

PLANNING & DEVELOPMENT CONTROL COMMITTEE

3 SEPTEMBER 2014

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, 3rd September, 2014

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, Carol Ellis, David Evans, Jim Falshaw, Christine Jones, Richard Jones, Richard Lloyd, Billy Mullin, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, Carolyn Thomas and Owen Thomas

SUBSTITUTIONS:

Councillor: Ron Hampson for David Cox, Mike Lowe for Ian Dunbar and David Roney for Ray Hughes

ALSO PRESENT:

Councillor Haydn Bateman

APOLOGY:

Councillor Alison Halford

IN ATTENDANCE:

Chief Officer (Planning and Environment), Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Support Officer, Democracy & Governance Manager, Housing & Planning Solicitor and Committee Officer

37. **DECLARATIONS OF INTEREST**

Councillor Mike Peers declared a personal and prejudicial interest in the following applications because he was Chair of Governors at Mountain Lane School:

Agenda item 6.7 – Outline application – Erection of 5 No. dwellings at Withen Cottage, Alltami Road, Buckley (051567)

And

Agenda item 6.11 – General Matters – Erection of 9 No. houses at the Three Piece Suite Centre, Chester Road, Buckley (049096)

38. **LATE OBSERVATIONS**

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

Prior to consideration of the minutes, the Chairman welcomed Councillor David Roney to his first meeting of the Committee.

He also advised the Committee that Declan Beggan, one of the Planning Officers was leaving the Council and that this would be his last meeting. Councillor Owen Thomas wished him well and said that he had always been willing to speak to Members to discuss planning applications. Councillors Marion Bateman and Gareth Roberts echoed the comments.

39. **MINUTES**

The draft minutes of the meeting of the Committee held on 23 July 2014 had been circulated to Members with the agenda.

Councillor Mike Peers referred to the second paragraph on page 19 and proposed that the word 'right' be included after the word turning in the third line. On being put to the vote the amendment was CARRIED.

Councillor Peers also proposed that the words 'i.e. one way traffic movement' be included after the words 'Broughton Hall Road'. On being put to the vote, the amendment was CARRIED.

RESOLVED:

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

40. **ITEMS TO BE DEFERRED**

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers.

41. **APPLICATION FOR OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR THE ERECTION OF MEDICAL CENTRE, COUNCIL CONTACT CENTRE, HOTEL (UP TO 80 BEDROOMS), PUBLIC HOUSE/RESTAURANT AND FOUR CLASS A3 FOOD AND DRINK UNITS, TOGETHER WITH CAR PARKING (UP TO 381 SPACES), LANDSCAPING AND ANCILLARY WORKS AT BROUGHTON SHOPPING PARK, BROUGHTON (052456)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 1 September 2014. 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 and highlighted paragraph 7.08 about development at the shopping park. The outline application was to the north of the retail park and all matters were reserved. This was a resubmission of a previous application which the applicant had now appealed against on the grounds of non-determination which was item 6.2 on this agenda. Part of the site was allocated for non-retail designation in the Unitary Development Plan (UDP) and it was important to note that the western part of the site was outside the retail allocation being 'white' land within the UDP. The central/eastern part of the site was within

S1(6) and was proposed for the medical centre, contact centre and hotel. The officer explained that there was no evidence to confirm any potential interest or commitment from operators of the hotel, medical centre or contact centre and these elements were therefore at this stage purely speculative. Without these commitments, the application would become an A3 led development outside the S1(6) allocation and was therefore recommended for refusal.

Mr. M. Krassowski, the agent for the applicant spoke in support of the application. He said that the applicant had been encouraged for a number of years to bring forward a proposal for this site and an original application which included a cinema had been refused in 2013 when another application for similar provision on the other side of the retail park was approved. The developer had been requested by the Local Member to include a contact centre on the Council owned land and it was felt that the restaurant uses would complement the existing site. Mr. Krassowski said that A3 allocation was compliant with the policy allocation for the wider site. He said that it was incorrect that the A3 allocation would be retail as it could be conditioned to restrict the uses or be subject to a section 106 Agreement. He added that there was interest for an operator for the hotel element of the site, which complied with policy. On the issue of the provision of the medical centre and contact centre, he said that the applicant had included them in the application based on a request from the Local Member but that the developer could not take responsibility for land outside their control.

