

PLANNING & DEVELOPMENT CONTROL COMMITTEE
12 APRIL 2017

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 12 April 2017

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

Councillors: Marion Bateman, Derek Butler, David Cox, Ian Dunbar, David Evans, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Nancy Matthews, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts and Owen Thomas

SUBSTITUTE: Councillor Haydn Bateman (for Carol Ellis)

APOLOGIES: Councillors Chris Bithell and Mike Lowe. Councillor Hilary Isherwood (Local Member on agenda item 6.3)

ALSO PRESENT: The following attended as local Members:
Councillors Cindy Hinds and David Williams for agenda item 6.1 (minute no. 161)

IN ATTENDANCE:

Chief Officer (Planning & Environment); Service Manager - Strategy; Development Manager; Senior Engineer - Highways Development Control; Senior Planners; Senior Solicitor and Committee Officers

157. **DECLARATIONS OF INTEREST**

Councillor Hughes declared a personal and prejudicial interest on agenda item 6.1 (minute no. 161) as he was a governor of Castell Alun High School - which would benefit from an education financial contribution if the application was approved - and he would withdraw from the meeting for that item.

As the applicant of agenda item 6.6 (minute no. 165), Councillor Peers declared a personal and prejudicial interest and would leave the room for that item.

158. **LATE OBSERVATIONS**

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

159. **MINUTES**

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

On minute no. 146, Councillor Marion Bateman asked that the reason for her declarations of interest be clarified in the minutes, in that she was a governor of both schools due to receive financial contributions from the applications.

On minute no. 150, Councillor Peers asked that the second sentence of his comments be amended to read 'Sychdyn had not yet reached the target deadline'.

Both amendments were seconded and agreed by the Committee.

RESOLVED:

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

160. **ITEMS TO BE DEFERRED**

The Chief Officer (Planning and Environment) advised that the following item was recommended for deferral to the next meeting, to enable the applicant to contact the Council's Social Services department in order to assess the implications arising from the application.

Agenda item 6.2 'Full Application - Change of Use from Seven Bedroom Dwelling (Class C3) to Residential Care Home (Class C2) for up to Nine Adults at 93 Wepre Park, Connah's Quay'

Councillor Richard Jones moved the deferral which was seconded and agreed by the Committee.

RESOLVED:

That agenda item 6.2 be deferred to the next meeting of the Committee for the reasons stated.

161. **055590 - FULL APPLICATION - ERECTION OF 186 DWELLINGS AND ANCILLARY DEVELOPMENT AT CHESTER ROAD, PENYMYNYDD**

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 were detailed in the report. Additional comments received since preparation of the report were set out in the late observations.

The officer drew attention to the main issues for consideration set out in paragraph 1.02 of the report and clarified the reasons for recommending refusal of the application. In the late observations, he highlighted the response to the representations by the Ramblers Association which explained why this was not considered to be an additional ground for refusal.

Councillor Peers moved the officer recommendation for refusal and this was duly seconded.

Mrs. C. Huber spoke against the application on the following grounds: widespread local disapproval against the application; growth in the village had already well exceeded the UDP target which meant that the local infrastructure was struggling to keep pace and would not be able to support further

development of this scale; the site being in open countryside and outside the settlement boundary; non-compliance with local and national policies; impact on quality of life and harm to the cohesiveness of the community as demonstrated by other local developments; policy requirements on the overdevelopment of the village and no protection against displaced housing from Cheshire given the border position; concerns about speculative housing developments, the sustainability of the rate of recent new house building and long-term capacity of developers; reference to the statement by Lesley Griffiths AM that the lack of housing land supply should not justify any detrimental impact on local communities.

In support of refusal, Councillor Peers commended the way in which local representations had been made and he agreed with the findings of the report, citing the location outside the settlement boundary and non-compliance with local and national policies as key factors. He noted from the site visit that the village was over-developed, as confirmed by the growth figures, and said that the Council's inability to demonstrate a five year land supply should not be exploited by developers where there was no regard for local impact. He felt this was an uncontrolled development and that the LDP process was the mechanism by which candidates sites could be put forward.

Councillor Butler spoke in support of the officer's reasons for recommending refusal and of the comments by those who had spoken. He highlighted the need for effective planning for the future to avoid negative impact on communities and local infrastructure.

