

**PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**20 FEBRUARY 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, 20th February, 2013

**PRESENT: David Wisinger (Chairman)**

Councillors David Cox, Ian Dunbar (Vice-Chairman), Carol Ellis, Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, Patrick Heesom, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips, Gareth Roberts and Owen Thomas,

**SUBSTITUTIONS:**

Councillor: Paul Shotton for Chris Bithell and M. Lowe for D. Butler

**ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor Peter Macfarlane - agenda item 6.1. Councillor Rita Johnson - agenda item 6.2. Councillor Haydn Bateman - agenda item 6.5. Councillor Nancy Matthews - agenda item 6.9. Councillor Colin Legg - agenda item 6.11

**APOLOGIES:**

Councillor David Evans and Billy Mullin

**IN ATTENDANCE:**

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader Major Developments, Senior Planners, Planning Support Officers, Senior Minerals and Waste Officers, Principal Solicitor and Committee Officer

147. **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 at land off Fair Oaks Drive, Connah's Quay (048610)**

Councillors R.G. Hampson and N. Phillips declared a personal interest in the following application:-

**Agenda item 6.3 – Reserved Matters Application – Erection of a health care facility at former Ysgol Belmont Special School, Mill Lane, Buckley (050284)**

The Principal Solicitor explained that Councillors Hampson, Phillips had been granted dispensation by the Standards Committee to speak but not vote on the application.

Councillor W.O. Thomas declared a personal interest in the following application:-

**Agenda item 6.4 – Variation of condition 3 of planning permission 3/240/94 to permit asphalt production from 0400 hours and the supply of asphalt outside current permitted hours on up to 45 occasions a year at Tarmac Central Limited, Pant Quarry, Halkyn (050313)**

Councillor D.E. Wisinger declared a personal interest in the following application:-

**Agenda item 6.17 – Full application – Erection of a 3 car garage with store room above and conversion of existing garage into games room at White House, Sealand (050339)**

148. **LATE OBSERVATIONS**

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

149. **MINUTES**

The draft minutes of the meeting of the Committee held on 16<sup>th</sup> February 2013 had been circulated to Members with the agenda.

In response to a query from Councillor P.G. Heesom on the Bank Farm, Penyffordd (050003) application, the Head of Planning explained that at the last meeting he had reported that a stop notice had been received from Welsh Government. He had received notification the previous day that the application was to be called in by the Welsh Government. A decision regarding the process of determining the application was awaited.

**RESOLVED:**

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

150. **ITEMS TO BE DEFERRED**

The Chairman indicated that he was vacating the chair for this item as he had a personal interest in the item to be proposed for deferment by the officers.

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

**Agenda item 6.17 - Full application – Erection of a 3 car garage with store room above and conversion of existing garage into games room at White House, Sealand Road, Sealand (050339) - He advised that reconsultation on an amended plan was required.**

On being put to the vote, the application was deferred.

The Vice-Chairman then vacated the chair for the Chairman to retake the chair for the remainder of the meeting.

151. **FULL APPLICATION - ERECTION OF 20 NO. SEMI-DETACHED DWELLINGS, PART RECONFIGURATION OF EXISTING (UNADOPTED) ROAD AND EXTENDING TO FORM NEW ROAD LAYOUT AT LAND OFF FAIR OAKS DRIVE, CONNAH'S QUAY (048610)**

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 A.I. Dunbar, 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 the application had been deferred from the meeting in January 2013 as officers were seeking further clarification and comments from the Valuation Office Agency in relation to the viability assessment. The comments had now been received. On the basis of this additional clarification and comments, together with evidence and discussions with the applicant that it was the intention to develop the land to the north of the site as well, the recommendation had been changed from approval to refusal.

Mr. C. Price spoke against the application on behalf of the residents of Fair Oaks Crescent but said that they had no objection to the development of the land as it had been allocated for housing in the Unitary Development Plan. However, they were opposed to the style and layout of the development and he referred to the 158 letters of objection which had been received; to the power cables above the site; and the fact that legal advice had been obtained regarding the access to Fair Oaks Crescent. He asked for a layout which was less intrusive and more sympathetic.

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

One of the local Members, Councillor R.P. Macfarlane spoke of the deferment of the application at the previous meeting but said that there were still some issues which remained unresolved. He supported refusal of the application. Councillor R.B. Jones raised concern that other reasons for refusal were not being put forward in addition to the reason reported as he felt that this would be the only reason discussed if an appeal was submitted.

The Development Manager said that the reason for refusal was the fact that the proposal in its current form did not bring forward community benefits such as affordable housing and educational contributions. A further application for the whole of the site might also not bring forward all of the benefits but they would need to be reassessed on the basis of a larger development. Councillor Jones referred to the topography of the site, and in response, the Development Manager explained that the layout had been amended and that discussions would take place with the applicant for the layout of the whole site if an application was submitted. Councillor P.G. Heesom said that it was important to ensure that all reasons identified were raised at any future appeal.

Councillor M.J. Peers said that the third party speaker had spoken of the house types not being in keeping with the local area. He asked if house types would be discussed with the applicant for a more sympathetic design in keeping with the area. The other local Member, Councillor P. Shotton, spoke of the need to consider all issues on any future application, and referred to that fact that it was the residents who had ascertained that the applicant had an interest in the northern part of the site. He also felt that the application should be refused.

The Development Manager said that if the Committee felt that there were inadequacies in the layout then this could be added as a reason for refusal but the officer recommendation was that the layout was now acceptable and met standards. He reiterated that there was no guarantee that a larger application would bring forward community benefits but the need for them would be reassessed.

In summing up, Councillor H.G. Roberts felt that the application should be refused for the reason reported in paragraph 2.01 as other refusal reasons could weaken the remainder of any case which might be put forward by the the Council in any appeal.

**RESOLVED:**

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

152. **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 312 RESIDENTIAL DWELLINGS AND ASSOCIATED WORKS AT LAND AT (WHOLE SITE) CROES ATTI, CHESTER ROAD, OAKENHOLT, FLINT, FLINTSHIRE (050300)**

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 explained that the number of dwellings had reduced to 306 from 312 dwellings as a result of discussions with the applicant.

