PLANNING & DEVELOPMENT CONTROL COMMITTEE
9 SEPTEMBER 2015

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 9 September 2015

PRESENT: Councillor David Wisinger (Chairman)
Councillors: Marion Bateman, Derek Butler, David Cox, Ian Dunbar, Carol Ellis, David Evans, Alison Halford, Ray Hughes, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips, Gareth Roberts and David Roney

SUBSTITUTIONS:
Councillor: Ron Hampson for Christine Jones and Jim Falshaw for Owen Thomas

ALSO PRESENT:
The following Councillor attended as local Members:-
Councillor Hilary McGuill - agenda item 6.1.
The following Councillors attended as observers:
Councillor Christine Jones

APOLOGIES:
Councillors: Chris Bithell, Mike Lowe and Billy Mullin

IN ATTENDANCE:
Chief Officer (Planning and Environment), Development Manager, Planning Strategy Manager, Interim Team Leader Policy, Senior Engineer - Highways Development Control, Team Leader, Senior Planners, Senior Minerals and Waste Officer, Planning Support Officer, Housing & Planning Solicitor and Committee Officer

51. DECLARATIONS OF INTEREST

Councillor Ray Hughes declared a personal and prejudicial interest in the following application as he was a School Governor:-

Agenda item 6.3 – Outline application - Erection of 19 dwellings at Ty Carreg, Stryt Isa, Hope (053445)

Councillor Derek Butler declared a personal interest in the following application because he was on the board of the Area of Outstanding Natural Beauty:-

Agenda item 6.7 – Full application – Change of use from agricultural storage area to residential and erection of 1 no. dwelling at Ffordd y Waen, Nannerch (053293)

52. LATE OBSERVATIONS

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

53. **MINUTES**

The draft minutes of the meetings of the Committee held on 24th June 2015 and 22nd July 2015 had been circulated to Members with the agenda.

RESOLVED:

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

54. **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.

55. **FULL APPLICATION - ERECTION OF 59 DWELLINGS, OPEN SPACE, ACCESS AND ASSOCIATED INFRASTRUCTURE AT ISSA FARM, MYNYDD ISA (053208)**

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 7 September 2015. 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 had been submitted to Committee for determination due to the size of the development, the requirement for a Section 106 Agreement and Local Member request. The site was outside, but adjacent to, the settlement boundary for Mynydd Isa and had previously been allocated by the Council for residential use during the Unitary Development Plan (UDP) process and therefore the principle of development had been accepted. However, the UDP Inspector, having considered the site's location, shape, landscape and the surrounding topography, and incursion into the rural area, de-allocated the site. The application had therefore been advertised as a departure from the UDP policy. However, it was considered that the absence of a five year land supply was a material consideration which outweighed the fact that the development was not within the settlement boundary.

Observations had been made by 'Flintshire Land Use Needs Care' and a number of objections had been received from individual objectors and 'Bryn Residents Against New Development' (BRAND), along with a petition of 209 signatures. Five letters of support for the proposal had also been received. The officer provided details of the location of the site and advised that the site would be accessed from Llys Gwynant via Parc Issa from Bryn Road with a proposed pedestrian/cycle way connecting the site with Llys y Graig. The proposal consisted of two, three and four bed properties and the site would include 30% affordable homes which totalled 18 two and three bed properties. The planning history was detailed in the report which explained that the UDP Inspector had de-allocated the site but had not extended the green barrier to include this site. At the time of the UDP inquiry, an allocation at Rose Lane, Mynydd Isa along with other completions and commitments gave Mynydd Isa a 6% growth rate but the site at Rose Lane had not yet come forward and was the subject of an appeal.

The issue of drainage and highways that had been considered by the UDP Inspector were also reported.

