

PLANNING & DEVELOPMENT CONTROL COMMITTEE
20 JULY 2016

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 20 July 2016

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, David Evans, Ray Hughes, Richard Jones, Mike Lowe, Nancy Matthews, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts and David Roney

SUBSTITUTES: Councillors: Haydn Bateman (for Carol Ellis), Jim Falshaw (for Alison Halford) and Ron Hampson (for Christine Jones)

APOLOGY: Councillor Richard Lloyd

ALSO PRESENT:

The following Councillors attended as local Members:
Councillor Phil Lightfoot for agenda item 6.1; Councillor Colin Legg for agenda item 6.2; Councillor Tim Newhouse for agenda item 6.8

IN ATTENDANCE:

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

31. DECLARATIONS OF INTEREST

Councillors Ray Hughes and Phil Lightfoot both declared a personal and prejudicial interest in the following application as they were governors of Castell Alun School and Ysgol Derwen respectively:-

Agenda Item 6.1 - Full application - Erection of 56 No. Dwellings with Associated Access, Open Space and Infrastructure at Kinnerton Lane, Higher Kinnerton (054770)

32. LATE OBSERVATIONS

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

33. MINUTES

The minutes of the meeting held on 22 June 2016 were submitted.

Accuracy

On planning application reference 054768, Councillor Mike Peers asked that the minutes be amended to reflect that his reason for withdrawing his proposal was to support the deferral of the application for further discussion. This was duly seconded.

On planning application reference 054007, Councillor Peers clarified that his request for a report by the Housing Strategy Manager to explain the rationale behind suggested affordable housing provision applied to all similar items submitted to the Committee and that this had been agreed by officers. The Service Strategy Manager confirmed that the information would be included in future reports, as agreed with the newly appointed Affordable Housing Manager.

RESOLVED:

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

34. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that none of the agenda items were recommended for deferral by officers.

35. FULL APPLICATION - ERECTION OF 56 NO. DWELLINGS WITH ASSOCIATED ACCESS, OPEN SPACE AND INFRASTRUCTURE AT KINNERTON LANE, HIGHER KINNERTON (054770)

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 18 July 2016. The usual consultations had been undertaken and the responses received detailed in the report.

The officer advised that although the application was outside the settlement boundary, it complied with all the UDP policies and Planning Policy Wales guidance. He considered the lack of a five year land supply to be a material consideration in this case and recommended that conditional planning permission be granted, subject to the Section 106 provisions outlined within the report. As a point of accuracy, condition 14 should have indicated that no dwelling was to be occupied until the works in condition 13 were completed.

As the Local Member, Councillor Phil Lightfoot spoke against the application. Whilst he had a number of concerns, he specifically questioned the adequacy of drainage due to the presence of freshwater springs. He acknowledged the advice given by Natural Resources Wales (NRW) about the increased potential for flooding, adding that the increased flow of water from the development increased the risk of flooding downstream to Lower Kinnerton. He referred to flooding concerns raised by a number of local residents and sought assurances that the drainage system removing water from the site would be subject to regular maintenance by NRW,

which had not been the case over the past five years. Councillor Phil Lightfoot then withdrew from the meeting.

Mr. J. Brautigam spoke against the application on the basis that it represented a significant departure from the UDP, was outside the defined settlement boundary and within open countryside. He stated that failure of the Council to have a five year plan was not a reason to grant approval and that the development did little to address the shortage in affordable housing. He pointed out that Higher Kinnerton had delivered its quota through its 10% growth over the planned period and therefore there was no reason to deliver the next phase of the development. He highlighted the range of housing available in the area where some properties had remained unsold for some time. He described the proposals as impractical and dangerous, citing no safe access for pedestrians, cyclists and people with disabilities and no easy safe pedestrian access from Kinnerton Lane to the village.

Mr. P. Lloyd, the agent for the applicant, spoke in support of the application and thanked the officers for their assistance. He referred to the Inspector's decision to allow the appeal under Agenda Item 6.15 and drew a number of comparisons with this application such as it being outside the settlement boundary, compliance with the Council's approach to housing site releases, the five year supply and the need to release such land outweighing any open countryside harm. He said that the ongoing need to deliver housing was a material consideration and that the officers had given considerable weight to providing supply in line with national policy. He said that the development offered enhancement to local facilities together with a range of community benefits including off-site highway improvements and contributions towards facilities at local schools, as well as gifting five units to the Council and providing five affordable houses. He advised that all proposed conditions could be met with positive measures to manage surface water as part of the flood consequence assessment and that Flood Zone A should not hinder approval of the development.

