

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
14 MARCH 2012

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 14 March 2012

PRESENT:

Councillors: J.B. Attridge, R.C. Bithell, D.L. Cox, J.E. Falshaw, V. Gay, F. Gillmore, R. Hughes, G. James, C.M. Jones, R.B. Jones, D.I. Mackie, W. Mullin, M.J. Peers, N. Phillips, H.G. Roberts, C.A. Thomas, W.O. Thomas and D.E. Wisinger

SUBSTITUTIONS:

Councillor: N.R. Steele-Mortimer for A.M. Halford and P.R. Pemberton for P.G. Heesom

ALSO PRESENT:

The following Councillors attended as local Members:-
Councillor L.A. Sharps - agenda item 5.3. Councillor C.S. Carver - agenda item 5.5.

APOLOGY:

Councillor G.H. Bateman

IN ATTENDANCE:

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

228. APPOINTMENT OF CHAIR FOR THE MEETING

In the absence of the Chair and Vice-Chairman, the Democracy & Governance Manager sought nominations for a Chair for the meeting. Councillor J.B. Attridge proposed Councillor M.J. Peers and this was duly seconded.

RESOLVED:

That Councillor M.J. Peers be appointed as Chairman for this meeting.

229. CONSIDERATION OF URGENT ITEM

The Chairman indicated that there was an urgent item on whether a special meeting could be arranged to consider an application for outline planning permission for RAF Sealand South Camp, Welsh Road, Sealand. The Democracy & Governance Manager indicated that if Members were in agreement, the report could be considered as the last item.

Councillor J.B. Attridge queried why the item was so urgent. The Chairman responded that the report was asking Members to consider arranging a special meeting in April to consider the application and not for the planning application itself to be discussed at this meeting.

RESOLVED:

That the urgent item to consider the provision of a special Planning and Development Control Committee meeting be discussed as the last item.

230. LATE OBSERVATIONS

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

The Democracy & Governance Manager indicated that correspondence from Councillor C.S. Carver had also been circulated with the late observations as dispensation for this had been given at the Standards Committee meeting of 14 November 2011.

231. DECLARATIONS OF INTEREST

Councillor D.I. Mackie declared a personal and prejudicial interest in the following application:-

Agenda item 5.3 – Full Application – Residential development consisting of 51 No. dwellings, new road and creation of mitigation land in relation to ecology on land between and behind Maison de Reves and Cae Eithin, Village Road, Northop Hall (048855)

In line with the Planning Code of Practice:-

Councillors J.B. Attridge and J.E. Falshaw declared that they had been contacted on more than three occasions on the following application:-

Agenda item 5.2 – Outline application – Secure truck parking facility with ancillary and complementary development on fields north east of Crossways Road, Pen y Cefn, Caerwys (049042)

Councillor C.S. Carver declared he had a personal and prejudicial interest in the following application:-

Agenda item 5.5 – Full application – Erection of 45 No. dwellings and associated garages, parking and incidental open space at land off Overlea Drive, Hawarden, including the provision of 4 No. affordable units and demolition of current outbuildings at land at Overlea Drive, Hawarden (049293)

232. MINUTES

The draft minutes of the meeting of the Committee held on 8 February, 2012 had been circulated to Members with the agenda.

Councillor H.G. Roberts referred to minute number 215 on page 5 where it was reported that agenda item 5.1 had been deferred for more investigation on drainage issues and for a site visit to be undertaken. He said that a site visit had not been requested and that the minutes be amended accordingly; the proposal was not seconded.

The Planning Strategy Manager referred to the third paragraph on page 13 and requested that the words 'and C' at the end of the seventh line be removed. On being put to the vote, it was agreed that this amendment be made to the minutes.

RESOLVED:

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

233. FULL APPLICATION – ERECTION OF 44 NO. TWO STOREY AND THREE STOREY DWELLINGS INCLUDING ASSOCIATED PARKING, OPEN SPACE AND FORMATION OF NEW ACCESS AT LAND WEST OF BRIGNANT, HALKYN ROAD, HOLYWELL (048264)

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 12 March 2012. 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 Development Manager explained that the land had been allocated in the Unitary Development Plan (UDP) so the principle of development had been established. The application had been deferred on 7 December 2011 to allow the preparation of further information on viability in relation to the level of affordable housing provision proposed and for further clarification on the drainage position. Following discussions with the applicant the amount of affordable housing has been increased from 10 properties to 13 which equated to 30% provision to be controlled under the applicant's shared equity scheme. The application had also been deferred on 7 February 2012 to seek clarification on Dwr Cymru/Welsh Water's requirements on hydraulic modelling. This had now been commissioned by the applicants and was addressed in the recommendation by way of conditions. Investigations had now been undertaken on contamination and a Grampian style condition was recommended for foul drainage improvements prior to occupation. A number of conditions reflecting the issues which had been raised had been included and the Development Manager referred Members to the late observation sheet where an amendment to condition 8 was requested.

