

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
WEDNESDAY 23 MAY 2012

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, Wednesday 23 May 2012

PRESENT: Councillor D.E. Wisinger (Chairman)

Councillors: R.C. Bithell, D. Butler, D. Cox, I. Dunbar, C. Ellis, D. Evans, J.E. Falshaw, V. Gay, A.M. Halford, R. Hampson, P.G. Heesom, R. Hughes, C.M. Jones, R.B. Jones, W. Mullin, M.J. Peers, N. Phillips, H.G. Roberts and W.O. Thomas

SUBSTITUTION:

Councillor: D.I. Mackie for R. Lloyd

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor G. Diskin - agenda item 6.3. Councillor C. Carver – agenda item 6.6. Councillor J.B. Attridge (adjoining ward Member) - agenda item 6.8.

IN ATTENDANCE:

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Senior Planner, Principal Solicitor and Committee Officer

1. DECLARATIONS OF INTEREST

Councillors A.M. Halford and D.I. Mackie declared a personal and prejudicial interest in the following application:-

Agenda item 6.6 – Erection of 45 no. dwellings, associated garages and parking and demolition of existing buildings at Overlea Drive, Hawarden (048032)

2. APPOINTMENT OF VICE-CHAIR

Prior to the appointment of Vice-Chair, the Principal Solicitor provided details of the Members of the Committee.

The Chairman sought nominations for the position of Vice-Chair for the Committee. Councillor A.M. Halford proposed Councillor P.G. Heesom, and Councillor R.C. Bithell proposed Councillor I. Dunbar, both of which were duly seconded. On being put to the vote, there was an equality of voting and the Chairman used his casting vote in favour of Councillor I. Dunbar.

RESOLVED:

That Councillor I. Dunbar be appointed Vice-Chair of the Committee.

3. **MINUTES**

The draft minutes of the meetings of the Committee held on 18 April 2012 had been circulated to Members with the agenda.

RESOLVED:

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

4. **ITEMS TO BE DEFERRED**

The Head of Planning advised that deferment of the following application was recommended:

Agenda item 6.7 – General Matters – Residential development consisting of 51 No. dwellings, new road and creation of mitigation land in relation to ecology on land between and behind Maison De Rêves and Cae Eithin, Village Road, Northop Hall (048855) – as an appeal on the ground of non-determination had now been submitted, Officers wished to examine further the reasons which had been put forward for refusal of the application.

RESOLVED:

That agenda item 6.7 be deferred.

5. **VARIATION IN ORDER OF BUSINESS**

The Chairman indicated that there would be a change in the order of business to bring forward agenda item 6.8. The remaining agenda items would then be considered in order.

6. **GENERAL MATTERS – PHASE 1: ERECTION OF PRIMARY SCHOOL, CONSTRUCTION OF ACCESS ROAD, CAR PARK AND HARD AND SOFT PLAY AREAS AS CUSTOM HOUSE SCHOOL, MOLD ROAD, CONNAH'S QUAY (047415)**

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

The Development Manager explained that this was a General Matters application to inform Members of the preparation of a development brief for the redevelopment of the Custom House Lane Junior CP School site when it and the existing Dee Road Infants CP School were replaced by the new "All Through" school at Dee Road, Connah's Quay. The Committee meeting on 28 July 2010 had resolved that planning permission be granted for the redevelopment and part of the land was to provide a new playing field, hard play area and car parking whilst a portion of the site had been identified as surplus. He explained that the Custom House Lane School incorporated the

former Northop Board School built in 1881 and Members had felt that its retention and incorporation in any redevelopment proposals should be investigated. The minutes of the earlier Committee meeting indicated that a development brief would be prepared and brought back to the Committee for consideration, on the basis that this would be informed by a feasibility study, which was appended to the report. The conclusion of the study was that it was not financially viable to retain the old school and the Development Manager said that it was now the intention to demolish the school in its entirety to allow the marketing and eventual redevelopment of the 'surplus' land in accordance with the parameters set out in the development brief. He was aware that Members might not agree to total demolition and if so asked that they agree to the demolition except for the former Northop Board school.

