

PLANNING & DEVELOPMENT CONTROL COMMITTEE

16 JANUARY 2013

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 16th January, 2013

PRESENT: Councillor David Wisinger (Chairman)

Councillors Chris Bithell, Derek Butler, Ian Dunbar (Vice-Chairman), Carol Ellis, David Evans, Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, Patrick Heesom, Christine Jones, Richard Jones, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts, Owen Thomas, Dennis Hutchinson (Reserve) (for Richard Lloyd) and Dave Mackie (Reserve) (for Ray Hughes)

SUBSTITUTIONS:

Councillor: David Mackie for Ray Hughes and Dennis Hutchinson for Richard Lloyd

ALSO PRESENT:

The following Councillors attended as local Members:-
Councillor Peter Macfarlane – agenda item 6.1

IN ATTENDANCE:

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Senior Planner, Senior Minerals and Waste Officer, Capital Projects & Planning Manager (Education), Planning Support Officers, Democracy & Governance Manager and Committee Officer

129. **DECLARATIONS OF INTEREST**

Councillor A.I. Dunbar declared a personal and prejudicial interest in the following application:-

Agenda item 6.1 – Full application – Erection of 20 No. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout on land off Fair Oaks Drive, Connah's Quay (048610)

Councillor C.A. Ellis declared a personal interest in the following application:-

Agenda item 6.5 – Renewal of Outline Planning Permission Ref. 041006 for proposed residential development at Holmleigh, Cheshire Lane, Buckley (049289)

In line with the Planning Code of Practice:-

Councillors R.G. Hampson, R.B. Jones and M.J. Peers declared that they had been contacted on more than three occasions on the following application:-

Agenda item 6.6 – General Matters – Outline application for Erection of 12 dwellings at Bank Farm, Lower Mountain Road, Penyffordd (050003)

130. **LATE OBSERVATIONS**

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

131. **MINUTES**

The draft minutes of the meeting of the Committee held on 12 December, 2012 had been circulated to Members with the agenda.

Councillor P.G. Heesom referred to page 3 and asked that the penultimate paragraph under minute number 111 items to be deferred (agenda item 7) be amended. Following a request from the Democracy & Governance Manager for Councillor Heesom to provide a form of words for his amendment, Councillor A.M. Halford proposed that discussion on the minutes be considered at the end of the meeting to allow Councillor Heesom to prepare a form of words.

RESOLVED:

That consideration of the minutes be deferred to the end of the meeting.

132. **ITEMS TO BE DEFERRED**

The Development Manager advised that deferment of the following application was recommended:

Agenda item 6.1 – Full application – Erection of 20 No. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout on land off Fair Oaks Drive, Connah's Quay (048610) – to await a response from the District Valuer following receipt of further representations.

On being put to the vote, the proposal to defer to application was CARRIED. Councillor D. Hutchinson expressed his disappointment at the application being deferred to a second time given the fact that members of the public were present for the application. The Democracy & Governance Manager indicated that it was unfortunate that the application had been deferred twice but that it arose from an issue recently raised by the public.

133. **VARIATION IN ORDER OF BUSINESS**

The Chairman indicated that there would be a change in the order of business to bring forward agenda item 6.6 – General Matters – Outline application for erection of 12 dwellings at Bank Farm, Lower Mountain Road, Penyffordd (050003). The remainder of the items would then be considered in the order of the agenda.

134. **GENERAL MATTERS - OUTLINE APPLICATION FOR ERECTION OF 12 DWELLINGS AT BANK FARM, LOWER MOUNTAIN ROAD, PENYFFORDD (050003)**

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.

The Head of Planning detailed the background to the report explaining that this report was an update following determination of the application at the December 2012 meeting of the Planning and Development Control Committee. A resolution was sought for a Section 106 Obligation to cover the commuted sum payments in respect of educational and leisure provision and the carrying out of off site highway works. He highlighted paragraph 6.03 where it was reported that there was no longer a need to refer an application to Welsh Government for residential development which constituted a departure from policy if it was for less than 150 dwellings. However he referred Members to the late observations sheet where a letter from Welsh Government was attached directing the Council not to grant planning permission without the prior authorisation of the Welsh Minister.