Mr. F. Phillips spoke against the application and highlighted concerns about road safety issues, referring in particular to a shared driveway across the road from the site and the restricted view of the vehicles exiting the driveway and of the increased dangers due to the access to the new site being opposite the driveway. He said that photographs, which highlighted the problems that the residents experienced, had been submitted to the Highways Department but they had not been seen by the Committee. Mr. Phillips commented on the very restrictive views on a blind spot and suggested that the application be deferred until extensive work on pedestrian and traffic issues was undertaken.

Mr. G. Owen, on behalf of the applicant (speaking in Welsh with simultaneous translation), spoke in support of the application. He said that the applicants looked forward to developing the site and were keen to make an early start on the sustainable development which was close to the hospital and school and was within walking distance of the town centre. He said that the application had been amended to take account of Highways officer's views and included a new footway along the site frontage and improvements across the road. On the issue of density, he mentioned the constraint of the old quarry on the site which had been planned effectively and the 44 dwellings were to be 2, 3 or 4 bedroomed properties. There had been problems in the past on the site due to drainage but modelling work had been commissioned and agreement had been reached with Welsh Water for improvement work to be carried out. He explained about the scheme for delivery of the 13 affordable housing properties on the site and summed up by confirming that each issue had been addressed and asked Committee to support this sustainable development which complied with policy and was supported by officers.

Councillor J.B. Attridge proposed the recommendation for approval which was duly seconded.

The local Member, Councillor H.G. Roberts (speaking in Welsh), commended the Senior Engineers in Highways for discussions with him on the application and for securing the improvements for properties across the road from the site and spoke of the work being undertaken on the wall to increase visibility. He added that it was important that a Grampian style condition had been included to address drainage issues.

Councillor C.A. Thomas raised concern at another development where the play area or open space provision was on the edge of the site as she felt that it should be central to the site. It was reported that the play area had been sited to the north east of the site due to the topography of the site but Councillor Thomas did not feel that this was the case. She also referred to maintenance of the play area in the future and highlighted policy AS12C and expressed concern about highway safety. In response the Senior Engineer - Highways Development Control confirmed that Highways were satisfied with the recommendation of approval subject to the conditions which had been included. She referred to Technical Advice Note (TAN) 18 and commented on the protection and provision of visibility for the existing private driveway which

would be maintained by Highways in perpetuity. A footpath was also to be created along the front of the site as it currently terminated prior to the site.

Councillor R.C. Bithell welcomed the work of the Planning and Highways Officers on this application. The proposal would not remove all of the problems for the properties on the opposite side to the application site but he felt that it would help reduce some of the issues. He asked for clarity on the applicant's shared equity scheme and in referring to paragraph 7.17 on the issue of drainage he asked whether the problems would be increased. The Development Manager said that the scheme which had been referred to was the improvement of Crossways Road. Welsh Water had asked for hydraulic modelling work to address the drainage from the proposed development and that was why a Grampian style condition was required. The developer had the option of paying for this work in order to bring the development forward. Councillor W.O. Thomas raised concern about highways issues. Councillor N.R. Steele-Mortimer concurred and highlighted the junction for the hospital and doctor's surgery and explained that there was very little visibility for vehicles wanting to exit the junction to go down the hill. He also raised concern about the pollution of the land and said that the presence of lead and zinc on the site was a matter for considerable concern. The Senior Engineer - Highways Development Control reiterated that the visibility from the site was fully compliant and that there was no reason to refuse the application on these grounds. She added that the scrubland would be cleared prior to the development commencing.

On the issue of the siting of the play area, the Development Manager agreed that play areas should normally be an integral part of the scheme but that some developments required a different solution. On the issue of contamination, he explained that there had been significant negotiation and that a clear picture of what was required to make the site safe for development had now been achieved.

The Planning Strategy Manager said that developers did not have to use the Council's scheme for affordable housing. He added that 25% was still a significant discount and that the guideline of 30% affordable housing provision had been achieved.