Mr. J. Yorke spoke against the application which he felt failed on road safety grounds. He said that children on the estate would need to cross five roads to get to school and that the proposal would create a rat run for traffic. It was reported that the development was in line with the Design Brief but he said that its approval was not recorded anywhere. He spoke of a traffic impact assessment which had been undertaken and that the figure of three to four vehicle movements on the site had been reported to Committee. He said that the figure of 1400 extra vehicles would be in the area by 2020.

Mr. T. Astle, agent for the applicant, spoke in support of the application. He explained that outline permission had been granted in 2006 and that there was an extant permission in place. He spoke of the consultation which had been undertaken and explained that the statutory consultees had not raised any

objection to the application and that nine letters of objection had been received which showed that there was a large level of local support. The intent was to create an exceptional development with much needed affordable housing and open space.

Councillor P.G. Heesom proposed the recommendation for approval with an additional condition which required that there be a constraint or restriction of access and egress to the site at Coed Onn Road which was duly seconded.

The local Member, Councillor R. Johnson, said that the application was a bolt-on development conceived fifteen years ago and she raised concern that a rat run would be created through the site. She considered that the outline permission had been obtained by incorrect traffic information, that proper consideration to this aspect had not been given by officers, and that her view as Local Member had not been given proper weight. She reiterated the request by Councillor Heesom for the traffic to be restricted.

Councillor Heesom said that an application had been made to the Welsh Government to call-in the application as he felt that it did not comply with national policy local policy and a decision was awaited. He said that there were also heritage issues and that refusal of the application would be sought if the impacts on residents were not mitigated. He considered that the length of time the development had taken had not helped matters and any application to be approved by the Council should be sustainable and conform with community interests. He said that the traffic impact report was contrary to UDP policy GEN1 and that the development would create thousands of vehicular movements per day. Whilst traffic through the site represented disamenity, the proposed three access points to the site were not at issue. He also spoke on the issue of flooding in Croes Atti Lane and highlighted the comments raised by the Coal Authority on the application. He considered those comments to be unsatisfactory.

Councillor A.M. Halford commented on the impacts of the development on residents and said that officers did not appear to be listening to Councillor Heesom who had gone the extra mile to try and protect the residents. She referred to the accusation by the applicant regarding the decision on the previous application being 'ultra vires'.

The Principal Solicitor reminded Members of the advice given at the Committee meeting on 12 December 2012 on the previous application which had been the subject of an appeal that the condition to install barriers at Prince of Wales Avenue could not be sustained. His advice to the Committee today was that if they imposed a condition to regulate the traffic on Coed Onn Road then this could also not be sustained at appeal.

Councillor D. Cox commented upon the number of times this issue had been raised and replies given by officers. He proposed that the Committee move to vote on the item.

In response to a question from the Head of Planning as to the type of constraint/restriction envisaged by Councillor Heesom, he replied that he was content for officers to identify an appropriate mechanism for its provision.

Councillor R.B. Jones asked for further information on condition 14 and felt that an additional condition requiring an assessment to be undertaken to assess the stability of the land should also be included. In response, the officer said that condition 14 related to ecology issues and that the Coal Authority had now responded and were no longer objecting to the application.

In summing up, Councillor Heesom felt that the advice of the legal officer was open to challenge. There was no dispute regarding the capacity of the proposed access. His concern was the impact of a large number of vehicles through the communities adjoining the Croes Atti site which was why he had asked for the traffic to be regulated at Coed Onn Road. He also reiterated the additional condition proposed by Councillor Jones that the stability of the land be assessed.

**RESOLVED:**

That reserved matters approval be granted subject to the conditions detailed in the report of the Head of Planning with additional conditions to constrain or restrict access/egress at Coed Onn Road.

153. **RESERVED MATTERS APPLICATION - ERECTION OF A HEALTH CARE FACILITY AT FORMER YSGOL BELMONT SPECIAL SCHOOL, MILL LANE, BUCKLEY (050284)**

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 18 February 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 consultation had been undertaken and no objections had been received.

Mrs. R. Jones spoke as the Headteacher of Elfed High School to express her opinions regarding the proposed development. As the High School would be its nearest neighbour, she had concerns regarding the conflict of movement of pedestrians and vehicles. She supported the development of the health centre and said that many modifications had been made including moving the vehicular access to Alltami Lane which she felt was a significant improvement. The pedestrian access to the health centre was on the same road as the vehicular access to the school and the leisure centre. She asked that the pedestrian access for the health centre be moved to a point further away from the school.

Mr. M. Hall spoke in support of the application and said that work on the design of the health centre had been ongoing for a number of years. He spoke of the doctors' practices that would be located in the health centre along with other health care requirements. Funding approval had been received and work would commence on the site in early April 2013 if approval was granted. Mr. Gaty of the Architects said that the centre met the needs of residents and made a positive contribution to the area. The building had been designed around the needs of the patients, staff and the local community, and the landscape

proposals had responded to the location and were in keeping with the character of the area.

Councillor M.J. Peers proposed the recommendation for approval which was duly seconded.

The local Member, Councillor C.A. Ellis said that the town of Buckley had been waiting for over 12 years for the new health centre even though this was not their chosen location. Residents had concerns over the impact of traffic in the area but she added that she did not want to delay the process. The junction at Alltami Road was already a problem and she asked that it be noted that she had concerns over the junction onto Liverpool Road and Mill Lane. Councillor Ellis also raised concern about the pedestrian access with which there was an issue, but she felt that this could be addressed by Highways and Lifelong Learning. She said that there was not enough car parking on the site and that this would result in users of the centre parking elsewhere. She proposed an additional condition on traffic issues.