Councillor Billy Mullin, the Local Member, proposed the recommendation for refusal which was duly seconded. He spoke of the need for a contact centre but did not understand how it was proposed on land which was outside the applicant's ownership. He also raised concern about the access and said that he preferred the access off the service road.

The Democracy and Governance Manager advised Members that issues of land ownership were not relevant to their determination of the application.

Councillor Derek Butler felt that the application was premature as the end users for the medical centre and contact centre had not yet been identified and without these two elements, the proposal would only be a 'bolt on' fast food park. He felt that there would be overprovision on the site as four food and drink units were being developed in connection with the cinema. He raised concern about the significant highways issues in Broughton and added that the contact centre could be built by the developer on their own land and would be beneficial in the future as it could be used by shoppers visiting the Retail Park as well as those who lived in Broughton.

Councillor Mike Peers referred to the access which he felt was unacceptable from the main Broughton to Saltney road. On the issue of the medical centre, he said that the Marches medical practice had been approached about the proposal but had indicated that they did not have future expansion plans. Councillor Peers said that the hotel was the only element not already available in the retail park and concurred about the prematurity of the application. Councillor Richard Jones said that if there was no requirement by Flintshire County Council for a contact centre and Betsi Cadwaladr University Health Board for a new medical centre, then he did not feel that the development was required and should therefore be refused.

The Senior Engineer - Highways Development Control advised that a full Highways assessment had been submitted. Highways would prefer the access from the minor road but there was no reason to refuse the application on highway grounds.

In response to the comments made, the officer stated that the deliverability of a contact centre or medical centre was a key factor and the lack of feasibility would leave the application as an A3 led development.

In summing up, Councillor Mullin reiterated his concerns about the access to the site.

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

RESOLVED:

That planning permission be refused for the reasons detailed in the report of the Chief Officer (Planning and Environment).

42. **GENERAL MATTERS - APPEAL AGAINST NON-DETERMINATION OF OUTLINE APPLICATION FOR THE ERECTION OF MEDICAL CENTRE, COUNCIL CONTACT CENTRE, HOTEL (UPTO 90 BEDROOMS), PUBLIC HOUSE/RESTAURANT AND FOUR CLASS A3 FOOD AND DRINK UNITS TOGETHER WITH CAR PARKING (UPTO 381 SPACES, LANDSCAPING AND ANCILLARY WORKS AT LAND TO THE NORTH OF BROUGHTON SHOPPING PARK, BROUGHTON (051484)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 1 September 2014. Additional comments received since the preparation of the report were circulated at the meeting.

The officer explained that the refusal of the outline application for the site, which had been considered as the previous item on the agenda, would have a bearing on this application and that for consistency, the recommendation for the Council to appear at the public inquiry and challenge the appeal should be followed.

Councillor Chris Bithell proposed the recommendation that the Council appear at the public inquiry and challenge the appeal on the grounds in the report, which was duly seconded.

RESOLVED:

That the Council appear at the public inquiry and challenge the appeal on the grounds in the report of the Chief Officer (Planning and Environment).

43. **FULL APPLICATION - ERECTION OF A STABLE AND AGRICULTURAL STORAGE BUILDING (PART RETROSPECTIVE) AT FRON HAUL, BRYNSANNAN, BRYNFORD (051810)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 1 September 2014. 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 had been deferred from the meeting on 23 July 2014 to allow a site visit to be undertaken. The Local Member had indicated his concerns and objections had been received as a result of the consultation.

Mr. C. Davies spoke against the application and said that applications for the same site had been rejected as they were an unacceptable intrusion in the open countryside. He commented on the proposals and did not feel that the agricultural nature of the proposal justified the stable and agricultural storage building. He said that the applicant repaired horse boxes and it was reported that the applicant would forego permission for a detached garage within the curtilage of the dwelling, which had not currently been built, if permission for an agricultural building was granted. Mr. Davies queried why the applicant would do this if he did not intend to use the proposed building as a garage/workshop. The new building would overlook into his property and the size of the proposed building would be out of character with the area.

Councillor Owen Thomas proposed refusal of the application against officer recommendation which was duly seconded. He concurred that the building could not be justified and added that the type of haylage feed needed for horses did not need to be kept indoors. He highlighted paragraph 7.02 where the consent for the erection of a large garage was reported which was still valid. He also felt that the three acre paddock area did not warrant the size of the proposed building. He referred to the comments in the report that there would be limited visual impact from the front of the site but added that it could be seen from the neighbouring gardens. He felt that the application should be refused due to it being in the open countryside.