RESOLVED:

That planning permission be granted subject to:-

- (i) the applicant entering into a Section 106 obligation to provide the following:-
 - (a) the provision of 13 no. affordable homes, to be made available under the applicant's shared equity scheme at 75% of market value, with the Council retaining nomination rights for occupiers having regard to people registered upon its Affordable Home Ownership Register and to be assessed by Tai Clwyd to ensure

- that they meet the qualifying criteria at the developers expense (0.5% of the discounted sales price)
- (b) Ensure the payment of an educational contribution of £38,500 towards educational provision/improvements to Perth Y Terfyn Infants School. The contribution shall be paid prior to occupation of the first dwelling.
 - (c) Maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into).
 - (d) Commuted sum for maintenance of play area/open space for a period of 10 years, upon its adoption by the Authority.
- (ii) an amendment to condition 8 to include requirement for Construction Traffic Management Plan; and
- (iii) the conditions detailed in the report of the Head of Planning.

234. APPLICATION FOR OUTLINE PLANNING PERMISSION – SECURE TRUCK PARKING FACILITY WITH ANCILLARY AND COMPLEMENTARY DEVELOPMENT ON FIELDS NORTH EAST OF CROSSWAYS ROAD, PEN Y CEFN, CAERWYS (049042)

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer explained that the application had been deferred from the 7 December 2011 Planning and Development Control Committee following advice from the legal officer to allow for clarification on matters raised by the applicant. The Head of Planning was now satisfied that these matters had been adequately addressed.

Mr. M. Moriarty spoke against the application and said that need could not be established at this location. There was a recently opened lorry park in the county and another at the end of the A55. He added that the proposal would be contrary to Policy AC20 of the Unitary Development Plan and referred to the Inspector's decision on an earlier proposal at Junction 31. He felt that no mitigation would address the impact on the character of this historic landscape if the scheme was permitted. He also referred to the effect on the Human Rights of residents and questioned the viability of the scheme.

Mr. P. Walton, the agent for the applicant, spoke in support of the application. He said that this was the third application for the site submitted since 2007 and that it addressed all of the concerns which had been raised since that date. The application which had been submitted in 2009 had been refused due to the scale of the development and an application which was due to be presented to the 11 May 2011 meeting was withdrawn prior to the meeting. The current application was identical to the earlier proposal and was in compliance with Policy AC20 in that the need had been confirmed by officers and this would not be met at the Park View garage site. In response to

the officer recommendation of refusal, he said that there were no technical reasons to refuse the application and that landscape impacts were short term and could be mitigated in the longer term.

Mr. S. Wilson from Caerwys Community Council spoke against the application and said that the development raised a number of serious issues and concerns. He spoke of creating serious road safety issues whilst the work to widen the road was completed and commented on the continual operation and engine noise and light pollution at night which would create problems for residents. The proposal would affect the visual amenity of the area and construction would create major risks and have an adverse effect on tourists in Caerwys.

Councillor R.C. Bithell proposed refusal of the application which was duly seconded.

The local Member, Councillor J.E. Falshaw, quoted from Policy GEN 3 of the Unitary Development Plan (UDP) on the development of the open countryside which stated that development proposals outside settlement boundaries, allocations and development zones and principal employment areas should not be permitted. However he said that there were exceptions to this which he detailed and he added that the proposed development was contrary to policy and would not harmonise with the surrounding area in terms of its size and layout and would have an unacceptable effect upon the amenity of not only nearby residents but those beyond the area and would be harmful to the natural historic environment of the area. Councillor Falshaw commented on the substantial increased traffic in the area which the proposal would create and he referred to Policy AC15 on traffic management. He highlighted Policy L1 on Landscape Character and Policy STR7 on Natural Environment both of which he felt the application did not comply with. Amongst the proposals was the removal of a hedgerow which was shown on a boundary map from 1849 so was therefore a significant hedgerow and provided a wildlife corridor. He requested that the application be rejected.

Councillor Bithell said that this was agricultural land in the open countryside and the site allowed a fantastic view of the Area of Outstanding Natural Beauty (AONB) in Flintshire. He felt that to put a development in this place would be out of keeping with the area. Another application in the area for a truck stop had already been granted on appeal so the facilities proposed in this application were not required. He highlighted paragraph 7.09 which said that a good rest area was needed en route to and from Holyhead to other parts of the country but he felt that this case did not stack up. Drivers would have an enforced stop on sea crossings and there needed to be a facility mid way through their journey and not only an hour and a half from or to Holyhead. He felt that the application should be refused on the grounds of amenity and visibility. Councillor N.R. Steele-Mortimer felt that it was wrong to grant a second facility until the first site nearer to the A55 had been tested over a number of years.

Councillor Attridge took a contrary view. He felt that the principle of development must have been established and that the application was compliant with Policy AC20. There was no duplication as the site at junction 31 of the A55 would not meet the demand even if it was constructed. He felt that this proposal would meet demand and that there was no technical reason to refuse the application. He believed that the highways issues had been addressed and that the application should be permitted as it complied with Policy AC20.

