

## **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**8 OCTOBER 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, 8th October, 2014

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

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar (Vice-Chairman), Carol Ellis, David Evans, Ray Hughes, Christine Jones, Richard Jones, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, David Roney, Carolyn Thomas, Owen Thomas, Jim Falshaw (Reserve) (for Alison Halford) and Veronica Gay (Reserve) (for Richard Lloyd)

### **ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor Dave Mackie - agenda item 6.7. Councillor Peter Curtis - agenda item 6.10. Councillor Haydn Bateman - agenda item 6.11

### **APOLOGY:**

Councillor Billy Mullin

### **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

## 57. **DECLARATIONS OF INTEREST**

Councillor Ray Hughes declared a personal interest in the following application as he was on the Management Board for North East Wales Homes:-

### **Agenda item 6.4 – Full application – Erection of 20 No. dwellings (Phase 2) at Village Road, Northop Hall (052388)**

Councillor Christine Jones declared a personal and prejudicial interest in the following application because a family member was an Undertaker and explained she had obtained a dispensation to speak from the Standards Committee:-

### **Agenda item 6.12 – General Matters – 1. Erection of a crematorium with associated car parking, new access, landscaping and garden of rest on land east of A5119 & south of Tyddyn Starkey Lane, Northop. 2. Construction of a new crematorium, associated car park, access road and ancillary works, landscaping, gardens of remembrance and area for natural burials on land at Kelsterton Lane/Oakenholt Lane, Near Northop (052334)**

## 58. **LATE OBSERVATIONS**

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

59. **MINUTES**

The draft minutes of the meeting of the Committee held on 3<sup>rd</sup> September 2014 had been circulated to Members with the agenda.

**RESOLVED:**

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

60. **ITEMS TO BE DEFERRED**

**Application 6.1 – Unit 1-4, The Squares, Mostyn (052223)**

The Chief Officer (Planning and Environment) explained that the applicants wanted to extend the hours of operation. He referred to the late observations where it was reported that the applicants were willing to undertake an acoustic survey. It was therefore recommended that the application be deferred for the work to be undertaken and the survey to be considered by the Authority.

The proposal was moved by Councillor Chris Bithell and duly seconded. On being put to the vote, deferral of the application was CARRIED.

**Application 6.2 – Pwll Gwyn Hotel, Denbigh Road, Afonwen (052414)**

The Housing & Planning Solicitor recommended that this application be deferred as an allegation had been received that the site visit had not been undertaken in accordance with the Planning Code of Conduct. His advice was that it was not safe to deal with the application at this meeting and that it should be deferred to allow a further site visit to take place. In response to a question from Councillor Mike Peers he explained that the applicant had been present and had answered Member questions on the application.

The proposal was moved by Councillor Chris Bithell and was duly seconded. On being put to the vote, the proposal to defer the application for a further site visit was CARRIED.

**RESOLVED:**

That applications 052223 (Units 1-4, The Squares, Mostyn) and 052414 (Pwll Gwyn Hotel, Denbigh Road, Afonwen) be deferred.

61. **FULL APPLICATION - CHANGE OF USE OF EXISTING PUBLIC HOUSE INTO A SINGLE DWELLING AT BLACK LION INN, VILLAGE ROAD, NORTHOP HALL (052486)**

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 6 October 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and said that the main issues related to land ownership, fencing and the issue of the layout of the building. Construction of a boundary fence on the site had been refused in July 2014 and as it formed part of this application, a condition had been included that the fence should not exceed two metres in height.

Councillor Marion Bateman indicated that the applicant had been present on this site visit and participated in it as with the previous application. The Housing & Planning Solicitor recommended that this application also be deferred.

The Chief Officer (Planning and Environment) detailed the reasons for the recommendation to defer and the purpose of the site visits. He explained that agents, applicants and Town & Community Council representatives were not permitted to attend the site visits as they had the opportunity to address Members for three minutes during the Committee meeting. The Democracy and Governance Manager provided further details of changes to the Planning Protocol and concurred with the proposal to defer the application for a further site visit.