Councillor Derek Butler proposed refusal of the application, which was duly seconded. He expressed concerns about the perceived lack of land supply, as a result of TAN1, and that the Welsh Government should be challenged on this, given the number of other applications made solely on that basis. He said that comments on the site not being included as a candidate site in the next round for the UDP showed the application was speculative. He did not think that the applicant was even the owner of the site. He pointed out that national press reports had identified Broughton as an area of reducing housing demand and that there was other land available for development. He expressed particular concern about the presence of natural springs on the site and the potential for flooding and sought clarity on the grading of the land which, if identified as subgrade 3a (best and most versatile agricultural land), would be protected by planning policy.

In seconding the proposal, Councillor Mike Peers agreed that the lack of five year supply should not outweigh the fact that the development was outside the settlement boundary, and that this should be discussed in more detail as this undermined the determinations of the Committee. He spoke about the risk to other

sites in the county if this situation was to continue and thanked the Cabinet Member for sharing these views.

Whilst Councillor Gareth Roberts shared these frustrations, he proposed acceptance of the officer's recommendation to approve the application, pointing out that it accorded with policies and the inevitable outcomes if it was refused. He went on to refer to the potential negative impact of 'Brexit' on the economy and housing developments.

Councillor Chris Bithell agreed with all of the comments made by Members that national policy should not allow the continuation of these types of speculative development to be considered. He said that the current 3.7 years of supply within the UDP could more than satisfy housing needs in the county and that the LDP was due to be adopted in 18 months' time. He agreed with Councillor Roberts that there was no option but to accept the officer's recommendation and called upon residents to challenge the Welsh Government on its TAN1 policy as the Council would continue to do. In relation to the concerns on surface water drainage, he questioned whether the capacity of the tanks would be adequate and was dismayed that NRW did not require the scheme to be submitted until a later stage.

The officer shared the concerns raised about the restrictions of TAN1 but confirmed that the application complied with other policies and was a sustainable form of development. In relation to the flooding concerns, he explained that surface water would discharge from the site at the greenfield rate so there would be no increased risk of flooding elsewhere downstream. NRW had raised no objections on the basis that a scheme was submitted and approved before the development commenced; an approach that was in line with other applications. The officer confirmed that the grading of the site was 3b and that it was a candidate site, advising that the applicant not being the owner was immaterial.

The Senior Engineer - Highways Development Control confirmed support for the application, subject to the conditions set out in the report. In referring to a range of highway improvements to be gained from the development including a 1.5m footway to the village, she confirmed that the width of the carriageway met requirements.

Members' concerns were acknowledged by the Service Strategy Manager who gave reassurance that the Council would continue to make representations to the Welsh Government on national policy. He advised against the Committee refusing the application on that basis alone, as demonstrated in Agenda Item 6.15, as the decision must be based on evidence-based material factors. He referred to the amendment of the LDP timetable by Cabinet and advised that a report on land supply would be brought to the Planning Strategy Group. He went on to outline the major changes to TAN1 in calculating land supply in the UDP and the fact that land supply could not be demonstrated until adoption of the LDP. In response to comments raised, he said that the site was not in the UDP and did not need to be a candidate site in the LDP. He advised the Committee to consider the sustainability of the development and whether there was any planning harm in allowing it.

Councillor Richard Jones asked whether the officer's recommendation would remain the same in the event of there being a five year land supply. The Service Strategy Manager said that, in that situation, the Council would be in a stronger position as housing policies in the UDP would provide the supply and that other policies in the development plan could be applied with the possible outcome of recommending refusal.

In response to a question from Councillor Bithell, explanation was given on the potential for 'windfall' sites to improve supply in the LDP and reduce the amount of residual new sites to be identified.

Councillor Butler thanked Members for the debate which had highlighted the challenges on national policy. He spoke against the Inspector's decision on Agenda Item 6.15 and felt it was important to make a stance as each application should be considered on its own merits. He referred to the current land supply and stressed the importance of reaching the stage of adopting the LDP to establish whether housing supply requirements could be met. He confirmed his proposal to refuse the application as this was not a candidate site and on the basis of the agricultural land grading and waterlogged nature of the site due to the natural springs. He added that the development was speculative and that it was not sustainable.

In respect of the LDP timetable, the Service Strategy Manager clarified that an additional 18 months had been added to the original four year programme.

Councillor Butler clarified his reasons for refusal as flooding concerns, based on the existence of natural springs on the site and the agricultural land classification of the top part of the site as 3a. The officer clarified that the land was in fact grade 3b and that Councillor Butler was perhaps referring to another site which had been the subject of a site visit at Leeswood, where indeed there was such a split between the grades. Councillor Butler maintained. However, that he believed that the top part of this site was 3a whilst the lower part was 3b.

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

RESOLVED:

That planning permission be refused.

The Chief Officer advised that a report would be brought to the next meeting to clarify the proposed reasons for refusal.

After the vote had been taken, Councillors Ray Hughes and Phil Lightfoot returned to the meeting and were advised of the decision by the Chairman.