The Development Manager confirmed that an element of affordable housing was not required as the development fell below the threshold. He added that the material issues were the educational contribution, play provision and a footpath to Penyffordd. The late observations sheet included a comment from the applicant's agent challenging the requirement for the construction of the cycleway pointing out that what was proposed as part of the application was a footpath link to Penyffordd. Further advice had been taken from the Highways officer and the recommendation was now to change the requirement for the cycleway to that of a footpath to Penyffordd. This would require a section 106 agreement to provide for the linking of what was proposed to the existing footpath infrastructure in Penyffordd in accordance with what was specified in the planning application. Condition 14 in the report needed to be amended to reflect the requirement for the 1.8 m footpath link from the site to Penyffordd and removing the reference to the cycleway. The issue of play provision was a standard requirement of £1,100 per dwelling in lieu of on site provision which would total £13,200. Supplementary Planning Guidance note 23 on Developer Contributions to Education had been used to calculate the funding for educational contributions and these totalled £73,729 for the relevant primary and secondary schools.

The Democracy & Governance Manager explained to Members that under normal circumstances, the applicant or his agent would not be permitted to address the Committee once they had already done so, but due to the exceptional circumstances because the section 106 obligation had not been the subject of the original report, the Chairman had exercised his discretion to allow the applicant's agent to address the Committee.

Mr. S. Goodwin spoke in support of the application and said that the applicant had no objections to the suggested conditions except for the reference to the cycleway in conditions 14 and 15. He said that it was unnecessary to request his client to provide a footpath/cycleway to link to Penyffordd as this

formed part of the Warren Hall application and this request would result in duplication. Mr. Goodwin said that the applicant had no objection to the payment in lieu of on site play provision but said that he had not been provided with details of capacity in the schools in the area. He spoke of the Kinnerton primary school and Elfed high school which he felt could meet the requirements of children from the development. He said that under the Community Infrastructure Levy, contributions could only be requested where there was a need and he did not feel that the need had been demonstrated. He said that on the issue of land cost, if the £73,729 was not paid the site would break even but if the educational contribution was required the site would not be viable. He asked the Committee to allow delegated authority to the Head of Planning to negotiate a figure with the applicant for the section 106 obligation.

Councillor P.G. Heesom proposed that the Head of Planning be given delegated authority as suggested by Mr. Goodwin to discuss the terms of the section 106 in conjunction with the local Member for Kinnerton and this was duly seconded.

Councillor D. Butler queried whether other local Members should also be involved in the negotiations as the schools in their area could also be affected. Councillor R.C. Bithell said that the policy referred to the nearest school which he said could be Pentrobin, Penyffordd or Hawarden, all of which were near or over capacity.

The Capital Projects and Planning Manager (Education) provided details of the schools in the area which included St. John the Baptist, Kinnerton, Penyffordd and Castell Alun as reported in paragraph 6.05. She reiterated that the policy related to the nearest school to the development.

Councillor M.J. Peers referred to the footpath which had not formed part of the original application stating that any issues should have been known at the time of the previous report. On the issue of the educational contributions he said that the Local Planning Guidance (LPG) note 23 did not identify whether it was adopted or not and did not show when it was included on the website, both of which he felt were material considerations. He said that funding for the nearest schools had already been provided as part of the Wood Lane Farm and White Lion applications and he therefore felt that they had already been catered for and should not be requested as part of this application.

In response, the Head of Planning said that the LPG note 23 was adopted and had been consulted on and approved by County Council so was relevant to this application. He added that the document would be amended to reflect when it had been adopted.

The Development Manager said that the formula in the LPG note 23 had been used and the request for educational contributions was a blanket requirement for any development where need had been established. He added that it would be wrong to require a contribution from one developer and not from another. Referring to the footpath, he advised that at the stage of the original application, the footpath was not a highway requirement but it had been offered by the applicant and there was therefore a need for it to serve a purpose by

linking to the existing footpath infrastructure in Penyffordd, hence the need for the Section 106 Obligation.

Councillor R.B. Jones spoke of educational contributions and the LPG note 23 and said that it was important that consultation with the local Members for all of the schools affected by the development take place. Councillor R.C. Bithell referred to the comments of Councillor Peers and said that until the development was in place the monies for the education contributions would not be forthcoming and therefore to say that the schools had already been catered for was incorrect. Councillor R.G. Hampson said that he felt that to ask for the educational contributions was heavy handed and that the issue of viability of the site should also be considered. Councillor W. Mullin said that the Council's policies were clear and should be adhered to.