Mynydd Isa, as a Category B settlement, had an indicative growth band of 8 to 15% over the plan period but as at April 2014 the settlement had a theoretical growth rate of 7.2%. If the Rose Lane application did not come forward this would result in a growth rate of 4.3% for the area based on completions and a small number of commitments. The latest published Housing Land Supply for Flintshire showed a 3.7 year land supply using the residual method and it was unlikely that the Council would be able to demonstrate a five year land supply until the Local Development Plan (LDP) was adopted. It was reported that Technical Advice Note (TAN) 1 stated that considerable weight should be given to applications that complied with the development plan and national planning policies where the current land supply was below the five year requirement and therefore this had been considered in the determination of the application. Details of the growth rate for Mynydd Isa and other category B settlements were reported and the officer explained that the Council had developed a Developer Guidance Note due to the current land supply situation and the timeframe for the UDP Housing strategy and this application had been assessed in line with that guidance note, which it had met. The agricultural land was Grade 3b and therefore did not need to be protected and on the issue of highways, BRAND had carried out a survey and the outcome from this was reported. Highways colleagues had been consulted as part of the determination of the application and they did not consider the proposal to cause a problem on the network.

An independent landscape architect had been consulted on the application and she had considered that the approach taken by the Council was acceptable and followed current guidance. It was also considered that the proposed planting to the site boundaries would mitigate any potential views of the site from the north and east. No objections had been received from Welsh Water and work was to be undertaken on the pumping station which would take five months to complete and would be secured by condition. Surface water was to be dealt with by a sustainable drainage system. Consideration of affordable housing and open space had been undertaken and were detailed in the report. The application was considered to be sustainable and therefore the recommendation was for approval with conditions which included a two year time limit and a Section 106 obligation, as detailed in the report.

Mr. R. Madders spoke against the application as secretary of BRAND. He felt that the drainage system in the area could not cope with any additional dwellings and said that the schools in the area were full. He raised concern that the application, which was a departure from policy, was being recommended for approval. He felt that the lack of five year housing supply was not a reason to accept the application and he spoke about other sites owned by the applicant which had been approved but had not been developed. Mr. Madders commented on the issue of noise that would be faced by the existing residents in the area during construction of the site. He also expressed concern that approval of the application would be contrary to the UDP which was the current plan in place and had been accepted by Members. He said that the application should be refused.

Mr. D. Jenkins of Argoed Community Council spoke against the application. He said that the greenfield site was protected in the UDP and reiterated the comments that the schools were oversubscribed. The proposal would result in a considerable increase in traffic which would include construction traffic and this would add to the poor state of the roads in the area and could lead to the sewer collapsing. He referred to the provision of a play area which was included as part of the Section 106 agreement and queried whether this could be used by all children in Argoed or whether it was solely for the use of children from the development. On the issue of affordable housing, he felt that there should be a specific number of properties on each development and that they should be built and sold at cost without any profit to third parties. He also felt that they should be a range of two, three and four bed properties to be interspersed across the development. Mr. Jenkins also felt that the proposal was not specific about a requirement to employ local contractors or labourers.

Mr. M. Waite, the applicant, spoke in support of the application. He explained that the application process had commenced in January 2015 and pre-application discussions had also taken place. Bloor Homes had built many properties in Buckley and Broughton and if the application was approved, it was their intention to bring forward the site as soon as possible. He endorsed the report submitted by the officer and concurred that the site had initially been included in the UDP but had been deleted by the Inspector. The applicant had originally consulted on an application for 67 dwellings and had received a number of responses and following the consultation had reduced the proposal to 59 dwellings. He welcomed the comments of the independent landscape consultant that the development could be achieved. Neither Welsh Water nor Highways had any objections to the application which would include the provision of 18 affordable dwellings, contributions towards schools in the area and the provision of a play area.

Councillor Alison Halford proposed refusal of the application, against officer recommendation, which was duly seconded. She congratulated the officer for her excellent report but added that she felt that she had come to the wrong conclusion. The site was a departure from the UDP, was outside of the settlement boundary and was in the green belt and no consideration had been given to the impact on the character of the open countryside. In referring to the weight that should be given to planning policy and the UDP, Councillor Halford felt that the application did not comply and even though she was not against dwellings being built in the area, she did not feel that they should be on a green field site. She spoke of the comments of the Welsh Minister in June 2014 about the need for housing in Wales and she suggested that no piece of land was safe from development. She felt that the Committee should adhere to the Council's policies and refuse the application.