Councillor Peers said that it was a long overdue development and the design had significantly improved from that originally put forward. He felt that it had been well accepted in the community. He took note of the concerns raised by Mrs. Jones about the conflict of movement and said that there was a need to deter any parking at the entrance to Elfed High School. He sought assurance that these concerns could be ironed out by the planning authority but did not want to delay the scheme. Councillor R.G. Hampson said that the existing health centre was not up to standard and that the new centre would generate less traffic than when the Belmont School was on the site.

Councillor R.B. Jones referred to condition 15 and said that he felt that the submission of a full travel plan should be agreed with the local planning authority. He also had concerns about the highways and referred to the comments of Buckley Town Council which included the suggestion that a site visit be undertaken at peak usage time; this request had not been adhered followed. Councillor N. Phillips spoke of the long process to achieve a health centre in Buckley and said that the view of Mrs. Jones was not the view of the governors at the Elfed High School. He paid tribute to Buckley Town and County Councillors and referred to consultation undertaken by Betsi Cadwaladr University Health Board on their proposals for North Wales which did not include any reference to Buckley. Councillor W.O. Thomas said that it was not the ideal location and that traffic would be the main concern. He asked that traffic be monitored.

In response to the comments made, the officer said that the main issues of access and traffic had been considered at the outline application stage. The point of access had been considered and the application had been accompanied by a traffic impact assessment based on four doctors' practices being located at the site along with the Local Health Board. This proposal was now for only two doctors' practices and the Local Health Board. The conflict with pedestrians and vehicles was discussed at the site visit and the access into Elfed High School was not a public highway so the Council could not impose a condition. On the issue of parking outside the application site, it had been suggested that a letter be sent to the Director of Lifelong Learning asking what could be done to stop

vehicles stopping in that area. On the points made by Mrs. Jones, he referred to paragraphs 7.20 to 7.22 of the report.

In summing up, Councillor Peers said that it was an overdue and essential facility with the main concern being the conflict of movement between pedestrians and vehicles. He asked that the local planning authority look at this issue again with the highway authority. In response, the Head of Planning said that the use and potential traffic conflict would be discussed with the Head of Lifelong Learning to explore a solution and would be monitored.. Councillor Ellis sought assurance that this would happen and confirmed that she was happy for it not to be the subject of a condition.

**RESOLVED:**

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

154. **VARIATION OF CONDITION 3 OF PLANNING PERMISSION 3/240/94 TO PERMIT ASPHALT PRODUCTION FROM 0400 HOURS AND THE SUPPLY OF ASPHALT OUTSIDE CURRENT PERMITTED HOURS ON UP TO 45 OCCASIONS A YEAR AT TARMAC CENTRAL LIMITED, PANT QUARRY, HALKYN, HOLYWELL (050313)**

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 explaining that the existing condition allowed ad hoc approaches from the applicant and it had been felt that there was a need to become more transparent so the applicant had been asked to submit an application to vary the condition. This application requested that the hours of working be changed to permit asphalt production from 0400 hours and to supply asphalt outside the permitted hours on 45 occasions per year.

Mr. J. Wilday spoke against the application on behalf of local residents. He said that the application did not address the concerns raised about the use of the B5123 route to the A55 or the impact on the conservation area. He referred to Policies AC13 and GEN5 which he felt had not been complied with as the amenity of local people would be affected if the application was approved. He questioned how the proposal would be monitored and said that condition 3 in the original application should not be amended.

Mr. A. Kent, the agent for the applicant, spoke in support of the application. He said that Tarmac had operated site since 1996 and had a good relationship with the community. He explained that it was not intended that the 0400 start time would be required every morning but that flexibility was needed. He explained why the variation in condition was required and said that no objections had been received from the statutory consultees and even though consultation had raised concerns, he felt that these had been addressed.



Councillor W.O. Thomas proposed the recommendation for approval which was duly seconded. Councillor R.B. Jones felt that there was a need to monitor noise and dust levels and the impact on the residents and proposed a temporary permission for 12 months. The proposition was not seconded.

In response to comments made, the officer said that the Council could not put any controls on the highway and the amount produced at the site had vastly reduced so that vehicular movements were no more than eight per hour. The impact on the local area was reported in paragraphs 7.22 and 7.23. She highlighted condition 4 which required the planning authority to be notified prior to each occasion of use outside the permitted hours so this would also be monitored on a regular basis. On the issue of a temporary permission, the officer explained that the site had been operating on the proposed basis since 2009.

In summing up, Councillor W.O. Thomas said that as the Chair of the Liaison Committee he had received very few complaints.

**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 legal agreement under the terms of the Town & Country Planning Act 1990 (as amended) Section 106 to:-

1. allow vehicles associated with asphalt production and transportation to use the existing quarry access road during permitted out of hours operation
2. provide a scheme for routing of HGVs to avoid travelling through Pentre Halkyn when travelling to and from the A55 during the permitted out of hours.
3. Revoke planning permission 3/240/94.

Councillor P.G. Heesom indicated that he wished it to be recorded in the minutes that he had voted against the granting of permission.

155. **FULL APPLICATION FOR THE ERECTION OF SINGLE STOREY CONVENIENCE STORE AND ASSOCIATED CAR PARKING FOLLOWING THE DEMOLITION OF EXISTING STORAGE BUILDING AT "MORRIS GARAGE", WREXHAM ROAD, MOLD (050252)**

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 explaining that consultation had been undertaken.

Mr. S. Stokes spoke against the application as an objector to planning consent for another food and drink retailer in Mold. He said that Wrexham Street was known as takeaway alley and that evidence of this was the amount of litter and uneaten food in the area which would result in a high risk of vermin. He said

that shoppers had significant choice of where to shop and spoke of a new convenience store which had opened recently in the area which had previously been a takeaway establishment. An additional store was not needed.

Councillor P.G. Heesom proposed the recommendation for approval with amended hours of opening which was duly seconded. He said that most units in the area would be closed by 10pm and suggested that this store close at 9pm, with opening at 8am.