Councillor W.O. Thomas said that this was the third application on the same site. He felt that there was a desperate need for a truck stop and that Caerwys was an area where drivers allocated time for driving ended. He said that a previous application on a nearby site had been refused by Committee but had been overturned by the appeal inspector but that eleven months later, the facility had still not been built.

Councillor P.R. Pemberton felt that discussions should be undertaken with the Transport Agency for them to provide guidance to identify where in the county the facility should be situated. Councillor C.M. Jones said that the facility on the Deeside Industrial Park did not serve vehicles on the A55 but served traffic from the M56 direction. She said that it was well used and that there was a need for another facility on the A55. Councillor H.G. Roberts said that it was a difficult application to approve and referred to the facility 'Billy Jeans' and the provision at that site. He felt that the first site needed to be tested first and that there were no grounds to approve this application.

The officer said that each application had to be considered on its own merits and that he felt that the reason for refusal was robust and defensible. He added that the proposal did not comply with policy AC20. The Senior Engineer - Highways Development Control confirmed that there were no objections from Highways and that the applicant had undertaken a significant amount of work on the application.

In summing up, Councillor Bithell said that this was one of the most significant sites for outstanding views and that there was a need to protect it. There was provision in the locality for a truck stop and that it would satisfy the need so it undermined some of the points raised on this application. He spoke of the view of the AONB and that was a need to protect it from unwarranted and unnecessary development. He pointed out that the applicant had the right to appeal the decision if the application was refused.

REFUSED:

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

235. FULL APPLICATION – RESIDENTIAL DEVELOPMENT CONSISTING OF 51 NO. DWELLINGS, NEW ROAD AND CREATION OF MITIGATION LAND IN RELATION TO ECOLOGY ON LAND BETWEEN AND BEHIND MAISON DE REVES AND CAE EITHIN, VILLAGE ROAD, NORTHOP HALL (048855)

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 12 March 2012. 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 D.I. Mackie, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer referred to the late observations which covered the issue of European protected species; clarification on the site area and the density of the development (as detailed in paragraph 7.42 of the report; and clarification on the affordable units (as reported in paragraph 7.41). She drew Members' attention to condition 11 which should read 2013 and not 2015.

Mrs. L. Pierce spoke against the application. She said that the development bore no resemblance to any others in the location and she felt that the density was too great for the site. She highlighted concerns about the width of Village Road, which she said failed to meet the required standard in some areas and said that some of the properties on that road had no vehicular access or spaces to turn. She spoke of pedestrians being hit by wing mirrors of passing cars and parked cars which had been damaged as the road was too narrow. She said that the highway survey which had been completed had been undertaken in the school holidays. If the application was passed, she suggested that an additional condition be included for a car park for existing residents. She felt that the application was detrimental to Northop Hall because of the narrowness of the road and the impact due to lack of parking for residents. Mrs. Pierce felt that a development in this spot should enhance the village but this application did not and she urged the committee to reject the application.

Mr. T. Astle, the agent for the applicant, spoke in support of the application. He said that the report addressed all relevant matters and that the development would only occur on part of the the allocated site, which in total would accommodate some 92 dwellings. The density of the current application was 22 per hectare which was reasonable in view of onsite constraints and it included five gifted units. The properties were 2, 3 and 4 bedroomed properties with gardens and parking and Mr. Astle spoke of contributions made in the requested Section 106 Agreement for public open space provision and play equipment; transport and highway measures; an educational contribution towards Hawarden High School and ecological mitigation. He urged members to grant approval of the application.

Councillor J. Lamb from Northop Hall Community Council spoke against the application and said that the Community Council was unanimously opposed to the application. He spoke of the three coal seams below the land and said that the development would alter the character of the village. There was serious congestion on Village Road which had a narrow carriageway. On the issue of local need, he felt that no account had been taken of Pentre Farm, Northop Hall as it was technically outside of the village; he suggested that the development on that site would satisfy the housing need for the village. The environment was rich in landscape and a development at this location would have an unacceptable impact on wildlife. He spoke of the contribution of £31,500 for education and said that no account had been taken of an estimated 12 additional pupils of primary school age as there were no suggested contributions for the primary school in Northop Hall.

Councillor J.B. Attridge proposed refusal of the application, against officer recommendation, which was duly seconded.

The local member, Councillor L.A. Sharps, spoke of traffic concerns due to people in the 138 houses which had been granted planning permission on Wepre Lane using Northop Hall village as a rat run. He spoke of the long site history and said that the last application had been withdrawn in July 2011. He spoke of the UDP inquiry and said that he had consistently opposed this development. This application was for 51 houses instead of 76 because of a land dispute and added that part of the site was for a nature area. Councillor Sharps had circulated photos to the Committee and explained what they showed. He believed that the application should be refused due to highway constraints.