36. VARIATION OF CONDITION NO. 17 ATTACHED TO PLANNING PERMISSION REF 00/20/570 TO INCREASE PRODUCTION LIMIT AT PANT Y PWLL DWR QUARRY, PENTRE HALKYN (054768)

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 explained that the report had been deferred from the meeting in June to consider a number of concerns raised by the Committee and third parties on controlling vehicle movements at the site. To address this, conditions 15-17 had been amended to restrict HGVs entering the site until 0615 Monday-Saturday and to allow a maximum number of eleven HGVs to leave the site between 0600 and 0630 hours Monday-Saturday. A further revision to limit the number of vehicle movements on Saturdays from 300 to 200 (100 in/100 out) was also recommended, as set out in the late observations. The changes to conditions suggested by the third party at the June meeting could not be implemented as there were no material reasons to do so. Given the revised conditions to enable greater control to on-site activities, the officer felt there was no material reason to refuse the application.

Mr. D. Bartlett stated his original intention to oppose the application to seek a reduction in the number of HGVs travelling through Pentre Halkyn on Saturdays. He acknowledged the applicant's commitment to reduce the maximum number of HGVs at the site on Saturdays to 200 and the noise-reducing measures and repairs agreed as part of the consultation in December. He also noted the applicant's subsequent agreement to limit the maximum number of HGVs leaving the quarry before 0630 hours and to prohibit HGVs entering the quarry before 0615 hours. As a consequence of this and the applicant's agreement to reduce the number of HGVs using the village roads on Saturday, Mr. Bartlett withdrew his objections to the application. He thanked all those involved for their work during the process, including the applicant, stating that early morning disturbance in the village would reduce to a more acceptable level if other quarries imposed similar conditions. He said that residents would continue to seek a resolution to the 15 specific concerns which remained outstanding from the consultation process and welcomed any support from Members on this.

For the applicant, Mr. I. Southcott said that a response was no longer required in view of the above.

Councillor Chris Bithell proposed the officer recommendation for approval of the application together with the additional condition in the late observations. He felt that the issues on vehicle movements had mainly been addressed and referred to the restrictions in Circular 11/95. He pointed out that local communities had benefited from commuted sums and suggested that this could be put to better use in the future to address some of the outstanding concerns of residents.

His proposal was seconded by Councillor Derek Butler who praised the positive outcome which had been achieved through amicable and open-minded discussions.

As Local Member, Councillor Colin Legg spoke in support and explained his decision not to speak on the previous application due to the effective functioning of the quarry. Whilst he sympathised with residents on the noise disturbance, he pointed out that a range of heavy traffic used the nearby roads including vehicles from other nearby quarries. He praised the approach being taken by the quarry in

encouraging careful driving of the HGVs and pointed out that some drivers of private cars posed a more serious problem.

Councillor Mike Peers said the debate demonstrated that concerns had been heard, adding that there was no longer a need to seek a change to the operating hours due to the agreed conditions. In response to a question on paragraph 4.05 of the report, the Housing & Planning Solicitor advised that competitiveness was not a material planning consideration.

On being put to the vote, the proposal to approve the application with the inclusion of the additional condition in the late observations, was carried.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning & Environment) with an additional condition for vehicle movements to be amended from 300 to 200 movements on Saturdays (100 in/100 out) and subject to a Section 106 Agreement, Unilateral Undertaking or earlier payment to secure the following:-

The sum of £17,000 towards road resurfacing works and an anti-skid surface at the junction of the B5123 and Bryn Emlyn, Pentre Halkyn; and

The sum of £1,000 towards repairs to a fence adjacent to the cattle grid on Martin's Hill, Pentre Halkyn.

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 Head of Planning be given delegated authority to refuse the application.

37. FULL APPLICATION - AMENDMENT TO PLANNING APPLICATION NO. 051727 LISTED BUILDING CONSENT 051728 TO INCLUDE ADDITIONAL 1 NO. APARTMENT TO BLOCK B, 12 NO. APARTMENTS TO BLOCK C, 5 NO. APARTMENTS TO BLOCK A (CHAPEL) AND A NEW BUILD RESIDENTIAL BLOCK TO INCLUDE 27 NO. APARTMENTS, TO GIVE A TOTAL OF 89 RESIDENTIAL UNITS AT LLEUSTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL (055006)

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 explained that this was a full planning application with accompanying Listed Building Consent for residential development of 89 units at the site, amending the previous consent given for 47 units in 2014. Due to the cost implications in converting the Listed Building, the new developer had submitted a different scheme. The viability assessment indicated only minor profit from the scheme, however the development did seek to achieve the main objective to

preserve the Listed Building which had been deteriorating over time. No objections had been received from statutory parties and it was recommended that an additional condition be included on phasing to ensure conversion of the Listed Building before new build elements, together with standard drainage conditions by Welsh Water. Clarification was also given on the number of units in each block.

