

PLANNING & DEVELOPMENT CONTROL COMMITTEE
14 DECEMBER 2016

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, 14th December, 2016

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar (Vice-Chairman), Carol Ellis, David Evans, Christine Jones, Richard Jones, Richard Lloyd, Mike Lowe, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts, David Roney, Owen Thomas and Chris Dolphin

SUBSTITUTION:

Councillor Chris Dolphin for Nancy Matthews

ALSO PRESENT:

The following Councillor attended as a local Member:

Councillor Nigel Steele-Mortimer for agenda item 6.1 (as acting local Member)

OTHER MEMBERS IN ATTENDANCE:

Councillor Tim Newhouse as an observer

IN ATTENDANCE:

Chief Officer (Planning and Environment); Service Manager - Strategy; Development Manager; Senior Engineer - Highways Development Control; Senior Planners; Planning Support Officer, Housing & Planning Solicitor and Team Leader – Democratic Services

107. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

108. **LATE OBSERVATIONS**

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

Councillor Dunbar addressed the Committee relating to a comment he made at the meeting on 16th November 2016. At that meeting he referred to the non-attendance of Councillor Adele Davies-Cooke at a site visit for an application in her ward. He clarified that he was not questioning her reason for not attending nor her integrity and apologised if it was perceived in that way. The Housing & Planning Solicitor added that he had received an email from Councillor Davies-Cooke attaching a vehicle breakdown report from the morning of the site visit.

109. **MINUTES**

The draft minutes of the meeting held on 16th November 2016 were submitted.

Councillor Peers asked if there was an update on the item that was deferred at the meeting on 16th November 2016, minute number 99 – Full Application – Erection of 2 No. Class A3 Units with Associated Public Realm Improvements and Car Parking Re-Configuration at Broughton Shopping Park, Broughton (055736). The Chief Officer (Planning and Environment) explained that a meeting was being arranged to take place with the applicant to determine their long term intentions for the site.

Accuracy

Councillor Gareth Roberts commented on minute number 101 – Full Application – Erection of Two-Storey Extension to Side of Dwelling at 18 Parkfield Road, Broughton (055618). The second line of the 5th paragraph should read “recommendation to approve the application” not to refuse the application.

RESOLVED:

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

110. **ITEMS TO BE DEFERRED**

There were no items recommended for deferment.

The Chairman explained that Councillor Nigel Steele-Mortimer was representing the local Member for agenda item number 6.1. Councillor Steele-Mortimer was unable to be present for the start of the meeting due to a prior engagement and the Chairman advised that given the circumstances and the late notice of being required to attend he would consider agenda item number 6.1 at the end of the meeting to allow Councillor Steele-Mortimer to be present.

111. **FULL APPLICATION – ERECTION OF 4 NO. 1 BEDROOM FLATS, 9 NO. 2 BEDROOM HOUSES AND 6 NO. 3 BEDROOM HOUSES AT YSTAD GOFFA COURT, ALBERT AVENUE, FLINT (055529)**

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 application had been submitted by Wales & West Housing Association and proposed the erection of 4 No flats and 15 houses on land at Ystad Goffa Court, Albert Avenue, Flint. The site was vacant, having previously accommodated a block of flats which had been demolished.

On the impact on the existing footpath, the officer explained that consultation on the application had been undertaken with North Wales Police Community Safety to ensure the development was acceptable from a Secure By Design Perspective. The basis for consultation focussed on the means of enclosure of an existing footpath adjacent to the sites north-eastern boundary, which linked Maes Alaw and Albert Avenue to the rear of a number of the proposed dwellings.

Councillor Dunbar proposed the recommendation for approval which was duly seconded. He commented on the Section 106 Obligation for on-site recreation provision and the identified need for social housing in Flintshire. There had been no comment from either the local Member or Flint Town Council. He asked what was proposed to prevent fly tipping and anti-social behaviour which had been the basis of an objection received.

Councillor Bithell queried the treatment of the footpath which he said could result in it becoming a dangerous alley. He also asked if education contributions had been sought.

Councillor Peers welcomed the application on a brownfield site which would provide social housing in the area.