In response to a further comment from Councillor Peers about educational contributions, the Development Manager said that the LPG note 23 said that contributions would be requested for the nearest/suitable primary or secondary school. Details were provided for Members of the size of the sites at Wood Lane Farm and White Lion and the calculations used to identify the amount of funding requested.

Councillor Heesom reiterated his point that the Head of Planning should discuss the issues of the section 106 obligation with the local Member for Kinnerton. He added that the footpath/cycleway proposed formed part of another application so it was not necessary to duplicate the request. He also said that Penyffordd schools had already benefited from educational contributions from previous applications and he felt that this was also duplication. Councillor Heesom added that policies were in place for guidance.

The Head of Planning reminded Members of the three aspects to the section 106 agreement which were educational contributions, play provision and the footpath to Penyffordd.

Councillor Heesom said that he was satisfied that the educational contributions could be resolved by the Head of Planning and the local Member for Kinnerton. The Development Manager asked whether it was being suggested that the requirement for the footpath was not needed as it was to be provided for by the Warren Hall application. He pointed out that condition 15 of this recommendation indicated that the footpath link had to be provided prior to the occupation of any dwellings, so this site could not be occupied until the footpath link was completed. The Head of Planning reminded Members that the footpath had been offered by the applicant and the section 106 obligation would secure the provision of the footpath.

On being put to the vote, Councillor Heesom's proposal was CARRIED.

RESOLVED:

That (subject to the current stop direction by Welsh Government being withdrawn) delegated powers be given to the Head of Planning to negotiate the detail of the Section 106 Obligation in conjunction with the local Member.

135. **OUTLINE APPLICATION - DEMOLITION OF 2 EXISTING BUNGALOWS AND ERECTION OF 5 NO. DWELLINGS AT 85 - 87 WEPRE LANE, CONNAH'S QUAY (048261)**

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 14 January 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report explaining that when the application was initially submitted, it was for 8 dwellings but this had now been reduced to 5 dwellings. Two indicative layouts had been provided. The main issues were whether the site was overdeveloped and whether there were highway safety concerns. The Head of Assets and Transportation had responded to the consultation that the 5 no. dwellings could be adequately served from a shared private driveway accessed from Wepre Lane. The officer indicated that there was also a view that the existing frontage would be maintained and that 5 no. dwellings was not an overdevelopment of the site. The site was in close proximity to the Special Area of Conservation and the Site of Special Scientific Interest but reasonable avoidance measures would be put in place along with conditions and a section 106 agreement for mitigation measures. He added that a bat survey had also been undertaken.

Councillor D. Hutchinson proposed the recommendation for approval which was duly seconded.

The local Member, Councillor A.I. Dunbar, spoke against the application and reiterated the concerns raised by the 6 letters of objection and Connah's Quay Town Council. He felt that it would generate additional traffic flows and he raised concern about traffic safety for access and egress to the site. He added that the application was an overdevelopment of the site and would impact on Wepre Park and he also referred to the bus stop within 30 metres of the site which he felt would be a safety hazard for vehicles leaving the site due to limited visibility.

Councillor R.B. Jones queried whether an educational contribution should have been sought and he asked for assurance that the section 106 agreement would be signed before the existing bungalows were demolished.

Councillor P.G. Heesom spoke of infill and said that the application was over-intensification of the site. He said that the road was densely used and was extremely dangerous; he felt that the policy should be reconsidered. Councillor H.G. Roberts said that the application complied with policy and said that the position of the site opposite a junction was ideal. Councillor D. Butler said that if it was not for the demolition the site was backland development and that it set a precedent for the future and he suggested that the issue be looked at by Planning Strategy Group. Councillor R.C. Bithell concurred that the application complied with policy and would not worsen or improve the site. Councillor M.J. Peers felt that this was a 1930's style ribbon development and that a courtyard development would be inappropriate.

The Planning Strategy Manager reminded Members that there was nothing in the Unitary Development Plan that would allow them to refuse the application in principle as it was within the settlement boundary and met all of the standards set by the Council. The officer explained that this was an application for outline planning permission so that no development management issues could be considered at a later stage. In response to the comment from Councillor Jones, he said that an educational contribution had not been sought as the site was for a net of 3 no. dwellings as 2 no. dwellings were to be demolished. He confirmed that the existing bungalows would not be demolished before the section 106 agreement had been signed. The Senior Engineer - Highways Development Control confirmed that Highways had no objection to the application subject to the conditions included. She added that the visibility splays met the full standards and Wepre Lane was more than capable of accepting the additional traffic.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of:-

- a) £1,100 per dwelling in lieu of on site play provision; and
- b) £2,500 per dwelling towards the management of the Deeside and Buckley Newts Special Area of Conservations (SAC).