Councillor Gareth Roberts proposed to accept the officer recommendations with the additional conditions. He referred to developers' obligations to communities and expressed his disappointment that this would not be the case on this application. However, he supported the scheme and particularly welcomed the work phasing as this would help to improve the appearance of the front of the building.

The proposal was seconded by Councillor Chris Bithell who sought clarification on whether the proposed 122 car parking spaces were adequate for the scale of the development.

Councillor Richard Jones pointed out that references to the 'viability' and 'competitiveness' of applications should not form part of any report if these were not deemed material considerations.

Councillor Mike Peers agreed with the view shared by Councillor Jones. In terms of parking spaces, he pointed out that the development of new build units on the car park area reduced parking capacity. He asked for the number of spaces needed for the new build block and whether the required number of 133 spaces could be provided.

In response to the issues raised, the officer confirmed the inclusion of an additional condition on the phasing plan to ensure that work on the Listed Building elements were carried out prior to the new build. In terms of wording used in the report, viability of the scheme was considered to ensure the restoration of the Listed Building to an appropriate standard. Confidential financial details submitted by the developer had been carefully assessed, allowing the need for some level of profit on the scheme. Although there were less parking spaces than would normally be required, the scheme was considered acceptable due to a number of other factors such as the nature of the site, proximity to the town centre and the condition for a full Travel Plan.

The Service Manager Strategy referred to the long-term condition of this important Listed Building which would continue to deteriorate if not developed. He spoke about the impact on the town and felt that the scheme offered a unique opportunity to restore and repair the site, with benefits to the market.

Councillor Roberts commented on the distance from the car park to the town centre. In summing up, he accepted the officer's recommendation as the conditions would help to improve the parking situation which he considered to be reasonable and only marginally below the required level.

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

RESOLVED:

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

31. Phasing plan to ensure conversion of the Listed Building prior to commencement on the new build element.
32. Standard drainage conditions.

38. LISTED BUILDING APPLICATION FOR AMENDMENT TO PLANNING APPLICATION NO. 051727 AND LISTED BUILDING CONSENT 051728 TO INCLUDE ADDITIONAL 1 NO. APARTMENT BLOCK TO BLOCK B, 12 NO. APARTMENTS TO BLOCK C, 5 NO. APARTMENTS TO BLOCK A (CHAPEL) AND A NEW BUILD RESIDENTIAL BLOCK TO INCLUDE 27 NO. APARTMENTS, TO GIVE A TOTAL OF 89 RESIDENTIAL UNITS AT LLUESTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL (055008)

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 recommended approval to Cadw on the basis that the conversion of the site was sympathetic to the appearance of the Listed Building and most of the adaptations were internal.

Councillor Gareth Roberts' proposal to accept the officer recommendation was duly seconded. On being put to the vote, this was carried.

RESOLVED:

That Listed Building Consent be granted, subject to referral to Cadw and the conditions detailed in the report of the Chief Officer (Planning & Environment).

39. FULL APPLICATION - USE OF LAND FOR THE ERECTION OF A SOLAR PHOTOVOLTAIC ARRAY INCLUDING METERING AND INVERTER KIOSKS, SECURITY CAMERAS, FENCING AND GATES TEMPORARY CONSTRUCTION COMPOUND AND ACCESS TRACK AT CELYN FARM, STRYT CAE RHEDYN, LEESWOOD (054041)

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 18 July 2016. The usual consultations had been undertaken and the responses received detailed in the report.

The officer advised that the scheme complied with the principles of the UDP and PPW, and that the site comprised 25% Grade 3a land with the remaining 75% as Grade 3b. The siting of solar panels in arrays across 1.4 hectares of the Grade 3a land was considered acceptable given that this would not result in a permanent loss of agricultural land. Alternative options had been ruled out due to a number of

reasons and the location of the site was considered to be acceptable given the size. Issues raised during assessments of the site would be mitigated over time through the landscaping proposals and land stability issues had been addressed by amending the layout.

In speaking against the application, Mrs. J. Davies highlighted the need to protect the rural environment and raised concerns about the increase in construction traffic accessing the area and site via a country lane. Whilst she understood the need for renewable energy, she felt that the scheme should be located in a more suitable area, rather than on unspoilt Greenfield land. She called upon the Committee to reject the application on that basis and feared that approval would set a precedent for more land to become commercialised.

Councillor Ray Hughes proposed that the application be approved. Whilst he sympathised with the comments raised on the visual impact, he could find no reason to refuse it and had no issues arising from the site visit. He went on to say that the Committee was only considering the application due to the size of the site.