Councillor P.G. Heesom proposed refusal of the development brief which was duly seconded. He said that he had some concerns about the report and that a proper case for demolition of the whole building had not been made. He added that complete demolition had not been agreed by the Committee and that some of the buildings were a valuable feature. He proposed refusal of the development brief and the application before Committee as it was not in agreement with the decision taken in July 2010.

In response, the Principal Solicitor said that there was no application before Members today and that all the Committee was being asked to do was to note the content and conclusions of the brief. He quoted from the minutes of the 28 July 2010 meeting which set out the basis upon which the brief was being reported to the Committee. Councillor Heesom then proposed that the development brief be not accepted. This was duly seconded.

Councillor J.B. Attridge, the adjoining ward Member, said that he shared Councillor Heesom's concerns. He agreed that the annex blocks needed to be demolished to accommodate the new school but he was opposed to the complete demolition as detailed in the report. He added that he was opposed to any form of housing development on the site and that the feasibility study should include information on socio-economic factors as suggested by the Leader of the Council at a recent County Council meeting. However he did not want the Committee to put on hold the demolition of the annex blocks and lean-tos and nor did he want to stop the new school being built. Councillor Attridge considered that more work was needed regarding what possible future uses there might be of the building: previous issues which had been raised had not been addressed. Councillor Heesom then amended his proposal to allow the demolition of the annex blocks, canteen block and lean-tos but not the other buildings, whilst still not approving the development brief. (The amendment to the proposal was agreed by the seconder.) He said that the main bulk of the building was a feature which was irreplaceable and reiterated that, with the exception of the demolition of the canteen block and lean-tos, the development brief should be referred back for further consideration.

Councillor M.J. Peers referred to page 128 of the agenda and the two cases put forward for the demolition or retention of the Northop Board school

building. He queried the figures which had been provided, in particular the 4 bed properties at £155,000. He felt that the valuations were not accurate and that they needed to be reviewed.

Councillor C.A. Ellis asked if the building of the new school would be delayed if the development brief was not accepted. The Development Manager confirmed that would not be the case. On the issue raised by Councillor Peers he said that, in financial terms, retention of the building was not justified, but as Members seemed to be moving beyond this factor in suggesting that the feasibility study should take a wider remit and consider factors other than financial information, there was little point in reviewing the valuation information. He reminded Members that Flintshire County Council was the applicant and the owner of the site and it was appropriate in these circumstances that community uses should be considered, but the surplus land could not then be viewed as an asset in financial terms.

On being put to the vote, the proposal to refuse the development brief to allow further consideration of socio-economic factors in relation to future uses of the school building, but to allow the demolition of the annex, canteen blocks and lean-tos, was CARRIED.

RESOLVED:

That the development brief be refused to allow further consideration of socio-economic factors in relation to future uses of the school building, but that the demolition of the annex, canteen blocks and lean-tos be approved.

7. LATE OBSERVATIONS

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

8. FULL APPLICATION – ERECTION OF 10 NO. TWO BEDROOM APARTMENTS AT RISBORO, NANT MAWR ROAD, BUCKLEY (049451)

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 21 May 2012. The usual consultations had been undertaken and the responses received detailed in the report.

The Officer detailed the background to the report and the main issues for consideration. He reminded Members that a proposal for the erection of 12 No. apartments had been refused in November 2011. This application differed because it was a single block of apartments with two levels of four apartments with the additional two apartments in the roof space. It met the space around dwellings standards and the concerns which had been raised on highways and access issues had been considered but the proposal was considered to be acceptable and complied with policy standards. He drew Members' attention to paragraph 7.03 which provided detail on a general matters report which had been considered by Committee on application

048669; he asked Members to bear this in mind when considering this application.

Mr. M. McLaughlin spoke against the application saying that the previous application had been refused due to the overdevelopment of the site. The previous application of 12 no. 2 bedroom apartments had included parking for 18 vehicles whilst this application for 10 no. 2 bedroom apartments had provision for 15 car park spaces. He commented on the density of the site of 83 units per hectare which he said was nearly three times that recommended as the Unitary Development Plan (UDP) indicative figure. He highlighted paragraph 7.06 where it was reported that the 10 units occupied units with an external appearance akin to a terrace of 4 dwellings, which he considered to be an inappropriate comparison. He felt that the proposal was overdevelopment and was out of character with the area and overlooked 1, 3 and 5 Dawn Close. He also reminded Members of the 26 letters of objection which had been received on the application the contents of which were outlined at paragraph 4.02.