As the Local Members, Councillors Hinds and Williams spoke against the application on the following grounds: size of the development and siting outside the settlement boundary in open countryside; mix of housing; drainage and environment; cohesiveness of the community and principles of sustainable development; increased pressure on busy local roads, particularly on Chester Road; capacity of the infrastructure to cope with further growth of the village due to current demand for amenities such as schools, playgroups, a doctor's surgery and much-needed Police presence; concerns about access to services and employment outside the area in view of decreasing public transport services, in particular the impact on children attending schools and elderly residents accessing GP surgeries elsewhere; compliance with the Well-being of Future Generations (Wales) Act 2015; the need for slow growth to sustain the village and its schools; the importance of planning having regard to local housing need and infrastructure; compliance with policies and the UDP process to control development; attention drawn to another expression of interest on the land; lack of provision of recreation facilities; and the possibility of future applications being prejudiced if permission was granted. Both Members also expressed their gratitude to the officer and local residents.

To assist the Committee, the Service Manager - Strategy provided clarification on the comments made by Lesley Griffith AM and explained the basis of the recommendation for refusal which focussed mainly on the principles of the development which had not been addressed by the applicant.

In support of refusal, Councillor Thomas said that local need had not been met and that there was a lack of affordable housing. He went on to comment on the quality grading of the land.

Councillor Roberts also spoke against the application due to the strong grounds on which the officer recommendation had been made and cited the cohesiveness of communities and principles of sustainable development as key considerations. He highlighted the UDP Inspector's comments against allocation of the land for development and suggested that his wording on the 'incursion into the countryside' be included to strengthen the recommendation for refusal.

Speaking in support of the comments made against the application, Councillor Dunbar referred to the need to comply with policies and Councillor Mullin raised concerns about the impact on wider communities.

In response, the officer advised that policy requirements on affordable homes and play facilities were met and that the majority of land on the site was identified as grade 3b.

Whilst responding to some of the issues raised, the Service Manager - Strategy reflected on the national position on housing land supply on which representations had been made and the process for considering sites for the UDP. He acknowledged Councillor Roberts' suggestion for additional wording but advised that this be taken into consideration if needed at a future stage.

In summing up, Councillor Peers said that the application went against national and local planning policies, was located outside the settlement boundary and could be viewed as an incursion into open countryside. He added that this was an uncontrolled development which was premature in advance of the LDP and would have a significant detrimental impact on the cohesiveness of the community and principles of sustainable development. He also pointed out that insufficient details had been provided by the applicant on flood prevention. He confirmed his proposal for refusal in accordance with the reasons set out in the Chief Officer's report.

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

Having declared a personal and prejudicial interest on the item, Councillor Ray Hughes left the meeting prior to discussion on the item. After the vote had been taken, he returned to the meeting and was informed of the decision.

RESOLVED:

That Planning Permission be refused for the reasons outlined in the report of the Chief Officer (Planning and Environment).

Following the item, the Chairman announced a two minute recess.

162. **056257 - FULL APPLICATION - AMENDMENTS TO PLANNING PERMISSION 050293 INCLUDING MICROBREWERY, INTERNAL CHANGES, OUTSIDE WALLS AND GARAGE AT POACHERS COTTAGE INN, HIGH STREET, FFRITH.**

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 were detailed in the report.

The officer summarised the reasons for recommending approval of the application (subject to conditions) for amendments to a previously agreed scheme involving the addition of a microbrewery, internal changes, outside walls and a garage. He drew attention to the objections raised by a local resident which were included in the late observations.

Mr. M. Davis spoke against the application on the following grounds: the reduced height of the wall on the road side, front west elevation to enable safe exit onto the main road; meeting parking policy requirements as there was capacity for a maximum of four cars on the south side and not eight as indicated in the Design Access Statement plus the three spaces at the front and side of the garage; additional parking capacity for the owners' 6-8 vehicles and parking needs of customers; question over the erection of a garage as the previous owners had been refused planning permission due to the proximity to the bend in the road; concerns about possible permanent odour from the microbrewery onto Lime Street and noise pollution from the air conditioning units. Mr. Davis also said that he had not been part of the consultation and that he supported the project reaching its conclusion, subject to these issues being addressed, given his concerns about health and safety on the site as he lived nearby.

Councillor M. Gittins of Llanfynydd Community Council also spoke against the application on the following grounds: lack of detail about assessment of parking capacity required to support the additional businesses and for residents, given the loss of parking spaces as part of the original application and the only available off-road parking on shared access with two other residences; whether an environmental impact assessment had been undertaken to determine noise and air quality impact from the microbrewery and refrigeration unit on surrounding areas; the past application refused by Welsh Government due to the lack of visibility from the access to be used for maintenance of the refrigeration unit; and the location and safety of the access which did not form part of the site visit by the Committee.

Councillor Roberts moved the officer recommendation for approval which was seconded. He considered there to be no grounds for refusal, particularly in respect of the parking issues given the former use of the site as a public house.

Whilst agreeing with comments on the state of the site, Councillor Thomas also supported approval of the application.