136. **RESERVED MATTERS - DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE AND ACCESS THERETO, SUBMITTED IN ACCORDANCE WITH CONDITION NO. 1 OF OUTLINE PLANNING PERMISSION REF.: 047769 TO ALLOW RESIDENTIAL DEVELOPMENT AT WILCOX COACH WORKS, AFONWEN. (048465)**

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 14 January 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the principle had been established when outline planning permission was granted. The proposed development was for 19 dwellings which would achieve Level 3 of the code for Sustainable Homes. A number of issues had been considered in the report including the impact upon the Area of Outstanding Natural Beauty (AONB). The issues of flood risk, drainage and land contamination had all been dealt with at the outline application stage so there was no need to replicate the issues in this application. A landscape buffer and area for children's play space formed part of the application with the play area being accessed by a footbridge.

Councillor W.O. Thomas proposed the recommendation for approval which was duly seconded. He felt that the site was an eyesore but he raised concern about a commuted sum being offered in lieu of affordable housing and the lack of a request for an educational contribution. Councillor Thomas hoped that the play area would meet the standards set by the authority and he raised

concern on highway grounds due to the increased traffic which would be generated onto the A541 as a result of the application.

The local Member, Councillor J. Falshaw, referred to the play area and asked if it would be transferred to the Council with the developer providing a sum for the maintenance of the play space. He also said that the entry to the play area was on a privately owned road and requested that a sign be erected about no parking in the road. He also asked for anti-glare lighting as the site was close to the AONB. He queried whether the courtyard areas were large enough to accommodate the number of cars which would be created by the development. Councillor Falshaw also sought an update on the drainage problems in the area, particularly in Caerwys.

In response to Councillor Thomas's query about educational contributions, Councillor R.C. Bithell referred to the comment from the Director of Lifelong Learning on page 56 that the local schools had in excess of 30% surplus capacity and therefore no contribution had been sought in respect of educational needs. He raised concern about the possible flood risk in the area and the comments of the Environment Agency on flood alleviation. He asked if a Grampian style condition was required until the works by Welsh Water had been completed.

Councillor M.J. Peers asked for further detail on the affordable housing element of the application and said that 30% of 19 dwellings was 5.7 and therefore the sum requested towards affordable homes provision in the community should be £195,000; he proposed this as an amendment to the recommendation which was duly seconded. He also asked if the local Member had been involved in discussions about affordable housing.

The officer drew Members attention to condition 12 about the maintenance and management of the play area and said that the Council could not compel anyone to give the Authority the land for adoption but should they choose to do so, then appropriate maintenance funding would be considered. In response to a query from Councillor Falshaw, the officer said that the level of parking was considered to be acceptable. He explained that the flood alleviation works were complete and the signage requested by Councillor Falshaw could not be erected by the Council without consent as it was on private land.

On the issue of educational contributions, Councillor R.B. Jones said that there was a need to look at the capacity of the nearest primary/secondary schools that would be affected by the development when determining whether contributions were required. Councillor D. Hutchinson raised concern that the footbridge to the proposed play area was over a fast flowing river and he felt that the crossing should be more substantial than a flat causeway.

In response to the queries raised, the officer said that he had spoken to the local Member about the affordable housing element of the application and how the monies would be used in the locality. He advised Councillor Jones that the response from the Director of Lifelong Learning on educational contributions was reported on page 56. The details of the bridge to the play area would form part of the scheme to be submitted to include the layout and landscape of the area.

On being put to the vote, the amendment to ask for a contribution of £195,000 towards affordable homes provision was CARRIED.

RESOLVED:

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

- The payment of a contribution of £195,000 towards affordable homes provision in the community. Such sum to be paid upon completion or occupation of the 9th dwelling hereby approved.

137. **METAL RECYCLING PLANT FOR END OF LIFE VEHICLES, FERROUS AND NON FERROUS METALS, REDUNDANT AND SCRAP CARAVANS AND ROOF WALL PANELS AT POINT OF AYR, FFYNNONGROYW (045069)**

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.