In seconding the proposal, Councillor Ian Dunbar acknowledged the concerns raised by the third party speaker but supported the application as most of the issues had been addressed. He added that following the 25 year period for the solar farm, the land could still be used for grazing purposes and that only the top two fields were Grade 3a land.

Councillor Chris Bithell referred to the proposed conditions in the report and asked if the great crested newts could survive underneath the panels. In response to the concerns raised about the location, he questioned whether an alternative site, perhaps on Brownfield land, could be identified in order to protect this Grade 3a land which was the most versatile available. He also questioned why a 25 year period had been set for the scheme and commented that the land may have deteriorated after that time. He went on to refer to a similar application previously considered by the Committee which had been refused on the grounds of no end user for the electricity and sought clarification on the Council's policy on this.

Councillor Derek Butler also raised issues on exploring other sites and there being no end user.

Councillor Richard Jones said that 25 years was most likely to be the necessary payback period and that sheep would be able to continue grazing on the land, with the land returned to full use after the 25 year period.

The Chairman said it was possible that the solar panels may only be guaranteed for 25 years.

In response to the issues raised, the officer explained that of the 2.5 hectares of Grade 3a land, only 60% had arrays above it, with that land available for grazing and the remaining 40% not developed at all. No objections had been raised by Welsh Government on this and there was a requirement for a land remediation scheme following the 25 year period to be submitted and approved. It was also explained that Brownfield and industrial sites had been considered unviable due to

commercial reasons. Concerning reference to a previous application, this application involved different factors, in particular this was not green barrier and only part of the site was of a high agricultural land grade. There was no need for the completion of a sequential process and it was also not dependent on an end user for the electricity generated.

The Service Manager Strategy referred Members to UDP policy EWP1 on sustainable energy generation as part of their considerations and said that the report presented evidence on the issues which had been raised and concluded no planning harm which was a key consideration. In respect of end users, he referred to the outcome of another application but said that a different context applied in this case.

In summing up, Councillor Hughes acknowledged the visual impact but was unable to vote against the advice given by officers. On being put to the vote, the officer recommendation was carried.

RESOLVED:

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

40. FULL APPLICATION - ERECTION OF 23 DWELLINGS WITH ADOPTABLE HIGHWAY ACCESS AT RHEWL FAWR ROAD, PENYFFORDD, HOLYWELL (055398)

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

The officer gave the background to the application which complied with the necessary policies. Although the land was not allocated for housing development, it was within the settlement boundary and officers had taken into consideration the consent granted to an affordable housing application to the east of the site, which was originally part of this land. No objections had been raised on the access, and the adjacent play area would benefit from a commuted sum.

Councillor Gareth Roberts proposed to accept the officer recommendation to grant the application. This was seconded by Councillor Neville Phillips who questioned whether sufficient time was given for Town and Community Councils to respond on applications in general. The Chief Officer advised that a six week period applied in this case which was more than adequate to make representations.

Councillor Chris Bithell asked whether there was a need for the scheme as the report referred to Penyffordd being 'adequately catered for' in section 7.11. The Service Manager Strategy said that the contribution to housing land supply in the county was of a greater need, given the location within the settlement boundary. He referred to the design of the scheme which was in keeping with the area and the need to balance this with development in this part of the county.

In summing up, Councillor Roberts proposed approval as the scheme was within the settlement boundary. On being put the vote, this was carried.

RESOLVED:

That conditional permission be granted, subject to the conditions detailed in the report of the Chief Officer (Planning & Environment) and either a Section 106 Agreement, Unilateral Undertaking or advance payment to secure the following:-

The sum of £23,300 towards the enhancement of existing play facilities at Coed Mor play area, Pen-y-Ffordd, such sum to be paid prior to the occupation of 50% of the approved dwellings.

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 Head of Planning be given delegated authority to refuse the application.

41. FULL APPLICATION - MODIFICATION OF HOUSE TYPES ON PLOTS 52-53 & 62-63, CHANGE OF HOUSE TYPE POSITION ON PLOTS 56 & 64-66 AND CHANGE OF HOUSE TYPE ON PLOT 67 AT VILLAGE ROAD, NORTHOP HALL (055459)

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 presented the application for the substitution of house types on the previously consented Phase 2 of residential development at land at Cae Eithin. This change did not raise any issues on adverse impacts on the residential amenity and it was recommended that the application be granted subject to the conditions within the report. The late observations included an amendment stating that there were no education contributions to Phase 2 of this site and that contributions were CIL compliant.

Councillor Chris Bithell proposed acceptance of the officer recommendation subject to the conditions and amendment. This was duly seconded and on being put to the vote, was carried.

RESOLVED:

That planning permission be granted subject to entering into a S106 agreement or unilateral undertaking to link this development with the requirement for the affordable housing provision and the open space contributions as required by 052388 and 054206.