Councillors Ian Dunbar and Mike Peers explained that clarification had been sought on the site visit and the applicant had provided a response, but had not addressed the Members. Councillor Owen Thomas said that the applicant had also invited those present to go inside the building to show them the features that were to be retained. Councillor Derek Butler felt that the policy needed to be considered. Councillor Gareth Roberts concurred that the applicant had not addressed the Members but did provide a response to two points which needed clarifying.

In response to the comment about the need to review the policy, the Chief Officer (Planning and Environment) said that the protocol indicated that the Planning Officer should answer any questions and the Local Member should then be invited to speak.

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

**RESOLVED:**

That the application be deferred to allow a further site visit to take place.

62. **FULL APPLICATION - ERECTION OF 20 NO. DWELLINGS (PHASE 2) AT VILLAGE ROAD, NORTHOP (052388)**

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 this was phase two of a development on an allocated site. Phase one had been granted permission on appeal and the site was allocated for 93 properties in the Unitary Development Plan (UDP). The main issues in determining the application included the principle of development, site layout and access. Ecology on the site had been addressed at Phase one and mitigation had been put in place at that stage. A requirement of the Section 106 agreement on Phase One had been for speed traffic calming which had also been implemented. An additional condition was reported in the late observations for a land contamination investigation.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded.

Councillor Chris Bithell queried why the number of properties on the site had reduced from 93 allocated in the UDP to a total of 71 on Phases one and two. Councillor Richard Jones sought clarification on the connection with the Black Lion public house. Councillor Mike Peers queried the density on the site with 93 properties on it and also with the total of 71 dwellings and queried whether the reduction in dwellings would put pressure on other areas. He also asked about the two gifted units, whether the Housing Strategy Manager had commented on the proposal and whether the calculation was consistent with policy HSG10.

In response, the officer said that the allocation for residential development in the UDP included land to the side and rear of the Black Lion public house. Due to issues of land ownership, the two initial phases had not included these areas but there was still the potential for the remaining part of the site to come forward in the future. The approach taken on the first phase had been for gifted units, which had been agreed with the Housing Strategy Manager, and it was agreed that the same approach would be taken for Phase two, with two units being the calculated requirement.

Councillor Derek Butler queried whether the area not included in Phases one and two was in the ownership of the Council and asked whether the Black Lion public house was an access point for this site. The officer advised that the access for Phase two would be through Phase one and that an additional access would be required if the remaining area was to be developed. She did not have the details of the density on the site. The Housing & Planning Solicitor reminded the Committee that issues of land ownership should not form part of their determination.

In response to a query from Councillor Peers about why the number of dwellings was 22 less than the UDP allocation, the officer detailed the site area and explained the potential for the number of units.

## **RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), an additional condition in the late observations and subject to the applicant entering into a Section 106 agreement or unilateral undertaking in respect of the following:-

- To gift 2 three bed dwellings to North East Wales Homes to be used as affordable housing
- To provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision
- To provide a contribution of £55,407 to fund capacity improvements at Hawarden High School.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

63. **OUTLINE APPLICATION - ERECTION OF 5 NO. TWO STOREY DWELLINGHOUSES, FORMATION OF SERVICE ROAD AND ALL OTHER ASSOCIATED WORKS AT TRAM ROAD, BUCKLEY (051906)**

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 all matters were reserved for subsequent approval. The site, which was in the settlement boundary had outline planning permission for 3 no. four bedroom detached houses and 1 No. three bedroom detached bungalow. Key considerations in determining the application included the adequacy of the access and drainage issues. Welsh Water had not raised any objection to the proposals, subject to conditions, which would ensure that the surface water from the site was controlled, connecting to a surface water sewer which would then drain into a combined sewer into Tram Road, with the discharge rates being controlled.

Mr. C. Roberts, the agent for the applicant, spoke in support of the application. He said that the surrounding properties were a mix of developments and as the extant permission had been approved, this application should also be permitted. The properties would be accessed from a private driveway off Tram Road and a footpath from the site to Liverpool Road would be provided. Any increases in traffic would not have a detrimental impact on the area and the space around dwellings guidelines had been complied with. The scheme, which made the best use of the land, complied with scale and form defined in policy HSG8 and plots 1, 3 and 4 had been sited to minimise the impact on neighbouring properties. Soft landscaping had been included in the proposal and the drainage design had been accepted by Welsh Water.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He said that the principle of development had been established and the applicant had noted the concerns raised with the initial impact of plot one and had addressed those concerns. The access and egress was unchanged from the original application and provision of the footpath from the site to Liverpool Road was a further improvement. Councillor Owen Thomas agreed that the concerns previously raised had been addressed. Councillor Chris Bithell sought clarification on the earlier comments of the officer about the surface water sewer connecting to the combined sewer. The officer responded that Welsh Water had undertaken work to ensure control for discharge rates of surface water.

