

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
16 DECEMBER 2015

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 16 December 2015

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, David Evans, Alison Halford, Ray Hughes, Richard Jones, Richard Lloyd, Mike Lowe, Nancy Matthews, Mike Peers, Gareth Roberts and David Roney

SUBSTITUTIONS:

Councillor: Haydn Bateman for Carol Ellis, Chris Dolphin for Neville Phillips, and Jim Falshaw for Owen Thomas

ALSO PRESENT:

The following Councillor attended as an observer:
Councillors: Veronica Gay

APOLOGIES:

Councillors: Christine Jones and Billy Mullin

IN ATTENDANCE:

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

93. DECLARATIONS OF INTEREST

Councillor Alison Halford declared a personal and prejudicial interest in the following application because she was a School Governor at Hawarden High School:-

Agenda item 6.1 – Outline application – Residential Development at Boars Head Inn, Holywell Road, Ewloe (054163)

In line with the Planning Code of Practice:-

Councillor Chris Dolphin declared that he had been contacted on more than three occasions on the following application:-

Agenda item 6.4 – Full application – Changes to the layout of 25 No. touring caravan pitches (previously approved under planning permission Ref: 049102) and temporary retention of 2. No. ‘Porta-cabins’ for use as a temporary toilet/amenity block to serve the touring caravan site (retrospective) at Misty Waters Caravan Park, Lloc (053731)

94. LATE OBSERVATIONS

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

95. MINUTES

The draft minutes of the meeting of the Committee held on 18th November 2015 had been circulated to Members with the agenda.

Councillor Mike Peers referred to page 11 and the information that he had requested on whether the 28% return figure was correct and the amount of affordable housing that would be achieved on site. He indicated that he had not yet received the details and asked when these would be available. The Chief Officer (Planning and Environment) advised that he would provide the information to Councillor Peers before the Christmas break.

RESOLVED:

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

96. 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.

97. OUTLINE APPLICATION – RESIDENTIAL DEVELOPMENT AT BOARS HEAD INN, HOLYWELL ROAD, EWLOE (054163)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 14 December 2015. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that this was an outline application with details of three points of access provided. All other matters were reserved for future consideration. The site of the former Boars Head public house was in a residential area with commercial units in the vicinity and it was proposed that the existing building be demolished. An indicative plan for 11 dwellings on the site had been provided and an ecological survey had been undertaken and submitted with the application. This was a brownfield site in the Category B settlement of Ewloe and the proposal was in accord with Planning Policy Wales and the principle of development had been accepted. Policy S11 of the Unitary Development Plan (UDP) allowed the loss of a public house where similar facilities existed in the neighbourhood and in this instance the site was opposite a social club and near the St. David's Park Hotel and Running Hare public house. The officer advised that comments had been made about the historic interest of the building. However demolition of the building had been put forward as it

was unsuitable for conversion to residential dwellings and this would be controlled by condition. The officer explained that a condition was also included for a noise assessment to be undertaken as part of the reserved matters submission. A sewer crossed the site and a condition to discuss appropriate works was also included. Paragraph 7.16 reported that the Coal Authority records indicated that there was a recorded mine entry within 20 metres of the boundary and therefore appropriate conditions relating to a scheme for shallow coal workings prior to the submission of a reserved matters application were required. A Section 106 obligation had been included as part of the granting of planning permission for educational contributions and in lieu of on-site play provision and the officer confirmed that this was Community Infrastructure Levy (CIL) compliant.

The Local Member, Councillor Alison Halford, referred to the Boars Head public house that had been in place since 1704 and a plaque that was in place on the front of the building. Councillor Halford agreed with the recommendation to approve the application but added that the public were concerned that the pub could not be saved. The developer and agent were aware of the hostility around the application but Councillor Halford reiterated earlier comments that the building was unsafe and could not be converted. However, the front of the Boars Head would be reflected in the new building. Councillor Halford, having earlier declared an interest in the application, left the meeting prior to its discussion.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He commented on the brownfield site in a Category B settlement and there was a presumption in favour of an application in such a location. He felt that it was a shame to see the building disappear but it had not been listed by CADW or identified by the Local Authority as a site of historic interest. The public house had been for sale for a number of years and Councillor Bithell spoke of the other public houses in the area. He said that there was no reason to refuse the application. Councillor Derek Butler said that it was sad when an old building was lost and commented on the stringent conditions in place.