Councillor Billy Mullin raised concern about the size of the building which was only partly within the current garden area and agreed that the application should be refused.

Councillor Chris Bithell said that all of the properties in the row had extended their gardens into the open countryside and queried whether the permission included permitted development rights in the rear gardens. He said that policy did not prevent building in garden areas and agricultural buildings were permitted in the open countryside. He felt that it was important to identify whether permitted development rights were granted when the gardens were extended. Councillor Derek Butler spoke of the land to the right of the property which was a large garden area and referred to previous refusals of applications for extensions to gardens to increase the residential boundary. He felt that the existing boundary should be reinforced.

Councillor Gareth Roberts said that certain things were permitted in the open countryside and added that he believed that the adjoining garden had been extended with permission and permitted development rights lifted. He suggested that a hedge or fence could be erected where the original boundary had been and said that he had not heard any comments which would make him support refusal of the application. Councillor Richard Jones said that developments in the open countryside were permitted if agricultural use justified it and the officer felt that it did.

In response to the comments made, the officer said that the proposed stable would be partly in and partly out of the residential curtilage. A previous application to extend the garden had been refused and there was no defined boundary between the original boundary and the extended area. The application was not for change of use of the land and the proposed building was for the stabling of horses and keeping machinery associated with the land and was therefore recommended for approval.

Councillor Bithell raised concern about the garden area and the building which was in the open countryside. The Development Manager suggested that the erection of a boundary fence or gate could be conditioned to reinforce the settlement boundary.

In summing up, Councillor Owen Thomas reiterated his comments that policy did not allow for buildings to be erected unless they related to agricultural purposes and said that he did not see the justification for this proposal.

On being put to the vote, the proposal to refuse the application against officer recommendation was CARRIED due to there being no justification for buildings of the proposed scale outside the settlement boundary within open countryside.

RESOLVED:

That planning permission be refused due to there being no justification for buildings of the proposed scale outside the settlement boundary within open countryside.

44. **OUTLINE APPLICATION - ERECTION OF 1 NO. DWELLING AT AVONDALE, CHURCH LANE, GWERNAFFIELD (051215)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 1 September 2014. 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 Chief Officer (Planning and Environment) detailed the background to the report and explained that all matters were reserved but an indicative layout had been provided. He highlighted the objections from Gwernaffield Community Council and the four letters received from local residents and explained that no objections had been received from statutory consultees. The main issues were the principle of the development, whether the plot could accommodate a dwelling

and the impact the proposed dwelling would have on the character and appearance of the street scene and the considerations were reported in paragraphs 7.14 and 7.15. The Chief Officer added that the matter of design could be considered at the reserved matters stage but that the plot could accommodate the dwelling proposed in the indicative plan. He referred to policy HSG3 which allowed development in Category C settlements if it was for the renovation or replacement of an existing dwelling or was to meet proven local need and did not result in over 10% growth since 2000. Gwernaffield currently had a growth rate of 3.8% and no local need had been identified and it was acknowledged that policy HSG3 may be restricting growth in the area. He commented on the issue of viability and the reasons why a commuted sum of £4,000 to the Council in lieu of the dwelling being 'affordable' would be requested if the application was approved.

Mr. D. Lloyd spoke against the application. He said that the site was on Cothy Farm and had nothing to do with Avondale, which was where he lived. The site was agricultural land and had cattle grazing on it. He referred to the number of houses and bungalows for sale in Gwernaffield and raised concern at the need to facilitate another dwelling which he felt was neither wanted nor needed. In highlighting the triangular section on the map, he queried why this was included in the proposal when it was in the green barrier. He lived in the bungalow next door and one of his windows was overlooking out on to the site. It was reported that the window was affected in terms of daylight by a large boundary hedge but Mr. Lloyd said that the hedge could die or be removed. He added that he wanted to be able to see light from his window, not another dwelling.

The Democracy & Governance Manager advised that the Local Member, Councillor Adele Davies-Cooke had a personal and prejudicial interest in the application and had appointed Councillor Jim Falshaw to act as Local Member.