Councillor Attridge raised concerns about highway issues and asked which parts of the site were allocated and which were not. He also asked for a view on a letter which had been sent from Councillor K. Armstrong Braun to the Head of Planning. In response the Head of Planning said that the letter had been summarised in the late observations. The Planning Strategy Manager provided detailed information on the extent of the settlement boundary of Northop Hall. He said that the northern half of the site was for development with the remainder being mitigation land.

Councillor C.A. Thomas was concerned about the lack of protection for the wildlife habitat and the badger setts as she felt that it was best to leave them in their current location. She said that the site was an area of mine spoil and she raised concern about this. She also asked how viable the land was and how safe the area of mitigation would be in the future. On the issue of density, Councillor W.O. Thomas said that the policy was for 30 per hectare and spoke of the five gifted units on the site. On the issue of affordable housing he said that less than 10% had been requested on this site and added that the local need should be catered for.

Councillor R.C. Bithell said that the UDP inspector had seen fit to allocate a parcel of land in the UDP for development and reminded members to bear this in mind. If the application was refused and went to appeal, he felt it would be lost as it was an allocated site in the UDP and the highway was capable of serving the development. Councillor P.R. Pemberton said that he could not understand why the developer wanted to go forward with a site when there were doubts about mining. He felt that a geological survey should be undertaken. Councillor H.G. Roberts felt that the gifted units were the best use of affordable housing and said that in his opinion, the application had to be supported.

The officer drew Members' attention to the paragraph 1.02 of the report which listed the studies which had been undertaken and she commented on the work which had been put into the application. She also drew attention to conditions 4 and 21. On the affordable housing there were only four people on the waiting list so the local need had been provided for by the five gifted properties. The Planning Strategy Manager said that a lot of concerns and issues had been dealt with in the report and mitigated by conditions. The density on the site fitted in with other developments in the area and he commented on the affordable housing properties and said that in his opinion, gifted units were the way forward. The Senior Engineer - Highways Development Control confirmed that Highways did not have any objections to the application subject to conditions. She referred to paragraph 7.15 where it was reported that the inspector had concluded that the road network was capable of dealing with the anticipated number of trips generated by the proposal based on 93 properties. As this application was for 51 dwellings, there was no reason to refuse the application on the grounds of highways.

Councillor Attridge said that the fact that it was an allocated site in the UDP was not in dispute. He said that the issues in the community which had been raised were not covered by the proposed conditions and he felt that the issues still needed to be addressed. He believed the density was wrong in this location and that a better scheme could be brought forward. His reasons for refusal were on the grounds of the ecological impact of the development, highway safety issues, density of development being too high and the lack of a geological survey

On being put to the vote, there was an equality of voting and the Chairman used his casting vote in favour of refusing the application.

RESOLVED:

That the application be refused on the grounds of the ecological impact of the development, highway safety issues, density of development being too high and the lack of a geological survey.

236. GENERAL MATTERS APPLICATION – VARIATION OF CONDITION NO. 3 ATTACHED TO OUTLINE PLANNING PERMISSION REF: 035575 TO ALLOW 7 YEARS FOR THE SUBMISSION OF RESERVED MATTERS FROM THE DATE OF THE OUTLINE PLANNING PERMISSION BEING GRANTED RATHER THAN THE 5 YEARS PREVIOUSLY PERMITTED AT CROES ATTI, CHESTER ROAD, OAKENHOLT (049154)

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer drew Members' attention to the late observations. He explained that in view of the fact that an appeal against non-determination had been submitted by the applicant and had been accepted by the Planning Inspectorate, the application could no longer be determined by the Local Planning Authority and a resolution was therefore required to establish the stance to be adopted by Flintshire County Council in respect of the appeal. He detailed the proposals which were reported in paragraph 6.04.

Councillor D.E. Wisinger proposed the Council's stance on appeal should be as in the recommendation detailed in the report and this was duly seconded.

In response to a question from Councillor J.B. Attridge on why a reference to a revised development brief was included as the first bullet point in paragraph 2.01, the officer referred to paragraph 7.05 of the appendix where it was reported that 'the agreed development brief for the site stipulated that a maximum of 10% affordable housing would be required on the Croes Atti site'; this was agreed as part of consideration of the application in July 2006. The applicant still had a live planning permission on the site which was due to expire in July 2013, however the outline planning permission required the submission of all the reserved matters within five years of the granting of that permission and this date had now lapsed. Therefore this application sought to extend the time to allow for the submission of the rest of those reserved matters applications within the lifetime of the outline permission.

