

## **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**20 MARCH 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 March, 2013

### **PRESENT: David Wisinger (Chairman)**

Councillors Chris Bithell, Derek Butler, David Cox, Ian Dunbar, David Evans, Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, Patrick Heesom, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts and Owen Thomas

### **SUBSTITUTION:**

Councillor: Marion Bateman for Carol Ellis

### **ALSO PRESENT:**

The following Councillors attended as local Members:-  
Councillor G.H. Bateman - agenda item 6.3

### **IN ATTENDANCE:**

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

## 173. **DECLARATIONS OF INTEREST**

Councillor J. Falshaw declared a personal interest in the following application:-

### **Agenda item 6.4 – Outline Application – Erection of a detached bungalow at Belmont, South Street, Caerwys (050169)**

In line with the Planning Code of Practice:-

Councillor D. Evans declared that he had been contacted on more than three occasions on the following application:-

### **Agenda item 7 – Reserved Matters – 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 (050300)**

## 174. **LATE OBSERVATIONS**

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

## 175. **MINUTES**

The draft minutes of the meeting of the Committee held on 20 February 2013 had been circulated to Members with the agenda.

**RESOLVED:**

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

176. **ITEMS TO BE DEFERRED**

The Head of Planning advised that none of the items on the agenda were recommended for deferral by officers.

177. **FULL APPLICATION - ERECTION OF 2 NO. TWO BEDROOM SEMI DETACHED DWELLINGS WITH PARKING TO FRONT AND REAR AT FERN LEIGH, BROOK STREET, BUCKLEY (050291**

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 drew Members' attention to the late observations sheet where two further letters of objection were detailed along with an amendment to the conditions in the recommendation which included the deletion of condition nine and the inclusion of three additional conditions. Clarification was also included that the applicant's agent had not confirmed how the applicant wished to pay the public open space contribution.

Planning permission for a three bedroom dwelling house had been granted on 2 December 2008 and expired on 1 December 2013 which included off road parking for No. 6 Fern Leigh. Due to the economic climate, the site remained undeveloped with the application proposing an additional unit on the site to improve its prospect for development by providing two new affordable homes with parking to both the front and rear of the properties. The officer detailed the distances from the Club building and no. 6 Fern Leigh and explained that, even though the proposals included the siting of a dwelling only a short distance from the rear of no. 6, this property was sited at an angle. It was therefore considered that the proposals would not have a significant detrimental impact upon the amenities of adjoining residents in terms of loss of light or privacy.

Ms. J. Stewart spoke against the application explaining that her concerns were on the grounds of overlooking, loss of privacy and issues of parallel parking with cars having to reverse from the garages onto the road. She also raised concern at the noise from the Workingmen's Club which had been reported to the police.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded. He said that the site already had extant permission so the principle of development had been established. He referred to the comments about the Workingmen's Club but said that there were no reports of disturbances and added that purchasers of the properties would be aware of the existence of the club before they bought the dwellings. He felt that there were no legitimate planning reasons to refuse the application.

Councillor R.B. Jones referred to differences between this proposal and the application which had been approved in December 2008 and commented

upon the access onto the unadopted road onto which vehicles would have to reverse. He also referred to the difference in height from the original proposal and the noise from the club which he felt would be significant. He referred to the lack of a play area for children who might live in the properties. He felt that the issues of noise, access onto the unadopted road and the differences from the previous proposal were reasons to refuse this application.

Councillor A.M. Halford asked for clarification on the definition of tandem development and queried why the applicant was able to make a payment in lieu of open space provision. In response the officer said that if there were two or more dwellings, the applicant had to provide an amount of open space or a payment in lieu of this, which was in accordance with the Local Planning Guidance note. He added that the sum of £1,100 per dwelling was to maintain existing play areas in the vicinity. The officer and Development Manager provided an explanation of tandem development.

Councillor M.J. Peers felt that this proposal was an overdevelopment of the site. He sought clarification on the distances from the Workingmen's Club and the neighbouring properties and queried whether the application complied with space around dwellings guidance. Councillor P.G. Heesom concurred that the proposal was overdevelopment and over-intensification as he felt that there was only room for one dwelling on the site.