The officer detailed the background to the report and reminded Members that planning permission was granted in 2009 but that the applicant had failed to enter into legal requirements and obligations, which were a pre-requisite of granting planning permission, despite ongoing discussions. In February 2011 contact was made by a new planning agent but progress had still not been made on the signing of the legal agreements but in August 2012 an alternative access was proposed. Consultations were undertaken but the relevant certificates were not submitted. The late observations detailing a recent alternative access to the site from Station Road was submitted by the applicant and correct certificates of ownership were submitted. It was also reported that the applicant was seeking deferment of the application to allow for consultation on this proposed alternative access into the site from Station Road. The officer explained that if the application was deferred, mitigation measures would still be required on land within BHP Billiton Petroleum Limited's control and as reported in paragraph 7.07 of the report, BHP were not willing to enter into any legal agreements with the applicant. She urged Members not to defer the application and to deal with the report before them as the applicant had already had more than sufficient time following the 2009 decision.

Mr. P. Lloyd, the agent for the applicant, spoke in support of the application. He said that Delyn Metals Limited had agreed to various details which included signing a Section 39 agreement but said that to date they had not received a draft of the agreement so could not be asked to agree to something they had not seen. He confirmed that Delyn Metals would comply with the conditions requested and said that they had also confirmed that they had a right of way over colliery land and that this had only been finally confirmed on 18 December 2012. He requested that Members confirm the use and put on a new time limit for the use on the site.

Councillor R.C. Bithell proposed the recommendation for refusal which was duly seconded. Councillor A.M. Halford agreed with the officer recommendation and she queried a comment in paragraph 8.03 about the very low bridge and the bridge strike which had occurred with the use of large vehicles and asked whether the cost of repair would be the responsibility of the local authority if the bridge was damaged. The Democracy & Governance Manager said that this was not a material planning consideration and should not be taken into account.

Councillor P.G. Heesom suggested that agreement of the application could be considered based on BHP reaching the end of the tenure of the site.

In response to a query from Councillor M.J. Peers on whether enforcement action would be taken if the application was refused, the officer responded that a refusal notice would be issued and the applicant would be written to querying their intentions. If they appealed against the decision to refuse, then enforcement action would be taken.

RESOLVED:

That planning permission be refused for the reasons detailed in the report of the Head of Planning.

138. **RENEWAL OF OUTLINE PLANNING PERMISSION REF. 041006 FOR PROPOSED RESIDENTIAL DEVELOPMENT AT HOLMLEIGH, CHESHIRE LANE, BUCKLEY (049289)**

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. Councillor C.A. Ellis, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report explaining that there had been several material changes to the applicable policy context at both national and local levels and therefore whilst the application was a renewal, examination of issues arising from the new context had been reported in section 7 with the changes detailed in paragraph 7.09 of the report. He provided details of the section 106 obligations for ecological mitigation and on site play and recreation provisions. On the issue of drainage, he said that Welsh Water had indicated that the development would overload the system and had requested that a Grampian style condition be imposed prohibiting the occupation of any dwellings until either the improvement works were completed or the 1st April 2015, whichever was the sooner. The officer drew Members attention to proposed condition 8 and explained that the visibility splays should be 2.4m x 43 and not 45 as reported.

Mr. C. Jones spoke against the application and said that the design and access statement was misleading about the character of the area and the types of dwelling in the vicinity. His concerns included overshadowing, loss of privacy and highway safety due to the generation of additional traffic on Alltami Road from the development and the proposed new medical centre.

Councillor A.M. Halford proposed refusal of the application against officer recommendation which was duly seconded. She referred to the Grampian style condition suggested by Welsh Water and said that she felt that the application was premature and could be deferred until the works had been completed by Welsh Water.

Councillor P.G. Heesom commented on the amount of development in the area and said that the application should be refused. Councillors H.G. Roberts and R.C. Bithell said that the Grampian style condition had been applied to other applications and that there were no grounds to refuse the application.

In response to the comments made, the officer said that the principle of development was established as the previous application had not expired but the time limit for submitting a reserved matters application had run out. This was an application to renew the outline planning permission and a reserved matters application would look at issues such as educational contribution. On condition 13, he clarified that the occupation of any dwellings would be prohibited until either the improvement works on the sewerage system were complete or 1st April 2015 whichever was the sooner. The ecological mitigation payment was required as the site lay in close proximity to the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley New Sites Special Area of Conservation (SAC).

