

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
22 MARCH 2017

Minutes of the meeting of the Planning and Development Control Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 22 March 2017.

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, Carol Ellis, David Evans, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Lowe, Mike Peers, Neville Phillips, Gareth Roberts, David Roney, and Owen Thomas

APOLOGIES: Councillor Alison Halford

SUBSTITUTIONS: Councillors Chris Dolphin (for Nancy Matthews) and Paul Shotton (for Billy Mullin)

IN ATTENDANCE:

Chief Officer (Planning and Environment); Development Manager; Service Manager Strategy, Senior Engineer – Highways Development Control; Team Leader, Senior Minerals and Waste Officer, Senior Solicitor, and Committee Officer.

146. DECLARATIONS OF INTEREST

Councillor Marion Bateman declared a personal and prejudicial interest in agenda item number 6.1 – Full Application – Erection of 43 No. Dwellings and Associated Works at Ffordd Eldon, Soughton (054548), and agenda item number 6.2 – Full Application – Demolition and Relocation of existing Cricket Pavilion with Associated Parking and Erection of No. 91 Dwellings, Associated Infrastructure and Landscaping at Northop Cricket Club, Flint Road, Northop (055807).

The Solicitor advised that Councillor Marion Bateman had been granted dispensation to speak on agenda item 6.1. for five minutes and would leave the room after speaking.

Councillor David Wisinger declared a personal and prejudicial interest in agenda item number 6.4 – Full Application – Erection of Two Storey and Single Storey Extension to Rear of Dwelling at 5 Church Cottages, Old Sealand Road, Sealand (056436).

147. LATE OBSERVATIONS

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

148. MINUTES

The draft minutes of the meeting held on 22 February 2017 were submitted.

Matters arising

Councillor Mike Peers referred to the number of members of the public which were recorded in attendance at the meeting and said this was misleading as the majority of the public were not present throughout the meeting but had left during the meeting. It was acknowledged that the number of members of the public in attendance would change throughout the meeting.

RESOLVED:

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

149. 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.

Councillor Richard Jones queried whether agenda item number 6.3 – Full Application – Construction and operation of a Household Recycling Centre at land off Chester Road, Oakenholt, should be deferred due to the additional comments and officer's recommendation in the late observations which had been circulated at the meeting. The Solicitor explained that the statutory procedures had been complied with and provision had been made, as stated in the late observations, for the Chief Officer, with delegated authority, to consider any further representations received prior to 25 March 2017 before issuing a decision. On this basis he advised that there was no reason why the application could not be considered by the Committee at the meeting.

150. FULL APPLICATION – ERECTION OF 43 NO. DWELLINGS AND ASSOCIATED WORKS AT FFORDD ELDON, SOUGHTON (054548)

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 and was deferred at the last meeting. 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 gave an overview of the application and explained that the proposals were for the erection of 43 No. dwellings and associated works on land at Ffordd Eldon, Sychdyn, Mold. The site was allocated for residential development in the Flintshire Unitary Development Plan by virtue of Policy HSG1 (38). A Development Brief for the site had previously been produced and adopted as Supplementary Planning Guidance in 2012. Amended plans had been received in progression of the application on which further

consultation was undertaken. The officer outlined the reasons for recommending approval, subject to conditions and to the applicant entering into a Section 106 Obligation.

Councillor Marion Bateman spoke against the application on the grounds that it did not comply with its site-specific Development Brief (the Brief). She said that the Brief had been advised because of the sensitive nature of the site due to the locally important Wats Dyke archaeological remains and the additional restrictions on the site, resulting in a requirement to build at an appropriate density. She said that the Brief had been approved by Council in September 2012. She referred to the need for compliance with the Brief which should be afforded considerable weight as a material planning consideration. She said that the Brief attached to the Sychdyn site had weight behind it and that there were examples in the report where it was stated that the Brief was a guidance document and not prescriptive which was misleading.

Councillor Bateman said that the proposed number of dwellings were affected by the constraints of the site. The net development area was 1.3 hectares; a low density of 25 per hectare would produce 33 dwellings and an average density of 30 dwellings per hectare would produce 39 dwellings. She said the Council did not consider it appropriate to exceed the levels given the circumstances of the site. The application was for 43 dwellings which was between 4 and 10 extra dwellings than in the Brief. Referring to site description Councillor Bateman said a public right of way ran along the southern edge of the site which formed part of the Wats Dyke Heritage Trail. She stated that bungalows primarily surrounded the site and that it may be appropriate to use this type of building design within the development at the southern side of the site where it interfaced with the existing village. Councillor Bateman also referred to the proposals in paragraphs 7.19 and 7.20 of the report which she said were misleading and not compliant with the Brief.