Councillor Jim Falshaw proposed refusal of the application against officer recommendation, which was duly seconded. He said that the site was outside the village boundary and would set a precedent if the application was approved with the green barrier section included in the proposal. The development should harmonise with the area but he felt that the application did not and the applicant had not identified housing need. He felt that there should be no significant impact on neighbouring properties but the ridge height at 7m would have an impact. Church Road was a dangerous road and the proposal was on an unallocated site. Councillor Falshaw referred to the growth figure of 3.8% for Gwernaffield and said that the self-build project did not demonstrate affordable housing or meet local need. The proposed dwelling was very close to the boundary of Avondale and in referring to the hedge, he said that this could be removed.

Councillor Derek Butler endorsed the comments of Councillor Falshaw and said that he did not see any need for the site to encroach into the green barrier. He highlighted paragraph 7.10 and spoke of the affordable housing element querying the relevance of practice in Conwy and Snowdonia. He stated that policy should not be made 'on the hoof' stating that this should be done through the Planning Strategy Group.

Councillor Chris Bithell said that in general terms there were no objections to the proposal but he did object to the inclusion of the triangular part of the application site that was outside the settlement boundary. He said that the narrow site could accommodate a property but that there was a need for the Committee to see a detailed proposal of what was expected to be on the site rather than an indicative plan. He felt that the application could not be approved due to the area that was in the open countryside.

Councillor Owen Thomas said that the site was not allocated in the Unitary Development Plan but was in the settlement boundary and was therefore acceptable. He referred to the growth rate in Gwernaffield and the Section 106 payment of £4,000 which he also felt was appropriate. He said that there was nothing in the policy to refuse the application. He added that the next door window which had been mentioned would already be dark due to the hedging and therefore a property on this site would not make any difference.

Councillor Mike Peers said that he found it difficult to understand why the application was being refused when the growth rate in the Category C settlement of Gwernaffield was only 3.8%. He felt that the issue of local need had been addressed in paragraph 7.06 and the commuted sum of £4,000 had been agreed by the Council. He highlighted paragraph 7.16 which indicated that it would be difficult to resist the development on the grounds of highway safety and he added that most of the points raised had been addressed.

Councillor Gareth Roberts said that the proposal was an outline application in the settlement boundary. He commented on the inclusion of the triangular piece of land in the proposal which he said was an element of rounding off which was allowed in exceptional circumstances. Councillor Richard Jones could not find any reason to refuse the outline application in the settlement boundary. Councillor Marion Bateman felt that the triangular area should be fenced off and separated and queried whether this could be conditioned.

The Chief Officer (Planning and Environment) said that the proposal was for refusal but that a condition could be considered if the proposal was lost. It was an outline application and that it would be difficult to defend at appeal if the reason given for refusal was loss of amenity to the neighbouring property. He also referred to the viability and HSG3 elements and said that officers had wanted to try and find a pragmatic solution to the application.

In summing up, Councillor Falshaw said that his reasons for refusal were that the site was outside the development plan area, encroached on the countryside, there was no proven need for the dwelling, the size of the plot was too small and the proposal was not in keeping with the surrounding area.

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

Councillor Owen Thomas proposed the recommendation of approval which was duly seconded. Councillor Bateman proposed an amendment to fence off the triangular area. She referred to an application in Alltami where a precedent had been set on land in the open countryside and permitted development rights had been removed. The Democracy & Governance Manager

said that the removal of permitted development rights was part of the officer recommendation. Councillor Bateman felt that demarcation needed to form part of the detailed plan.

On being put to the vote, there was an equality of voting and the Chairman used his casting vote against the amendment from Councillor Bateman.

The Committee then voted on the proposal by Councillor O. Thomas and on being put to the vote was CARRIED.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the completion of a Section 106 obligation to secure the payment of a sum of £4,000 to the Council in lieu of the dwelling being 'affordable' as defined in the Council's policies.

45. **FULL APPLICATION - ERECTION OF TWO STOREY BUILDING WITH A BAKERY AND CAFE ON THE GROUND FLOOR AND RESIDENTIAL ACCOMMODATION ON THE FIRST FLOOR AT BRIDGE INN, HAWARDEN ROAD, HOPE (052143)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 1 September 2014. 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 had been deferred from the Committee meeting on 23 July 2014 to allow a site visit to be undertaken. The report had been updated with consultation responses received since that meeting which included comments from Natural Resources Wales on the flood consequences assessment. The new building would be situated in the car park of the public house and the main issues included access and parking. Highways had agreed that the access and egress to the site was suitable and as the bakery and public house would have separate opening hours, the reduction in car parking spaces to accommodate the new building was acceptable.