**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 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on site play provision.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed or advance payment not received within six months of the date of the committee resolution, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

64. **FULL APPLICATION - DEMOLITION OF EXISTING CAR SHOWROOMS AND SERVICE GARAGE AND DEVELOPMENT OF 5 NO. DETACHED DWELLINGS AT WILLIAMS QUALITY CARS, 129 CHURCH ROAD, BUCKLEY (052285)**

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. The main issues to consider included the principle of development, highway implications and effects on character and appearance of the area. Comments had been made about the impact on Clayton House (121 Church Road) but the officer explained that separation distances had been complied with and the proposal would not have a detrimental impact on the existing property.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He referred to the site history and said that there had been no objections to the proposals. He felt that the report did not contain any information relating to the retaining wall for 121 Church Road which was lower than this site and queried whether the planting referred to in paragraph 7.11 needed to be conditioned.

Councillor Chris Bithell sought clarification on the issue of drainage and Councillor Derek Butler, in referring to paragraph 7.19 about surface water being drained into soakaways, queried whether this would cause problems for neighbouring properties which were at a lower level.

In response to the questions from Members, the officer advised that condition 15 would require details of boundary treatments to be submitted and approved and condition 9 would ensure the height of 1m above level of nearside channel level of adjoining highway was not exceeded. On the issue of drainage, he said that previous issues with drainage on the site had been overcome and referred Members to paragraphs 7.19 and 7.20 of the report.

**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 Obligation/Unilateral Undertaking or making a direct payment to provide payment of £5,500 for the enhancement of existing public open space in the nearby community.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution or payment not received, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

65. **FULL APPLICATION - ERECTION OF 2 STOREY OFFICE, WITH ASSOCIATED LANDSCAPING AND PARKING AT THE RUNNING HARE, ST. DAVID'S PARK SPINE ROAD, EWLOE (052507)**

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 main issues included highway implications, the effects upon the character and appearance of the area and the stability of the land. In highway terms, the access was considered acceptable but the proposed number of car parking spaces, which complied with the Council's maximum standards, was only for 50% of the employees specified as part of the application. A travel plan had been included in the list of conditions which would force the operator to consider all modes of transport to the site.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He said that the site was allocated and that the travel plan would alleviate the concerns about the issue of a reduced number of parking spaces. Councillor Ian Dunbar said that the same concerns had been raised prior to the opening of the Running Hare public house but this was not an issue now.

The Local Member, Councillor David Mackie, said that his only concern was that the development might create more parking in the surrounding roads which were already well used by parked vehicles from other developments. He had been assured earlier in the week that the developer had agreed to the travel plan which would require that no vehicles be parked outside this site by users of

the development. He asked that this be enforced if the condition was not fully complied with. He referred to paragraph 7.12 and sought assurance that the conditions of the travel plan would be strictly adhered to.

Councillor Chris Bithell said that there had not been any objections to the proposal but the parking issues were a significant concern. He felt that the report did not indicate the consequences if the parking issues continued and added that he shared the concerns of the Local Member. He suggested that other solutions could be considered such as putting the building on stilts to allow car parking below the development, or an underground parking area. Councillor Mike Peers shared the concerns about parking and referred to the offer of the applicant to provide a further 10 parking spaces if required. He had initially considered suggesting deferring the application to await the travel plan but instead proposed that the extra spaces be conditioned and that the travel plan be brought back to the next meeting of the Committee for consideration. Councillor Richard Jones sought clarification on how the travel plan would be enforced. Councillor Derek Butler concurred that the 10 extra spaces should be conditioned.