Councillor Bateman drew attention to paragraph 7.36 of the report and said that the Brief provided an indicative plan suggesting that the public open space could be provided centrally within the layout and objections had been received on the basis that the layout should reflect this. She reiterated that she disagreed with the statement that the Brief was a guidance document only and not prescriptive policy, given its weight as a material planning consideration in line with advice from the Welsh Government. She urged Members to refuse the application on the grounds that it did not comply with the Brief.

Having earlier declared a personal and prejudicial interest in the application, Councillor Marion Bateman left the meeting prior to the matter being debated by the committee.

Dr. F. Hulbert spoke against the application and referred to the following reasons for recommending refusal: the valuation of the 4 No. gifted properties; inadequate and unsafe site access at Ffordd Eldon and excessive use of the unadopted road; traffic congestion which threatened the safety of elderly residents and compromised the emergency services gaining access to the village at certain times of day; approval of the application would jeopardise the

Council's duty of care; Wat's Dyke Way was in poor condition and work was required to improve the condition of Wat's Dyke Way to facilitate the proposed development; increased traffic congestion particularly around the primary school and playground area; the impact on the capacity of the local primary school; and the lack of housing need in Sychdyn. In summing up Dr. Hulbert said it was not acceptable to grant approval, subject to conditions, without a thorough site access, design, travel, and traffic management plan being submitted as part of the application with a land contamination report.

Councillor J Roberts, on behalf of Northop Community Council, referred to the importance of the Brief which was only commissioned in sensitive circumstances and the need to subscribe to it in full. He commented on the unanimous opposition of Northop Community Council to the proposals and asked Members to support the wishes of the local community.

Councillor Roberts spoke against the application on the following grounds; the density and number of dwellings proposed were in excess of the requirement in the proposed development; the reduction in affordable housing from 13 No. to 4 No. bungalows was unacceptable and was not in accordance with the 30% stated in the Brief; the lack of detail around management of public open space and the archaeological buffer zone; the impact on the public right of way; and how the proposed management company was to be funded and operated. He said these matters needed to be embodied in a construction management plan available for public inspection and determination. Councillor Roberts also referred to the concerns raised around traffic on the development and referred to the impact on highway safety; the impact on the local primary school and elderly residents; the impact on the unmade section of Wat's Dyke Way and the inadequacy of Ffordd Eldon as a site access point.

Councillor Gareth Roberts moved the officer recommendation for approval which was duly seconded. He commented that he saw no reason for refusal and pointed out that the proposal included 4 No. gifted properties to the Council not affordable properties as previously referred to. Councillor Roberts said that if the application was refused and the applicant went to appeal there may be significant cost to the Authority if the appeal was successful.

Councillor Derek Butler concurred that there was no reason to refuse the application and commented on the value of the site visit.

Councillor Chris Bithell said the site was within the Flintshire Unitary Development Plan (UDP) and the settlement boundary. He commented that there was no objection to the proposal from the Highway Development Control Manager, or drainage bodies, and that there were no specific problems with access to the site. Referring to the matter of affordable homes he said there were 4 No. gifted properties to the Council to meet affordable housing needs and commented on the difficulty experienced by many individuals in the current financial austerity to save towards the cost of an 'affordable' home. Councillor Bithell also referred to the safeguarding measures to be undertaken to facilitate the preservation of archaeological remains. He acknowledged the local concerns which had been raised around the preservation of archaeological

remains and the location of the play area but cautioned that if the application was refused and the applicant went to appeal Inspectors would seek evidence based facts which were not available in this instance.

Councillor Mike Peers supported approval of the application. He spoke of the overarching purpose of the UDP and said that the Council had not yet reached the target guideline. In acknowledging the concerns which had been raised by Northop Community Council and local residents he commented on the residential development which had taken place in other areas in Flintshire. Councillor Peers referred to the impact on housing need by the 13 No affordable houses which had been initially proposed in the original plan being replaced by 4 No. gifted bungalows to the Council. He expressed concern that the proposal did not afford the same opportunity for local people to “get on the property ladder”. In response to his concerns officers explained that the gifted properties would be rented out at affordable rents that would be between 80 – 90% of market rates and that the bungalows were proposed in response to the specific needs of the community. The scheme enabled home-owners in family sized homes to downsize to the gifted properties and rent their property to the Council. Officers confirmed this was a mandatory requirement within the scheme and that the bungalows would be let to local residents. In further response to the comments around the 4 No. gifted properties the Service Manager Strategy explained that this form of provision had been specifically requested in the Development Brief. Councillor Peers raised further concerns around the education contribution to Sychdyn Primary School and the proposed site density.