Councillor C.A. Thomas raised her concern about the 4.5 hectares of open space which was proposed to be looked after by a management company as she felt that that it should be adopted by the Council. In response the officer said that the open space had to be up to an adoptable standard and the Planning Authority had to agree with the standard. Councillor Thomas proposed that an additional condition be added that the play area be brought up to an adoptable standard and be offered to Flintshire County Council for adoption with a commuted sum for 10 year maintenance if it was adopted.

Councillor R.B. Jones queried why three applications were reported as undetermined. In response, the officer said that application 049312 was with the legal officer, 049425 was an application seeking to remove a condition

restricting access and application 049426 was identical to the current application and ran in parallel with this application.

On being put to the vote, Members agreed to the recommendation in the report with a condition requiring that the play area be up to adoptable standard, that it be offered to Flintshire County Council for adoption and that a 10 year maintenance sum be requested if the play area was adopted.

RESOLVED:

That the Council's stance on appeal should be as in the recommendation in the report with a condition requiring that the play area be up to adoptable standard, that it be offered to Flintshire County Council for adoption and that a 10 year maintenance sum be requested if the play area was adopted.

237. FULL APPLICATION – ERECTION OF 45 NO. DWELLINGS AND ASSOCIATED GARAGES, PARKING AND INCIDENTAL OPEN SPACE AT LAND OFF OVERLEA DRIVE, HAWARDEN, INCLUDING THE PROVISION OF 4 NO. AFFORDABLE UNITS AND DEMOLITION OF CURRENT OUTBUILDINGS AT LAND AT OVERLEA DRIVE, HAWARDEN (049293)

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer reminded Members that the application had been submitted to the Committee in November 2011 when it had been refused on the grounds which were detailed in the report. This scheme addressed those concerns and he explained the requests for a commuted sum in the section 106 agreement and highlighted the late observations. The affordable units were gifted to the Authority and the four units which were being proposed were at the entrance to the site to interface with the community. He spoke about space about dwellings and noted that the provision took account of the difference in levels and was well in excess of what was required in the policy. He highlighted paragraph 7.20 where it was reported that the play area was in the south east not the north west of the site.

Mr. L.W. Rowlands spoke against the application and said that this application was identical to the one which had been refused in November 2011. He spoke of the small play area which had been included but the other issues which had been the reasons for refusal still remained. The site was elevated when compared to the existing properties and was two metres above the slabs of the bungalows and would lead to an overbearing impact. He spoke of loss of amenity and privacy and said that policies had not been adhered to and asked Members to refuse the application.

Councillor Cheryl Carver from Hawarden Community Council spoke against the application. She had spoken to the Committee in November 2011 and said that little had been done on the issue of overbearing or affordable housing since then. The four gifted units had not been pepper potted through the site and the play area was sited away from the houses close to a railway embankment. She said that a footpath was adjacent to a pond and added that that area of the site was too wet to build properties on and that it was therefore not good enough for children to play on. She reminded Members that the properties to the north of the site were all bungalows. The 45 properties proposed would result in 90 vehicles and she said that the road was not of a good enough standard for the current properties. Hawarden Community Council had voted unanimously to refuse the application and she asked the Committee to do the same.

Councillor C.S. Carver said that he had got dispensation from the Standards Committee to speak for five minutes but had been advised that he could only speak for three. The Democracy & Governance Manager explained that this was because Councillor Carver had a personal and prejudicial interest and had been advised that he should leave the meeting after he had addressed the Committee. Councillor Carver spoke of the reasons that the application had been refused in November 2011 and said that one of the reasons was due to the lack of a play area. This had now been provided but was small and located too far away from properties. He commented on the overbearing nature of the dwellings on the existing bungalows and said that the position of the affordable housing had not changed in this application. He also commented on drainage issues and circulated copies of an email which had been sent to him by the Council's Drainage Engineer. He then left the room.

Councillor J.B. Attridge proposed refusal of the application, against officer recommendation, which was duly seconded. He said that nothing had changed since the application in November 2011 and that only a token gesture had been provided by way of a play area which he felt was in the wrong location and was too close to a railway line. He added that as nothing had changed from the application submitted in November 2011 to this application, he felt that the Committee's decision of refusal should also not change.