The local Member, Councillor G.H. Bateman said that he had received a petition of 60 signatures against the store and the proposed opening hours in a quiet residential area opposite sheltered housing. He felt that he suggested hours would have an adverse impact on the residents and proposed that the opening hours be 7am to 9pm Monday to Saturday and 7am to 4pm on Sundays and Bank Holidays which would meet those concerns. He also raised concern at the selling of junk food and alcohol so close to the nearby schools. He referred to a policy put in place by Wrexham County Borough Council that such establishments should not be permitted within 80 metres of schools.

Councillor M.J. Peers referred to the delivery times requested by Mold Town Council of 7am to 7pm and asked whether this would be a problem on Sundays and Bank Holidays if the opening hours were restricted to 4pm. He felt that the delivery times needed to be referred to in the conditions.

The Principal Solicitor explained that the proposal from Councillor Heesom was for the store to be open from 8am to 9pm but there was no distinction between Monday to Saturdays and Sundays/Bank Holidays. Councillor Bateman had asked for opening hours to be 7am to 9pm on Monday to Saturdays and 7am to 4pm on Sundays and Bank Holidays but reminded Members that this was not the proposal before them. Councillor Heesom said that he would amend the proposal to the hours requested by the local Member.

Councillor H.G. Roberts asked for details of the opening hours for other premises in the area. If the proposal reflected those hours, he would be happy to support it. Councillor W.O. Thomas said that the site was adjacent to two schools and felt that if approved, it could encourage obesity in schools. He also felt that there were enough fast food establishments in Mold and said that he was surprised that there had not been any objections from Highways as there was a number of dangerous junctions in the vicinity. Councillor C.A. Ellis supported the local Member's suggested hours of opening as the application was in a residential area.

The officer said that it was appropriate that he advise Members that he proposed hours of opening were likely to be the subject of an appeal. He explained that even though Wrexham Council had a policy in place about opening hours, there was no such policy in force in Flintshire. He reminded Members that the proposal was for a convenience store not a fast food establishment and that the sale of alcohol was a licensing matter which was not something which Members needed to take into account when determining the application.

On the issue of highways, the Senior Engineer - Highways Development Control said that Highways had no objections subject to the suggested conditions and advised that the proposal would improve the junction.

On being put to the vote, the proposal to allow the application with amended opening hours of 7am to 9pm Monday to Saturday and 7am to 4pm on Sundays and Bank Holidays was CARRIED.

**RESOLVED:-**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning with condition 14 being amended to opening hours of 7am to 9pm Monday to Saturday and 7am to 4pm on Sundays and Bank Holidays, and subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking of the making of an advance payment to provide the payment of £3500 to provide for the cost of a Traffic Regulation Order and the associated parking restriction lining along Wrexham Road, Brook Street and Conway Street.

156. **FULL APPLICATION - PROVISION OF OVERSPILL CAR PARKING AT CHURCH OF JESUS CHRIST LATTER DAY SAINTS, ST. DAVID'S PARK, EWLOE (050161)**

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 18 February 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The Development Manager detailed the background to the application explaining that the proposal was to extend the existing car park. The church was in an extensive landscaped area and the need to do so had been demonstrated.

Mr. S. Preugschat, the agent for the applicant, spoke in support of the application. He said that the provision had been sought as the congregation of the church had increased and would reduce the parking on the surrounding streets and roads by existing users. He provided details of the materials that would be used in the car park area and said that the surface would have a minimal impact and was sympathetic to the existing environment. The car park would not impact on the public right of way and the requirements of the Unitary Development Plan had been taken into consideration.

Councillor R.B. Jones proposed the recommendation for approval which was duly seconded.

The local Member, Councillor A.M. Halford, spoke on behalf of the residents. She said that the proposed 30 additional vehicles would cause traffic congestion in the area and would be close to a route to school. She felt that the need had not been demonstrated as there were other car parks in the area which were empty on a Sunday which could be utilised for the extra visitors to the church. She said that the residents deserved consideration and needed space to walk their dogs.

Councillor H.G. Roberts queried why the application had not been dealt with by delegated powers and why a site visit had been required. He felt that the application would provide additional parking for those who worked in the area during the week. Councillor M.J. Peers queried whether the site was on the same level as the existing car park or whether it rose up on the bank. Councillor W.O. Thomas asked whether a condition had been imposed on the original application that no further applications would be allowed. The officer responded that there were no such restrictions on the original application.

In response to the other comments made, the officer said that there was ample space to accommodate any change in level but if members were concerned, this could be covered by condition. He said that there was nothing in the application to suggest that further development was to follow and that this application had been submitted to reflect the increase in the number of church members.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to an additional condition requiring the levels to be approved.

157. **OUTLINE APPLICATION - ERECTION OF 73 NO. HOUSES INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE (LANDSCAPING RESERVED FOR FUTURE APPROVAL) AT BYCHTON HALL FARM, MAES PENNANT ROAD, MOSTYN (047951)**

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 18 February 2013. 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 explained that there had been lengthy and detailed negotiations in relation to the viability of the site in terms of its ability to yield the level of planning gains identified in the Unitary Development Plan (UDP) for affordable housing, educational contributions and recreation provision. An independent assessment had been carried out by the Valuation Office Agency which had concluded that the viability assessments were accurate.

Mr. H. Jones spoke in support of the application which was an allocated site for housing in the UDP, of which there were relatively few in the north of the county. Permission was being sought for 71 dwellings of 3 or 4 bedroom and the design scheme had been consulted on with officers and the Design Commission, and was sympathetic to the surroundings. Highways, landscape and nature conservation interests were not adversely affected. Commuted sums were proposed to be paid to the Council towards educational provision and upgrade of existing recreational facilities within the locality. The Valuation Office Agency had confirmed that the proposed sums were reasonable.

Councillor P.G. Heesom proposed refusal of the application against officer recommendation which was duly seconded. He said that the application was for 50% more than the allocation in the UDP and urged Members to refuse the application. He felt that the development was totally alien and was not in character with the area; was overdevelopment of the site, with 50% more housing than would be allocated by the UDP; and that further work on highways issues was also required.

In response to a question from the Head of Planning, Councillor Heesom advised that he was proposing that only the first two matters referred to above should be reasons for refusal.

