a ridge height of 4.21 metres. The garage would be rendered to match the existing property and was considered to be subsidiary to the main dwelling. The proposed vehicular access to the garage would be via a new access on to a private road adjacent to the rear boundary of the site. The Development Manager indicated that the access onto the private road did not require planning permission and permission was only needed because the height of the building exceeded four metres. There had been a number of objections to the proposal because of the access but the Development Manager reminded the Committee that they were only considering the erection of a building in the back garden of the dwelling. He added that whether the applicant had a right to drive her vehicle over the private road was not a planning consideration and if the application was approved, it would be stated in the decision notice that approval did not grant any rights to use the private land.

The applicant, Miss. G. Jones, had registered to speak on the application but withdrew her request following the opening comments of the Development Manager.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He said that the issue of the use of the private road was a civil matter and that the objectors could pursue the issue through a solicitor.

The Chairman exercised his discretion to allow the Local Member, Councillor Nigel Steele-Mortimer, to speak on the application.

Councillor Steele-Mortimer requested a deferment of one month as he was anxious to come to an agreement between the two parties to everyone's advantage. He added that the applicant had circulated a letter to the objectors and he felt that deferral would allow discussions to take place between the applicant and the objectors. If the deferment was granted, Councillor Steel-Mortimer said that he would withdraw his request for the application to be considered by the Committee and would allow officers to determine the application after the deferral of a month. He added that if the proposal was agreed at this meeting, objectors would feel less likely to discuss any possible agreement with the applicant.

In response, the Housing & Planning Solicitor said that if the application was deferred, it would need to come back to Committee for determination, but he

added that there was no planning reason put forward to defer the application. The Development Manager advised that access on the private road was a civil matter and therefore the Committee was only being asked to grant a building in the grounds of the property.

Councillor Owen Thomas queried whether permission should be given for a garage if there was no access from the private road. The Housing & Planning Solicitor confirmed that approval of the garage could be made as whether or not the applicant was able to use the private road was not a planning matter and therefore should not form part of the Committee's determination.

Councillor Alison Halford proposed deferment of the application for one month, as requested by the Local Member, and this was duly seconded.

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

In summing up, Councillor Bithell said that he hoped the applicant and objectors could reach an amicable agreement with the help of Councillor Steele-Mortimer but that the Committee only needed to consider the planning merits of the application. He added that in planning terms there were no objections to the proposal.

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 Chief Officer (Planning and Environment).

73. **FULL APPLICATION - CONVERSION OF THE FORMER CHURCH TO CREATE 3 NO. DWELLINGS, DEMOLITION OF THE CHURCH HALL AND CONSTRUCTION OF 3 NO. DWELLINGS AT ST. DAVID'S CHURCH, CHESTER ROAD, OAKENHOLT (053468)**

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 along with an amendment to paragraph 2.01 were circulated at the meeting.

The officer detailed the background to the report and explained that the main issues for consideration included the impact on the conversion of the character of the building, design and amenity considerations and ecological impacts. As part of the consultation exercise, the Local Member, Councillor Rita Johnson, had commented that the proposals would result in adverse impacts upon highway safety but the officer advised that no objections had been received from the Highways Authority. There were bats in the church but it was proposed that the installation of bat boxes within the fabric of the church would allow the continued use of the building as a roost. Approval of the application would also include a Section 106 obligation for £5499 in lieu of on-site play and recreation

provision and the officer drew Members' attention to the late observations where the details of the play area were provided.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He said that the building was a feature of Oakenholt and had many architectural features. The proposals would retain the character of the building which he welcomed and the report highlighted the historical aspect of the area. Councillor Bithell also welcomed the Archaeological Watching brief which was included as a condition if the application was approved and he added that the proposal made good use of the building without demolishing it.

In response to a query from Councillor Richard Jones about the retention of the gate pillars on the site, the officer confirmed that this would be covered by the agreement of the Schedule of Works for the existing walls referred to in condition 5.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:-

- Ensure the payment of a contribution of £5499 to the Council in lieu of on-site play and recreation provision. Such sum to be paid to the Council prior to the occupation of any dwelling hereby approved and to be used to upgrade existing facilities within the community play area at Croes Atti Lane, Oakenholt.