Councillor A. Parsonage from Hope Community Council spoke against the proposal. He raised concern about the reduction in parking spaces and suggested that the new business could be accommodated into the existing public house to avoid any issues if the two businesses fell into separate ownership. He felt that the access was too narrow for vehicles other than cars and vans and traffic parking in the splay was a concern for local residents. Councillor Parsonage added that it was a turning point for lorries which were too large to go under the nearby railway bridge.

The applicant, Ms. H. Tou, spoke in support of the application. She explained that the new build would include a ground floor café/bakery with a first floor flat above. The café and the public house would have separate opening hours so there would not be a conflict for parking spaces. There was an area of

the car park which was currently mossy due to lack of use and therefore a reduction in parking spaces would not be an issue. She added that it was not possible to extend the existing public house to accommodate the café/bakery. There would be two deliveries a week to the café/bakery and even though the access was narrow, there was sufficient space for two vehicles to pass before entering the access to the car park where this building would be located. The café/bakery would bring a unique proposal to the area and extra staff would be employed to work in the family business.

Councillor Richard Jones proposed the recommendation for approval which was duly seconded. He welcomed the application and said that there was no issue about access.

Councillor Mike Peers felt that local businesses should be encouraged and reiterated that access was not a problem.

The Local Member Councillor Stella Jones' main concern was the narrow access to the site and concern that emergency vehicles would not be able to gain access. She highlighted paragraph 7.23 which indicated that public view would be restricted to those customers entering the site. She felt that this was incorrect as it could be visible to anybody who stood on the bridge and would therefore not enhance the area. Councillor Jones also felt that the current building could be adapted to accommodate the new business.

Councillor Owen Thomas felt that the number of car parking spaces was acceptable and that the application should be encouraged. Councillor Gareth Roberts said that the access was not ideal but as it was also the access for the car park for the existing public house, then the application could not be refused on those grounds. Councillor Derek Butler felt that there may be conflict for parking in the afternoons due to the reduction in car parking spaces but felt that the new business was an enhancement of the provision in the public house and he welcomed the café/bakery.

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

RESOLVED:

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

46. **DEMOLITION OF EXISTING BUILDERS YARD OFFICE AND STORAGE BUILDING AND ERECTION OF 8 NO. NEW DWELLINGS AT ROBERTS & WILLIAMS LTD., QUEEN STREET, QUEENSFERRY (051988)**

The Committee considered the report of the Chief Officer (Planning and Environment) 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 three objections had been received to the proposal on grounds which included flood risk and noise. A flood risk assessment had been submitted as part of the

application and Natural Resources Wales and the Council's Emergency Planning department were both satisfied with the response. The proposed properties were not significantly higher than the original dwellings and it was therefore considered that the properties would not look out of character in the street scene. A noise assessment had also been undertaken as the site was adjacent to the A494. Welsh Government was satisfied with the application subject to a scheme of acoustic mitigation such as double glazing and condition 7 would be amended to reflect this if Members were minded to grant approval.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He said that the proposal would make the area entirely residential and queried whether triple glazing would be more appropriate. Councillor Christine Jones said that residents welcomed the proposal.

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

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) which would include an amendment to condition 7 and subject to the applicant entering into a Section 106 agreement for the following contributions:-

- £1,100 per unit for recreation enhancements in lieu of on-site provision
- Funding to the sum of £2,500 to provide for the case of a traffic Regulation Order for the provision of double yellow lines across the frontage of the application site (along Queen Street) on the development side only.

47. **APPLICATION FOR OUTLINE PLANNING PERMISSION- ERECTION OF 5 NO. DWELLINGS AT WITHEN COTTAGE, ALLTAMI ROAD, BUCKLEY (051567)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 1 September 2014. 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. Councillor Mike Peers, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and explained that the main issues included the access over Common land and ecological impact. She referred Members to the late observations sheet where an additional condition from Highways was requested for the access from Alltami Road to be a minimum of 5m in width for a minimum of 10m into the site. The site was partly within the boundary of the Site of Special Scientific Interest (SSSI) and the Section 106 obligation would include a sum of £2,500 for indirect impacts due to the recreational pressures on the Special Area of Conservation (SAC). There had been some objections due to the access being over Common Land and other

accesses had been explored but were not suitable. No objections had been received from statutory consultees.