Councillor Lloyd said that street lighting on the footpath could assist with any problems of anti-social behaviour or fly tipping.

On anti-social behaviour the officer explained that there were issues at the present time in the footpath area which was the reason that North Wales Police had been consulted. A number of meetings had been held to address that issue and to ensure that the problem was not exacerbated. A scheme had been developed to satisfactorily address those issues whereby the treatment to the back of the proposed properties would be secured by a 1 metre high mesh fence so occupiers would have the opportunity to see any instances of anti-social behaviour. Realignment of the footpath would have been the preferred option but that was not possible as it was outside of the control of the applicant. By carrying out the means of enclosure, officers felt it was acceptable and would allow a degree of surveillance to take place in the area. Lighting in the area could be looked at as part of the scheme.

Colleagues in Capital Projects had advised that there was no requirement for an education contribution for this application.

The Service Manager – Strategy clarified that although the application was from an Registered Social Landlord there was no policy requirement for the housing to be affordable housing (the recommendation would be the same if the applicant was a private developer) which was why there was no mechanism proposed in the report, by condition or Section 106 obligation, to secure this.

RESOLVED:

That Planning permission be granted subject to the following:

1. That subject to the applicant entering into a Section 106 Obligation Unilateral Undertaking or advance payment of £733 per dwelling unit in lieu of on-site recreational provision that planning permission be granted;
2. If the Obligation pursuant to Section 106 of the Town and 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;

And subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) which included an amendment to condition number 19 as detailed in the late observations.

112. **FULL APPLICATION – CHANGE OF USE OF DISUSED QUARRY TO COUNTRY PARK INCORPORATING HERITAGE ATTRACTION, RECREATIONAL USES AND VISITOR CENTRE WITH ASSOCIATED PARKING AT FAGL LANE QUARRY, FAGL LANE, HOPE (054863)**

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. 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.

Full planning permission was sought for the change of use of the former quarry via the creation of a historically themed country park with a scaled recreation of a Roman Fort and Iron Age Village, and a visitor centre set within, and straddling the boundaries of a former gravel extraction site in the Alyn Valley. This would entail the restoration of land within the former quarry for purposes including ecological mitigation land, arable and pastoral use.

Mr T. Stevens spoke in support of the application on the following grounds: Park in the Past was a not for profit community Interest Company committed to providing benefits to the local community with profits being reinvested into the business; arson, fly tipping and vandalism had occurred on the site since the quarry had ceased operation; unauthorised fishing and horse riding had also taken place - North Wales Police were aware of these activities and supported this application; allows sustainable investment and employment of staff; recreation and education benefits of the centre; safe wildlife haven; support from the Ramblers' Association; community fishing scheme on the lake supported by National Resources Wales; new visitor centre and café and educational talks; financial support from Barclays Bank and the National Lottery; and it was a signature project for the County and North Wales.

The Housing and Planning Solicitor advised that the corporate make-up of the applicant was not a relevant consideration for the committee.

Councillor Butler proposed the recommendation for approval which was duly seconded. He commented that the application was for an ambitious project which was transformational for the area and inspirational, creating a major visitor attraction to the County. It was an educational benefit for school children and would provide contributions to the leisure profile of Flintshire. Any activities undertaken on the lake would be policed with the site being managed correctly.

Councillor Bithell supported the proposal which would result in current problems on the site ceasing. He also welcomed the application on the basis of educational merit and being a tourist attraction.

Councillor Dunbar also welcomed the application which was supported by the local community. He commented on the protection of wildlife alongside attracting visitors to the site.

Councillor Thomas welcomed the report but raised a concern on the impacts to properties on the North Side of the site from any activities undertaken on the lake. The officer explained that condition number 25 was 'No motorised water craft vehicles to be used upon the lake' which would ensure there was no adverse effect on amenity of noise.

RESOLVED:

That planning permission be granted subject to the following:

The applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:

- (a) Payment of £3,000 as a contribution to the costs of the formulation of a Traffic Regulation Order to restrict flows along Pigeon House Lane. Such sum payable before the first use of the development; and
- (b) In addition, a Deed of Variance or replacement S.106 in respect of aftercare arrangements and management for the site will be required.

And subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

113. **FULL APPLICATION – REMODELLING AND EXTENSION OF DWELLING, ERECTION OF A DETACHED GARAGE AND TEMPORARY SITING OF CARAVAN (AMENDMENT TO PREVIOUSLY APPROVED APPLICATION REF: 055612) AT TOP YR ALLT COTTAGE, BLACKBROOK ROAD, SYCHDYN (056144)**

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 application was for the erection of a side and rear extension along with an improved access and double timber garage at Top yr Allt Cottage, Blackbrook Lane, Sychdyn. The application also included the temporary siting of a storage container and static caravan for residential use whilst the building work was being undertaken. The application was an amendment to the previous application reference number 055612 with the main issue for consideration being the principle of development, impact on visual amenity and the highway.

Councillor Dunbar proposed the recommendation for approval which was duly seconded. He said the application made a number of minor changes to the previous approval, reduced the massing of the proposed extension and moved the garage.

Councillor Bateman, whilst supporting the application, queried the requirement for the temporary siting of a storage container. The officer explained that a temporary permission was approved when the previous application was

considered which was usual for such an application, with the container being removed after 12 months once the work had been undertaken.

Councillor Bithell and Councillor Peers both commented on the lack of content in the report. Councillor Bithell said the building was 186 years old and queried whether or not the application was in keeping with a building of that age. Councillor Peers said the application site was outside the settlement boundary however there was no explanation as to why it was acceptable and recommended for approval. The officer explained that the application followed a previous application considered by the Committee when the main consultations had been undertaken with the conservation section. No objections had been raised at that time. On being outside the settlement boundary and in line with HSG12 on extensions to dwellings, the development was outside the settlement boundary but it was in scale and character with the existing building and was not overdevelopment of the site.

In response to a further question from Councillor Bithell, the officer explained that the increased footprint was less than 50% so was within an acceptable limit when referring to HSG12.

RESOLVED:

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

114. **APPEAL BY U & I GROUP & BLOOR HOMES PLC AGAINST THE NON-DETERMINATION BY FLINTSHIRE COUNTY COUNCIL FOR THE ERECTION OF 36 NO. DWELLINGS AT CHESTER ROAD, BROUGHTON - ALLOWED (054660)**

The Chief Officer (Planning and Environment) commented on the weight the Inspector had given to the appeal on the identified lack of housing supply in Flintshire.

Councillor Butler expressed his disappointment at the decision and commented on the amount of growth that had taken place at Broughton Park, the traffic and noise problems and the lack of support from Welsh Government (WG).

Councillor Bithell supported the comments of Councillor Butler and referred to the report that was submitted to Cabinet the previous day on implications of decisions. He received lots of correspondence from residents raising concerns on the situation in Broughton and said the application should be withdrawn.

Councillor Mullin commented on the previous assurances given to Members that safeguards were in place to prevent this situation. He stressed the importance of a slip road being built and the Feasibility Study undertaken by Carl Sargeant AM which he said had been ignored by the Inspector. He asked why WG was not listening to local businesses and residents and asked if the decision could be appealed.

Councillor Peers said he had requested a copy of the transcript of the appeal and reiterated the views of Councillor Mullin in respect of the results of the WG Feasibility Study and then the decision of the Inspector. He referred to a decision that had recently been called in by the First Minister and said this should also be called in.

A discussion took place on the possibility of the decision being called in. Officers explained that this was not an option based on the order in which the decisions had been taken. The Chief Officer (Planning and Environment) said WGs decision was sound and it had not erred in law, but he agreed with the importance of a slip road to serve the shopping park and the primary employer in North East Wales. The previous week WG had issued a consultation seeking projects to support the National Development Framework. He felt that this could be submitted as part of that Framework and a report could be submitted to Cabinet in the New Year to seek a decision on that.

The Service Manager - Strategy explained that the Feasibility Study also looked at other options for Main Road, Broughton and those options were still available for the road network in that area.

