

PLANNING & DEVELOPMENT CONTROL COMMITTEE
16 NOVEMBER 2016

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 16 November 2016

PRESENT: Councillor David Wisinger (Chairman)

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

SUBSTITUTE: Councillor: Haydn Bateman (for Carol Ellis)

APOLOGIES: Councillors Chris Bithell and Jim Falshaw (substitute)

IN ATTENDANCE:

Planning Strategy Manager; Development Manager; Senior Engineer - Highways Development Control; Senior Planners; Senior Minerals and Waste Officer; Planning Team Leader; Planning Support Officer; Housing & Planning Solicitor and Committee Officers

92. DECLARATIONS OF INTEREST

Councillor Derek Butler declared a personal interest as a member of the Area of Outstanding Natural Beauty (AONB) Board on Agenda Item 6.5 (minute number 100).

In line with the Planning Code of Practice, Councillor Marion Bateman declared that she had been contacted on more than three occasions on Agenda Item 6.3 (minute number 98).

93. LATE OBSERVATIONS

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

94. MINUTES

The minutes of the meeting held on 12 October 2016 were submitted.

Councillor Mike Peers asked that the relevant minute number be included alongside the declarations of interest to indicate which item it referred to and that this be replicated for future meetings.

On minute number 80, Councillor Peers requested amendments to his comments to read 'In 2010 officers advised that the site would be expected to yield in excess of 25 houses, therefore affordable housing applies. He felt the site had

been sub-divided to ensure that it fell below the threshold of having to provide affordable housing. A Flood Assessment had been undertaken which showed an additional six houses on the site of the bungalow.'

On minute number 83, Councillor Peers pointed out that the minutes did not reflect that the four Members who had declared a personal and prejudicial interest had left the room at the start of the item.

On minute number 79, Councillor David Roney gave a reminder that Members were to be given copies of the letters from the NHS prior to consideration of the application, and asked that this be actioned immediately.

RESOLVED:

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

95. ITEMS TO BE DEFERRED

None of the agenda items were recommended for deferral by officers.

96. APPLICATION FOR VARIATION OF CONDITION NOS 5 & 15 ATTACHED TO PLANNING PERMISSION REF: 054201 TO ENABLE THE SORTING OF WASTE WITHIN THE TRANSFER BUILDING AND SUBSEQUENT REMOVAL OFF-SITE OF RECYCLABLE MATERIAL AND TO EXTEND PERMITTED HOURS FOR THE WASTE TRANSFER STATION TO ENABLE RECEIPT OF WASTE AND BULKING FROM 0600 HOURS AND SORTING OPERATIONS FROM 0730 HOURS MONDAY-SATURDAYS AT PARRY'S QUARRY, PINFOLD LANE, ALLTAMI (055921)

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

The officer gave an overview of the application and advised that the changes were in line with policy and that no objections had been made by the Highways section, the highway authority and Environmental Health. Attention was drawn to the appeal decision on application number 054536 relating to a similar site where the Inspector had placed significant weight on the outcome of the noise assessment. As such, the officer advised that in the absence of any technical reasons not to allow the variation, the recommendation was for approval.

Councillor Ian Dunbar said that the Committee should note the appeal decision as mentioned. In respect of the application under consideration, he proposed the recommendation for approval on the basis set out in the report, particularly noting the aim for consistent operating hours across the whole site and the findings of the noise assessment. This was seconded by Councillor Gareth Roberts.

Councillor Mike Peers questioned whether the use of a mobile screener at the site from 7.30am should be specifically set out in the Conditions.

On the appeal decision for application 054536, Councillor Richard Jones pointed out that only a six month permission had been granted.

In response, the officer confirmed that the restriction on the mobile screener formed part of the proposed Conditions. On application 054536, she acknowledged that temporary permission had been granted (as per the applicant's request) but pointed out that the comparison had been made due to the weight given by the Inspector to the findings of the technical noise assessment undertaken on both applications. This resulted in there being no technical reasons to refuse the application.

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

RESOLVED:

That permission be granted for a Section 73 application to vary Condition Nos. 5 and 15 attached to application 054201 subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

97. FULL APPLICATION - DEMOLITION OF SCHOOL, ERECTION OF 18 NO. DWELLINGS ARRANGED AS 5 NO. TERRACED UNITS AND ALL ASSOCIATED DEVELOPMENT WORKS AT YSGOL DELYN, ALEXANDRA ROAD, MOLD (055835)

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

The officer highlighted the issues raised by Mold Town Council on highway and traffic impact, flood alleviation measures and landscaping, which had been addressed as set out in the report. Matters usually addressed by S106 Agreements were proposed to be dealt with as part of the Conditions.