In summing up, Councillor Halford asked what would happen if Welsh Water could not fulfil their commitment to upgrade the sewerage system by 2015. In response, the Planning Strategy Manager said that a view would have to be taken by the Council at that time but that the upgrade works were part of Welsh Water's capital programme.

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

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, with condition 8 being amended to read 'visibility splays of 2.4m x 43m' and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide for the following:-

a) ensure the payment of a contribution of £1750 per dwelling to the Council for ecological mitigation. Such sum to be paid to the Council prior to the occupation of any dwelling subsequently approved under Reserved Matters.

b) ensure the payment of a contribution of £1100 per dwelling in lieu of on site play and recreation provisions. Such sum to be paid to the Council prior to the occupation of 50% of dwellings. Such sum to be used in the improvement of existing recreation and play facilities in the community.

139. **GENERAL MATTERS - DEMOLITION OF EXISTING HOTEL BUILDINGS AND THE ERECTION OF 21 NO. APARTMENTS AT BRYN AWEL HOTEL, DENBIGH ROAD, MOLD (045180)**

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 officer detailed the purpose and background to the report, explaining that planning permission had been granted in November 2008 but due to financial difficulties, the original applicant had not been able to conclude the Section 106 Agreement. The site had now changed ownership and the new owners wished to sign the Section 106 Agreement to allow the planning permission to be issued. Since the Planning Committee decision in November 2008, the Council had adopted a new supplementary planning guidance (SPG Note 23) which related to developer contributions to education. Based upon an assessment by the Head of Education & Resources, a resolution was now sought from Members to allow for the amendment of the previous Committee's resolution to grant planning permission subject to conditions but with the legal agreement amended to reflect the financial contribution now required for education purposes.

Councillor P.G. Heesom proposed the recommendation to amend the legal agreement as detailed which was duly seconded.

Councillor R.C. Bithell asked whether the new local Member had been consulted and Councillor W.O. Thomas raised concern that there were no details of design in the report as this had been a problem at the time of the original application in 2008. Councillor R.B. Jones requested details of the nearest primary and secondary schools to the site and also details of capacity at each of the schools. Councillor C.A. Ellis asked for consistency and clear guidance on how the figure for educational contributions had been reached.

The Development Manager responded that the formula had been applied based on Supplementary Planning Guidance note 23. On the issue of design, he said that the officer recommendation on the previous application was one of refusal and that the application had not been put out to consultation again as the principle of the development had been established by the previous resolution. The Democracy & Governance Manager said that if Members wanted to revisit the merits of the application, he suggested that a further report be submitted to a future meeting once re-consultation had been undertaken.

Councillor Bithell referred to the recommendation from the previous application which was reported on page 134 which said that the detail and design of the building had to be to the satisfaction of the Authority. He asked whether any further details of design had been supplied by the new owners of the site. Councillor M.J. Peers asked that the matter of educational contributions would need to be submitted to Planning Strategy Group as in the past Members had been advised that the name of the school had to be included but this did not appear to be the case in all reports to this meeting. Councillor R.B. Jones proposed an amendment that details of educational contributions based on LPG 23 be provided and this was duly seconded. Following a comment by Councillor P.G. Heesom, the Development Manager said that officers were happy to revisit the design proposals.

RESOLVED:

- (a) That planning permission be granted subject to the new owner entering into a Section 106 Agreement or offering a unilateral undertaking in respect of the following issues:-
- In lieu of on site open space provision, payment of £733 per dwelling towards the upgrading of existing open space provision within the locality
 - An educational contribution of £49,028 to cater for the impact on primary education resources in Mold
- (b) That a letter be sent to Members of the Committee detailing the calculation for the educational contribution and the schools which would benefit.

140. **VARIATION OF SECTION 106 AGREEMENT TO ENABLE 'RENT TO BUY' SCHEME ON LAND AT MANSFIELD, LIXWM (050246)**

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 officer detailed the background to the report and the explained that this application was to make the three remaining units upon site available for occupation by qualifying persons via a 'rent to buy' scheme. The major obstacle was that those who satisfied the criteria for the current shared ownership scheme had difficulty in obtaining mortgages and therefore the amendment to the section 106 agreement to the 'rent to buy' scheme was proposed, which he provided details of. He also added that the amendment to the section 106 agreement did not preclude someone undertaking the original 106 agreement.