Councillor Mike Peers queried the comments of the Head of Public Protection in paragraphs 3.01 and 7.14 that specific measures were “probably necessary” and felt that the comments should identify whether this was required or not. He queried how growth rates were now controlled as it was reported that the monitoring of growth rates of Category B settlements ended as of 1 April 2015 and he asked how this affected this and other applications. Paragraph 7.07 referred to the current state of the building which Councillor Peers felt was not a planning matter and he asked for clarification on the length of the marketing exercise undertaken to establish whether the proposal complied with Policy S11. He asked that it be noted that the Ewloe Social Club which was reported as being opposite the site was a Members only club and asked whether this would have an impact on the consideration of Policy S11. Paragraph 7.09 indicated that the date plaque on the front of the pub building could be retained and incorporated within the site and Councillor Peers felt that it was important to ensure that this was included in the reserved

matters application. He also sought clarification on the projects listed in paragraph 7.24 of how the educational contribution would be used.

Councillor Richard Jones commented on pubs that had been in the area in the past which no longer existed. He said that the feeling of local residents was that the pub should be protected but as this was not possible, it should still be remembered and including the plaque in the reserved matters application would enable this and would mark the site of where the Boars Head public house used to be.

In response to the comments made, the officer said that until the results of the noise survey were received, it could not be confirmed whether specific measures were necessary to protect the amenity of the future residents and this was why the comments of the Head of Public Protection included "probably". On the growth rate control, she confirmed that this formally finished on 1 April 2015 but informal monitoring was still undertaken and growth limits were no longer relevant as the Council did not have a five year housing supply. The officer advised that the application did not need to satisfy the marketing test referred to in policy S11 if there were other facilities nearby. She also confirmed that a condition could be added to the Reserved Matters application that the plaque be retained and incorporated into the scheme. The educational contributions were requested for projects which enhanced the capacity of the school which the projects shown would do.

Councillor Peers indicated that he had also asked about the Ewloe Social Club and the impact of this on policy S11.

The Planning Strategy Manager commented on the growth rates which had been monitored up to 1 April 2015 and referred to the Joint Housing Land Availability Study (JHLAS), adding that informal monitoring would continue to be undertaken. On the educational contributions element, there was a need to provide more specific projects to comply with CIL regulations about Section 106 agreements and not having five or more contributions for a school in general. He added that a further report on changes to the Supplementary Planning Guidance for educational contributions would be submitted to the Planning Strategy Group meeting in January 2016. The Planning Strategy Manager said that a full photographic survey would be carried out before the building was demolished to ensure that a historic record was retained. He added that the Historic Monument Society would also be involved.

Following a question from the Chairman, Councillors Bithell and Butler, as the proposer and seconder of the recommendation of the application, agreed to include a condition that the plaque be retained and incorporated into the Reserved Matters application.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional condition relating to the retention of the plaque in the reserved matters

application and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or earlier payment to provide the following:-

- (a) payment of monies based on the school pupil multiplier formula towards educational provision/improvements in the form of 'internal accommodation alterations/refurbishment and resources for IT provision' at Ewloe Green Primary School and towards educational provision/improvements in the form of 'additional toilets' at Hawarden High School
- (b) An off-site commuted sum of £1,100 per dwelling or £733 per unit in lieu of onsite provision to improve the quality of play provision at Circular Drive, Ewloe

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

After the vote had been taken, Councillor Halford returned to the meeting and the Chairman advised her of the decision.

98. FULL APPLICATION – DEMOLITION OF EXISTING HEALTH CARE CENTRE AND ERECTION OF 24 NO. AFFORDABLE APARTMENTS WITH ASSOCIATED LANDSCAPING AND PARKING AT BUCKLEY HEALTH CENTRE, PADESWOOD ROAD NORTH, BUCKLEY (054151)

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

The officer detailed the background to the report and said that the main issues for consideration included the principle of the development in planning policy terms having regard to the Buckley Masterplan 2011. It was reported in paragraph 7.10 that the question as to whether a 100% residential scheme unacceptably conflicted with the Buckley Master Plan must be weighed against the existing economic position within the town centre. The officer, in his report, had concluded that this proposal was acceptable in policy terms and had considered the design impact of the application. The scheme would also be required to protect amenity and reduce noise levels and a condition had been included that a scheme of enhanced glazing be submitted and agreed. A drainage scheme was also to be submitted and agreed and a condition prohibiting the commencement of development until this matter had been satisfactorily addressed had been included. Approval of the application was recommended subject to the applicant entering into a Section 106 obligation/unilateral undertaking which was Community Infrastructure Levy (CIL) compliant.