Councillor Carol Ellis proposed refusal of the application, against officer recommendation, which was duly seconded. She referred to the history of the site and said that Flintshire County Council had been trying to obtain planning permission on the site since 2001. Buckley Town Council had objected strongly to the application due to the SSSI and the access over the Common Land and two previous applications had been withdrawn due to the large number of objections submitted. She felt that residents were under the impression that the dirt track would be used to access the site, but this was not the case. Councillor Ellis referred to the Devil's bit scabious which it was reported would be translocated to another area but she did not feel that this would be possible as it required a certain type of land to grow. She also referred to other plant species in the area which would also be damaged if the application was approved and the access established across the Common Land. She spoke about Great Crested Newts on the site and a very rare orchid for North East Wales which had been identified as growing in this area. Councillor Ellis raised concern about the hedging and trees which would have to be removed to develop the site and, in referring to other developments in the area totalling more than 100 houses, added that she felt that the area was overdeveloped.

Councillor Richard Jones referred to By-laws which allowed for protection of the Common Land and added that the land should be maintained for Buckley residents to enjoy.

Councillor Chris Bithell said that to put an access across the Common Land was unacceptable and was a desecration of the land, even if the damage would only be minimal. He felt that an alternative access to the site should be pursued. Councillor Owen Thomas concurred and in referring to the natural site said that it would be impossible to move the plants on the site. Councillor Derek Butler echoed the comments and said that if the application was approved, it would allow for the creation of a private road on common land. Councillor Neville Phillips referred to the educational contributions for Mountain Lane School and commented on the sufficient capacity at the Elfed High School.

In response to the comments made, the officer said that only the access, not the proposal site, would be in the SSSI. An ecological survey had been undertaken which had identified that only Devil's bit scabious was in the area and that the issue of Great Crested Newts had been considered but were not found to be on the site.

In summing up, Councillor Carol Ellis said that this site was one of three protected areas and that the access to the site would destroy the Common Land.

The Housing and Planning Solicitor advised Members that the existence of the By-Laws for the Common should not form part of their consideration of the planning application.

On being put to the vote, the application was refused unanimously due to the desecration of the SSSI, loss of wildlife and the amenity impact on the common land.

RESOLVED:

That planning permission be refused on the grounds of desecration of the SSSI, loss of wildlife and the amenity impact on the common land.

After the vote had been taken, Councillor Peers returned to the meeting.

48. **FULL APPLICATION - ERECTION OF EIGHT AFFORDABLE DWELLINGS (SIX 2 BED DWELLINGS, ONE 3 BED DWELLING AND ONE 2 BED WHEELCHAIR BUNGALOW) AT MANCOT LIBRARY, MANCOT LANE, MANCOT (052270)**

The Committee considered the report of the Chief Officer (Planning and Environment) 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 site was currently vacant. She spoke of the layout and said that three of the properties would have driveways off Ash Lane and added that the application had been accompanied by an Ecological Assessment, Code for Sustainable Homes Pre-assessment, Flood Risk Assessment and a Drainage Statement. There had been one objection on the grounds of drainage and an objection from the Bowling Club who used the site as a parking area even though they did not have any right to park on the land.

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

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

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 agreement/ unilateral undertaking or earlier payment for the following contributions:-

- £733 per unit for recreational enhancements in lieu of on site provision
- £24,514 to Sandycroft Primary School

49. **FULL APPLICATION - USE OF THE SITE AS A STORAGE AND TRANSHIPMENT DEPOT, REFURBISHMENT AND RECLADDING OF EXISTING WAREHOUSE BUILDING, ERECTION OF TRANSHIPMENT FACILITY AND CANOPY WITH PHOTOVOLTAIC PANELS ON ROOF, ERECTION OF A WAREHOUSE AND ANCILLARY OFFICES WITH ASSOCIATED CAR PARKING AND FORMATION OF A VEHICULAR ACCESS ONTO FOURTH AVENUE AT FOURTH AVENUE, SEALAND (052337)**

The Committee considered the report of the Chief Officer (Planning and Environment) 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 main issues for consideration were the principle of development/planning policy context, visual/amenity, and drainage and highway issues. He highlighted paragraph 7.05 and advised that Natural Resources Wales had now responded but had submitted no objection to the proposal subject to a number of standard conditions being applied.