Councillor C.A. Thomas agreed that the play area was in the wrong location and that the ground was too boggy. It was for young children to play on but was located too far away from houses. She said that the issue of pepper potting had also not been addressed. Councillor R.C. Bithell spoke of the density and said that the density was low compared to policy. He said that on affordable housing, there were nine people on the register and asked if four out of 45 was a good deal. The play area was pushed away into the corner of the site and could not be seen by parents which he felt was of concern. On the issue of drainage a larger diameter pipe had been included but it was not clear where the pipe ended up. He also found it disturbing that

the problems of water on the site had not been dealt with. Councillor W.O. Thomas did not feel that first time buyers or local people would live in the gifted houses. Councillor V. Gay had concerns about the block of four terraced gifted houses and said that Members had been told that this was to allow easier management but she felt that this did not stop them being pepper-potted throughout the site. She said that she would like to see a condition about the management of the pond and the play area.

In response, the officer spoke of condition 11 and said that he had been advised by highway colleagues that it was not required as a condition so asked Members to disregard it. He said that there were no differences between this and the November 2011 application on the issue of drainage and highways so he felt that Members should guard against refusal on those grounds as they were not raised as reasons for refusal in that application. He referred Members to condition 15 on surface water and said that the issue of a larger pipe referred to a different location in the system and was subject to suggested Grampian condition until the capacity issue had been addressed. On the issue of highways and the inadequacy of Fieldside junction, it was demonstrated in the report that it met the required standards. On affordable housing, policy required demonstration of justified and identifiable need and of the nine on the register, only four indicated Hawarden as their first choice so four properties had been provided to meet the need. On the location of the affordable properties, these were four terraced properties and there was a closer fit with the community than the rest of the site. On overbearing impact, the site complied with the space about dwelling policy and the officer explained the separation distances required and added that those provided exceeded the standards.

The Chairman referred to the nine people on the register and asked if a condition could be included to amend in the future so that it did not preclude other applicants coming forward. The Planning Strategy Manager said that a condition could not be worded on this basis and that only four people had shown Hawarden as their first choice. The officer added that if other people came forward then it was for other developers to meet that demand. The policy required affordable housing to meet the need which this application did.

In summing up, Councillor Attridge felt that the application should be refused on the grounds of overbearing impact, affordable housing provision and inappropriate siting of the proposed play area within the layout.

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

RESOLVED:

That the application be refused on the grounds of overbearing impact, affordable housing provision and inappropriate siting of the proposed play area within the layout.

238. FULL APPLICATION – PROPOSED ERECTION OF 10 NO. DWELLINGS WITH ASSOCIATED ANCILLARY WORKS (AMENDMENT TO SCHEMES PREVIOUSLY PERMITTED UNDER CODE NOS 044017 & 044725) – FORMER BRITISH LEGION, GADLYS LANE, BAGILLT (049273)

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 12 March 2012. The usual consultations had been undertaken and the responses received detailed in the report.

The officer explained that this application proposed an amendment to an existing scheme for 10 no. dwellings at this location, which was previously permitted by virtue of two separate applications under code no 044017 in 2008 and 044725 in 2009.

Mr. M. Jones, the applicant, spoke in support of the application. He said that the local Member, Councillor M. Reece, had agreed to a site visit and 15 residents had also attended. They had been shown the details of the plan and once this had been undertaken, they were satisfied with the proposals to reduce the height of the properties which would reduce the issue of overlooking.

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

In response to a question from Councillor C.A. Thomas on the issue of a footpath near the site, the Senior Engineer - Highways Development Control said that the amended proposals safeguarded the frontage of the site and that there was now a move to bring forward a footpath link onto Merllyn Lane as a definitive route.

RESOLVED:

That planning permission be granted subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on site play provision and subject to the conditions detailed in the report of the Head of Planning.

239. FULL APPLICATION – ERECTION OF A TWO STOREY EXTENSION TO SIDE AND ROOF ALTERATIONS AT SCALE HOW, HAFOD ROAD, GWERNYMYNYDD (049000)

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 12

March 2012. The usual consultations had been undertaken and the responses received detailed in the report.

The officer explained that planning permission was in place for a granny annexe extension to the property. This application was for an extension which would exceed 50% of the original floorspace but was recommended for approval as the development was considered to be in scale and character.

Ms. A. Johnson, the agent for the applicant, spoke in support of the application explaining that the building sat in a large plot and complied with policies GEN1, D2 and HSG12. The design of the extension complimented the existing property and by moving the entrance to the front of the house, it would provide more symmetry in the property. The proposal had been designed so that there was no overlooking and the extension would have white render to fit in with the existing house. The additional extension would give the appearance of symmetry and taking into account the proposed scale and appearance, it would not have a detrimental impact on the neighbouring properties and Ms. Johnson felt that it fitted in well with the surrounding landscape.