1. Time commencement
2. In accordance with plans
3. Other conditions relevant on 052388 and 054206

If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 (as outlined above) is not completed within two months of the date of the committee resolution, the Head of Planning be given delegated authority to refuse the application.

42. FULL APPLICATION - ERECTION OF 2 NO. DWELLINGS AT RHYDDYN FARM, BRIDGE END, CAERGWRLE (055414)

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.

In presenting the report, the officer explained that this was a full planning application for the erection of two detached dwellings with associated parking and gardens. Reference was made to a nearby previous application for four dwellings which was the subject of a forthcoming appeal. Although outside the settlement boundary, the proposed development was situated adjacent to a Category B settlement in a highly sustainable location with no scope for further encroachment on the open countryside. The scheme also contributed to a mix of housing types in the area, together with the medical centre adjacent to the site. The principles of the development were considered acceptable with no requirement for a local need test due to the location adjacent to a Category B settlement and its modest contribution towards the five year supply.

As the agent, Mr. D. McChesney explained that the site had originally formed part of the development proposals for the medical centre and having been deemed surplus to requirements, had been included in various subsequent planning applications. He therefore felt it was important to view the application in the context of the medical centre and that its contribution towards the five year land supply was a material consideration outweighing the location outside the settlement boundary. He said that the scheme was viable and sustainable, and that the site was completely land-locked and posed only limited harm to the open countryside. Planning permission previously granted on the site demonstrated its viability for development. He said that the proposals presented no impact to Wat's Dyke and would contribute towards identified local housing need with a design in keeping with the area. He described the development as a logical extension to the settlement pattern with access to local amenities and safe vehicular movement within the site.

Councillor Mike Peers' proposal that planning permission be refused was duly seconded. He referred to the refusal of a similar application considered at the March meeting which was also outside the settlement boundary. He felt that the application should not be considered in the same context as the medical centre, which adhered to GEN3, and that this application was not an infill development as it extended to outside the settlement boundary. He pointed out that the site had no access points and that the requirements of the UDP in terms of housing policies and TAN1 should be a material consideration and not outweighed by the position on a five year supply.

As Local Member, Councillor Tim Newhouse spoke against the proposals. He referred to the unanimous decision made by the Committee in March to reject the application for four houses at the northern end of the site as this was outside the settlement boundary. He said that the same should apply in this case as granting permission to a scheme inside a Conservation Area and outside the settlement boundary could set two dangerous precedents.

As in the earlier item, Councillor Chris Bithell shared his frustrations about the implications of TAN1 on decision-making by the Committee, stressing the need for representations to Welsh Government to address this. He respected the views of the Members to proposal refusal of the application but felt that the Committee was powerless to do this.

Councillor Derek Butler highlighted the need for each application to be considered on its own merits. He referred to section 7.07 of the report and asked for clarification on this as an infill development in view of the site history and the land being surplus to the medical centre scheme.

Councillor Gareth Roberts felt that the application differed greatly from the scheme rejected in March which comprised a number of developments posing a threat to Wat's Dyke. Given the sustainability of the proposals of this application and its relativity to other buildings, he proposed that permission be granted in line with the officer's recommendation.

In response to the issues raised, the Service Manager Strategy said that the Committee had made an exception to the principles of the UDP in granting approval to the medical centre which had led to the proposals for this scheme being classed an infill development. He went on to say that approval of the development complied with criterion B of GEN3 and that any contribution to land supply was a material consideration.

In summing up, Councillor Peers stated his reasons for refusal as the development was outside the settlement boundary and within the conservation area causing planning harm. In respect of the medical centre, he pointed out that there had been an overwhelming public need in that case.

On being put to the vote, the proposal to refuse planning permission was lost and the officer's recommendation to grant planning permission was approved.

RESOLVED:

That conditional planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning & Environment) and a Section 106 Agreement, Unilateral Undertaking or earlier payment to secure the following:-

The sum of £1,100 per dwelling to enhance toddler play facilities at Queens Way play area.

If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 (as outlined above) is not completed within two months of the date of the committee

resolution, the Head of Planning be given delegated authority to refuse the application.

43. FULL APPLICATION - ERECTION OF 24 NO. DWELLINGS WITH ASSOCIATED GARAGES, PARKING GARDEN AREAS AND OPEN SPACES WITH DEMOLITION OF EXISTING SERVICE STATION AND OUTBUILDINGS AT ARGOED SERVICE STATION, MAIN ROAD, NEW BRIGHTON (055310)

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 background to the application for the development of a 0.94 hectare site for 24 No. dwellings together with associated highway and infrastructure works. The application had previously been considered in 2013 and was included in the UDP for the purposes of residential development. The officer highlighted the potential for bats around the site and said that a survey had been undertaken on which Natural Resources Wales had raised no objections, subject to the appropriate conditions and acquisition of a licence.