Councillor A.M. Halford reiterated the concerns and said that the development exceeded the 30 dwellings per hectare required in the UDP as referred to in paragraph 7.09. Councillor M.J. Peers asked whether it was a Category B Settlement and what the growth figure had been since 2000. He agreed that 71 dwellings on the site was too high and that the reasons for the high density reported in paragraph 7.10 were unacceptable. He felt that the layout of the site could have been more imaginative to reduce the density and said that he would be unable to approve the application. Councillor H.G. Roberts said that he was also concerned about the density but added that the 30 dwellings per hectare referred to in the UDP was a minimum guideline not a maximum. He said that the proposed development was representative of the whole of Maes Pennant. Councillor R.B. Jones raised concern that it was proposed that there were anticipated pupil numbers of 18 but that the commuted sum suggested was much lower than the £220,000 which would be required under the *Supplementary Planning Guidance Document No. 23 – Developer Contributions to Education (SPG)* for this number of pupils. Councillor C.A. Ellis asked about the numbers on the housing waiting list for Mostyn.

In response to the comments made, the officer said that the provision in the UDP for density was a minimum figure not a maximum. The layout of Maes Pennant had separation standards which far exceeded what would be found today, but the buildings were grouped together. It was considered that the proposal was not out of character. In relation to Councillor Halford's query, he said that Maes Pennant was the lowest cost housing area in the county. He confirmed that it was a Category B settlement and that he did not know the details of growth figures but said that he was confident that they had not been exceeded. He said that there was an issue of viability and accepted that educational contributions were lower than the SPG but reminded Members that the assessment of the viability case was undertaken at a time pre-dating the adoption by the Council of the SPG.

The Planning Strategy Manager advised that the policy allowed for good design to achieve a higher density, referring to the existing density in Mostyn. He confirmed that this site was part of the planning commitment for the area.

In summing up, Councillor Heesom said that the application should be refused on the grounds of overdevelopment due to the proposals being 50% over the allocated site and being out of character with the area. He said that it was an interesting site with a number of challenges.

**RESOLVED:**

That planning permission be refused on the grounds of overdevelopment due to the proposals being 50% over the indicative density envisaged by the UDP and being out of character with the area.

158. **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL FOR 58 NO. DWELLINGS ON LAND SIDE OF GLAN Y DON, HOLYWELL (050213)**

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 explained that the application was for a 100% affordable housing scheme.

Mr. C. Sparrow spoke in support of the application, as a representative of the applicant. He said that it was a partnership project with Flintshire County Council with funding being by way of a grant and private finance. The mix of properties had been derived from work with the Council's Housing Team and the dwellings would be highly energy efficient, including a number of dwellings for wheelchair users. The funding was for this financial year and if the application was approved it was hoped it would be completed in April or May 2014.

The officer drew Members' attention to paragraph 7.17 on drainage issues and said that advice from the Acting Head of Engineering Services was reported in the late observations.

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

**RESOLVED:**

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

159. **FULL APPLICATION FOR THE ERECTION OF 18NO. DWELLINGS WITH ASSOCIATED ROADS, SEWERS AND OPEN SPACES AT SIGLEN UCHAF, RUTHIN ROAD, GWERNYMYNYDD (048850)**

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 18 February 2013. 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 provided further information about the height of the retaining walls and the level of the site which

would require some filling. He also drew Members' attention to the two additional conditions proposed in the late observations.

Mr. D. Fitzsimon, on behalf of the neighbouring owner, spoke against the application and raised concern about the design, the importation of materials to maximise the development potential of the site, and the impact on the character of the area generally and in relation to the adjoining haulage site. He referred to Planning Policy Wales and commented on the duty to have regard to the area designated as the Area of Outstanding Natural Beauty (AONB). Mr. Fitzsimon spoke of the four metre retaining wall and said that an assessment had not been undertaken to establish whether this was sustainable and the impact that it would have on the character of the area. He urged the Committee to refuse the application.

Mr. M. Gilbert, agent on behalf of the applicant, spoke in support of the application. He said that there were already houses in the area at higher levels to those proposed on the site so the proximity to the AONB and the impact on its setting were no different for this development. Mr. Gilbert confirmed that the existing boundary hedges were mostly to be retained and also referred to the Committee's determination of the previous item on the agenda which was also for a site of differing levels which had been permitted.

Councillor P.G. Heesom proposed refusal of the application against officer recommendation which was duly seconded. He said that the application damaged the AONB and the landscape and the site was one of the last remaining pieces of open space in Gwernymyddf. He said that, in taking into account the guidance in the policies, the overriding principle was the irreversible harm the application would have on the open site area. He felt also that a danger would be created on the highway.

Councillor M.J. Peers said that the site visit had been useful particularly on the issue of the sloping site. He referred to page 138 of the report where it was reported that on the north-west boundary of the site it was structurally practical for the retaining wall to be situated closer to the boundary. However, he referred to an email which reported problems with the north eastern boundary of the site. He raised concern at the proposal to include retaining walls and considered that a development should be drawn up to fit the topography of the site.

The local Member, Councillor N.M. Matthews said that the application did not contain any details of the site and raised concern at the number of conditions which required submission of further details, assessments or further information which required approval by the authority. She highlighted conditions 4, 10 and 17 which all related to drainage. The surface water system was already at capacity in Gwernymyddf. At the site visit, the officers had referred to a connection on agricultural land, but no discussions had taken place with the owner. The Mold Flood alleviation works engineers had identified that the watercourse as being at full capacity and so was not an option. Any overflow would cause problems at St. Mary's Park in Mold. Councillor Matthews hoped for a development that would recognise the topography of the site. The current proposal was for a 20 foot high wall, and infilled land with houses on top, and she asked whether a structural report had been undertaken to assess the strength and reliability of the retaining walls and also raised concern about the problems of highway access on to the

A494. She also said that there was no mention in the report on the mine shaft on the site.