On being put to the vote, the proposal to approve the application, subject to conditions and the inclusion of the increase in S106 contribution as referred to in late observations, was carried.

RESOLVED:

That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide for:

- (a) Control the provision and occupation of 4 No. bungalows within the development which are proposed to be gifted to the Council to meet affordable housing needs.
- (b) Ensure the payment of an educational contribution of £49,028 towards school places at Sychdyn Primary School and £129,283 towards improving facilities to increase capacity at Argoed Secondary School.

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

After the vote had been taken, Councillor Marion Bateman returned to the meeting and was advised of the decision.

151. FULL APPLICATION – DEMOLITION AND RELOCATION OF EXISTING CRICKET PAVILLION WITH ASSOCIATED PAKING AND ERECTION OF 91 No. DWELLINGS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT NORTHOP CRICKET CLUB, FLINT ROAD, NORTHOP (055807)

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 gave an overview of the application and the main issues. She explained that the proposals were for the repositioning of the existing cricket pitch and erection of new pavilion at Northop Cricket Club with associated parking, and erection of 91 No. dwellings with associated infrastructure and landscaping. She explained that although further responses from Statutory Consultees were awaited as part of the application, the applicants had lodged an appeal on the grounds of non-determination. The officer outlined the reasons for recommending refusal.

Councillor Marion Bateman spoke for 3 minutes against the application on the following grounds: the development would be on the edge of a conservation area which had a number of listed buildings and next to the Grade 1 church of St Eurgain and St. Peter; the site was located outside the settlement boundary of Northop but within a Green Barrier as defined in the Flintshire Unitary Development Plan; the development would be detrimental to the character and setting of Northop and its conservation area; the application has failed many of the principles of sustainable development; the application is a large scale development for the size of the community and would impact on the character and appearance of the village.

Having earlier declared a personal and prejudicial interest in the application, Councillor Marion Bateman left the meeting prior to the matter being debated by the committee.

Councillor J Roberts, on behalf of Northop Community Council, spoke against the application on the following grounds; the proposed development did not comply with the Flintshire Unitary Development Plan Policy GEN 4 and was contrary to the UDP in circumstances other than overwhelming need; the development was outside the village envelope and adjacent to a conservation area which included the Grade 1 church of St Eurgain and St. Peter, further listed buildings and their settings; the development of the site for housing would create a significant and unacceptable increase in housing development in the area which had already been subjected to a 22% increase; the proposed development would have an adverse impact on the local facilities and would place a substantial strain on local infrastructure and services; the additional traffic would create a risk to highway safety.

Councillor Chris Bithell moved the officer recommendation for refusal which was duly seconded. He said the site was not within the UDP or the

settlement boundary of Northop and was against local and national policy. He stated that the proposed development would have a serious impact on the village which was adjacent to a conservation area and would be detrimental to its character and appearance. Councillor Bithell commented on the scale of the proposed development which was in addition to that which occurred during the UDP and would result in a 42% increase in development in the village. He reiterated that the proposals would have a significant detrimental impact on the village and the application should be refused.

Councillor Derek Butler concurred with the views expressed by Councillor Bithell.

Councillor Mike Peers referred to the information contained in the report that the weight to be attached to increasing housing land supply is not considered to outweigh the harm that would arise from inappropriate development which would harm the open character and appearance of the Green Barrier. He queried the number of affordable units which were proposed on site. Councillor Peers raised further questions around the education contribution for Northop Ysgol Owen Jones Primary School and commented on the need to have the education contributions detailed within the report to ascertain the facts.

The Development Manager responded to the concerns which had been raised by Councillor Peers around the proposed affordable housing and the education contribution. The Service Manager Strategy provided clarification around the impact on the Green Barrier and setting of Northop and the need for the Green Barrier to protect a major road junction from visually intrusive development.

Councillor Richard Jones reiterated the comment by Councillor Bithell that the site was outside the settlement boundary in the UDP and commented on the need to protect an historic built environment and settlement.

On being put to the vote, the proposal to refuse the application was carried.

RESOLVED:

That planning permission be refused for the reasons set out at paragraph 2 of the report of the Chief Officer (Planning and Environment).