The officer said that the application did not meet separation distances as proposed but that the existing property was at an angle so there would be no significant loss of privacy for either set of occupiers. The Development Manager added that the proposed dwellings were not directly in line with the existing properties so the distances stated in the Guidance Note were not directly applicable.

In summing up, Councillor Bithell disagreed that the plot was too small, pointed out that there had not been any objections from Highways and that one of the parking spaces was for the existing dwelling.

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

**RESOLVED:**

That planning permission be refused on the grounds of overdevelopment of the site, the access being unsatisfactory and failure to comply with the Council's standards on separation distances and space about dwellings.

178. **FULL APPLICATION - DEMOLITION OF EXISTING GARAGE AND THE ERECTION OF A ONE BEDROOM ANNEX AT 18 VAUGHAN WAY, CONNAH'S QUAY (050312)**

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 March 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 three letters of objection had been received and he detailed the main issues of the proposal. A previous application for a two storey annex had been refused in December 2011, but there were no amenity issues in relation to this application as the proposal was for a single storey building.

Mr. C. Minton spoke against the application as he felt that his property which was behind the site would be overlooked and overcrowded and that his privacy would be invaded. He added that the building works would disrupt resident's lives and would impact on the health of his wife and neighbours.

Councillor A.I. Dunbar proposed refusal of the application against officer recommendation, which was duly seconded. He felt that the height of the proposal would be above the height of the garage on the site and would overlook neighbouring properties. He asked whether there was any intention for the applicant to sell it as a separate building if planning permission was granted.

Councillor R. Lloyd concurred that the proposal was higher than the garage currently in place and would be higher than the bungalow to the rear of the site. He sought clarification on the comment in paragraph 7.10 that it was anticipated that the main dwelling would be relied upon for the kitchen facilities which would ensure the proposal remained ancillary to the main dwelling. He supported refusal of the application.

Councillor D. Butler queried why the annex was required as it was reported in paragraph 7.04 that the existing garage could be used for accommodation ancillary to the main dwelling without the need for planning permission. Councillor W. Mullin felt that once the annex was constructed it would be turned into a dwelling and queried what the ramifications of council tax collection would be. Councillor Peers referred to the refusal of the previous application on the basis that it was tantamount to the erection of a new dwelling: he felt that same applied in this case. He asked why the application was to demolish the garage and rebuild an annex when it could have been built as an extension to the original dwelling. He also supported refusal of the application.

Councillor H.G. Roberts reminded Members that the application before them had to be considered and that annexes were permitted as long as they were not self-contained. He felt that the application was in accordance with planning policy.

In response to a question from Councillor R.B. Jones, the officer said that the previous decision had been delegated and was for a two storey annex with the bedroom windows overlooking adjacent properties. This proposal was four metres in height with no accommodation in the roof space and so would not have the same element of overlooking as the previous application. He referred to recent appeal decisions on annexes where the inspector had reported that because of the level of connection between the new building and the main dwelling, the new building was classed as an annexe. Councillor Jones said that the previous application had been refused as it overlooked neighbouring properties and was a new dwelling. He felt that these reasons still applied on this application and that for consistency it should be refused.

The officer said that the proposal had been designed as annex accommodation and not as a separate dwelling and that conditions would tie it to the original dwelling. The Principal Solicitor said that the proposal was considered ancillary to 18 Vaughan Way and that a requirement to pay council tax would be an indication of a separate dwelling. If that was the case, enforcement action could be taken because of a breach of conditions.

In summing up, Councillor Dunbar said that the proposal was not linked to the dwelling and was tandem development. He reiterated that refusal should be on the grounds of overlooking neighbouring properties, loss of amenity, and the height/size of the proposal.

On being put to the vote, the proposal to refuse the application against officer recommendation was CARRIED.