In response to a query from Councillor Owen Thomas, the Senior Engineer - Highways Development Control explained that the proposed 49 spaces did meet Local Planning Guidance standards. The applicant had initially indicated that 120 staff would be employed at the site but had amended that figure to 47. The spine road was adopted by the Council and had double yellow lines on it. The travel plan, when it was submitted, would be considered by the Enforcement Team and the Regional Officer.

The officer indicated that the additional condition referred to in the late observations, requiring further details of the car parking layout, would include the provision of the 10 additional spaces.

In summing up, Councillor Butler commented that the reduced number of employees was now nearer to the number of parking spaces proposed and confirmed his proposal of approval subject to the inclusion of the 10 extra spaces in the condition referred to in the late observations.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and the additional condition referred to in the late observations (to include the provision of the 10 extra spaces).

66. **FULL APPLICATION - ERECTION OF A DWELLING AT LAND ADJACENT TO 21 MARNEL DRIVE, PENTRE (051742)**

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. He explained that Hawarden Community Council had objected to the application and a total of five letters of objection had been received. An additional condition had been requested in the late observations.

Mr. C. Ellis spoke against the application. He raised concern about the property being tandem development and also about the scale and height of the proposed dwelling. He felt that the proposal would lead to severe overlooking of his property, which he felt breached his human rights, and felt that screening would not reduce the problem.

Councillor Gareth Roberts proposed that the application be deferred to allow a site visit to take place and this was duly seconded. On being put to the vote, the proposal to defer the application for a site visit was CARRIED.

**RESOLVED:**

That consideration of the application be deferred to allow a site visit to take place.

67. **FULL APPLICATION - CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO DEAL WITH CHANGE IN LEVELS AT THE REAR OF PLOTS 52 - 56 AT FIELD FARM LANE, BUCKLEY (052401)**

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 application was partly retrospective and was a resubmission of an application which was reported in June 2014. Since that application, the applicant had submitted an appeal against refusal and a hearing was due to be held in November 2014. He drew attention to the late observations where comments from the applicant were reported which included the proposal to reduce the depth of the 1.5 metre raised area, which officers deemed to be acceptable, to 0.9 metres.

Mrs. L. Biffin spoke against the application and said that she believed that local planning guidance had not been adhered to and she referred to the proposed fence which would allow overlooking into her property. The slope of the garden would encourage the use of the raised platform area for sitting out by the residents of plot 56 and Mrs. Biffin felt that noise generated from the area would be heard from the bedroom in her property. She indicated that she had submitted a complaint about the application which included its non-compliance with separation distance criteria. The price of the property had recently been reduced and Mrs. Biffin highlighted paragraph 7.08 where it was reported that the

dwelling was sited in the correct position relative to the site boundaries of the estate development; she did not feel that plot 56 was in the correct place.

Mr. N. Mellan spoke in support of the application and said that the original application had been refused due to the impact on the neighbours. Illustrations provided to the meeting showed that no significant harm would be caused by the proposal and the applicants had offered to accept a condition to reduce the raised area to 0.9m. The proposal would create a better outcome in terms of visual amenity and practicality and would address the issues raised previously. The raised area would be heavily screened to protect the occupiers of this property and Field Farm and the area would not be used as a sitting out area due to its size. New hedging was also being offered along the footpath. Mr. Mellan said that the raised area would allow the occupiers of the property to access the garden area safely.

The Local Member, Councillor Carol Ellis, proposed refusal, against officer recommendation, which was duly seconded. She said that the application was the same as that submitted in June and the proposed development would result in overlooking and have an overbearing impact on Field Farm and Aberllanerch Drive. The application was contrary to space around dwellings note 2 and policies GEN1, D1 and D2 of the Unitary Development Plan. She highlighted point one raised in the late observations by the applicants, which she disagreed with, as a path around the property had been included in the original proposal which would have allowed access to the garden. Councillor Ellis felt that this application should also be refused and said that work had still been ongoing on the plot, even though planning permission was not in place.

Councillor Mike Peers drew attention to paragraph 1.03 but said that there had been no change in this resubmitted application. He asked how a condition that the raised area would not be used as a sitting out area could be enforced. Councillor Richard Jones referred to paragraph 7.08 where it was reported that the property was 1.8 metres closer to Field Farm.