In referring to the lack of a five year housing land supply, Councillor Gareth Roberts commented on the last item on this agenda which was an appeal for one dwelling which had been refused by Committee and the appeal had been dismissed. He quoted from the report about the Inspector not feeling that the lack of a five year land supply justified setting aside the UDP spatial distribution of growth. He also referred to an appeal on an application in Northop Hall and to a report submitted to the Council's Planning Strategy Group which indicated that Welsh Government owned a site in Buckley but had not brought it forward for

development. In conclusion, Councillor Roberts felt that the Committee was justified in refusing the application and that in his view if the applicant appealed the decision, costs would not be awarded against the Council.

Councillor Hilary McGuill, who was speaking as Local Member, in the absence of Local Member Councillor Amanda Bragg, spoke against the application. She said that the site was outside the settlement boundary, was in the green belt and was a clear departure from the UDP. She explained that in 2007, residents had fought hard to have the site removed from the UDP and she referred to the comments of the UDP Inspector that she found the site to be poorly related to the existing pattern of development and was an incursion into the rural area. Councillor McGuill spoke of policies HSG1 and HSG4 which permitted dwellings in such an area for farm or forestry workers only and commented on GEN3 which related specifically to the protection of the countryside. The proposed site would have a single access and would cause a detrimental impact on existing residents with a minimum of 59 extra vehicle movements each day. Bryn Road had been a cause for concern for a number of years and even though the speed limit had been reduced to 30mph there had still been a number of accidents in the area. Councillor McGuill said that Bloor Homes had indicated that there had only been two accidents in five years but she had been advised that there had been five recorded accidents. The road was already congested due to Bryn Road being where the Argoed High School was situated. Councillor McGuill said that Bloor Homes had indicated that the site was in Mynydd Isa but it was in Bryn y Baal and concern had been raised that the proposal would cause the villages to merge and would result in Bryn y Baal losing its identify.

Councillor Derek Butler felt that the main issues for consideration were the Inspector's decision to remove the site from the UDP and the Council's lack of a five year housing supply. He commented on the problem of developers land-banking and said that a large number of properties had been built in the early years of the plan. He concurred that it was a departure from policy and spoke of the weight that had been given to the lack of five year land supply. The appeal that Councillor Roberts had referred to had been for one property which would only make a minimal contribution to meeting the shortfall but this application was for 59 properties which was significant. Mynydd Isa was well below the growth rate for a Category B settlement, having achieved less than half of its proposed growth for the plan period, and he queried where housing land would come from if applications such as this were refused.

In referring to the lack of five year housing land supply, Councillor Richard Jones queried whether approval of applications which did not comply with policy could be justified. He felt that policies should be adhered to and concurred with the comments of Councillor Roberts on the appeal decision included in this agenda. It was reported that Mynydd Isa was a large settlement which was close to Buckley but he felt that Buckley did not have the appropriate infrastructure and that approval of this application should not be permitted, which would take into account the views of local people.

Councillor Mike Peers concurred that the site was outside the settlement boundary and sought clarification on the weight attached to the lack of five year supply to recommend approval of the application against policy. He commented

on the growth rate in the area which was currently 4% and suggested that the area would need to take its share of growth and he referred to a site in Drury which was a greenfield site which had been approved by an appeal Inspector for 51 dwellings. In referring to the UDP, he said that one of the principles was that the Council had a five year supply and suggested that this was as a result of developers not developing sites. He spoke of the balance between refusing the application as it was contrary to the UDP or approving it because of the lack of a five year housing land supply. He felt that if the application was permitted, any piece of land could be put forward for development. Councillor Neville Phillips concurred and said that the LDP would not be adopted until 2017 and therefore the Committee could face another two years of defending applications that Members felt were inappropriate but were reported for approval because of the reduced land supply. He agreed that policy should be adhered to and therefore the application should be refused. Councillor Jim Falshaw spoke of land-banking undertaken by developers and suggested that a condition should be included in recommendations of how long developers could retain land without developing it; he suggested that the figure for banked land currently stood at 6.5 years supply.

Councillor Carol Ellis felt that the policy needed to be changed by Welsh Government to prevent land being banked and spoke of the growth rate of 16% in Buckley for the plan period. There were a large number of houses in the area and she regularly received complaints from residents about the number of dwellings but the lack of infrastructure to serve the area. Councillor Ellis spoke of the successful bid to obtain funding for a footpath to the Argoed School and suggested that approval of the proposal would put additional pressure on adjoining towns such as Buckley.