The recommendation for approval was proposed by Councillor Derek Butler and seconded by Councillor Ian Dunbar.

Councillor Mike Peers sought clarification on what was considered to be an adequate degree of amenity space and whether the 11m garden depth was a mandatory requirement. He also asked for an explanation on the proposed removal of rights to alter roofs and make extensions to the dwellings.

Councillor Nancy Matthews raised concerns about the impact of any surface water flow from the development to the other side of Wrexham Road, particularly at the junction with Brook Street where flooding problems had previously occurred. She sought assurance on traffic management along the road and asked if there

were plans to improve the junction with Gas Lane, Wrexham Road and Victoria Road.

In response to a question from Councillor Gareth Roberts on the potential for education contributions to be reflected in the price paid by the developer, the Solicitor explained that in these circumstances, where the Council are the owners of the land as well as the local planning authority all infrastructure impacts are to be addressed through prior to commencement conditions. On a similar matter, Councillor Richard Jones asked about safeguards to ensure contributions were not lost if the land was to be sold on for development by a third party. The Solicitor advised that while these issues were often addressed in practice when completing the sale of land, all the Committee needed to be satisfied of is that prior to commencement Conditions are sufficient to ensure the schemes to address infrastructure impacts would be agreed before commencement of development. The Planning Strategy Manager gave a reminder that the development partner was working with and for the Council on this proposed development which formed part of the Council's Strategic Housing & Regeneration Programme. The Development Manager gave assurance that the Council was able to negotiate terms and conditions if the land was sold.

In response to the other comments, the officer said that the 11m for garden depth was a guidance figure and where this could not be achieved, a certain area requirement was needed, ie 50 sq metres on this application. He also explained that the removal of rights ensured that any changes by subsequent occupiers of dwellings would not adversely impact on amenity space. The concerns about surface water were addressed through the responses from Natural Resources Wales and Welsh Water, and traffic movement would be lessened due to there now being only one local school. It was suggested that concerns about traffic at the junction be referred to Streetscene as this could not be resolved through the application.

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

RESOLVED:

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

98. FULL APPLICATION - ERECTION OF 17 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND ACCESS AT NORTHOP BROOK, THE GREEN, NORTHOP (055555)

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

The officer explained that the application was to develop part of the site, with the remainder kept for wildlife mitigation. Although other sites in the locality had

been put forward as part of preparations for the Unitary Development Plan (UDP), this site had not been included as the Inspector had not considered it necessary for any further allocations. The application had been submitted on the basis of being outside the UDP period and the lack of a five year land supply. Although the location was outside the settlement boundary and in open countryside, there was a requirement to consider the application due to the housing land supply. Whilst Northop was recognised to be an area of growth, there were concerns about the location of the site and proximity to the settlement boundary. In addition, the findings of an independent assessment on behalf of the Council indicated a significant landscape and visual impact from the development, contrary to the findings of the assessment submitted with the application. Further concerns were in relation to the location of the site to nearby historic buildings and conservation area, and the loss of Grade 2 land.

Mr. A. Sheldon, Agent for the applicant, spoke in support of the application on the basis of: plans showing a lack of available appropriate land in the area to meet the recognised housing need; the space between the site and nearest buildings; and the sustainable location within walking distance of local facilities. He also pointed out that the application made provision for the transfer of a nearby area of designated ancient woodland to a suitable environment organisation with money gifted to ensure the future management. He referred to the different conclusions of the visual assessments and said that a balanced approach was needed as there would be no significant impact and that the loss of Grade 2 land, if this was the case, was minimal.

In agreement with the reasons set out in the report, Councillor Derek Butler proposed that the application be refused. He agreed that the location was not suitable, that it was in open countryside, that the land was Grade 2 and that there was overprovision within the UDP in Northop. On paragraph 7.22 of the report, he welcomed the Inspector's conclusion that TAN1 did not provide an opportunity to develop in unsuitable locations.

In seconding the proposal, Councillor Marion Bateman referred to the location of the site away from the village and in open countryside. She also pointed out that interest in the development was not an indication of housing need as demonstrated by the number of local properties currently advertised for sale.

Councillor Gareth Roberts complimented the officer on the report and spoke in support of the recommendation to refuse the application. He said that the site was located away from the main part of the village and stressed the importance of securing 'natural' developments and heeding the decisions of the Inspector. On the provision to protect the remaining site, he felt that allowing the application would set a dangerous precedent if a future application was made.