After the vote had been taken, Councillor Marion Bateman returned to the meeting and was advised of the decision.

152. FULL APPLICATION – CONSTRUCTION AND OPERATION OF A HOUSEHOLD RECYCLING CENTRE AT LAND OFF CHESTER ROAD, OAKENHOLT (056547)

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 officer gave an overview of the application and explained that the proposals were for the construction and operation of a Household Recycling Centre (HRC) to the east of the existing 'Dependable Concrete' batching facility on land off Chester Road (A548) in Oakenholt. The facility would replace the existing HRCs currently located in Flint and Connah's Quay.

The officer advised that the recommendation was to grant planning permission subject to the condition contained in report of the Chief Officer (Planning and Environment) with delegated authority for the Chief Officer (Planning and Environment) to consider any further representations received prior to the 25 March 2017 before issuing a decision.

Mr. J. Yorke spoke against the application on the following grounds: the application did accord with the Council's approved development plan; the proposal was outside the settlement boundary; the proposal would be an intrusion of landscape and would have significant adverse impact on protected sites and species. Mr. Yorke continued that the proposal would extend industrialisation of the A548 conflicting with UDP requirements of the green strip between Connah's Quay and Oakenholt. He commented on the odour which permeated from the Greenfield site at the A548 roundabout and the further problems of noise, ground vibration, and traffic pollution in the parameter area. Mr. Yorke commented that there were failings in the transport assessment around the proposed junction design and location. He also outlined concerns around the signal installation and design of the signalised site junction which he said failed to meet Government design minimum standard requirements. Mr. Yorke expressed further concerns around road realignment and speed limits.

Mr. A. Hoyle, the agent for the applicant, spoke in support of the application and said a new HRC facility would bring numerous benefits to the residents of Connah's Quay and Flint. The new HRC would provide a modern purpose designed facility to replace the two existing HRC sites. He explained that the existing facilities located in Flint and Connah's Quay were difficult to access, limited in space and facilities, and did not offer full opportunities for waste segregation and recycling. The proposed site was situated centrally between Connah's Quay and Flint, would be easily accessible by the general public and was ideally positioned to serve its catchment area. Mr. Hoyle stated that there were no suitable alternative sites to locate the new facility. Outlined the many benefits of the new HRC, Mr. Hoyle referred to improved safety, a wide range of skips and storage bays, and increased opportunities for waste segregation and recycling. In conclusion Mr. Hoyle commented on the suitability of the site access arrangements and reiterated that the proposed site was the right location for the new facility and had been designed to meet the needs of the local communities.

Councillor David Cox moved the officer recommendation for approval which was duly seconded. He said that the existing Connah's Quay and Flint HRCs were no longer fit for purpose and were in need of replacement. He commended the Cabinet Member for Waste Strategy, Public Protection and Leisure, the Chief Officer and his team, for the work undertaken on the proposals.

Councillor Ian Dunbar welcomed the proposals and commented on the significant benefits to be gained by the residents of Connah's Quay and Flint in terms of ease of public access, additional opening hours, improved health and safety, and increased recycling rates for Flintshire. Councillor Dunbar expressed appreciation for the tenacity of local residents and the work of the Cabinet Member for Waste Strategy, Public Protection and Leisure, to ensure that HRC provision was retained for local residents.

Councillor Paul Shotton also supported the proposals and said that the concerns raised around traffic had been addressed by the reduced speed and traffic lighting proposals under the Section 278 Agreement. He referred to the many benefits to be gained by the local communities of Flint and Connah's Quay and referred to the 7 day opening hours, improved standards, and potential to increase recycling rates in Flintshire.

Councillor Derek Butler referred to the Native Black Poplars which are Britain's rarest timber tree and sought clarification around the safeguarding measures as the Poplars were not currently subject to a Tree Preservation Order. He asked that Natural Resources Wales be asked to check the arrangements around the drainage on site which may have an impact on the trees.

Councillor Mike Peers referred to the business 'Dependable Concrete' which was located next to the proposed site and asked if this was also in open countryside and how planning permission had been granted for that application.

Councillor Richard Jones said that there were a number of risks with the proposed site and that there could be additional costs incurred due to the need to address these, citing land contamination as an example. He referred to the suitable site which had been identified by the Welsh Government and said that the need for the new site and the proposed location had to be balanced against the overall costs.