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

Councillor W.O. Thomas referred to the two applications listed under the site history and said that a lot more activity had taken place on the site and he queried why the application was before the Committee at this time. He referred to another application on the agenda which reported that there were 31 applicants on the social housing register indicating Lixwm as their preferred location so he felt that there were people who wanted to live in Lixwm. The officer reiterated his comments that people did want to live in the area but were unable to access mortgages. Councillor R.C. Bithell referred to paragraph 8.01 and the main principle of Policy HSG11 that "houses will remain affordable in perpetuity for those in need.....". Councillor C.A. Ellis queried why the applicant could not drop the price of the three remaining units. Councillor M.J. Peers concurred and said that there was no mention in the report of what alternative methods had been explored for the remaining units. He felt that if the shared ownership scheme was in place at 70/30 then occupiers would be paying off a mortgage from the start of the scheme rather than putting a portion of the rental payment towards a deposit. He asked whether there were better options.

Councillor A.M. Halford said that things had moved on dramatically since the decision was taken for the shared ownership scheme in 2009 and she felt that the officer recommendation was sensible. Councillor P.G. Heesom felt that the developer should go with market forces and reduce the price of the properties rather than requesting an amendment to the section 106 agreement. Councillor D. Butler was concerned that if the decision could not be site specific then it could set a precedent for other developers to request amendments to section 106 agreements.

The Head of Planning said that permission had been granted for 25 properties and that 22 of the dwellings had been occupied. The market had been exhausted on the basis of the tenure offered and he added that the 31 people on the social housing register for Lixwm were for a different tenure which was to rent a property as they could not afford or did not qualify for a mortgage. The rent to buy scheme allowed people to move up the ladder by saving a deposit pot and did not mean that the properties would cease to be affordable.

On the issue of lowering the price, the officer said that the properties were already offered at 70% of the market value. The modification to the agreement would enable people to put forward a deposit to assist them to become owner occupiers.

RESOLVED:

That the terms and relevant clauses of the Section 106 agreement entered into in connection with planning permission ref. 041741 dated 17th December 2007, be amended to allow for the occupation of the 3 no. dwellings via a Rent to Buy scheme.

141. **MINUTES**

Following on from the earlier discussion on the minutes, Councillor P.G. Heesom proposed that the penultimate paragraph under minute number 111 (Items to be deferred (agenda item 7)) be amended to reflect his concern that Counsel's opinion had not been provided for Members and the failure of the Head of Planning to provide details of the traffic flow impact on amenity. The proposal was duly seconded by Councillor A.M. Halford. On being put to the vote there was an equality of voting and the Chairman used his casting vote to vote against the inclusion of the amendment proposed by Councillor Heesom.

Councillor R.C. Bithell proposed that the following words be included prior to the final sentence in the third paragraph on page 21 of the minutes (minute number 126):-

'Councillor Bithell also referred to the adverse impact which would result on the residents of Coed Onn Road and Chester Road if the barrier was put across the access and egress from Prince of Wales Avenue'.

On being put to the vote, the proposal by Councillor Bithell to amend the minutes was CARRIED.

RESOLVED:

That subject to the amendment proposed by Councillor R.C. Bithell, the minutes be approved as a correct record and signed by the Chairman.

142. **APPEAL BY MR. & MRS P. & C.E. HEWITT AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF A LOFT EXTENSION BY RAISING PART OF THE EXISTING EXTENAL WALLS AND ROOF TO ACCOMMODATE A BEDROOM, DRESSING ROOM AND EN-SUITE BATHROOM AND WITH NEW ROOF WINDOWS IN THE EXISTING RETAINED PART OF THE ROOF AT STONELEIGH, BAGILLT ROAD, HOLYWELL. (049514)**

RESOLVED:

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

143. **APPEAL BY MR. STEPHEN WILSON AGAINST THE IMPOSITION OF CONDITION NO. 3 OF PLANNING PERMISSION 049662 AT HILLCREST, CAERWYS HILL, CAERWYS (049662)**

RESOLVED:

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

144. **APPEAL BY LYONS DEN FITNESS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE PLACEMENT OF 3NO. 'A' BOARDS AT "LYONS DEN FITNESS", BOOT END, BAGILLT (049874)**

RESOLVED:

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

145. **DURATION OF MEETING**

The meeting commenced at 1.00 p.m. and ended at 4.29 p.m.

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

There were 17 members of the public and 2 members of the press in attendance.

.....
Chairman