In response, the Planning Strategy Manager said that national planning policy outweighed local planning policy and even if Welsh Government changed the policy in the future, it would not apply when considering this application. A recent change had meant that only the residual method of calculating land supply could be used which resulted in Flintshire having a 3.7 year land supply and he added that where there was a lack of a five year supply TAN1 was a significant factor in that it contained a shift to a presumption in favour of sustainable development. He referred to the comments of BRAND that the housing could be built elsewhere but he queried where that would be as other areas had more than achieved their predicted growth rate. He provided details of the percentage rates achieved which were between 16 and 27%; Mynydd Isa had so far contributed 3.5%. He spoke of the comments by Councillor Roberts on the appeal decision by the Inspector but he said that as that application was only for one dwelling, it could not be compared to this proposal. He also referred to an application in Ewloe for 49 dwellings outside the settlement boundary which the Inspector approved on appeal because of the lack of five year housing supply. The Planning Strategy Manager added that there had not been any objections from statutory consultees and Members had not given any reasons why the proposal was not sustainable. Therefore there was no reason to refuse the application and there was a likelihood of costs being awarded against the Authority on appeal. He added that the land was not in the green barrier as had been indicated earlier but it was outside the settlement boundary.

In summing up, Councillor Halford said that the decision was finely balanced and agreed that Argoed needed a play area but suggested that if one

was provided, it would not be adopted by the Council and therefore the residents would have to pay to maintain it. She commented on the growth rate in Ewloe which was greater than in Flint or Holywell. She spoke of the appeal decision referred to by the Planning Strategy Manager for 41 dwellings in Ewloe and said that she did not care if costs were awarded against the Council if refusal of this application went to appeal. She clarified the reasons for refusal which were:-

- Departure from the UDP
- Outside the settlement boundary
- In the green belt
- Did not comply with policies GEN3 and HSG3
- The need of residents not being addressed
- Duty to protect planning policy

The Housing & Planning Solicitor advised that the site was not in the green barrier. Councillor Halford agreed to remove this as a reason for refusal.

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

In response to a comment from the applicant that he did know why the application had been refused, the Chairman advised him to speak to officers following the meeting.

RESOLVED:

That the application be refused for the following reasons:-

- Departure from the UDP
- Outside the settlement boundary
- Did not comply with policies GEN3 and HSG3
- The need of residents not being addressed
- Duty to protect planning policy.

56. **EXTENSION OF THE EXISTING WASTE MANAGEMENT SITE TOGETHER WITH THE RETENTION OF A NEW WASTE TRANSFER BUILDING AND ERECTION OF PRODUCT STORAGE BAYS, RETENTION OF A NEW WEIGHBRIDGE AND RETENTION OF A BUILDING TO PROVIDE OFFICE ACCOMMODATION AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE (052359)**

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 7 September 2015. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The Senior Minerals and Waste Officer detailed the background to the report and explained that the site was within a well-established industrial estate in the Buckley Mountain ward. She provided details of the location of the site and explained that the remainder of the industrial estate was in the ownership of other

land owners. The site was located close to the boundaries of the Buckley Claypits and Commons Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC). A number of late observations were reported which included objections from two local residents and an officer comment that an additional condition regarding drainage should be included. Concerns had been raised about dust and noise levels as a result of the proposal and also about the retrospective nature of the application. The officer reminded Members about Technical Advice Note (TAN) 9 and the obligation by the Local Authority to regularise the planning situation on the site. A main issue for consideration was whether the proposal was an acceptable use of the land and the officer had concluded that it was, subject to conditions. The existing waste management facility was allocated in the Unitary Development Plan under policy EM3. The proposal included land to the south of the existing industrial estate outside the allocation. The expansion of allocated sites is supported by policy EM5 subject to a number of detailed tests. The site would require a permit from Natural Resources Wales as regulator for issues such as dust and noise pollution and conditions attached to an approval of the application were reported.