Councillor Mike Peers also spoke in support of refusal, stating that TAN1 did not justify applications for development at inappropriate locations and that the completion of the Local Development Plan (LDP) process would enable some control. Following a query on paragraph 1.01 of the report, the officer clarified that consideration of the site specific issues outweighed the lack of a five year land supply.

The Planning Strategy Manager referred to Mr. Sheldon's comments on housing need in Northop and pointed out that this had not been determined at this stage. He said that TAN1 alone did not justify submission of an application on an inappropriate site as demonstrated in the report.

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

RESOLVED:

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

99. FULL APPLICATION - ERECTION OF 2 NO. CLASS A3 UNITS WITH ASSOCIATED PUBLIC REALM IMPROVEMENTS AND CAR PARKING RE-CONFIGURATION AT BROUGHTON SHOPPING PARK, BROUGHTON (055736)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual considerations 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, relating to concerns raised by Airbus.

The officer outlined the reasons for recommending approval on the basis that the application met policy requirements and would enhance the current offer at Broughton Park. The findings of the independent Transport Statement supported the determination that the loss of parking spaces was not significant and the condition for a parking occupation survey would monitor usage over 12 months. Concerns by Welsh Water would be addressed through a condition to delay occupation until October 2017.

Councillor Derek Butler disagreed with the officer recommendation and proposed that the application be refused. He acknowledged that the space was under-utilised but felt strongly that more parking spaces were needed due to the parking problems already in evidence, impacting on traffic in the surrounding area. He questioned the rationale for a play area on the site and felt that no further development should be permitted until car parking capacity increased, including provision for staff working on the park.

In seconding the proposal for refusal, Councillor Mike Peers spoke against the loss of car parking spaces, particularly disabled bays located near facilities. Whilst not objecting to the application itself, he felt that the location was wrong and that the delayed occupation could enable more suitable alternatives to be explored. He spoke about the gradual loss of parking spaces and raised concerns about the continued gridlocked traffic at the site at weekends.

Councillor Billy Mullin also spoke against the application and agreed with the need to reconsider location. He expressed concern that any further reduction in parking spaces would contribute to the ongoing significant parking issues and that

disabled bays should not be removed. He also felt there was a need for more regular discussions with the owners of the retail park.

Councillor Christine Jones agreed with the points raised by Members on the lack of current parking provision. She also questioned the need for a play area on the site and felt that more Parent and Child parking spaces were needed.

The highways officer confirmed that the application was supported on the basis of the conditions detailed and noted that disabled bays were replicated elsewhere on the site.

Whilst understanding the views raised, the Planning Strategy Manager and Development Manager provided advice to the Committee in respect of considering the long-term plans for the site and the condition for a parking occupation strategy which would not apply in the event of any appeal decision by the Inspector.

In summing up, Councillor Butler expressed his disappointment with the application as the Council worked closely with the owner of the park. He highlighted the importance of disabled bays being appropriately located and stated that the proposed uses would increase the number of visitors to the park, thus impacting on the traffic issues in Broughton. He said there was a need to ascertain the long-term plans of the park owner before considering the application.

The Planning Strategy Manager suggested that the Committee may wish to consider deferring the item to allow officers to contact the owner to share the concerns and establish future plans for the park. This was accepted by Councillors Butler and Peers.

Councillor Peers reiterated his view that this was the wrong location for the application and that whilst the Committee did not object to the proposals, they should not be at the expense of parking spaces.

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

RESOLVED:

That the application be deferred to enable discussion with the landowner regarding a comprehensive long-term approach to parking at the site.

100. OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED DWELLING AT MAY VILLA, CEFN BYCHAN WOODS, PANTYMWYN (055750)

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

The officer explained the proposal for a passing place in the south eastern corner of the site, as indicated in the late observations. He summarised the reasons for recommending refusal of the application on the basis that the planning principle

of the development did not meet policy requirements and did not enhance the Area of Outstanding Natural Beauty (AONB).

Mr. H. Evans, representing the applicant, spoke in support of the application. He pointed out that although in open countryside, the lawful use of the site was residential so there would be no change of use in the land. He also felt that the site could not be regarded as open and therefore did not adversely impact on the AONB, and that the proposed development fitted within the historical settlement pattern. He highlighted the passing area as a benefit to residents, the contribution to housing need in a rural area and compliance with Planning Policy Wales paragraph 932.

Councillor Ian Dunbar agreed with the officer recommendation and moved refusal in accordance with that recommendation. He referred to the harm caused to the open countryside, the lack of proven local need and the site not being considered an infill plot. He agreed with the officer's view that this was an unjustified non-essential development in the open countryside.

In seconding the proposal for refusal, Councillor Richard Lloyd agreed with the findings set out in the officer's report and referred to the potential conversation of a nearby garage.