RESOLVED:

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

115. **APPEAL BY MR RICHARD BIRD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 5 NO. DWELLINGS AT FLINT CHAPEL, CHESTER ROAD, FLINT – DISMISSED (054681)**

RESOLVED:

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

116. **APPEAL BY MRS MARGARET LOVELL AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE OF LAND TO USE INCIDENTAL TO THE DWELLING HOUSE AT 4 BROAD OAK COTTAGES, MOLD ROAD, NORTHOP - DISMISSED (055558)**

Councillor Richard Jones asked for clarification on what 'use incidental' was and said the garden had always been attached to the property. The officer explained the application was to formally include the land which wasn't legally part of the garden area. Incidental was that buildings should be related to the use of the house.

RESOLVED:

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

Officers provided details of appeal decisions that had been received the previous day on the Solar Panels on land east of Deeside Lane. Appeals on both sites were dismissed and there was also no award of costs.

Cllr Christine Jones said she was pleased with the decision of the Inspector. She and some of her residents attended the hearing and she thanked them, the Planning officer and Welsh Government officials who also made representations at the hearing.

117. **FULL APPLICATION – AMENDED DETAILS OF DWELLING TO PLOT 3 AT BRYN LLWYD YARD, NORTH STREET, CAERWYS (055725)**

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. 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 application proposed amendments to the position and detailing of the dwelling proposed on plot 3 of the development at Bryn Llwyd Yard, Caerwys that was previously permitted under planning permission 052760 on 5th June 2015. Amended plans had been received during progression of the application on which further consultation and publicity had been undertaken.

Mr P. Roberts spoke against the application on the grounds of: the conditions of the original development being breached; the gap between the development and his property was now 7.5 meters and not 10 meters which was not an acceptable margin of error.

Councillor Owen Thomas proposed refusal of the application, against officer recommendation, which was duly seconded by Councillor Bithell. Councillor Thomas said he did not accept how an error on such a scale could have been made and said the application should be refused for the reasons of impact on amenity and privacy. At the site visit the dwellings were still at ground level so could be reverted back to being at a distance of 10 metres from the neighbouring property.

Councillor Bithell concurred and said conditions had been put in place on approval of the original application which had not been complied with. The discrepancy between the distances was of a considerable amount.

Councillor Steele-Mortimer, as acting local Member for the Caerwys ward, spoke against the application. He concurred with the comments of Mr Roberts on the distance between the development and his property. He felt this was caused by the developer trying to squeeze a fifth house on the site which was only suitable for four dwellings. He did support the first recommendation in the report on the high level windows.

Councillor Peers commented on a similar situation within his ward where the Planning Authority had ordered demolition of a property that had not complied with conditions on distance and that a precedent had been set. He also felt that there was a recognised problem with the development on overlooking based on the alternative for high level fixed windows being recommended by officers, and suggested this could be a mitigation to overcome the concerns raised.

Councillor Richard Jones asked what advice was given to the developer during the pre-application process.

Councillor Roberts concurred with other Members in that the margin on distance was too significant. Councillor Lloyd asked what the distance was between the windows of both properties.

The officer explained that work on the development had ceased when it became apparent the distance between the properties was different to the conditions outlined in the approval. On the original plans in June 2015, the property had clear glazed windows at first floor level which is why a distance of 10 metres was recommended and approved. This was the distance from Plot 3 of the development which would secure adequate privacy for the users of the rear garden area which ran at 90 degrees to the rear elevation of plot 3. With the proposed changes to the windows the issue of overlooking from plot 3 would be overcome which was a fundamental consideration. The windows could contain clear glazing which would provide for improved habitation of the bedrooms whilst still avoiding any overlooking of the garden area of the adjacent property.

The Development Manager advised that a developer would not be encouraged to build outside of the agreed conditions and referred to TAN 9 and enforcement. Members needed to determine when there had been an unacceptable breach which was determined based on the impact on public amenity. The Service Manager – Strategy advised that Members needed to consider what was the planning harm based on the impact on amenity and privacy.

In summing up Councillor Thomas said the development was still at ground level so there would be minimum impact on the developer to reinstate the boundary to 10 metres. He confirmed the reasons he proposed refusal were impact on amenity and privacy.

On being put to the vote, refusal of the application was carried, against officer recommendation.

RESOLVED:

That planning permission be refused on the grounds of amenity and privacy.

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

There were 7 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.05 pm)

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Chairman