The officer explained that the transfer building extended above the tree line and a condition to paint the building in green to blend in with the trees was included. Concerns had been raised by local residents and Buckley Town Council about the access to the site but the officer advised that the access was private and onto the A494 which was a trunk road. The Trunk Road Agency had been consulted on the application and they did not have any objections but had requested a number of conditions including restricting the number of vehicles that could access the site to 104 and the provision of a wheel wash facility. Conditions relating to ecology had also been included in the recommendation to secure the implementation of proposed mitigation and to ensure the necessary detail was submitted. Additional landscaping was also to be provided and no objections had been received from statutory consultees on the issue of ecology. The late observations included the suggestion of an additional condition on drainage. The officer explained that part of the site had previously been used for landfill and a land investigation had been undertaken in support of the application and NRW had requested a condition to ensure that contaminated land was adequately addressed. In conclusion, the officer said that the proposal would enable waste to be managed sustainably and the proposal complied with TAN21.

Mr. J. Williams, the agent for the applicant, spoke in support of the application, which he felt complied with the Unitary Development Plan (UDP). He said that the proposal to extend the existing waste management facility would create 12 new jobs and would allow sustainable waste management which would increase recycling rates. The nearest houses were 200 metres away and it was felt that the impact on these properties was negligible. Mr. Williams suggested that the proposal was not detrimental to highway safety and did not affect the amenity of the area. He suggested that there would be a greater impact if the site was changed to B8 use which would not require planning permission. Concerns raised about ecological issues and contaminated land had been addressed and in conclusion, Mr. Williams said that the application complied with national and local policy and constituted a sustainable development.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He expressed significant concern that the application was retrospective but acknowledged that it was the correct location for such a proposal. He suggested that any landscaping that was included should consist of mature trees to minimise the impact of the building for nearby residents. Councillor Gareth Roberts said that there were no planning reasons to refuse the application.

The Local Member, Councillor Carol Ellis, also raised significant concern about the application being retrospective and about the fact that the Council were notified by a member of the public that building work on the site had commenced without permission. The stockpile of waste at the site was up to about 14 metres when the Committee visited the site earlier in the week even though permission was sought for up to 5 metres and a wood pile was approximately 18 metres high which Councillor Ellis felt was a health and safety issue. She highlighted the conclusion at paragraph 8.01 and suggested that appropriately worded conditions would not protect the amenity of the residents or the landscape and wildlife in the area. She added that the building was too high.

Councillor Mike Peers suggested that the conditions were too vague and suggested that further detail was required. He queried whether conditions would be complied with as the applicant had not applied for permission and had started to erect the building without consent. He queried whether the building would be demolished if permission was refused by the Committee. Councillor Peers raised concern at the type of waste that was to be stored inside the building and queried whether the provision of a sprinkler system was to be included. Clarification was sought on the incursion over the site boundary and on the drainage solution for surface water on the site which was referred to in paragraph 7.28. Councillor Peers suggested that the final sentence in paragraph 7.09 should read that 'further landscaping would be secured by condition'.

Councillor Alison Halford said that the applicant had failed to apply for permission for the extension to the existing waste management site and that even though the development would create jobs, the decision needed to be balanced against the impact of the proposal on residents. She queried whether the applicant would be asked to remove the building if the application was refused and highlighted the significant number of local resident comments reported in the late observations.

In referring to the request for more detailed conditions, Councillor Richard Jones indicated that officers had previously provided information on the conditions in Member Services. He suggested that two additional conditions should be included for the provision of fencing and highway movement but suggested that it was difficult for the Enforcement Team to carry out checks on whether conditions were complied with.

In response to the comments made, the Housing & Planning Solicitor reminded Members that it was acceptable procedure and practice for an applicant to submit a retrospective application and this was not a valid reason for refusal. Regarding the issue of whether monitoring compliance with conditions may be difficult because of available resources, this was not a reason to refuse the application.

Councillor Richard Lloyd raised concern about the height of the stockpile and queried whether the environmental permit had already been issued by Natural Resources Wales.