Councillor Mike Peers also spoke against the application due to its location and asked for clarification on any permitted development rights. He referred to comments on setting a precedent for similar detached plots and suggested that this may already be the case, as indicated by nearby developments. This view was echoed by Councillor Nancy Matthews.

Councillor Gareth Roberts said that previous applications under permitted development had been allowed for buildings such as sheds, and raised concerns about the potential for setting a precedent in the case of dwellings. He felt that housing need was a material consideration but did not outweigh the other considerations.

In response, the officer advised that permitted development rights should not apply in this case as the dwelling would create harm on the area. On the potential for a garage conversion, he gave a reminder that each application was considered on its own merits. On Mr. Evans' comments, he pointed out that the site was visible from the main entrance to the development.

In responding to the points raised by Mr. Evans, the Planning Strategy Manager said that a different context applied on the historic pattern of development and that the infill policy was compliant as noted by the Inspector. He reiterated the point that the lack of housing supply did not justify a development in the wrong location.

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

RESOLVED:

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

101. FULL APPLICATION - ERECTION OF TWO-STOREY EXTENSION TO SIDE OF DWELLING AT 18 PARKFIELD ROAD, BROUGHTON (055618)

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

In speaking against the application, Mr. N. Hammond explained his reasons, as detailed in the report, for seeking refusal to the development. These included conflict with a number of policies, overdevelopment of the site, loss of view and natural light at his property along with the visual impact of the development which was out of character with the neighbourhood.

Councillor Derek Butler proposed that the application be granted, in line with the officer recommendation. He felt the proposed development broadly complied with policies and was in keeping with nearby properties. He said that the applicant had worked closely with officers to make necessary adjustments and that the loss of light to the neighbouring property was a minor consideration amongst the findings.

The proposal to grant the application was seconded by Councillor Billy Mullin who agreed that the development was in line with others permitted in the area and that the loss of light was not a major consideration.

Councillor Gareth Roberts also spoke in support of the officer recommendation to refuse the application based on the findings of the report.

Councillor Richard Jones referred to the garage at the rear of the property and raised queries on permitted development rights and rights to maintain the property along the boundary with the neighbouring property.

The officer explained that the garage had been reduced in size following a previous application and that the side extension would not impose on private amenity space to the rear of the property to which access was available. Rights of maintenance were as set out in the Deeds and were a civil issue. In respect of parking, the Highways section was satisfied with the revised provision and the design was in keeping with other dwellings in the area. Consideration on the loss of light had concluded there was no material impact on the adjoining property.

In summing up, Councillor Butler acknowledged that the applicant had worked closely with officers to identify solutions. He felt that the loss of light was a tenuous issue but was satisfied that the application complied with policies.

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

RESOLVED:

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

102. GENERAL MATTERS - CHANGE OF USE TO HOUSE IN MULTIPLE OCCUPATION (RETROSPECTIVE) AT 24 THE BRACKENS, BUCKLEY (055579)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of the application which had been refused at the previous meeting. The proposed reasons were summarised as being out of keeping; would create traffic problems; would create access issues for the existing nearby supported living accommodation; and the impact on residential amenity.

Councillor Neville Phillips proposed acceptance of the suggested reasons to refuse the application and this was seconded by Councillor Mike Peers.

Councillor Gareth Roberts explained his intention to abstain from the vote as he had reluctantly voted for approval of the application in the absence of any reasonable planning grounds.

On being put to the vote, the proposal to accept the suggested reasons for refusal of the application was carried.

RESOLVED:

That the suggested reasons for refusal, as set out in paragraph 6.02 of the report, form the basis of the decision of the Council to application ref 055579.

103. APPEAL BY THORNCLIFFE BUILDING SUPPLIES LIMITED AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE VARIATION OF CONDITION NO. 10 (EXTENSION TO WORKING HOURS) AND CONDITION NO. 26 (INCREASE HEIGHT OF STOCKPILES) ATTACHED TO PLANNING PERMISSION 052359 AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE (054536)

RESOLVED:

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

104. APPEAL BY MR. D. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE USE OF MOBILE BUILDINGS AS TAXI BUSINESS AT HARLEYS GARAGE, CHESTER STREET, MOLD (055104)

RESOLVED:

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

105. **APPEAL BY MR. D. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL AND SITING OF PARK HOME AT BRYN HEDYDD FARM, LLYN HELYG, LLOC (054686)**

RESOLVED:

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

106. **ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC**

There were eight members of the public and no members of the press in attendance.

The meeting started at 1pm and ended at 3pm

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Chairman