In response to the comment by Councillor Jones, the Development Manager said that the property was closer to Field Farm than had been envisaged but the proposal before the Committee only referred to construction of earthworks and retaining structures to allow occupiers to access their garden. The applicant had offered to reduce the depth of the raised area to 0.9 metres but officers believed that 1.5 metres was acceptable.

In response to the comments made, the officer said that there was a need to identify a solution to allow occupiers to access their garden and it was the view of officers that the proposal was acceptable.

In summing up, Councillor Ellis said that the application went against policy, and should be refused on the grounds that the application would result in overlooking, have an overbearing impact on existing properties at Field Farm and Aberllanerch Drive and was contrary to space around dwellings guidance and policies GEN1, D1 and D2 of the UDP.

**RESOLVED:**

That planning permission be refused as the proposal would result in overlooking, have an overbearing impact on existing properties at Field Farm and Aberllanerch Drive and was contrary to space around dwellings guidance and policies GEN1, D1 and D2 of the UDP.

68. **OUTLINE APPLICATION FOR THE PROPOSED NEW DEVELOPMENT OF 10NO DETACHED DWELLINGS AND ASSOCIATED ACCESS ROAD. (OUTLINE APPLICATION) AT "BODOWEN SURGERY", HALKYN ROAD, HOLYWELL (052349)**

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 and overgrown. All matters of detail were reserved for future consideration. An indicative layout had been provided for the ten properties on the site, but this was not binding.

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

The Local Member, Councillor Peter Curtis, spoke against the application and said that the objections from Holywell Town Council, and his own concerns, had been reported. He raised concern at the number of conditions attached to the recommendation and felt that the proposal for ten four bedroom properties would lead to an overdevelopment of the site. He commented on the traffic generated by fans attending Holywell Town Football Club which was near to the site and raised concern about whether there was any contamination in the area due to previous uses of the site. Councillor Curtis was also concerned about the issue of drainage and commented on a number of other developments in the area. He felt that the application should be refused but that if it was approved, a section 106 agreement should be included for payment in lieu of on site play and recreation provisions. He felt that the site was not the correct location for the proposal and asked that the Committee defer the application for a site visit.

Councillor Gareth Roberts spoke against the application and concurred with the comments of Councillor Curtis about the parking problems in the area. He felt that the land which was owned by the Council should be converted back to a level piece of land so that it could be used as a car parking area to alleviate the problems. He added that Holywell Town Football Club had spent £50,000 on works in the area.

Councillor Derek Butler agreed that there were drainage issues in the area and in referring to the comment by Councillor Roberts about the Council owning the land, suggested that Holywell Town Council or Holywell Town Football Club could purchase the land. Councillor Owen Thomas concurred with Councillor Roberts about the problems of parking in the area particularly when visiting the nearby hospital or doctor's surgery. Councillor Richard Jones felt that Councillor

Butler's suggestion on the issue of land transfer should be taken up with the Chief Officer (Organisational Change).

In response to the comments made, the officer advised that the issues raised about Holywell Town Football Club were not relevant to the Committee's determination of the application. He confirmed that the site still had extant permission for 15 properties and explained that the current proposal for 10 properties was not an overdevelopment of the site and it complied with the Council's standards. The previous uses of the site had been considered and the conditions imposed would adequately address any concerns. Welsh Water and Natural Resources Wales had been consulted and neither had raised any objections to the proposal subject to conditions. The officer explained that a Section 106 agreement for payment in lieu of on site play and recreation provisions could not currently be pursued as the Council owned the land. However, if the land was sold in the future, these contributions could be sought as a condition of the sale of the land and this was clarified in the late observations.

In summing up, Councillor Chris Bithell said that the site had extant outline permission and was in the settlement boundary so there no reason to refuse the applicaiton. No objections had been received from statutory consultees and the proposal was not an overdevelopment of the site.