**RESOLVED:**

That planning permission be refused on the grounds of overlooking neighbouring properties, loss of amenity and the height/scale of the proposal.

179. **FULL APPLICATION - ERECTION OF A SINGLE STOREY CONVENIENCE STORE AND ASSOCIATED CAR PARKING FOLLOWING THE DEMOLITION OF EXISTING STORAGE BUILDING ON LAND AT MORRIS'S 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.

The officer detailed the background to the report and explained that, at the previous meeting on 20 February 2013, Members had imposed restrictions on the opening hours, but the Licensing Sub-Committee had met on 28 February 2013 in respect of a licence to sell alcohol and had resolved to approve an amended proposal in terms of the opening hours. The hours resolved at the meetings of this Committee on 20 February 2013 and the Licensing Sub-Committee were reported.

Mr. O. Davies, for the applicant, spoke in support of the application and provided detail on the background of the company. He explained that the hours agreed for the licence were required for the proposed store. He spoke of other stores in the area run by the applicant which had lengthy opening hours, and explained that the company intended to employ 24 local people, had achieved accreditation in Investors In People, paid above the minimum wage and had a care package which was second to none in the sector.

Councillor P.G. Heesom proposed that the hours remain as resolved at the meeting held on 20 February 2013, which was duly seconded. He said that the site was in a residential area and the quality of life of the residents would be affected and asked Members to uphold the previous decision.

Councillor M.J. Peers raised concern that the application was back before Committee and took exception to the comments in the report that Members

should be mindful that their reasoning, in coming to any decision alternative to that suggested, should be made upon a clear and sound planning basis. He considered that the previous decision was soundly-based. He referred to the hours imposed by the Licensing Sub-Committee and said that if the store was not open for the whole of the time period stated then the hours on the licence could not apply.

The local Member, Councillor G.H. Bateman spoke against the amended hours proposed by the Licensing Sub-Committee. The site was in a quiet residential area and residents were fearful of anti-social behaviour. He referred to policies in the Unitary Development Plan which the application did not comply with as it impacted on the amenity of residents and could cause a nuisance. He felt that the hours of opening should be restricted to 7am to 9pm Monday to Saturday and 9am to 4pm on Sundays and Bank Holidays, as resolved at the previous meeting of this Committee.

Councillor R.C. Bithell referred to the alternative hours proposed by the Licensing Sub-Committee and queried what would happen if the applicant appealed against the decision of this Committee to restrict the hours. The Principal Solicitor clarified what matters the Licensing Sub-Committee had to consider under the Licensing Act 2003 when determining licensing applications, in relation to what were planning considerations. He advised that there was a degree of overlap in these material considerations but that the Planning Committee could impose different restrictions. However, he reminded Members of the need to have a clear and sound planning basis if they intended to impose alternative opening hours to those to permit the sale of alcohol set by the Licensing Sub-Committee.

Councillor R.B. Jones referred to the decision of the Licensing Sub-Committee and raised concern that they did not consider the amenity of residents when making their decision. He supported the hours put forward by the local Member, Councillor Bateman, at the previous meeting but felt that the Inspector would impose the hours set by the Licensing Sub-Committee. The Principal Solicitor said that if the application went to appeal, all of the relevant information would be submitted to the Inspector including the decision of this Committee and the Licensing Sub-Committee.

Councillor C.M. Jones spoke of her experience of living next to a convenience store and the anti-social behaviour problems that were caused at the store which was open until 11pm each day. Councillors N. Phillips and H.G. Roberts concurred that the hours of opening should be as agreed at the 20 February 2013 Committee meeting. In response to a query from Councillor Phillips, the Principal Solicitor said that the applicant could appeal to the Magistrates if they disagreed with the hours imposed for the licence but if they appealed a planning decision, the appeal would be determined by a Planning Inspector.