Mr. R. Jones spoke in support of the application and said that the increased traffic generation which had been raised as a concern had not been substantiated. He felt that it was not an overdevelopment of the site and referred to policies HSG3, 8 and 9 of the UDP which the proposal complied with along with space around dwellings policy. He said that the proposal reflected the character of the area and the parking proposals also met policy guidelines. He added that it was not an incongruous development and that there was a requirement for this type of property in Buckley. He reminded Members that the scheme had been reduced from that refused by Committee in November 2011.

Councillor R.G. Hampson, one of the local Members, proposed refusal of the application against officer recommendation which was duly seconded. He said that this was a quiet area and that 10 flats on the site would set a precedent in the area. He said that it would overlook Dawn Close, would not look like terraced properties as was reported, and would be detrimental to the area. Councillor Hampson added that Princes Avenue was a busy road and he commented on the access and the visibility splays. He concluded that the development would be of no benefit to the area.

Councillor R.C. Bithell spoke in support of the officer recommendation for approval. He said that following refusal of the previous application, he was surprised that the applicant had not appealed against the decision. The proposal had now been reduced to 10 dwellings and the application which had been submitted complied with the policies of the Council. He said that there was already accommodation of this type in the area and even though highways had been suggested as a reason for refusal when the previous application was refused in November 2011, it was reported that, subject to ensuring the provision of the required splays and the applicant entering into an appropriately worded legal agreement to that effect, then there was no highway objection on this basis.

The other local Member, Councillor N. Phillips, said that there was not a need for this kind of development in Buckley and spoke of empty flats at a nearby development. He commented on the 26 letters of objection and said that he agreed with Councillor Hampson that the application should be refused.

Councillor H.G. Roberts said that the Committee should judge the application on whether it complied with policy, which this application did. He also commented on the nearby Llys y Nant development. He said that the application should be approved and that, if not, any costs awarded against the Authority on an appeal would be substantial.

Councillor P.G. Heesom sought legal advice on the issue of costs. He added that even though the application complied with policy for the number of proposed parking spaces, he felt that there would be a large number of cars at the development. He said that the application should be refused on the grounds of overlooking of neighbouring properties and the additional traffic generation in a suburban area.

The Senior Engineer - Highways Development Control confirmed that Highways had no objections subject to conditions and the completion of a section 106 agreement to maintain the visibility splays in perpetuity. She added that the proposal was compliant with TAN18 and Manual for Streets and was in line with the Authority's policy for parking.

On the issue of costs, the Principal Solicitor reminded Members of what was contained in the Welsh Office's Costs Circular and advised Members that it was important to bear this in mind in coming to their decision.

The officer advised Members that the proposed dwelling was not as high as the current dwelling Risboro, referring to the plans on display, and that the application was not considered to be overdevelopment or incongruous.

The Planning Strategy Manager reminded Members of the policy terms of the UDP and that the Highways officer had indicated that the proposal was compliant with policy standards.

In summing up, Councillor Hampson said that the application was overdevelopment, overlooked Dawn Close and set a precedent for redevelopment of similar properties in the area, detrimental to its character. He also felt that it would generate additional traffic which would be detrimental to highway safety and that the proposal was not appropriate for the area.

On being put to the vote, the proposal to refuse the application against officer recommendation on the grounds detailed by Councillor Hampson was CARRIED.

RESOLVED:

That planning permission be refused on the grounds of:-

1. Overdevelopment/overlooking of properties on Dawn Close
2. The setting of a precedent for redevelopment of other properties in the area to the detriment of its character
3. Additional traffic generation detrimental to highway safety.

Councillor R.C. Bithell indicated that he wished it to be recorded in the minutes that he had voted against refusal of the application.

9. **FULL APPLICATION – CONSTRUCTION OF A VEHICULAR ACCESS ONTO BRYN ROAD, REMOVAL OF PART OF THE HEDGEROW AND ERECTION OF DOUBLE WOODEN GATES AT 9 HILL VIEW, BRYN-Y-BAAL, MOLD (049371)**

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

Mr. R. Guest, representing the residents of Bryn Road, spoke against the application. He said that he had lived on the cul de sac for 20 years and that access onto the hammerhead represented a road safety issue for children attending the local school. There was a high level of usage of both the hammerhead and the footpath crossing the grassed area. He said that residents were very concerned about the detrimental impact on the surrounding area and the effect on property. He said that if the application was approved, he felt that there should be more stringent conditions. Mr. Guest felt that the application set a precedent and he hoped that it would be refused by the Committee.