Mr. B. Davies spoke in support of the application for the applicant Grwp Cynefin. The applicant had a stock of 4,200 properties and had been offered the vacant site by Betsi Cadwaladr University Health Board (BCUHB) for affordable housing in an area of proven local need. Extensive pre-application discussions had been held on the proposal for 24 No. affordable apartments for 18 two bed units and six one bed units. The timetable for the scheme had already been extended by BCUHB and now permission was needed for the site to progress. Concerns had been raised about the lack of commercial units in the proposal but it had not been proven that there was a lack of commercial units in Buckley. Mr. Davies said that he felt that the proposal would bring people back to the area of the town.

The Local Member, Councillor Richard, Jones proposed refusal of the application against officer recommendation, which was duly seconded. He did not feel that the application complied with the Buckley Masterplan as it did not contain any retail units.

Councillor Mike Peers recognised that the site needed to be developed but added that it should be in accordance with the Buckley Masterplan which this proposal was not. He felt that it was important to grow the retail sector and that it was not sufficient to suggest that the vacant retail units in the precinct meant that there was no need for commercial units in this scheme. The Masterplan was a plan for growth for the future and should be complied with when considering new development in Buckley. It was also important to protect the retail area that had been identified and Councillor Peers added that the residential units were welcomed but there was also a need for the inclusion of commercial units.

Councillor Derek Butler said that there were elements of both the Buckley Masterplan and the Unitary Development Plan (UDP) in the proposal. He commented on the new health centre being located out of the town and that the advantage of people living in the town was that this would increase footfall. He said that there were plans to enhance the precinct and this would need people to shop there on a daily basis to ensure its sustainability. Councillor Butler felt that the provision of all residential units on the site outweighed the proposals in the Buckley Masterplan for part commercial and part residential units on this site.

In referring to paragraph 7.03, Councillor David Evans sought clarification on the number of one and two bed units on the site as the speaker Mr. Davies had indicated differing figures to those reported. In response, the officer indicated that the proposal would provide 14 No. 2 bed units and 10 No. 1 bed units as reported in paragraph 7.03.

Councillor Chris Bithell felt that the area was not part of the current retail centre of Buckley and queried whether the provision of commercial units on this site would attract customers to the area. He agreed with the comments of Councillor Butler that the need for affordable housing was greater than the requirement for retail units. Councillor Gareth Roberts commented that the site was very close to the retail centre of Buckley and

agreed with Councillors Jones and Peers that there should be a mix of retail and residential units on the site.

The Planning Strategy Manager understood the views of Members because of the significant amount of work that had been put into the Buckley Masterplan. Regeneration colleagues had also been part of the team working on the Masterplan and for this application they had deemed the site to be outside the core retail area. The Masterplan referred specifically to food retail units on this site and the Regeneration Team did not have evidence that there was any demand for such units in this location.

Councillor Jones commented that there were no empty retail units on Brunswick Road but there were vacant outlets in the precinct. He said that the agents of the precinct were doubling the size of the units to over 4,000 metres to attract national providers. Councillor Jones felt that the area of the site would be ideal for the smaller units for local independent and start-up shops and added that 43 affordable units had already been provided in Buckley on the Redrow site. He said that it was important to have facilities in place for the people who lived in Buckley to shop locally and that this site in the Buckley Masterplan was intended to provide the required mix of commercial and residential units close to the town centre.

On being put to the vote, the application to refuse the application was LOST. As Members queried the number of votes, there was a re-count and the proposal to refuse the application was LOST.