Councillor A.I. Dunbar said that he had been on the Licensing Sub-Committee that had made the decision of the licensing hours and said that considerations of the local residents and schoolchildren had been taken into account when making their decision. They had agreed to the longer licensing hours but had put a proviso into the decision that, because of the objections

received, the application would be referred back to the Licensing Sub-Committee in 12 months, and if there had been any complaints of anti-social behaviour, then the licensing hours could be reviewed. Councillor D. Butler felt that the hours imposed by the Planning Committee should be tested and reviewed if appropriate.

The Planning Strategy Manager queried whether the Committee were being consistent as there was a licensed Italian restaurant and convenience shop close by which had longer opening hours than had been proposed at the last Planning and Development Control Committee meeting. He asked whether Members had considered granting a temporary permission on the basis of the licensing hours to see if there was any evidence of anti-social behaviour.

In summing up, Councillor Heesom said that he felt that the essential test was the location: did the location demonstrate a need? There was no evidence of need for the longer hours and the longer hours would create the need. He felt that the extended opening hours would lead to disamenity in the area and late night opening was not appropriate as the application site was not in the town centre. It would be unfair on the residents in the area if the hours that had been applied for were introduced. The tests to be applied in determining planning applications were different to those of the Licensing Sub-Committee. He asked that Members endorse the decision of the meeting of the Committee held on 20 February 2013.

On being put to the vote the proposal to refuse the extended hours detailed in the report and endorse the hours of 7am to 9pm Monday to Saturday and 9am to 4pm Sundays and Bank Holidays as agreed at the meeting of the Planning and Development Control Committee held on 20 February 2013 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 or the making of an advance payment to provide the payment of £3500 in respect of the cost of a Traffic Regulation Order and the associated parking restriction lining along Wrexham Road, Brook Street and Conway Street.

180. **OUTLINE APPLICATION - ERECTION OF A DETACHED BUNGALOW AT BELMONT, SOUTH STREET, CAERWYS (050169)**

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 explained that the application was reported to Committee in December 2012 when its determination was deferred as the applicant had indicated that an archaeological investigation was to be undertaken. As no further information had been received, the

application was presented back to Committee with the original recommendation of refusal.

Councillor R.C. Bithell proposed the recommendation for refusal which was duly seconded. He said that the reasons for refusal were sound and that the nature of the plot would be lost if the application proceeded.

The local Member, Councillor J. Falshaw, spoke in support of the application. He commented on each of the reasons for refusal and said that the site was more than adequate for a two bedroomed bungalow, was not a cramped site and would not harm the character and appearance of the Caerwys conservation area. He said that the site had previously been used as a taxi business and the taxi office still stood on the site. He felt that a bungalow on the site would not be out of keeping with the area. On proposed reason for refusal 2, he said that the dwelling was intended to be occupied by the elderly parents of the applicant to enable them to be cared for and that the application had been submitted as there were no new builds being undertaken in Caerwys. He commented that there had never been any suggestion of the plot being archaeologically important until the submission of the application. He felt that refusal of the application would be overturned at appeal.

Councillor W.O. Thomas said that it was reported that the site was too small for the proposal and quoted from an appeal decision on a similar plot. He referred to space around dwellings guidance from January 2005 and said that the Inspector had indicated that there was no evidence that it had been consulted on and adopted. The plot was not within the Conservation Area, and there had been a number of houses knocked down in Caerwys in recent years.

Councillor A.M. Halford referred to two earlier applications on this agenda which were for similar sized plots but which were both recommended for approval by officers as they complied with space around dwellings guidance. She queried why this application had been recommended for refusal. Councillor P.G. Heesom felt that the site was of sufficient size for the proposal but added that the architectural issues should be considered. He said that the test was whether the plot was capable of having an attractive building on it and on balance he felt that it did and that the application should be approved. Councillor D. Butler drew Members' attention to the comments of Caerwys Town Council who did not feel that the site was adequate and could be contrary to policy on density of development. Councillor H.G. Roberts felt that it would be possible to put a dwelling on the plot which would be in keeping with the streetscene and could be dealt with at reserved matters stage. He supported approval of the application.