Councillor Lloyd sought clarification on the proposed height of the wall and parking opposite the site as well as the business opening hours. He also felt that if approved, the site should be monitored to assess noise and odour impact.

Councillor Butler referred to alternative parking nearby used during the site's former use. However, in response to the concerns raised, he sought views from the Highways officer on the viability of parking and asked for clarification on the loss of spaces mentioned by the third party speaker and on the garage permission.

Councillor Peers said that the adequacy of visibility splays could be addressed through a condition and that parking concerns should be considered to avoid vehicles being parked on the road near to the blind bend.

Councillor Richard Jones said that the proposed mixed use of the development should be welcomed and supported the application if the conditions addressed all the highway and public protection issues raised. He felt that noise and odour concerns from the microbrewery could not be considered viable due to the former use as a public house.

In response to environmental concerns, the officer advised that Public Protection colleagues had no objections apart from a condition on submission of the extraction system. The applicant had been told to lower the wall to 1m high, as agreed with Highways colleagues, and to remove a pillar to address visibility issues. The officer provided clarification on the opening hours which were subject to a condition and the additional parking on the site as part of the application including that from the second garage which had been erected since the previous application.

The Highways officer confirmed the view that the 11 parking spaces were adequate to serve the development.

In advising the Committee, the Service Manager - Strategy reminded Members that consent had already been granted for mixed use of the site and that consideration of this application related to any impact from the proposed amendments.

Councillor Lloyd suggested that a condition be imposed for the applicant to lower the wall prior to any permission granted. The Chief Officer (Planning and Environment) advised that this was not necessary as there was a condition for compliance with the application drawings on which the height of the wall was shown.

Councillor Richard Jones asked whether a Traffic Regulation Order condition could be imposed to reduce the risk of parking on the main road at the front of the site. The Highways officer said that this was not required as parking provision was deemed to be sufficient.

In summing up, Councillor Roberts agreed with the officer's view that the amendments in the application did not differ significantly from the previous consent and that the conditions dealt with the issues raised.

On being put to the vote, the proposal to grant permission, in accordance with the recommendation in the report of the Chief Officer, was carried.

RESOLVED:

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

163. **056542 - FULL APPLICATION - ERECTION OF 1 NO. DWELLING AT THE OLD STACKYARD, BRETTON COURT MEWS, BRETTON.**

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 were detailed in the report.

The officer gave a summary of the application for the erection of a two-storey dwelling with attached single storey garage and workshop. The report detailed the main considerations and concluded that the application was recommended for approval due to compliance with the principles of planning policies on sustainable development and development in open countryside.

Against the officer's recommendation, Councillor Butler proposed that the application be refused as he felt it did not comply with most planning policies, was outside the footprint of the original area where permission had been given, outside the settlement boundary and would set a precedent for developments encroaching onto the green barrier. He also referred to sections of the report on sustainable development and excessive growth in Broughton.

The proposal for refusal was seconded by Councillor Peers who recalled other applications refused on the basis of their location in open countryside. In supporting Councillor Butler's views, he said that the lack of five year land supply and sustainable development principles did not outweigh the location of the site in open countryside.

These views were also shared by Councillors Mullin and Lloyd who raised additional concerns about surface water drainage and further expansion of the site.

In response, the officer drew attention to the findings of the report which clarified why the circumstances of the application outweighed the fact that the site was in open countryside. She added that no precedent could be set as no further encroachment onto the countryside would be permitted.

In advising the Committee, the Service Manager Strategy highlighted the main aspects of this application which differed significantly from those on the case recommended for refusal considered earlier in the meeting. He said that local and national policies had been met in this case and could not see evidence of any planning harm, clarifying that the site was in fact surrounded by the green barrier. He went on to explain the rationale for determining this as a sustainable development, based on the urban context and proximity to Broughton retail park; a consideration which would be afforded significant weight in the event of an appeal.

This opinion was endorsed by the Development Manager who pointed out that a further consideration to any appeal would be the garden area benefiting from permitted development rights.

In summing up, Councillor Butler stated his reasons for proposing refusal: non-compliance with the principles of previous consent on the site which should have applied to the footprint of existing dwellings only; the garden had been part of the green barrier at that time; the location outside the settlement boundary and the erection of a single dwelling not contributing to the five year land supply. In response to officers' advice, he disagreed that exceptional circumstances had been shown on this application.

The Development Manager clarified that the principles of previous consent on the site could not be included as a reason for refusal on this application.

Prior to the vote, the Senior Solicitor advised that if the motion to refuse was lost, the default position was approval in accordance with the officer recommendation.