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

Councillor Derek Butler echoed the earlier sentiments about Mr. Beggan and Councillor Christine Jones also wished him well. Mr. Beggan then thanked the Members for their kind words.

In response to a question from Councillor Mike Peers about the comments of the Rights of Way department, the officer confirmed that protection of a public footpath would not normally be conditioned but the applicant would be informed of the comment.

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

RESOLVED:

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

50. **GENERAL MATTERS - ERECTION OF 35 NO CLASS C3 DWELLINGS INCLUDING ASSOCIATED LANDSCAPING AND FORMATION OF NEW ACCESS FROM CYMAU LANE AT ABERMORDDU CP SCHOOL, CYMAU LANE, CAERGWRLE (051482)**

The Committee considered the report of the Chief Officer (Planning and Environment) 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 Committee had resolved to grant planning permission in March 2014 subject to the applicant entering into a Section 106 Agreement/Unilateral Undertaking for payment of a commuted sum for an educational contribution for Castell Alun High School and Abermoddu Primary School. The applicant had challenged the need for the contribution and having reassessed the contribution, the Council were still of the opinion that it was required. The applicant was refusing to enter into the Section 106 obligation and therefore the application was reported for refusal.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded.

Councillor Derek Butler asked how enforceable Section 106 agreements would become in the future and Councillor Owen Thomas queried whether refusal of the application meant that the site did not have planning permission. Councillor Mike Peers highlighted paragraph 6.05 about the request for change of house types to a number of units. Councillor Carolyn Thomas queried whether the public open space was outside of the development area.

In response, the officer said that in the future, requirements for contributions were likely to be through a Community Infrastructure Levy rather than through a Section 106 obligation. He confirmed that the site did not have planning permission if the Section 106 obligation was not signed.

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

RESOLVED:

That planning permission be refused for the reasons detailed in the report of the Chief Officer (Planning and Environment).

51. **GENERAL MATTERS - ERECTION OF 9 NO HOUSES AT THE THREE PIECE SUITE CENTRE, CHESTER ROAD, BUCKLEY (049096)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Councillor Mike Peers, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and explained that the Committee had granted planning permission in January 2012 subject to the applicant entering into a Section 106 Agreement/Unilateral Undertaking in lieu of open space provision. It had become apparent that the applicant was not in a position to provide the necessary legal Obligation due to complications with regard to ownership/title of the site. It was therefore recommended that as no progress was being made, that permission be refused.

Councillor Richard Jones proposed the recommendation for refusal which was duly seconded. He spoke of the scheme which had not been progressed and the history of the site.

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

RESOLVED:

That planning permission be refused for the reasons detailed in the report of the Chief Officer (Planning and Environment).

After the vote had been taken, Councillor Peers returned to the meeting.

52. **APPEAL BY MR. SULTAN AMARI AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE SUBDIVISION OF 1 NO. DWELLING INTO 2 NO. FLATS (RETROSECTIVE) AT 89 CHESTER ROAD, OAKENHOLT - ALLOWED (050953)**

RESOLVED:

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

53. **APPEAL BY MR. NEIL THOMAS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE OUTLINE - ERECTION OF A DWELLING (ALL MATTERS RESERVED) AT DEE VIEW, RHEWL, MOSTYN - DISMISSED (050561)**

RESOLVED:

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

54. **APPEAL BY MRS ELIZABETH JOY-CAMACHO AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE OF BUILDING TO B1, VEHICLE REPAIRS AND B8 STORAGE (RETROSPECTIVE) AT COW HOUSE, CHESTER ROAD, DOBSHILL - ALLOWED (051036)**

RESOLVED:

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

55. **APPEAL BY MR. PHIL DAVIES (M.J. DAVIES NORTHERN LTD) AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 37 NO. DWELLINGS AND ASSOCIATED EXTERNAL/DRAINAGE WORKS AND PART RECONFIGURATION OF EXISTING ROAD AT LAND OFF FAIROAKS DRIVE, CONNAH'S QUAY - ALLOWED (051266)**

RESOLVED:

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

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

There were 20 members of the public and 3 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.39 pm)

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Chairman