On behalf of the applicant, Mr. P. Darwin, said that the report benefited from housing allocation and previous permission given for 23 No. dwellings, thus establishing the principles of development on the site and access to the main road. He said that the development would provide a mix of property types at a scale and density in keeping with the area, which would contribute towards local housing demand. The site layout had been agreed with officers and followed the principles of the previous scheme. The site was located within the settlement boundary with easy access to local facilities and no objections had been received. Mr. Darwin said that this was a deliverable and viable scheme within the settlement boundary and would provide a range of economic benefits including housing, additional Council Tax revenue and S106 contributions.

Councillor Chris Bithell proposed the officer recommendation for approval of the application, which was duly seconded. Whilst he had no objections to the application as it was within the settlement boundary, he asked whether the capacity issues with the sewerage works had been resolved as this had been a factor in the previous application.

Councillor Derek Butler spoke about an issue with an adjacent development and traffic in the area, but had no concerns in respect of planning.

Councillor Mike Peers pointed out reference in the report to the previous application on the site being determined in March 2011 where the resolution had included provision for contributions in lieu of affordable housing, as this was just below the threshold. He said that the site was allocated in the UDP for 1.1 hectare, more than that stated in the current application, and that this should provide 25 units invoking the affordable housing element of the policy. In view of this, he felt that further discussions were needed or a deferral to consider whether 25 units could be provided.

Councillor Richard Jones suggested that if the application was agreed, the time limit on the conditions should be changed from six months to twelve months.

In response to the question from Councillor Bithell, it was confirmed that a condition had been included in the previous application relating to works at the water station and that this had been completed, hence there had been no objections from Welsh Water to this application.

On Cllr Peers' comments, it was explained that the previous application had invoked affordable housing contributions (HSG10) as it covered the entire UDP allocation for the site. The Committee had agreed to accept a commuted sum as the developer chose not to make on-site affordable housing provision, however the development did not subsequently come forward. The current developer did not have full control of the site and the Council could not enforce HSG10 as it was below the 1 hectare threshold. Information on the density of the development was set out in Sections 7.10-7.12 and included the need for providing access, leading to the conclusion that the proposed density was appropriate. In addition, the concerns raised by the local community on the previous application, in respect of the location, had also been taken into account and supported the view that more units could not reasonably be included on the site given its orientation.

Councillor Peers stressed the importance of affordable housing and felt that the Committee should insist on the applicant providing 25 units within the stated 1.1 hectare to meet this provision under HSG10. Alternatively, he felt that the item should be refused or deferred for further consideration. The Service Manager Strategy reminded Members that this was not the same specific site as the UDP allocation and that the application site did not meet the affordable housing threshold.

Councillor Richard Jones felt there was a need to clarify the implications and the intentions for the remainder of the site.

Councillor Gareth Roberts also spoke in support of the point raised by Councillor Peers and referred to the previous policy for 30 units per hectare which had been changed.

Councillor Jones proposed that the item be deferred, which was seconded.

In response to these concerns, officers explained that the previous application had been submitted by the owner of the site who had resided in a property on the site. It was their right to make the remainder of the site available for development, subject to planning requirements. Officers had recommended approval of the application, having given a balanced view of all the factors including the location and constraints of the site and concluded that the density of the land was not sufficient to refuse it. The Committee was urged to consider this application on its own merits, separate from the previous scheme.

Councillor Peers, having considered the application, failed to see why the site could not accommodate a minimum of 27 units, thus invoking the affordable housing provision for the benefit of local people.

Following the proposal by Councillor Jones to defer the item, this was put to the vote and carried.

RESOLVED:

That the application be deferred to allow clarification of the site area and density in relation to earlier applications and the UDP allocation.

44. FULL APPLICATION - CHANGE OF USE FROM POST OFFICE TO SINGLE DWELLING AT 8 MANCOT LANE, MANCOT (055549)

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

The application had been brought to the Committee as the applicants were local Members. It related to the change of use of the vacant post office to incorporate it into the existing dwelling of which it formed part, to provide additional living accommodation. The late observations indicated that no objections had been received from Hawarden Community Council since preparation of the report.

Councillor Ian Dunbar proposed that the Committee approve the application in line with the officer recommendation. He referred to the widespread closure of post offices and pointed out that there were other facilities within walking distance.

Councillor Derek Butler drew attention to the fact that the site had been marketed in excess of 12 months in line with the policy.

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

RESOLVED:

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

45. FULL APPLICATION - RE-MODELLING AND EXTENSIONS, ERECTION OF GARAGE AND TEMPORARY SITING OF CARAVAN AT TOP YR ALLT COTTAGE, BLACKBROOK ROAD, SYCHDYN (055612)

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 and indicated no objection from Northop Community Council.