Mr. G. Morris, spoke against the application on behalf of Gwernymynydd Community Council. He advised that the application had been considered by the Community Council in 2011 and that the proposal had been extensively changed, as it was originally a bungalow. The proposal intended to provide a rebuild of the stairs and hallway in the current property to a more central location. He added that Gwernymynydd Community Council had objected to the proposal on the grounds of (i) overdevelopment of the site (ii) the proposals being out of keeping with the neighbouring properties, (iii) overbearing nature of the property and (iv) the internal rebuild resulting in a new dwelling. Mr. Morris said that the Community Council had requested that the application be refused.

Councillor H.G. Roberts proposed refusal of the application, against officer recommendation, which was duly seconded. He referred to the policy on extensions to properties in the open countryside and said that the guidelines of 50% could be exceeded in some cases, however he felt that it was not appropriate for this application. He felt that the application was for a new build in the countryside and that it should be refused.

Councillor R.C. Bithell said that the property sat in extensive grounds but the proposals would result in an increase of 168% on the original footprint which he felt was unacceptable. It was also reported that the application would result in the dwelling being closer to the border with neighbouring properties. Councillor W.O. Thomas commented on other proposals which had been refused where extensions had been lower than 50% and he felt that policy should be adhered to and the application refused. Councillor R.B. Jones said that the site had the benefit of an approved application and that this proposal was similar to application 040107 for an extension on the same side of the property. In response the officer said that this application was an

increase of 58% on what was currently on the site and that in 2001 an extension of 111% on the original dwelling had been permitted. On application 040107 to erect a granny annexe and a double garage which had been permitted in 2005, only the double garage had been built. It was felt that there would be no impact on the adjoining properties and that the application was not an overdevelopment of the site and in design terms was in scale and character with the existing property because of what had been granted in the past..

In summing up, Councillor H.G. Roberts felt that the application should be refused on the grounds of overdevelopment of the site due to the increase of 168% from the original footprint.

On being put to the vote, the application was refused on the grounds of overdevelopment of the site and the proposal not being in scale and character.

RESOLVED:

That planning permission be refused on the grounds of overdevelopment and scale and character.

Councillors R.B. Jones and J.B. Attridge indicated that they wished it to be recorded in the minutes that they had voted against refusal of the application. Councillor C.A. Thomas indicated that she wished it to be recorded that she had abstained from voting.

240. GENERAL MATTERS – DETAILS OF LAYOUT, SCALE AND APPEARANCE OF BUILDINGS AND LANDSCAPE SUBMITTED IN ACCORDANCE WITH CONDITION NOS 1 & 2 OF OUTLINE PLANNING PERMISSION REF. 046496 FOR THE ERECTION OF A MAXIMUM OF 50 NO. DWELLINGS ON LAND AT RUTHIN ROAD, MOLD (048907)

The Committee considered the report of the Head of Planning in respect of this application.

Councillor H.G. Roberts proposed the recommendation for acceptance of the authorisation to prepare a Section 106 Obligation to include the Heads of Terms as required by the Inspector in allowing the initial outline planning application under Code No. 046496 for residential development of the site which was duly seconded.

RESOLVED:

That the Planning and Development Control Committee authorise the preparation of a Section 106 Obligation to include the Heads of Terms as required by the Inspector in allowing the initial outline planning application under Code No. 046496 for residential development of the site.

241. ADDITIONAL URGENT ITEM – OUTLINE APPLICATION – RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND (049320)

The Chairman introduced a report to seek authority for the holding of a Special Planning and Development Control Committee to determine planning application 049320, which was for the redevelopment of a strategic brownfield site for an employment led mixed use development with new accesses and associated infrastructure including flood defences and landscaping.

It was reported that one possibility would be, if the application was ready to be determined, to start the meeting scheduled for 18 April 2012 at 10.00 a.m. and undertake the assessment of the application prior to lunch and the “normal” meeting start at 1.00 p.m. However if the application was not ready for determination on 18 April 2012, then an alternative date for a Special Committee would be sought.

RESOLVED:

That Members agree to convene a Special Planning and Development Control Committee to determine planning application 049320.

242. DURATION OF MEETING

The meeting commenced at 1.00 p.m. and ended at 5.11 p.m.

243. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 57 members of the public and 2 members of the press in attendance.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

PLANNING AND DEVELOPMENT CONTROL COMMITTEE	DATE: 14 MARCH 2012
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MEMBER	ITEM	MIN. NO. REFERS
Councillor D.I. Mackie	Residential development consisting of 51 no. dwellings, new road and creation of mitigation land in relation to ecology at land between and behind Maison de Reves and Cae Eithin, Village Road, Northop Hall (048855)	235