In response to the comments made, the Development Manager reminded Members that there were three reasons for refusal and the application had been deferred at an earlier committee to allow the submission of archaeological information, referring to the comments of the Clwyd Powys Archaeological Trust. That information had not been received but he was also aware that the applicant had been in touch with the Council's Housing Officers in relation to the local need issue. The applicant's agent had acknowledged that these matters needed to be addressed but had requested that the application be considered at this meeting. He advised Members that it would be premature to determine the application without resolving these issues. In particular, if the applicant satisfied the local



needs requirement, there would be a need for a Section 106 Obligation to ensure that the property remained affordable. He acknowledged that if these two issues were resolved the decision was then down to the acceptability of the development in terms of scale and character. He affirmed that in officers' opinion it was not acceptable in these terms but it would then be a matter of judgement for Members.

Councillor Heesom proposed that the application be deferred, which was duly seconded.

On being put to the vote, the proposal to defer the application to obtain information from the applicant on the archaeological investigation and local need/affordability was CARRIED.

**RESOLVED:**

That the application be deferred to obtain information from the applicant on the archaeological investigation and local need/affordability.

181. **FULL APPLICATION - SUBSTITUTION OF 16 PLOT TYPES ON APPLICATION 048892 FOR THE ERECTION OF 87 DWELLINGS AT WHITE LION PUBLIC HOUSE, CHESTER ROAD, PENYMYNYDD (050400)**

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 explained that the application was before Committee because of the requirement for a Section 106 Agreement to link to the Section 106 Agreement from the original application. He also highlighted the comments of one of the local Members, Councillor D. Williams, that he considered the proposals to be acceptable provided that they did not impact upon previously agreed provision of affordable dwellings and semi-detached dwellings.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded. Councillor R.B. Jones referred to conditions 17 and 26 which he felt had not been adhered to and he commented on the condition of the road due to changes undertaken by the developer on the entrance to the site. Councillor Alison Halford referred to conditions 25 and 26, stating that the development had commenced. Councillor P.G. Heesom concurred with Councillor Jones and asked the officer to raise the issues with the appropriate officer. The Principal Solicitor advised that the Senior Engineer - Highways Development Control would refer the comments to the relevant officer.

**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 supplemental Section 106 agreement which links the permission granted under this planning application to the provisions of the Section 106 agreement entered into under Permission Ref: 048892, providing for the following:-

- (a) The provision of 6 no. affordable homes to be presented to the Council as gifted units and allocated in accordance with a local lettings policy to pilot the Council's Rent to Save to Homebuy scheme to applicants on the affordable Homeownership Register
- (b) Ensure the payment of a contribution of £261,560 towards affordable homes provision
- (c) Ensure the transfer of wildlife mitigation land to a suitable body, together with the precise methods and means for the securing of its future management, monitoring and funding
- (d) Payment of £73,500 towards primary level educational provision/improvements at St. John the Baptist VA School and £52,500 towards secondary level educational provision/improvements at Castell Alun High School
- (e) Payment of £2,500 for costs incurred for amending Highway Access Restriction Order.

182. **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. Additional comments received since the preparation of the report were circulated at the meeting.

The officer explained that the application had been deferred from the meeting held on 20 February 2013 to allow for further consultation. This had been undertaken and a letter of objection had been received which was detailed in the late observations sheet. There were no material changes to the planning application, but the nature of the proposed residential scheme to provide for occupation by persons aged over 55 had consequences for the requirements of the Section 106 agreement.

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

Councillor R.C. Bithell queried whether the commuted sum for recreational open space contribution in lieu of on-site provision was still required as occupancy was restricted to over 55s. The officer advised that she had spoken to the Head of Leisure Services who had confirmed that the contribution was still required. Councillor M.J. Peers asked whether the Head of Housing Strategy had been consulted on the suitability of the apartments for affordable housing and whether his comments on the suitability could have been reported.