Councillor W.O. Thomas said that the site was, in a way, in open countryside and raised concern about the potential for flooding in the area as he felt that approval of the site would create additional drainage problems. Councillor A.I. Dunbar sought clarification on the comments at the site visit about discussions with the landowner about diverting the drain on the site. Councillor H.G. Roberts said that this was an allocated site within a settlement boundary and met the highway requirements for a visibility splay. He said that the issue of drainage had been commented on by Welsh Water who intended to complete planned improvement works on the waste water treatment works by 1 April 2014.

In response to the comments made, the officer said that the site was in a village and not in the open countryside. He explained that the lower elements of the site would be separated by hedging and reiterated that it would be a difficult site to develop due to the levels. The separation distances from properties at the haulage yard had been complied with and were in line with council policies. On the issue of highways, he said that the A494 was a fast road but the access and egress to the site also complied with policies. Statutory consultees had not objected to the application and the Drainage Engineer had indicated that a Grampian style condition was required so that the development could not commence until full surface drainage details had been submitted and approved.

The Principal Solicitor said that it was his understanding that the drainage solution involved land in the ownership of a third party. This did not prevent the local planning authority from imposing a Grampian condition and whether the development proceeded was down to negotiations with the affected landowner.

The Planning Strategy Manager said that sustainability and community impact were essential parts of the the UDP and reiterated the approval by Committee of the previous application which was also on a sloping site. He said that it was not unusual for a developer to use retaining walls where the topography of the site allowed for them.

On the issue of highways, the Head of Planning said that two highways consultants had said that there was no evidence to support refusal of the application on highway grounds. In response to a query from Councillor W.O. Thomas, he said that the settlement period for the land would depend on how compacted the infill was.

On being put to the vote, the proposal to refuse the application on the grounds of irretrievable harm to the character of the area, including the AONB, due to its visual impact, and the overbearing impact in relation to neighbouring properties was CARRIED.

**RESOLVED:**

That the application be refused on the grounds of irretrievable harm to the character of the area, including the AONB, due to its visual impact, and the overbearing impact in relation to neighbouring properties.



160. **OUTLINE APPLICATION - ERECTION OF A DWELLING ON LAND ADJACENT TO FERN BANK, THE OLD WARREN, BROUGHTON (049966)**

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 18 February 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and highlighted the reasons for refusal reported in paragraph 2.01.

Mr. H. Evans, as agent, spoke in support of the applicant. He commented on the four proposed reasons for refusal. He said that the site was in the open countryside but was part of a continuous built-up frontage joined to the community boundary; it was an appropriate infill site as referred to in policy HSG5, as it was a gap in a frontage of a number of large dwellings; there was no reference to policy STR10 which required best use of resources by the use of brownfield land; and the 12 hectares of housing land allocated in Broughton, which would meet the need for affordable housing, did not provide for executive-style dwellings: this development would do so. He said that the proposal complied with policy and did not constitute a departure from the UDP.

Councillor W.O. Thomas proposed approval of the application against officer recommendation which was duly seconded. He felt that the building on the site would end up being derelict if the application was refused. He said that he could not see how it could not be classed as infill and said that it would improve the area. It was a brownfield site which could be adapted for housing.

Councillor H.G. Roberts said that the site was in the open countryside, was outside the settlement boundary and was not infill. It did not mean that the application should be approved just because it was a brownfield site. He said that he would be voting against the proposal to approve the application. Councillor P.G. Heesom said that ribbon development was not a reason for refusal and asked whether the new dwelling would sit on the same footprint as the current building. The officer explained that as the application was for outline permission, the siting of the building had not yet been agreed.

Councillor R. Lloyd considered that the development would be an improvement on the existing situation.

The Planning Strategy Manager said that it was not the case that because the site was brownfield that it should be allowed in policy. The site was in the open countryside and the exceptions in the UDP had been considered. Whether the application was suitable infill had been considered and was premised by whether there was proven local need. There was none here. Criterion C of the infill policy said that an application must respect adjacent properties and the surrounding area. To grant permission would be to perpetuate sporadic and unsustainable infill. He spoke of the separation distances to the next nearest building and added that there was no need for an executive-style dwelling as there was planning permission for nearly 300 properties for Broughton which he was sure would include that market criterion.

The officer said that the site visit had been advantageous to allow Members to see the site in the context of the area. He said that Laburnum Cottage represented visual termination in the streetscene and took away from the definition of infill. He referred Members to paragraph 7.07 where the main issues for consideration were reported. In response to a query from Councillor Thomas, the officer said that a design and access statement had been submitted in support of the application.

On being put to the vote, the proposal to approve the application was LOST. Councillor H.G. Roberts then moved refusal of the application in line with the officer recommendation and on being put to the vote, the proposal was CARRIED.

**RESOLVED:**

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

161. **OUTLINE APPLICATION - ERECTION OF A LOCAL NEEDS DWELLING AT WERN ROAD, RHOSMOR, MOLD (049839)**

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 18 February 2013. 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 explaining that this was a site in the open countryside and even though there were policies in place in the UDP which allowed dwellings in the countryside in exceptional circumstances, this application did not comply with policies HSG11 or HSG4. The application was submitted on the basis of the personal circumstances of the applicant but the advice in national policy was that this was seldom, if ever, justification to override a strong policy context against residential development in the open countryside and the recommendation was therefore for refusal.

Mr. H. Evans spoke in support of the application and explained that the applicant's current home had to be sold which would mean she would have nowhere to live. Whilst the applicant qualified for a local housing need, there were no affordable units in Rhosmor for sale or rent so the applicant had felt that the only option was to build a modest dwelling, which would not be prominent in the landscape, on land that she owned. It would be a departure from policy but it was felt that the application was justified. He referred to Policy HSG11 of the UDP which allowed developments in exceptional circumstances but in a freedom of information request, he had identified that not one had been granted in the 10 years since the plan had been put on deposit. He also referred to TAN6, which he considered more sensitive to rural needs, and said that there was also agricultural need in this case which could be justified. On the issue of local need all of the criteria of policy HSG11 could be met. He asked that the application be approved.