Mrs. A. York, the applicant, spoke in support of the application, explaining that the original driveway to the property was very steep. She said that they owned a box trailer which they had not been able to move for three years due to the slope of the driveway and if the drive was icy it could not be used by vehicles and was difficult to walk on. When the applicants were not able to use the driveway, they had to park both vehicles on Hill View which she felt could cause potential problems for emerging vehicles. Mrs. York also explained that she had been diagnosed with a condition which meant that walking up the steep driveway would become more difficult. The grassed area on which it was intended to construct the new driveway was owned by Flintshire County Council and it was conditioned that details of the engineering works, levels and surface treatments of the access road would have to be submitted and approved before commencement. Mrs. York said that they would be happy to comply with policies and that the proposals would not block the public footpath and would not cause a problem for the school children.

Mr. C. Bull from Argoed Community Council spoke against the application because of the problems that it would cause for school children going to and from school.

Councillor H.G. Roberts proposed the recommendation for approval which was duly seconded.

Councillor R.B. Jones asked if the other access to the property would be closed if this application was approved and that putting an extra access onto the hammerhead would have an effect. Councillor W.O. Thomas asked whether approval of the application would result in cars being parked outside the gate on the verge. Councillor M.J. Peers said that the application had been through the Unitary Development Plan (UDP) process and asked whether there had been any objections to the green space designation. He added that in order to construct an access point, part of the hedgerow would have to be removed.

In response to comments made, the Planning Strategy Manager said that he did not know if there were any objections to the designation in the UDP. He added that the issue was whether the application would do any harm to the green space and in the officer's opinion, it did not. The green space was also safeguarded by conditions in the report and he highlighted condition 3 which would minimise the impact. On the issue of parking and blocking accesses, this was covered by condition 4 and could result in enforcement action if it was not complied with.

The Development Manager reminded Members that there was currently a pedestrian access from the rear of the property onto the grassed area and that there would be more likelihood of cars being parked on the road if this driveway into the plot was not allowed. The Senior Engineer - Highways Development Control explained that the proposed access did cross the right of way but it was not designated as a "safe route to school" and did not have a detrimental impact, particularly with the suggested conditions.

Councillor R. Hughes expressed concern at the removal of the hedgerow and felt that there should be a tight control with removal not being permitted in the bird nesting season.

In response to earlier comments, the Development Manager said that it was not the intention of the applicants to close the existing vehicular access and added that only a portion of the hedge was to be removed to accommodate the access. He referred to the proposed conditions and said that a note would be attached to the effect that the removal of the hedge could not take place in the bird nesting season.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

10. FULL APPLICATION – ERECTION OF A DETACHED DWELLING AT LAND SIDE OF 12 BANKS ROAD, MANCOT (049342)

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 21 May 2012. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The Development Manager detailed the background to the report explaining that outline planning permission had been granted on appeal in January 2006 and a reserved matters application had been approved in December 2007. He stated that this application proposed a dwelling which was almost identical to that previously approved but this was 300mm further back into the site to allow for additional parking space to the front. The windows proposed had also been reduced in size and the eaves amended to line through with the adjacent building at number 12.

Mr. P. Keenan, the applicant, spoke in support of the application. He said that the proposed house was identical in height to that approved in December 2007, was the same height as the neighbouring property and had been designed to fit the plot which was restricted in size. He commented on the letter of objection which had been received explaining that he intended to build a similar property to his neighbour. On the issue of whether the dwelling would be modest, he said that the neighbouring property was less modest than the one he intended to build.