The officer summarised the background to the application for the erection of a side and rear extension with an improved access and double timber garage at the site. The application also included the temporary siting of a storage container and static caravan for residential use whilst building work was being carried out. It was stated that the applicant was related to an officer of the Planning section.

Councillor Marion Bateman proposed to accept the officer recommendation to grant approval, as this was a sympathetic extension to a unique cottage. The proposal was duly seconded.

Councillor Chris Bithell sought assurances over the historical merit of the building and whether the proposals were in keeping with the property and its age. In response, the officer said that the proposals had been the subject of negotiations and were sympathetic to the design, noting that it was not a listed building.

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

RESOLVED:

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

46. GENERAL MATTERS - 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 to seek approval for an amendment to the resolution made at the meeting on 16 December 2015 on the terms of the proposed Section 106 Agreement.

The officer explained that discussions since the meeting had raised concerns about the precise means and methods of affordability across 100% of the scheme. Officers therefore recommended that the terms of the S106 Agreement be restricted to eight of the units to be made available on social rented terms. The Service Manager Strategy advised that the application complied with the requirements of the policy.

Councillor Chris Bithell proposed the officer recommendation for approval, which was duly seconded. On being put to the vote, this proposal was carried.

RESOLVED:

That the suggested clauses of the S.106 be amended as detailed in the report of the Chief Officer (Planning & Environment).

47. DISCHARGE OF SECTION 106 AGREEMENT AT THE MILL HOUSE, TYN Y CAEAU FARM, NORTHOP ROAD, NORTHOP (055105)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application for the removal of a S106 Agreement on the site in Northop, which sought to establish a newt habitat in mitigation for a residential development in Flint. The officer confirmed that the removal of the S106

Agreement was considered to be acceptable as the site was now protected by current legislation and planning policy.

Councillor Marion Bateman proposed the officer recommendation for approval, which was duly seconded. On being put to the vote, this was carried.

RESOLVED:

That the applicant, the Council and other land owners be required to sign a deed of release to remove the Section 106 Agreement.

48. **APPEAL BY DIOCESE OF WREXHAM AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE REDEVELOPMENT OF THE SITE FOR THE ERECTION OF A RESIDENTIAL APARTMENT BLOCK WITH MEANS OF ACCESS AND OFF-STREET PARKING AT 1 QUEEN STREET, QUEENSFERRY (053080)**

RESOLVED:

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

49. **APPEAL BY BLOOR HOMES (NORTHERN) LIMITED AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 59 DWELLINGS, OPEN SPACE, ACCESS AND ASSOCIATED INFRASTRUCTURE AT ISSA FARM, MYNYDD ISA (053208)**

RESOLVED:

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

50. **APPEAL BY MR. R. PIERCE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE OUTLINE APPLICATION FOR THE ERECTION OF A DWELLING AT MILWR FARMHOUSE, MILWR ROAD, HOLYWELL (054317)**

RESOLVED:

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

51. **APPEAL BY MR. PETER DAVIES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR TEMPORARY CHANGE OF USE TO ALLOW FOR THE SITING OF HOLIDAY LODGE FOR ADVERTISING PURPOSES AT PARK VIEW GARAGE, ST. ASAPH ROAD, LLOC (054383)**

RESOLVED:

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

52. **APPEAL BY MR. PETER DAVIES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DISPLAY OF 3 NO. FLEXIBLE PLASTIC ADVERTISEMENTS AT PARK VIEW GARAGE, ST. ASAPH ROAD, LLOC (054386)**

RESOLVED:

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

53. **APPEAL BY MR. & MRS KELLY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A REPLACEMENT DWELLING AT OAKFIELD COTTAGE, ALLTAMI (054358)**

RESOLVED:

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

54. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC RESOLVED:**

That the press and public be excluded from the meeting for the following agenda item which was considered to be exempt by virtue of paragraph 16 of Schedule 12A of the Local Government Act 1972 (as amended).

55. **APPEAL BY BLOOR HOMES AGAINST NON-DETERMINATION OF APPLICATION 054660 - ERECTION OF 36 NO. DWELLINGS ON LAND ADJACENT TO PARC JASMINE AND BLUESTONE MEADOW, CHESTER ROAD, BROUGHTON (054660)**

The Committee considered the report of the Chief Officer (Governance) and Chief Officer (Planning & Environment) in light of advice received from the Local Planning Authority's Barrister. The officers provided background information to the report and outlined the reasons behind the recommendation.

Councillor Chris Bithell proposed that the recommendations be accepted which was duly seconded.

RESOLVED:

That in light of legal advice, the Local Planning Authority should proceed on the basis of the recommendation contained in the officer's report and not contest the appeal.

55. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC

There were 23 members of the public and two members of the press in attendance.

The meeting started at 1.00 pm and ended at 4.40pm

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Chairman