Councillor P.G. Heesom raised concern about whether the apartments would be subject to the 'bedroom tax' and asked for the details of the Section 106

Agreement to be submitted back to the Committee. The Principal Solicitor advised that the issue of the 'bedroom tax' was not relevant to Members' determination of the application. He added that the precise terms of section 106 Agreements had not been referred back to Committee previously and in his view, if that was to be contemplated, the issue should be referred to Planning Strategy Group for consideration. He explained that the report detailed the requirements of the Section 106 Agreement. In response to a query from Councillor R.B. Jones about the occupancy by over 55s, he said that any occupancy by under 55s would be in breach of the proposed section 106 Agreement.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the addition of an age limit condition restricting occupancy to persons aged over 55 and on completion of a Section 106 Agreement to cover the following matters:-

- Enhancement of public open space in front of Flint House
- Recreational open space contribution in lieu of on-site provision. A commuted sum of £744 per unit shall be paid to the Authority upon 50% sale or occupation of the development.

183. **APPEAL BY JD OWEN TRANSPORT SERVICES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR OUTLINE - SECURE TRUCK PARKING FACILITY WITH ANCILLARY AND COMPLEMENTARY DEVELOPMENT AT LAND AT CROSSWAYS ROAD, PEN Y CEFN, CAERWYS (049042)**

**RESOLVED:**

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

184. **APPEAL BY MR. DELWYN HUMPHRIES AGAINST THE REFUSAL OF PLANNING PERMISSION BY FLINTSHIRE COUNTY COUNCIL FOR OUTLINE - ERECTION OF A DWELLING AT LAND ADJACENT TYDDYN UCHA, SANDY LANE, BAGILLT (049447)**

**RESOLVED:**

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

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

**RESOLVED:**

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

186. **RESERVED MATTERS - 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**

The Committee considered the report of the Head of Legal and Democratic Services in respect of this application. The application had been determined at the previous meeting of the Committee on 20 February 2013.

The Principal Solicitor detailed the background to the report and the documents which were included with the report. He referred to the appeal decision (which was in the public domain) which had been sent to Members under separate cover regarding the imposition of Condition 15 on reserved matters approval number 049425. The Council had indicated in a letter to the Planning Inspectorate dated 13 December 2013 that it would not oppose the allowing of the appeal and had resolved not to present any evidence at the Inquiry. He highlighted paragraphs 14, 15, 16 and 19 of the appeal decision where it was reported that the imposition of the condition was unreasonable and unnecessary. The Principal Solicitor provided further information on the content of the report.

Councillor R.C. Bithell proposed the recommendation for approval of the reserved matters application, without the imposition of an additional condition constraining/restricting access and egress at Coed Onn Road, which was duly seconded. He said that there was an extant permission in place and that costs in addition to those already awarded against the Council could be imposed if Members voted against the recommendation. Councillor D. Butler concurred, stating that the costs would fall upon the people of Flintshire.

Councillor P.G. Heesom proposed deferment of the application and explained his reasons for the request to defer. The proposal was duly seconded. The Principal Solicitor responded to the issues raised by Councillor Heesom.

The Head of Planning provided a further response to Councillor Heesom, stating that, at the meeting of the Committee held in February 2013, he had been requested to identify an appropriate mechanism for the provision of a restriction of access and egress to the site at Coed Onn Road. Based on the decision of the Inspector on the appeal, the Head of Planning said that any restriction other than traffic calming would be unreasonable..

In response to a question from Councillor H.G. Roberts, the Principal Solicitor detailed the consequences for the Council if determination of the application was deferred at this meeting.

On being put to the vote, the proposal to defer the application was LOST. The Committee then voted on the proposal put forward by Councillor Bithell to approve the reserved matters application number 050300, as per the recommendation to the 20 February 2013 meeting of the Planning and Development Control Committee, without the imposition of an additional condition constraining/restricting access and egress at Coed Onn Road which was CARRIED.

**RESOLVED:**

That reserved matters approval be granted subject to the additional condition in the late observations sheet from the 20 February 2013 meeting and subject to conditions detailed in the report of the Head of Planning from the 20 February 2013 meeting of the Planning and Development Control Committee.

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

There were 8 members of the public and 3 members of the press in attendance.

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**Chairman**