RESOLVED:

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

- (a) Ensure the payment of a contribution of £17,592 to the Council in lieu of on site play and recreation provision. Such sum to be paid to the Council prior to the occupation of any dwelling hereby approved and to be used to upgrade existing facilities within the community at Lyme Grove Play Area;
- (b) The precise methods of Social Rental via which the units are to be made affordable and provisions for their continued affordability thereafter;
- (c) The payment of £4000 as a contribution to the cost of amendments to existing on-road parking restrictions and the provision of related signage and road markings via a new Traffic Regulation Order on Padeswood Road

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

99. FULL APPLICATION – ERECTION OF 12 NO. DWELLINGS AND ASSOCIATED DEVELOPMENT WORKS AT CUSTOM HOUSE SCHOOL, MOLD ROAD, CONNAH’S QUAY (054484)

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

The officer detailed the background to the report and drew Members’ attention to the reference in the first page of the report and in paragraph 2.02 to a Section 106 agreement which was not referred to in the body of the report. It was not possible to attach a Section 106 agreement to the conditions as the site was owned by Flintshire County Council and could therefore not enter into an agreement with itself. The issues that would normally be covered by an agreement were included as conditions 17 and 18. The officer explained that the site was the first to be delivered as part of the Council’s Strategic Housing and Regeneration Programme (SHARP).

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He referred to the late observations and queried why the figure of £733 was to be sought for upgrading the nearby play area facilities rather than the £1,100 suggested by the Public Open Spaces Manager. Councillor Ian Dunbar welcomed the proposal and said that the SHARP project had been long awaited. He commented on the condition relating to the removal of the zebra crossing and he felt that the footpath had been well designed.

Councillor Chris Bithell felt that the proposal would help the Council meet its need for affordable housing in the county and enable the land to be utilised and put to good use.

In response to the query from Councillor Butler, the officer advised that the usual amount requested for contributions to public open space was £1100 per dwelling for market value but for affordable dwellings, this was reduced to £733 per dwelling.

The Planning Strategy Manager felt that the Council should be proud of the scheme and said that it was worth noting that this was the start of an exciting programme of work.

In summing up, Councillor Butler also referred to the set-up of a training academy as part of the SHARP programme.

RESOLVED:

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

100. FULL APPLICATION – CHANGES TO THE LAYOUT OF 25 NO. TOURING CARAVAN PITCHES (PREVIOUSLY APPROVED UNDER PLANNING PERMISSION REF: 049102) AND TEMPORARY RETENTION OF 2 NO. 'PORTA-CABINS' FOR USE AS A TEMPORARY TOILET/AMENITY BLOCK TO SERVE THE TOURING CARAVAN SITE (RETROSPECTIVE) AT MISTY WATERS CARAVAN PARK, LLOC (053731)

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

The officer detailed the background to the report and explained that in 2013 the Committee had approved an application for 25 no. pitches which had conditions attached. The site had not been developed in accordance with the consent granted and the amenity building approved had not been installed resulting in the two portacabins remaining in place. This application was recommended for approval with the applicant being asked to enter into a Section 106 agreement to rescind the right to site 25 touring caravans in accordance with planning permission reference 048006. In consideration of the application, the officer had not revisited the principle of the site as he had previously considered compliance against Policy T6 and there had not been any reason to revisit it. He had focused on the changes between the permission granted and this application and the impact of the temporary siting of the portacabins.

Mrs. J. Hughes spoke against the application and expressed significant concern as she felt that it did not comply with Policy T6. Application 049102 reported an increase of 30% but she felt that this was 66% and added that the portacabins also did not comply with Policy GEN1 and should be immediately removed. The highest point of the site was 210 metres and the lowest was 194 metres at the access to the site and Mrs. Hughes also referred to a footpath which crossed the site. She also felt that the proposal did not comply with Policy L1 and said that the applicant was mindful that the grass would be churned up in the winter and commented that the pitches had originally been grass only. She spoke of two further applications that had been submitted and of the appeal that had been refused by Welsh Government on a nearby site because of the impact on the area; that site had a highest point of 194 metres.