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

The local Member, Councillor G. Diskin, spoke against the application saying that the proposed three storey four bedroomed property would be out of character with the neighbouring properties. She understood that it would also be higher than the dwellings on either side of the site, was an overdevelopment of a small plot and would have an overbearing effect. It was reported that when outline permission was granted on appeal by the Planning Inspector, it had been indicated that it would be possible to accommodate a modest detached dwelling on the plot in a manner that it would maintain adequate space between the dwelling and the boundaries of the site. Councillor Diskin also referred to a letter from the Hawarden Estate (also referred to in the late observations sheet) which stated that a drain associated with a stream which ran through the site and into neighbouring gardens had been damaged during clearing of the site. She requested that the application be refused.

Councillor Bithell said that although it was a confined space, the site had been granted outline planning permission. However he felt that the pitch of the roof could be altered to be more in keeping with other nearby properties. Councillor W.O. Thomas said that it was a very small plot for a four bedroomed property.

Councillor P.G. Heesom said that he took the view of the local Member very seriously but added that the issue of the principle of development was not in dispute. He said that the proposed dwelling could not be classed as the modest dwelling indicated by the Inspector. He also commented on the limited parking on the front of the site but added that cars would not be able to turn around in the small space. Councillor Heesom queried whether the previous reserved matters approval had been a committee or officer decision. He said that attention should be paid to the local Member's views and that the application should be refused. Councillor D. Butler said that in granting the outline planning permission, the inspector had considered that a modest dwelling could be accommodated on the plot. Councillor Butler did not think that the dwelling proposed was a modest one.

In response to a comment from Councillor H.G. Roberts, the Senior Engineer - Highways Development Control confirmed that there was no requirement for vehicles to be able to turn around on the site as it was an unclassified road.

The Development Manager said that the two car parking spaces on the site met standards. He mentioned the Hawarden Estate letter to which Councillor Diskin had earlier referred, where it was requested that permission include a condition requiring reinstatement and maintenance of the drain. However, the Development Manager indicated that this was a private matter and a condition would not be appropriate. He agreed that the Inspector had referred to a 'modest' development on the basis of the information before him but this had been followed by a reserved matters submission which met the Council's standards. He added that this earlier permission had recently expired in 2011 and unless there were changes in policy or other material considerations there were no grounds to refuse the application.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

11. FULL APPLICATION – DEMOLITION OF EXISTING REAR SINGLE STOREY EXTENSION AND ERECTION OF A THREE STOREY EXTENSION AND CREATION OF NEW VEHICULAR ACCESS AT HOTEL VICTORIA, HIGH STREET, HOLYWELL (048425)

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 21 May 2012. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the main issues to be considered and explained that the application had been the subject of extensive and lengthy negotiations. On the issue of highways, he said that this would be an improvement on what was currently in place. The letters of objection had

raised health and safety issues as a reason for refusal but the officer explained that this was covered by separate legislation and should not be part of the consideration by Members today. He drew Members' attention to the late observations where it was suggested that condition 6 be deleted and incorporated within condition 4, and two additional conditions were suggested for highways and visual amenity. He also advised that an amended plan had been received.

Councillor H.G. Roberts proposed the recommendation for approval which was duly seconded.

The officer said that the proposed extension would mirror the current hotel building. In response to a query from Councillor R.C. Bithell, he said that precise details about the windows, doors, timber and paint finishes were to be agreed. He added that officers could discuss the issue with the local Member. Following a query from Councillor P.G. Heesom regarding the additional bedrooms, he said that paragraph 7.02 of the report provided details of the proposal and what the proposed accommodation would include.

RESOLVED:

That planning permission be granted subject to the additional conditions detailed in the late observations and subject to the conditions detailed in the report of the Head of Planning.

12. ADVERTISEMENT CONSENT FOR THE ERECTION OF 3 NO. NON-ILLUMINATED FREE-STANDING BILLBOARDS AT LIDL UK, DENBIGH ROAD, MOLD (049499)

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The Development Manager explained that a similar application for the display of three hoarding signs had been refused in May 2011 as it was felt that one of the signs was visually intrusive. In this application, one of the billboards had been relocated in order to address the previous reason for refusal.

Councillor R.C. Bithell proposed refusal of the application against officer recommendation, which was duly seconded. He referred to the plan on page 55 of the agenda which showed that the site was adjoined on two sides by residential properties and was overlooked by residents. He referred to the signs which had been attached to the fence outside the store which he felt was distracting for passing traffic. He suggested that the signs could be put in the building itself.