Councillor H.G. Roberts proposed the recommendation for refusal which was duly seconded. He said that it was clear that this was a new build in the countryside and was not even a brownfield site. He raised concerns that other applications in the open countryside would have to be approved if this application was granted. He said that, whilst it was very close to the settlement boundary, the application could not be justified.

The local Member, Councillor C. Legg, said that the applicant was a very well respected member of the community who was a widow and had been forced to sell her property, and would only receive one-third of its value. He said that the applicant would be on the waiting list for a Council property if the application was refused and that it was important to remember that the applicant, who was an agricultural worker, owned the land. He said that this was a unique case and he highlighted paragraph 8.01. The applicant was happy to agree to any conditions. He urged the Committee to approve the application.

Councillor W.O. Thomas spoke of TAN6 and said that only the Lixwm site which was in the open countryside had been permitted under policy HSG11. He said that this was an opportunity to have a local need dwelling which, with a section 106 agreement, could be held in perpetuity.

In response, the Planning Strategy Manager said that the authority could be flexible if the policy allowed it but all of the criteria in Policy HSG11 had to be complied with to ensure that the open countryside was protected. He spoke of criterion C which required that suitable sites should abut the settlement boundary and he reiterated that the application did not comply with HSG11. The Committee were being asked to decide if the personal circumstances of the applicant were unique and the fact that the applicant owned the land did not mean that this was the case.

Councillor A.M. Halford felt that the application went against policy but said that the applicant's standing in the community had to be taken into account. She felt that the policies could be moved to allow the application.

In response to a request by a Member, the Development Manager detailed the personal circumstances of the applicant which had been presented with the application.

Councillor P.G. Heesom said that an application for an agricultural worker's dwelling could not be sustained and the personal circumstances of the applicant should not be taken into account. He felt that there were no grounds to approve the application unless it was an agricultural worker application. Councillor M.J. Peers asked whether an agricultural assessment had been undertaken and highlighted paragraph 7.06. He felt that as there was an affordability element to the proposal and queried whether it might be held in perpetuity by a Section 106 agreement. Councillor R.B. Jones said that policy HSG11 was not satisfied, the applicant's circumstances were not unique, and the application should be refused. Councillor J. Falshaw queried whether the applicant would be able to be housed in a property in the area if the application was refused and queried who would look after her sheep if this was not possible.

In response to the comments made, the officer said that there was no case made or justification to permit the application as an agricultural worker's dwelling and it had been accepted that it did not comply with the relevant policy. The personal circumstances were not unique and if the application was refused then the applicant was potentially homeless. However, there were other ways of addressing this and it was not a reason to go against policy.

**RESOLVED:**

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

162. **FULL APPLICATION - CONSTRUCTION OF THE SOUTHERN CONVERTER STATION COMPRISING VALVE HALLS, A CONTROL BUILDING AND A SPARES BUILDING TOGETHER WITH OUTDOOR ELECTRICAL EQUIPMENT AND ASSOCIATED ACCESS IMPROVEMENTS, INFRASTRUCTURE, EARTHWORKS, SECURITY FENCING, LANDSCAPED AREAS AND HABITAT CREATION AT CONVERTER STATION, LAND SOUTH OF WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL PARK, DEESIDE (050340)**

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 drew Members' attention to the comments of Connah's Quay Town Council who had no objections to the application.

Councillor C.M. Jones proposed the recommendation for approval which was duly seconded. She welcomed the application which would be sited on an industrial park and would have minimal visual impact, the noise levels would be low and there would be no detrimental impact on the area.

Councillor A.I. Dunbar said that the original application site had impacted on the residents of the area adjoining that site, but the company had taken account of residents' concerns and had looked at sites on the industrial estate. Councillor P. Shotton welcomed and supported the application. Councillor R. Lloyd queried whether the appeal on the original site would still go ahead if this application was approved. In response, the Principal Solicitor advised Members that the appeal should not be a consideration in their determination of this application, but that the appeal was still current.

**RESOLVED:**

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

163. **FULL APPLICATION - ALTERATIONS TO THE FASCIA/FACADE AT FORMER TOWN HALL, HIGH STREET, HOLYWELL (049993)**

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.

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

**RESOLVED:**

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

164. **RENEWAL OF PLANNING PERMISSION REF: 046257 TO ALLOW THE ERECTION OF A BUNGALOW AT LAND TO THE REAR OF 8 MANCOT LANE, MANCOT, DEESIDE (050166)**

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.

Councillor A.M. Halford proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

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

165. **GENERAL MATTERS - DEMOLITION OF EXISTING THREE STOREY OFFICE BUILDING AND ERECTION OF A 4-STOREY APARTMENT BLOCK COMPRISING OF 34 NO. 2-BEDROOM UNITS AND DEDICATED ON-SITE PARKING AT FLINT HOUSE, CHAPEL STREET, FLINT (043097)**

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 application and explained that the section 106 agreement had never been signed. He added that the previous application requested 30% affordable housing but this was now no longer a requirement as the development was for those over the age of 55.

Councillor P.G. Heesom queried whether there had to be further full consultation as the resolution to grant planning permission was in March 2008. He felt that there might be changes in circumstances and suggested that there should be further consultation upon the application. He proposed deferment of the application on that basis, which was duly seconded.

The Planning Strategy Manager advised that the application was part of the Flint Masterplan and the development had been put forward as part of the wider regeneration project. He added that all of the local Members were supportive of the changes. Councillor Heesom felt that this was unacceptable and said that the application should go through the full planning process.

The Principal Solicitor explained that it was not unusual for an applicant to sit on a site for a number of years but added that it was a matter of planning judgement whether or not there had been material changes to the planning circumstances which necessitated further consultation.

On being put to the vote, deferment of the application was CARRIED.

**RESOLVED:**

That the application be deferred to allow reconsultation.

Prior to the determination of the next item, the Chairman vacated the chair and the Vice-chairman took over chairing the meeting.