The Local Member, Councillor Chris Dolphin, proposed refusal of the application, against officer recommendation, which was duly seconded. He felt that the proposals did not comply with Policies T6, GEN1, GEN3, D1, D2, D3 and L1 and added that the principle of development had also not been complied with. He said that the site was in a rural location in the open countryside and would have a significant impact on the area and that the

application should be refused to allow the site to be cleared. He had been opposed to the original application as he felt that it had not complied with policy and indicated that the site had been the subject of continual enforcement action and additional applications to regularise the site. He commented on the condition about no external lighting pointing out that it was currently installed on the site and had resulted in a number of complaints to Councillor Dolphin. He felt that the view in the area was blighted by caravans and there was an impact on the landscape from the Garreg. He referred to paragraph 7.04 where a further application for an additional four no. unauthorised pitches was reported and reiterated his earlier comment that this application was as a result of enforcement action. Councillor Dolphin disagreed with the comment in paragraph 7.11 that the site would have a largely green appearance during the winter months and queried the economic benefits reported in paragraph 7.14 and commented that there was not a direct footpath to the services at junction 31.

Councillor Alison Halford agreed with the comments of Councillor Dolphin that the applicant had not complied with the permission given and that this application should therefore be refused.

Councillor Chris Bithell referred to the highway impacts of the proposal and said that paragraph 7.12 suggested that there were still problems with passing traffic and that this could be addressed by condition. He queried whether a new condition was required to ensure new passing places were provided. Councillor Gareth Roberts concurred with Councillor Dolphin and in commenting on the site sustainability, he queried which public house the report was referring to as he was not aware of one that was within walking distance of the site.

In response to the comments made, the officer confirmed that the issues with the highway as part of the access to the site had been addressed. He added that the nearest public house was Tarth y Dwr on the site next door. The difference between this application and what had previously been agreed with that the 25 pitches were in a different place and the amenity block was not as had been approved but temporary permission was being sought for the two portacabins until the amenity block was erected in the correct location. However, both applications were for 25 pitches. The officer confirmed that other applications had been submitted but these had not yet been determined and he also did not yet have a view on the treatment for the hardstandings.

The Development Manager referred to the Policies mentioned by Councillor Dolphin stating that the principle of the development could not be revisited as there was an extant planning permission for the development. This application related to changes in matters of detail and members could take the view that the differences from the approved scheme were unacceptable but it was the view of officers that this did not warrant refusal of the proposal. The Planning Strategy Manager said that refusal of this application would not mean that the site would be cleared but would need to be put back to the scheme that had been approved.

Councillor Richard Lloyd queried condition 9 which required removal of the toilet portacabins within six months of the permission and whether this time should be reduced. He also asked whether the works could be undertaken in January and February when the site was closed. The officer explained that six months was deemed to be an appropriate amount of time but that a reduced time could be considered. The Planning Strategy Manager detailed the work that would need to be undertaken to provide the permanent amenity block and suggested that this would take longer than the one month shutdown of the site. Councillor Mike Peers sought clarification on condition 9 which he said did not state that the new amenity block was to be built in that time. The officer responded that as the erection of the new block formed part of the proposal, it did not need to be specifically mentioned in the condition.

Councillor Derek Butler said that it was reported that the hardstandings would be slate but the original application referred to grasscrete; he queried whether this should be conditioned. The officer said that Members could suggest alternative condition if it was appropriate but reiterated that he had received a separate application on the hardstandings which he had not yet determined.

Councillor Halford felt that the views of Mrs. Hughes, the third party speaker, should be considered. Councillor Matthews said that the applicant had had three years to comply with the approval granted on the previous application. The officer confirmed that the application had been approved in March 2013 and there had been a period of discussion with enforcement and this application had been submitted some time ago. The application was before the Committee as officers did not have the delegated authority for the section 106 obligation.

In summing up, Councillor Dolphin said that this application had been submitted to try and regularise and formalise the site after years of negotiation and should therefore be refused.

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

RESOLVED:

That planning permission be refused as the application did not comply with relevant criteria of policies, GEN1, D1, D2, D3 and L1 of the UDP

101. FULL APPLICATION – ERECTION OF REPLACEMENT DWELLING AT HEDDWCH, COAST ROAD, MOSTYN (054471)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 14 December 2015. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the application was for a replacement dwelling on the site which was in a countryside setting. The main issues for consideration were the effect of the proposal upon the character and appearance of the area. It was felt that the massing of the development would have an increased detrimental impact and therefore the recommendation was for refusal of the application. The total floorspace was 140 square metres including the extensions and the proposal was for 354 square metres excluding the attached garage and three storey element of the proposal. This would result in an increase of 153% over the original dwelling. Application 051526 for the demolition of rear areas of the existing dwelling and erection of a new two storey extension to the side and rear had been granted in March 2014 which amounted to a 121% increase. An application for the erection of a replacement dwelling had been refused in June 2015. The officer felt that this application would be out of scale with existing properties in the area and there were no other dwellings of the scale and massing of this proposal.