On being put to the vote, the proposal to refuse planning permission, against the officer recommendation, was lost. Therefore, the officer recommendation to approve the application was granted.

Councillor Matthews asked that her decision to abstain from the vote be recorded in the minutes.

RESOLVED:

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

164. **056318 - OUTLINE APPLICATION FOR THE ERECTION OF 1 NO. DWELLING AT CROFTERS COTTAGE, DEESIDE LANE, SEALAND.**

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 were detailed in the report.

The officer detailed the reasons for recommending refusal of the application in respect of non-compliance with national policies and with no material considerations to outweigh the harm from inappropriate development in the open countryside.

Councillor Dunbar moved the officer recommendation for refusal which was seconded. Councillor Dunbar stated the proposal was a detached dwelling in open countryside and did not adhere to local need and infill policies.

Councillor Roberts said the proposal was not acceptable due to the location in the green barrier.

Councillor Peers referred to the report's conclusions on inappropriate development in the green barrier and no proven local need, both of which he said

applied to the previous application. Whilst indicating support for approval of this application, he felt that the only difference between the two cases was on the principles of sustainable location and raised concerns about approving applications on that basis.

Councillor Christine Jones drew similar comparisons with the previous report and requested a deferral to allow for a site visit to support her view that this application was in a sustainable location. The deferral was seconded by Councillor Lloyd.

The Chief Officer disagreed with comparisons on the two applications as this proposal was in the green barrier which involved a different policy test. He said that the Committee may wish to consider the requested site visit but reaffirmed his recommendation for refusal of the application.

In view of this, Councillor Lloyd indicated that he wished to withdraw his seconding of the proposal. As the motion put forward by Councillor Jones was not seconded by another Member, the motion was not debated further.

In response to a query, the officer advised that the whole of the application site in the green barrier.

With regard to comparisons drawn with the previous report, the Service Manager Strategy explained the significant difference in respect of the location of this site. Following comments from Councillor Christine Jones on previous permission given to neighbouring cottages, he was unable to confirm whether or not they were part of the green barrier but surmised that permission may have accorded with policy requirements of the adopted Development Plan at that time.

On being put to the vote, the proposal to refuse the application, in accordance with the officer recommendation, was carried.

RESOLVED:

That the application be refused for the reasons outlined in the report of the Chief Officer (Planning and Environment).

165. **056669 - FULL APPLICATION - ERECTION OF SUNROOM AND GARAGE WITH BEDROOM EXTENSION ABOVE AT 7 PINWOOD ROAD, DRURY.**

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 provided a brief summary of the application which was being considered by the Committee as the applicant was an elected Member. She advised that the proposal met policy requirements and was therefore recommended for approval.

Councillor Phillips proposed that the application be granted in accordance with the officer's recommendation which was duly seconded.

On being put to the vote, the proposal for approval of the application was carried.

Councillor Mike Peers who, as the applicant, had declared a personal and prejudicial interest on this item, left the meeting prior to discussion on the item. After the vote had been taken, he returned to the meeting and was informed of the decision.

RESOLVED:

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

166. **THE SIZE AND COMPOSITION OF LOCAL PLANNING AUTHORITY COMMITTEES (WALES) REGULATIONS 2017 (THE REGULATIONS)**

The Senior Solicitor presented a report on the implications to the Committee arising from the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 (the Regulations) to be implemented on 5 May 2017.

Whilst the current arrangements conformed with the necessary size of the Committee and quorum for meetings, there were additional requirements prohibiting the use of substitutes on the Committee and permitting only one Member from a two Member ward to sit as a Committee member.

In response to concerns raised by Councillor Thomas on the latter point, the Senior Solicitor explained that in the absence of guidance on the legislation, a local approach would be developed on meeting this new requirement, such approach to be addressed as part of the arrangements for the Annual General Meeting.

During discussion on the new regulations, concerns were raised that eliminating the use of substitutes could impact on the quorum at meetings. It was envisaged that elected Members would resolve single ward representation on the Committee through discussions. However, in the event that agreement could not be reached between different parties, it was suggested that names could be drawn out of a hat or by prioritising the Member with the highest number of election votes.

RESOLVED:

That the Regulations and their effect on the composition of the Committee in the future, be noted.

167. **CLOSING COMMENTS**

As this was the last meeting of the Committee before the Elections, the Chief Officer paid tribute to the efforts of the officer team throughout the term and thanked Members for their support.

The Chairman expressed his gratitude to the officers for their help and professionalism and thanked all Members of the Committee for their contributions.

In response, Councillor Gareth Roberts reflected on his record in local government and spoke of his appreciation for the good working relationship between Members and officers.

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

On commencement of the meeting, there were 41 members of the public and one member of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.45 pm)

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Chairman