166. **FULL APPLICATION - CONSTRUCTION OF AN ANAEROBIC DIGESTION PLANT FOR THE PURPOSES OF WASTE TREATMENT AND GENERATION OF 500KW RENEWABLE ENERGY CONSISTING OF A RECEPTION BUILDING, 2 DIGESTION TANKS, A DIGESTATE PRODUCT STORAGE TANK, 3 DELIEVERY STORAGE TANKS, 2 PASTEURISERS, CHP GENERATION EQUIPMENT INCLUDING A EXHAUST STACK, ELECTRICAL GRID CONNECTION INFRASTRUCTURE, AND AUXILIARY SHEILDED FLARE, ODOUR MANAGEMENT EQUIPMENT AND CONCRETE BUNDED WALLS AT FORMER "GRASSER WORKS", FACTORY ROAD, SANDYCROFT, FLINTSHIRE (050249)**

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 18 February 2013. 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 Senior Minerals and Waste Officers detailed the background to the report explaining that the application was in line with local and national policy and guidance and was in an area identified for employment use in the UDP. The principle of the development was acceptable and the proposal had been considered in detail along with the potential impact from noise and odour on neighbouring residential properties. Statutory consultees had raised no objection to the application and, with the proposed mitigation measures in place, the recommendation was to approve the application.

Mr. K. Harris spoke against the application. He explained that his property was next to the application site and one of the bedroom windows of his property overlooked the site. The height of the window meant that he would still be able to see the site over the proposed four metre screening. The screening would also cast shadows over his garden except in winter when the trees would be without leaves and he would be able to see the digester from his garden. He raised

concern about the proposed trees to be planted as the deeds to his property specified that he was not able to plant trees due to a possible subsidence problem. The odours which were currently emitted from the site were nauseating at times, and Mr. Harris felt this would increase. He also raised concerns about a large highly flammable gas storage facility next to his house.

Mr. R. Carter, the agent for the applicant, spoke in support of the application. He said that the application complied with policy and the proposal was supported by Welsh Government sustainable development policy. He spoke of the job creation in the principal employment zone and reiterated the comments that the site was allocated for employment use in the UDP. He said that there had been concerns about the visual and noise impacts on local residents and amendments to the proposal had been made because of those concerns to reduce the impact.

Councillor P.G. Heesom said that the proposal was compliant with policy but raised concern about the impact on the residents. He asked whether any offers had been made by the applicants to buy out the owners of the neighbouring properties. He felt that the impact had not been fully addressed and that further advice was needed before Members made a decision on the application. The Principal Solicitor advised the Committee that the issue raised by Councillor Heesom was not relevant for their deliberations and that the application should be determined based on the information before them.

Councillor D.E. Wisinger proposed the recommendation for approval which was duly seconded. He said that the company had been on the site for a number of years and employed several people. He said that compromises had been made by the applicant which had resulted in amendments to the proposals such as painting the units to fit in with the landscape. An independent assessment had been undertaken on the issue of landscaping and the 4 metre high conifer hedge which was originally proposed had now been amended in the plan for a 7.5 metre strip of native shrub and tree species between the site and the properties. On the issue of noise and odours Councillor Wisinger said that all of the units would be sealed so it was hoped that there would not be any smells, and conditions were proposed to monitor the noise and odour levels.

Councillor W.O. Thomas referred to slurry tanks and asked if the same guidance that the tips needed to be a certain distance from residential properties had been taken into account in consideration of this application. The Development Manager replied that planning permission was required for slurry tanks which were within 500 metres of residential properties.

Councillor A.M. Halford asked if conditions 6 and 7 could be changed to give more support to the residents. She said that there was a duty of care to the people who lived next to the facility and she hoped that the noise would be controlled and the smells eradicated. Councillor R. Lloyd referred to the state of Factory Road and asked if there were any proposals for the Council to adopt it. The Senior Engineer - Highways Development Control advised that the road was adopted and that she could raise the concerns with the Head of Streetscene about its condition. Councillor Heesom sought assurances that the correct distances had been applied between the site and the properties and said that he understood that the units should be sited at least 250 metres from any dwellings.

In response to the comments made, the Senior Minerals and Waste Officers said that the noise and odour levels would be monitored and would be controlled by set limits. On the issue of odour, the Environment Agency would be the primary regulators as the site would require a permit. She said that there was no minimum distance limits stipulated in national or local policy about the siting of the units from neighbouring properties. She reminded Members that the full conditions had been placed in the Members' room for their information. Following a query from Councillor M.J. Peers, the officer said that discussions had taken place with the agent about the location of the storage tanks, and due to the way the process worked, it was the only place to put the tanks to minimise the impact on the properties.

On being put to the vote, there was an equality of voting and the Vice-Chairman (in the chair) used his casting vote to approve the application.

**RESOLVED:**

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

167. **APPEAL BY MR STEPHEN BAILEY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE AN APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED USE OR DEVELOPMENT - SITING OF A MOBILE LOG CABIN ON THE LAND FOR USE AS ANCILLARY RESIDENTIAL ACCOMMODATION "PENTRE BACH FARM", FFORDD PENTRE BACH, NERCWYS, MOLD. (048799)**

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

168. **APPEAL BY MR. & MRS. S.A. WRIGHT AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE LAND FOR THE SITING OF TWO STATIC CARAVANS ON LAND ADJ. WOOD VIEW, LLYN HELYG, LLOC (048922)**

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

169. **APPEAL BY MR. GARY AMES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 10NO.TWO BEDROOM APARTMENTS AT "RISBORO", NANT MAWR ROAD, BUCKLEY (049451)**

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

170. **APPEAL BY MISS. LIZ MCFARLANE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF NEW SINGLE STOREY EXTENSION TO PROVIDE BEDROOM, BATHROOM AND LIVING SPACE FOR WHEELCHAIR ACCESS AT 15 HAWARDEN DRIVE, BUCKLEY (049623)**

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



171. **DURATION OF MEETING**

The meeting commenced at 1.00 p.m. and ended at 6.50 p.m.

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

There were 48 members of the public and 3 members of the press in attendance.

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**Chairman**