The officer explained that the Local Member, Councillor David Roney, in his consultation response had indicated that the new dwelling was to meet the needs of a disabled person but there had been no mention in the application of a medical need for a design of this scale. It was felt that there was scope to adapt the property without the scale of development proposed.

Mr. R. Gratton, the agent for the applicant, spoke in support of the application. He said that the proposal would meet the needs of the applicant and the demolition of the dwelling and erection of a new property had been discussed with the planning officer who had indicated that refusal of the application was proposed because it was out of scale and character with the area. The design was redrafted and following lengthy negotiations, it was felt that the application was deemed to be acceptable. Mr. Gratton referred to Policy HSG6 and commented that existing permitted development rights had not been removed. The floor space for the proposed dwelling was very similar to that of the existing property but was a better design for the applicant.

The Local Member, Councillor David Roney, proposed approval of the application, against officer recommendation, which was duly seconded. Following advice from the Housing & Planning Solicitor Councillor Roney and Councillor Mike Peers, as proposer and seconder respectively, agreed to add that delegated powers be granted to the Chief Officer (Planning and Environment) to include appropriate conditions and a Section 106 obligation, if such an obligation was appropriate..

Councillor Roney said that all of the properties in the area were of different designs and this dwelling had been granted planning permission to extend the rear area and erect a new two storey extension which would result in a property the same size as this proposal. The application had been unanimously accepted by Mostyn Community Council and the new house would provide bigger rooms and wider doorways which would meet the needs of the applicant. The officer had referred to the massing of the development and the impact on the area but Councillor Roney said that the area was

industrial in nature and had the railway line running behind the house. The family had been unable to find an alternative suitable family home and therefore wanted to build a home more suited to their needs. There had been mention of a snooker room with the property but this was an area where a lift would be located to allow the applicant to access the rest of the house when he was no longer able to walk. Councillor Roney felt that as there had been no objections to the application, that it should be approved.

Councillor Mike Peers disagreed with the comments that the massing of the property would cause a significant detrimental impact on the area and said that the plans for this application was very similar to the existing dwelling. He felt that it was a matter of opinion as to whether the dwelling would be out of scale and character with the area. The site was a large plot and would allow the applicant the opportunity to have a property that was fit for purpose and have large enough rooms for an improved quality of life.

In referring to the comments of the Head of Public Protection, Councillor Richard Lloyd queried what the suggested condition would be. The officer indicated that it would be in connection with replacing most of the windows because of the noise from the traffic on the road. It was not included as a condition in the report as the application was recommended for refusal.

Councillor Chris Bithell referred to the site visit where Members had been able to see that all of the houses in the area were individual and unique. He referred to policy which indicated that a guideline increase of 50% was allowable in a rural setting but this was an increase of 153% which was contrary to policy. The harm in permitting this application was the precedent that it would set for future applications. Councillor Bithell referred to the site history and queried the reason for the refusal of application 053514 in June 2015 and whether the proposal was the same as for this application. Councillor Derek Butler said that approval had already been given to increase the footprint to 121% and added that Councillor Bithell had put forward a balanced argument. He concurred that there was a mix of housing in the area but spoke of the importance of planning principle and setting a precedent.

Councillor Gareth Roberts said that this was a building in the open countryside and that the extending the footprint by nearly 400% in relation to the original dwelling was unacceptable. He concurred with the earlier comments about setting a precedent if this application was approved. He referred to an application at the previous meeting for a two storey extension which had been permitted but was within the settlement boundary so the increase in size was not considered; it could therefore not be compared to this application. Councillor Richard Jones felt that the mistakes had already been made in permitting the increases of 121% and therefore the further extension by 32% was considered to be finely balanced and could not be considered to have a significant detrimental impact. Councillor Roberts indicated that policy guidelines related to increases compared to the original dwelling, not the original plus extensions so on that basis the increase on this proposal was nearly 400% not 150%.

In response to Councillor Bithell's query about the refusal of application 053514, the officer confirmed that it was not for the same scheme as this proposal and that the application had been dealt with by delegated powers. The application was for a replacement dwelling with a footprint of 200% more than the original and was refused because of its significant impact on the area.