Councillor W.O. Thomas referred to the restrictions relating to signs which had been put on the application when it had been granted planning permission. He also requested replacement of the hedgerow which had been

removed by the applicant. Councillor D. Butler highlighted paragraph 7.04 where it was reported that the application had been refused because of the siting of only one of the billboards.

In response to the queries made, the Development Manager confirmed that the whole application had been refused previously but that two of the signs had been considered to be acceptable. He said that the site was for commercial use so it was reasonable to allow advertising on the site and added that the signs were designed to give notice, to those who parked in the car park intending to use the store, of the offers which were available in-store. He said that the signs were a considerable distance to the nearest residential property.

Councillor Bithell felt that the signs were large and could be overlooked by neighbouring residents and that they should be located within the car park and not on the fences as was the current practice.

The Development Manager said that if two of the signs were acceptable but the third sign was not, then it was possible to have a split decision where two of the signs were permitted but the third, which was to be positioned at the rear of the car park, was refused.

Councillor Butler proposed that the signs positioned to the east and west of the site be permitted but that the sign to the northern car park boundary be refused. The proposal was duly seconded.

RESOLVED:

That advertisement consent be granted to allow the eastern and western signs subject to the conditions detailed in the report of the Head of Planning but that the sign on the northern car park boundary be refused due to the impact on residential properties.

13. ERECTION OF 45 NO. DWELLINGS, ASSOCIATED GARAGES AND PARKING AND DEMOLITION OF EXISTING BUILDINGS AT OVERLEA DRIVE, HAWARDEN (048032)

The Committee considered the report of the Head of Planning in respect of this application. Councillors A.M. Halford and D.I. Mackie, having earlier declared an interest in the application, left the meeting prior to its discussion.

The Head of Planning explained that following the resolution at the 2 November 2011 meeting by the Committee to refuse the application, the applicant had appealed against the decision. An appeal by Public Inquiry had been scheduled for 4 and 5 July 2012. Upon receipt of legal advice from Counsel appointed to appear at the Public Inquiry, this report sought a direction from Members in respect of the stance to adopt at the appeal in respect of one of the reasons for refusal which was attached to the decision.

The officer explained that three reasons for refusal had been put forward by the Committee at the meeting in November 2011. The advice from Counsel was that a case in respect of the reason for refusal no.1, on overbearing impact, could not be advanced. He added that if the Council tried to defend this as a reason for refusal, it was likely that it would attract a claim for costs against the Authority.

Councillor H.G. Roberts proposed the recommendation to not present evidence to defend Reason for Refusal 1 at the appeal proceedings which was duly seconded.

The Principal Solicitor said that Councillor C.S. Carver was able to address the Committee for three minutes and indicated that Councillor Carver had asked for the opportunity to explain why that was the case. Councillor Carver provided details of why he was only able to address the Committee for three minutes, explaining that in the Standards Committee minutes for meetings when he had applied for dispensation to speak on the application, the dispensation had not been minuted. As there had been no Standards Committee since March, there had been no opportunity to correct the error. He was therefore only able to address the Committee as local Member for three minutes as if he were a member of the public. He further informed the Committee that he intended to remain in the meeting after he had spoken as he wished to hear for himself the decision taken by the meeting. The possible consequences of so doing had been explained to him by both the Monitoring Officer and his Deputy. He concluded by explaining that a decision was needed today as he had Rule 6 status at the Inquiry which meant that he had to produce his evidence four weeks before the start of the Inquiry.

Councillor Carver read out a prepared statement which indicated that the minutes from the meeting held on 2 November 2011 reflected "that planning permission be refused on the grounds of overbearing impact on existing properties, lack of on-site play provision for younger children and the insufficient level and lack of integration of affordable housing". He explained that a resident had said that the most affected properties were 63 and 65 Overlea Drive. However, the decision notice issued 26 days later was specific in that the overbearing nature related to Penlan Drive and Overlea Crescent only, and not Overlea Drive. Councillor Carver also said that the plans contained errors relating to slab levels and also did not show, or take into account, extensions and conservatories on existing properties, details of which he provided. He explained that he was the Rule 6 Party referred to in the report and that he was now facing a part striking out of the decision notice which to him did not reflect the minuted decision of the Committee. He could also not understand how the decision notice detailed in paragraph 6.01 listed so many policies supporting reason 1, yet the legal opinion was the opposite view.