**RESOLVED:**

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

69. **FULL APPLICATION - ERECTION OF 3 NO. 3 STOREY BLOCS TO CREATE 21 NO. SELF CONTAINED RESIDENTIAL UNITS; PROVISION OF ACCESSES OFF GLANRAFON ROAD AND CHAPEL STREET; HARD AND SOFT LANDSCAPING AND ALL OTHER ASSOCIATED WORKS AT OLD BAKERY, GLANRAFON ROAD, MOLD (052105)**

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 which proposed two blocks of apartments in Mold town centre. She explained about the two vacant buildings on the site and advised that the site could be accessed from Glanrafon Road and Chapel Street. The area was generally residential and an original application had been submitted for the apartments in three blocks but this had since been amended to two blocks. The properties to the front of the site would be managed by Wales and West Housing Association with the other being managed by First Choice Housing Association and was to provide supported independent living for adults with learning difficulties. The Conservation Officer was satisfied with the design and even though the number of parking spaces

provided was slightly lower than standards, it was deemed to be acceptable due to the location of the site and its proximity to a public car park.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He said that the area was dilapidated and was in need of an upgrade. He commented on the lower than standard number of parking spaces but indicated that there were alternatives in the area.

The Local Member, Councillor Haydn Bateman, spoke in support of the application. It was a brownfield site in a residential area and he felt that the scheme submitted was the best proposal for the site. The siting of the blocks was sympathetic to the area and the scheme would comply with the Wales Housing Quality Standard.

Councillor Derek Butler referred to the comments of Councillor Bateman in the report on whether the open space contribution could be paid upfront rather than on 50% occupation. In response, the officer said that the applicant had considered the request and had agreed to pay half the requested amount upfront.

### **RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional condition in the late observations on a scheme for foul drainage and subject to the applicant entering into a Section 106 agreement, unilateral undertaking or early payment for £733 per unit in lieu of onsite open space provision.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

70. **GENERAL MATTERS - 1. ERECTION OF A CREMATORIUM WITH ASSOCIATED CAR PARKING, NEW ACCESS, LANDSCAPING AND GARDEN OF REST ON LAND EAST OF A5119 & SOUTH OF TYDDYN STARKEY LANE, NORTHOP. 2 CONSTRUCTION OF A NEW CREMATORIUM, ASSOCIATED CAR PARK, ACCESS ROAD AND ANCILLIARY WORKS, LANDSCAPING, GARDENS OF REMEMBRANCE AND AREA FOR NATURAL BURIALS ON LAND AT KELSTERTON LANE/OAKENHOLT LANE, NEAR NORTHOP (052334)**

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 at the meeting on 18 June 2014, Members had resolved to hold a special planning committee meeting as soon as possible to consider application 051043. Following that meeting, an application had been received for another site in Northop and due to the similar nature of the applications, it was proposed that there would be some merit in considering both proposals at the same meeting.

Councillor Marion Bateman proposed the recommendation that a Special Planning Committee be convened as soon as possible to deal with application 051043 (Tyddyn Starkey Lane, Northop) and 052334 (Kelsterton Lane, Near Northop), if it was deemed to be ready for consideration, which was duly seconded. Councillor Carol Ellis concurred and said that common sense should prevail.

Councillor Owen Thomas felt that there was no reason to consider both applications together and that only application 051043, which had been submitted first, should be considered on its own. Councillor Mike Peers referred to paragraph 6.02 where it was reported that the applications would be considered separately, he suggested that application 051043 be considered before 052334 even if they were both submitted to the same meeting. The Democracy and Governance Manager asked that officers be able to decide the order for the consideration of the applications.

Councillor Neville Phillips referred to the resolution from the meeting on 18 June 2014 which indicated that application 051043 should be determined in a special planning committee meeting to be held as soon as possible. He raised concern that the meeting had not yet taken place. He spoke of the need for a crematorium but felt that it was unfair to deal with both applications on the same day. He said that Flintshire could end up with two crematoria if one was approved and the second one refused, but granted on appeal.

The Chief Officer (Planning and Environment) said that both applications were linked. He added that the site for application 051043 was in the green barrier and the change in circumstances since the 18 June 2014 meeting was that a second application had been submitted. He spoke of the need for a robust decision and said that if the application alluded to provide a suitable site, it was right to have regard to it as it would have an impact on the decision on the initial application. The Democracy and Governance Manager reminded the Committee that the applicant for 051043 could have appealed on the grounds of non-determination but had decided not to do so.