The Planning Strategy Manager referred to the extensions already permitted but explained that as these were mainly to the rear of the property, they did not have a detrimental impact on the overall character of the area. He added that the applicant could also top up these extensions with permitted development rights. The harm that allowing the proposal would bring was the precedent it would set for future applications. The Planning Strategy Manager advised Members that a four bed detached property was usually about 150 square metres so this proposal would produce a dwelling that was more than two times the size of a four bed house. He added that he had not heard any reasons to suggest why the original property could not be adapted to make it suitable for the family's needs.

In summing up, Councillor Roney said that the extensions were not solely to the rear as some were to the side of the property and the original 1930s dwelling was difficult to alter. This application had been submitted to make the house fit for purpose for a disabled person and Councillor Roney felt that as extensions totalling 121% had already been granted by officers, this application for an additional increase of 32% should be permitted.

On being put to the vote, the proposal to approve the application with delegated authority to the Chief Officer (Planning and Environment) to set up the required conditions and Section 106 agreement if appropriate was CARRIED.

Councillor Lloyd queried whether the condition referred to by the Head of Public Protection would be included. The Chief Officer (Planning and Environment) said that as the setting of conditions had been delegated to him, he would take this request into account.

RESOLVED:

That planning permission be granted with delegated authority be given to the Chief Officer (Planning and Environment) to set the required conditions and Section 106 agreement if appropriate.

102. APPEAL BY MR. DAVID ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR ERECTION OF CONCRETE BATCHING PLANT AT BRYN THOMAS CRANE HIRE, CHESTER ROAD, OAKENHOLT (053011)

The Chief Officer (Planning and Environment) explained that the application had been refused by Committee and the appeal had been allowed as the Inspector concluded that the proposals would not harm highway safety.

The appeal had been held by written representations so there had not been any application for costs.

RESOLVED:

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

103. APPEAL BY PERSIMMON HOMES NORTH WEST AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO DEAL WITH CHANGE IN LEVELS AT THE REAR OF PLOTS 52-56 (SCHEME 1) AT FIELD FARM LANE, BUCKLEY (053014)

In response to a query from Councillor David Evans, the Development Manager explained that this appeal related to the original application which officers felt was unacceptable. Two other schemes had been submitted, both of which had been granted and following this appeal decision, the applicant had now started to implement one of the two approved schemes which had less impact on other properties.

RESOLVED:

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

104. APPEAL BY MR. MARK ALLEN AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE REMOVAL OF EXISTING ROOF, DEMOLITION OF EXISTING FLAT-ROOFED GARAGE AND ERECTION OF NEW GARAGE, ERECTION OF EXTENSION TO REAR OF GARAGE, CONSTRUCTION OF NEW HIGHER-PITCHED ROOF OVER THE WHOLE STRUCTURE TO CREATE NEW ROOMS IN THE ROOF SPACE AT 28 SUMMERDALE ROAD, QUEENSFERRY (053329)

RESOLVED:

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

105. APPEAL BY MR. ROBERT EDWARDS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR DEMOLITION OF EXISTING GARAGE AND ERECTION OF TWO STOREY, SINGLE STOREY AND FIRST FLOOR EXTENSIONS AT STATION HOUSE, ALYN LANE, LLONG (053621)

The Chief Officer (Planning and Environment) advised that the Inspector had made a split decision on this appeal, with part being allowed and part being dismissed. The proposed two storey extension had been dismissed as it conflicted with the relevant policies of Flintshire's Unitary Development Plan (UDP). However the appeal on the demolition of the garage and the proposed first floor extensions was allowed. A Judicial Review was an option available to the Council but it had been decided that

this was not appropriate. The Chief Officer added that the Inspector could make a split decision but the Committee could not.

Councillor Chris Bithell indicated that he had discussed this issue with the Planning Inspector as Members were always advised to deal with the application before them. He spoke of the constraints of the UDP and said that the comments of the Inspector was their opinion and interpretation. He hoped that the comments would be challenged. Councillor Gareth Roberts raised concern at the ability of the Inspector to be able to make a split decision on an appeal.

RESOLVED:

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

106. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 10 members of the public and one member of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.18 pm)

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Chairman