If the obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

74. **FULL APPLICATION - ERECTION OF A PAIR OF SEMI DETACHED BUNGALOWS AT HEATHERDENE, VICARAGE ROAD, RHYDYMWYN (053534)**

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 advised that the site was in a Category C settlement and any development would therefore need to meet an identified local housing need. The applicant was willing to enter into a Section 106 agreement to ensure that the dwellings were affordable by either affordable rent or sale (at 70% of the market value). The main issue for consideration related to possible flooding as the site lay within Zone C2 as defined in Technical Advice Note (TAN) 15. A Flood Consequences Assessment had been undertaken and lengthy discussions had been held with Natural Resources Wales (NRW). Further modelling work had been undertaken and

NRW was satisfied that even if the culvert at Nant Road became blocked, then the site would not flood.

The applicant, Mr. R. Drillsma, had registered to speak on the application but withdrew his request following the opening comments of the officer.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded. He said that the site had not flooded even during the heavy rain in 2000 when flooding in other areas had occurred and said that he could not see it flooding in the future. He welcomed the proposal for affordable housing which he suggested was not always provided, even on larger developments and added that the applicant had agreed to all of the planning officer's requests. Councillor Chris Bithell said that the proposal would provide essential housing for local people. Councillor Derek Butler said that it was important that affordable housing was provided in rural areas and welcomed the proposal for two bungalows.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 agreement/unilateral undertaking or earlier payment for the following contributions:

- £733 per unit for recreation enhancements in lieu of on-site provision towards teenager play provision at 'Donkey field' Rhydymwyn; and
- Ensuring that the properties are sold at 70% of the market value at time of sale; or
- The properties are rented at an affordable rent at the Local Housing Allowance (LHA) rate for the area

If the obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

75. **FULL APPLICATION - PROPOSED EXTERNAL INSULATION AND RENDER AT RICHARD HEIGHTS, HOLYWELL ROAD, FLINT (054139)**

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 Development Manager detailed the background to the report and explained that this was the first of three applications for the tower blocks in Flint. The proposal was to insulate the existing building and install new windows and would provide an opportunity to update the tower blocks which had been in place for a number of years. A condition was proposed for the colour of the paint to be agreed.

Councillor Dave Cox proposed the recommendation for approval which was duly seconded. He welcomed the proposals which he felt would improve the

town and the painting on the three blocks would add some colour. He added that the residents of Flint were looking forward to the completion of the works. Councillor Ian Dunbar asked that the three tower blocks be painted in different colours. In response to a query from Councillor Owen Thomas about whether there was any possibility that the flats would be taken down in the near future, the Development Manager confirmed that this was not proposed. Councillor Ray Hughes queried why the windows would be grey framed. The Planning Strategy Manager advised that this was the colour of the type of laminate finish on the frames which would reduce future maintenance.

**RESOLVED:**

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

76. **FULL APPLICATION - PROPOSED INSULATED RENDER AND INSTALLATION OF NEW WINDOWS AT BOLINGBROKE HEIGHTS, FLINT (054140)**

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 Development Manager detailed the background to the report.

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

**RESOLVED:**

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

77. **FULL APPLICATION - PROPOSED INSULATED RENDER AND INSTALLATION NEW WINDOWS AT CASTLE HEIGHTS, CHAPEL STREET, FLINT (054141)**

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 Development Manager detailed the background to the report.

Councillor Marion Bateman proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

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

78. **GENERAL MATTERS - ERECTION OF 59 DWELLINGS, OPEN SPACE, ACCESS AND ASSOCIATED INFRASTRUCTURE AT ISSA FARM, MYNYDD ISA (053208)**

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

The Chief Officer (Planning and Environment) advised that the application had been refused at the 9<sup>th</sup> September 2015 meeting of the Committee against officer recommendation. Councillor Alison Halford, as the proposer, had been contacted to discuss the reasons for refusal and the wording in paragraph 6.01 of the report had been agreed. The Chief Officer added that the application was not for debating at this meeting and Members were only being asked to clarify the reason for refusal.

Councillor Gareth Roberts proposed the recommendation to confirm the reason for refusal detailed in the report which was duly seconded. He reiterated his comments at the meeting on 9<sup>th</sup> September 2015 about the Welsh Government owned site in Buckley which had not been brought forward for development and an appeal on an application in Northop Hall. He fully supported the wording that had been suggested.

**RESOLVED:**

That the reason for refusal be confirmed as:-

‘The proposal constitutes development in the open countryside outside a settlement boundary and would have unacceptable impact on the character of the countryside contrary to Policy GEN3 of the Flintshire Unitary Development Plan.’

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

There were 11 members of the press and 2 members of the public in attendance.

(The meeting started at 1.00 pm and ended at 2.11 pm)

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**Chairman**