Councillor J.E. Falshaw queried why the decision notice had not included Overlea Drive, when this was the area most affected by the planning proposal. Councillor M.J. Peers said that for future reports, it would be useful to have Counsel's advice as part of the report to Committee. He said that

there was also a need to know why reason 1 could not be advanced as this information was not before the Members. In response, the Principal Solicitor said that Counsel's advice had been fairly summarised in the report.

The officer said that the reason for refusal was that advanced at Committee where reference to Overlea Drive had not been made. Councillor R.B. Jones said that they needed to see the evidence before making a decision and said that if the decision notice was different to the minutes, then the wrong information had been sent to the applicant. The Principal Solicitor read out the resolution from the Committee meeting in November 2011 which was approved at the subsequent meeting in December 2011. He said that reference had been made by Councillor Cheryl Carver of Hawarden Community Council about slab levels and the reference to overlooking which did not relate to particular properties. He also detailed what had been included in the decision notice which had been sent to the applicant.

Councillor Jones said that what had been agreed by the Committee in the minutes was not reflected in the decision notice. He said that the Committee had meant all of the existing properties and it was wrong of the officer to determine otherwise and what the Committee meant should have been checked. The Planning Strategy Manager said that to say that the decision related to all properties would be incorrect. The officer said that he had been present at the debate and that Overlea Drive had not been specifically mentioned.

Councillor P.G. Heesom raised concern at how general matters were handled and said that previously third party speakers had not been permitted. The Principal Solicitor said that Councillor Carver was the local Member for Hawarden.

Councillor R.C. Bithell said that it was obvious that there was a need for Committee to be specific in the grounds for refusal and accurately reflect what had been determined. He concurred that the minutes had also been approved by Committee. He said that there was a need to listen to the advice which had been given by Counsel in not putting forward reason 1 in the appeal. He added that it did not preclude the local Member making representations at the Public Inquiry.

Councillor C.A. Ellis said that this was the second time when this had occurred and suggested that officers and Members could learn from it. She suggested that the decision could be drawn up immediately and shared with the Committee before the decision notice was issued to ensure that discrepancies were identified. The Principal Solicitor said that there was always the intent for the decision notice to reflect the debate but added that misinterpretations could occur. He said that he would discuss the issue with the Head of Legal and Democratic Services.

Councillor D. Butler said that the Committee had a chance to amend the minutes when they had been submitted to the subsequent Committee, but they had not done so and had approved the minutes as being a correct record

of the meeting. He added that it should have been picked up by the Committee and the blame not put on the officers.

The officer said that paragraphs 6.07 to 6.10 of the report detailed the reasons expressed by Counsel in coming to his view on refusal reason 1 and he drew particular attention to paragraph 6.09.

Councillor H.G. Roberts said that what had been put on the decision notice had to be addressed, and taking everything into account, the Committee should take note of the recommendation in the report.

On being put to the vote, the proposal to accept the recommendation in the report was CARRIED.

RESOLVED:

That the Local Planning Authority should not present evidence to defend Reason for Refusal 1 at the appeal proceedings.

14. **APPEAL BY MR JONATHAN BARTON AGAINST AN ENFORCEMENT NOTICE ISSUED BY FLINTSHIRE COUNTY COUNCIL ON THE 6 JUNE 2011 AT WARREN DINGLE FARM, MOLD ROAD, PENYFFORDD (ENF/134176)**

RESOLVED:

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

15. **APPEAL BY MR. R. BORROW AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A REPLACEMENT DWELLING ON LAND ADJACENT TO GLENCAIRN, BRYN CELYN, HOLYWELL (048974)**

RESOLVED:

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

16. **DURATION OF MEETING**

The meeting commenced at 1.00 p.m. and ended at 3.49 p.m.

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

There were 27 members of the public and 2 members of the press in attendance.

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Chairman

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

PLANNING AND DEVELOPMENT CONTROL COMMITTEE	DATE: 23 MAY 2012
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MEMBER	ITEM	MIN. NO. REFERS
Councillor A.M. Halford and D.I. Mackie	Erection of 45 no. dwellings, associated garages and parking and demolition of existing buildings at Overlea Drive, Hawarden (048032)	13