Councillor Derek Butler felt that there was a need to consider both applications together to decide which one was the most suitable as one was in the green barrier and one was on brownfield land. Councillor Gareth Roberts concurred that both applications should be dealt with on the same day but that if the second application was not ready for determination, then application 051043 should be dealt with separately.

Councillor Chris Bithell said that he felt embarrassed at the way the applications had been dealt with and said that it was deplorable that the original application had been submitted 15 months ago but had still not been determined. Councillor Richard Jones concurred and said that application 051043 should be dealt with regardless of whether there was any link to other applications.

In response to the comments made, the officer said that the second application (052334) was in the system and consultation had commenced. He said that if the application 051043 had been appealed on the grounds of non-determination, a report would have been submitted to Committee on the stance

to take at an appeal. The Chief Officer (Planning and Environment) said that officers had approached the decision in a professional manner with defensible reasons for refusal or support of approval and as two applications had now been submitted, it was important to form an opinion on both to make a recommendation to Committee.

Councillor Ellis sought clarification on whether there was a policy that indicated that other areas had to be explored if a site was in the green barrier. The Chief Officer (Planning and Environment) responded it was not in the policy, but the fact that the site was in the green barrier had to be considered.

On being put to the vote, the proposal to convene a special meeting to consider application 051043 and consider application 052334 if it was deemed to be ready was LOST.

Councillor Phillips put forward a proposal that application 051043 be dealt with as soon as possible and this was duly seconded. Councillor Richard Jones proposed that the meeting should be on or before the 29<sup>th</sup> October 2014 but Councillor Phillips did not feel that a date should be agreed now. Councillor Carol Ellis queried why both applications could not be considered on the same day if they were both ready.

In response to the comments made, the Planning Strategy Manager said that two applications had been submitted for consideration for the same type of proposal. He advised the Committee of the need to comply with two tests for applications in the green barrier with the first being need and the second being that there was no suitable alternative site not in the green barrier. He said that it was unsafe to deal with application 051043 on its own and said that both should be dealt with at the same meeting but added that application 052334 should be considered first to see if it was a better proposal. In response to a question from Councillor Peers, the Chief Officer (Planning and Environment) said that because the assessment on application 052334 had not been completed, officers may not be able to make a recommendation on 051043.

Councillor Ray Hughes commented on the embarrassing situation and Councillor Owen Thomas queried whether any suitable alternative sites had been considered as part of application 051043. In response, the officer said that supplementary information on specific site searches had taken place. He explained that the applicant for the 052334 site had had an application refused by Denbighshire County Council and had sought suitable alternatives in Flintshire. Officers wanted to make a strong recommendation to Members and he said that it was important that both applications were considered at the same time.

Councillor Richard Jones reiterated his earlier comment that the application 051043 be considered on or before 29<sup>th</sup> October 2014 on its own.

The Democracy and Governance Manager reminded Members that there would be a need to take account of any other suitable sites in determining application 051043 as it was in the green barrier.

In summing up, Councillor Phillips agreed to include the suggestion by Councillor Jones that the application 051043 be heard no later than 29<sup>th</sup> October 2014.

On being put to the vote, the proposal was CARRIED.

**RESOLVED:**

That application 051043 be considered at a Special Planning Committee meeting to be held no later than 29<sup>th</sup> October 2014.

71. **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 of Schedule 12A of the Local Government Act 1972 (as amended).

72. **APPEAL BY DEVELOPMENT SECURITIES PLC IN RESPECT OF LAND TO THE NORTH OF BROUGHTON SHOPPING PARK**

The Chief Officer (Planning and Environment) introduced the report to update and advise the Committee in light of advice received from the Local Planning Authority's Barrister.

Councillor Derek Butler raised concern about the report and Councillor Richard Jones sought clarification on the report. Councillor Chris Bithell hoped that lessons would be learnt from the way this application had been dealt with.

The Chief Officer (Planning and Environment) and Democracy and Governance Manager responded to the questions asked and comments made.

**RESOLVED:**

That in light of legal advice, the Local Planning Authority should proceed on the basis of the recommendation contained in the officer's report and not to contest the appeal.

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

There were 38 members of the public and 2 members of the press in attendance.



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**Chairman**