The officer responded in detail to the concerns which were raised around safeguarding of the Native Black Poplars, drainage, location of the site in the open countryside, the potential risk of contamination, and the potential for odour to develop on site. The officer also referred to the concerns which were raised around failing of the proposed junction design and said this had been addressed within the Transport Assessment and an update was provided in the additional comments circulated at the start of meeting.

The Chief Officer (Planning and Environment) acknowledged the comments raised by Councillor Richard Jones concerning the potential for

associated costs with the proposed site and stated that the matter for consideration by the Committee was around the appropriate use of land. The Chief Officer also acknowledged the point made by Councillor Derek Butler regarding Tree Preservation Orders and said he would pursue this matter with the relevant officer.

On being put to the vote, the proposal to approve the application with the amended recommendation referred to in the late observations, was carried.

RESOLVED:

That planning permission be granted subject to the conditions listed in the report and with delegated authority for the Chief Officer (Planning & Environment) to consider any further representations received prior to the 25 March 2017 before issuing a decision.

Having earlier declared a personal and prejudicial interest in application number 056436, Councillor David Wisinger left the meeting prior to the matter being debated. Councillor Ian Dunbar, Vice-Chair, took the Chair for the remainder of the meeting.

153. FULL APPLICATION – ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSION TO REAR OF DWELLING AT 5 CHURCH COTTAGES, OLD SEALAND ROAD, SEALAND (056436)

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 gave an overview of the application and explained that the proposal was for the erection of a single and two storey extension to the rear of 5 Church Cottages, Old Sealand Road, Sealand. The main considerations were the impact on residential amenity and the visual appearance of the proposal.

Councillor Derek Butler moved the officer recommendation for approval which was duly seconded. On being put to the vote, the proposal to grant permission was carried.

RESOLVED:

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

After the vote had been taken, Councillor David Wisinger returned to the meeting and was advised of the decision.

154. FULL APPLICATION – CHANGE OF USE AND CONVERSION OF AN EXISTING CHAPEL TO FORM A SINGLE DWELLING AT CYSEGR CHAPEL, RHEWL MOSTYN, HOLYWELL (056319)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been subjected to a site visit. The usual consultations had been undertaken and the responses received detailed in the report.

The officer gave an overview of the application and explained that the proposal was for the change of use and conversion of the existing chapel to form a single dwelling and to utilise the area to the side of the chapel for the parking of vehicles and to set back the existing front wall and railings by 1metre. He outlined the reasons for recommending approval, subject to conditions, as detailed in the report of the Chief Officer (Planning & Environment).

Mr. P. Bevan, the applicant, spoke in support of the application and said that the proposed change of use and conversion of the existing chapel was to form a single residential dwelling for family use. He stated the concerns which had been raised that the proposed scheme was also intended for commercial use were unfounded and reiterated that the application was solely for a residential dwelling. He addressed the concerns which had been made around the parking of vehicles and proposed alterations to the boundary wall and explained that the provision for parking to the side of the building was viable. Mr. Bevan said that the proposal would utilise an existing building which was likely to continue to deteriorate in the future.

Councillor David Roney proposed that the application be refused. The proposal was not seconded.

Councillor Gareth Roberts moved the officer recommendation for approval which was duly seconded. He said there was no planning reason to refuse the application.

Councillor Chris Bithell supported the application and said the proposal would secure an existing building from potential loss or further deterioration and would retain the existing historic and characteristic appearance of the building. Regarding the concerns which had been raised around the creation and use of the proposed parking provision he said highway officers had assessed the application and had raised no objection to the proposal. He commented on the previous use of the building as a Chapel and said there was adequate parking provision in close proximity to the building without restrictions and easy access to public transport services.

Councillor David Roney spoke against the application. He said there had been a number of objections to the proposal from local residents concerning the impact on parking in the area which was a specific problem during in the evening.

Councillor Owen Thomas spoke in support of the application and commented on the benefit in terms of safeguarding a local building of historic character and appearance for the future. He referred to the building's former use as a Chapel and said there had always been availability for residents to attend Chapel services by car and to park in proximity to the building without objection.

On being put to the vote, the proposal to grant permission was carried.

RESOLVED:

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

- 155. APPEAL BY ELAN HOMES LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 56 DWELLINGS WITH ASSOCIATED ACCESS, OPEN SPACE AND INFRASTRUCTURE AT KINNERTON LANE, HIGHER KINNERTON - ALLOWED (054770)**

RESOLVED:

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

- 156. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

On commencement of the meeting there were 29 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00pm and ended at 3.15 pm)

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Chairman