The Senior Minerals and Waste Officer confirmed that detailed conditions were included in Member Services. A condition on landscaping was included but she could not confirm whether mature trees could be provided as had been suggested by Councillor Butler. She appreciated that there were a large number of conditions in the report and added that account could not be taken of previous failures to comply with conditions or the submission of a retrospective application when determining the application but it was hoped that this proposal would regularise the use of the site. The stockpile height had been in excess of five metres when Members visited the site and therefore the applicants had been written to and they had advised that it would be reduced. The officer explained that fire prevention measures needed to be detailed and undertaken in line with the permit issued by NRW which would also cover the monitoring of dust and noise. She also acknowledged the comments about the height of the building which extended above the tree line. She felt that conditioning that the colour of the building to be green would allow the building to blend into the landscape. The officer reminded Members that the proposal was for waste management on a site which was adjacent to an existing site for waste management and which was included in the UDP for employment use under policy EM3 and identified as an area of search for waste management under policy EWP 6 and whilst some of the site extended outside the UDP allocation it was considered that the proposal complied with policy EM5. She referred to a planning contravention notice that had been issued and advised that further action would depend on the outcome of this application and if the application was refused, then enforcement action would be progressed which could culminate in the removal of the building. On the issue of the development boundary, the red line boundary had been amended since the submission of the application to include an additional area of land to the south of the proposal site, adjacent to the SAC. She confirmed that there were only two local residents who had submitted late observations but they had been reported separately to allow the issues to be considered individually. If Members disagreed with the height of the building, the officer suggested that the Committee could either refuse the application or defer the decision pending the possible submission of a revised application with a reduced building height but she explained that the applicant had requested the height of the building as it was not unusual for the proposed use. On the request for further conditions by Councillor Jones, the officer indicated that the provision of fencing and highway movements were both covered in the detailed conditions. She confirmed that the buildings would be more prominent in winter but would be viewed in the context of an industrial estate setting. She added that an environmental permit had been issued for the site.

In response to a query from Councillor Marion Bateman, the officer explained that the applicant intended to store residual waste at this site before moving it to another site in Abergele. The officer confirmed that any contractual arrangements with the Council in respect of waste management should not be relevant to the planning decision.

The Planning Strategy Manager advised the Committee that the site was allocated in the UDP for employment use and indicated that the provision of conditions by the Council and the monitoring of the site by NRW would ensure that the site was operated appropriately.

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 additional condition referred to in the late observations.

57. **OUTLINE APPLICATION - ERECTION OF 19 DWELLINGS AT TY CARREG, STRYT ISA, HOPE (053445)**

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 Ray Hughes, 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 even though this was an outline application, details of access and scale had been provided by the applicant. There had been no objections to the proposals from statutory consultees but 50 letters had been received which raised objections to the proposal and these were detailed in the report. He drew Members' attention to paragraph 7.01 where it was reported that the site was 0.72 hectares; this was incorrect as the site was 0.65 hectares. The officer explained that a number of the objections referred to the refusal of a planning application on the site but he confirmed that there was no history for the site. The site had been included in the development stage of the Unitary Development Plan (UDP) but was deleted from the allocation following representations that were received at that stage because of issues with the road network. Since the consideration of these matters there had been a change in circumstances in relation to the status of the road network and the estate roads had now been adopted so there were no longer any highways or access concerns.

The proposal would not have a detrimental impact on the amenity of the area and therefore the proposed development was considered acceptable in design and appearance terms subject to approval of precise details at the Reserved Matters stage. The officer provided details of the requested Section 106 (S106) obligation that formed part of the conditions in the recommendation explaining that an amount could be requested from the developers for Castell Alyn High School as it was for an identified specific project and that no obligations had been entered into before for that project. This complied with Community Infrastructure Levy (CIL) regulations 122 and 123.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He acknowledged that the site was in the settlement boundary, had a proposed density of 29.25 dwellings per hectare and the growth for Hope was 10.3%. He sought clarification on paragraph 7.09 where it was reported that the site was located in the settlement boundary but was not allocated for residential development. He also queried whether the proposed

dwellings would count towards the Council's five year housing land supply figure and asked about the Speculative Housing Development Proposals referred to in paragraph 7.09.

The officer confirmed that the dwellings would form part of the five year housing land supply as the site had previously not been specifically allocated for housing. He added that the Speculative Housing Development Proposals had not been considered on this application as the site was within the settlement boundary.

In referring to the S106 obligation for specialist Art teaching accommodation at Castell Alyn High School, Councillor Richard Jones sought clarification that this could not be legally challenged. The Housing & Planning Solicitor confirmed that the request complied with CIL requirements as it was for a specific infrastructure project that no other Section 106 obligations related to. The Chief Officer (Planning and Environment) said that if the applicant did not agree with the S106 obligation, then they would not sign the agreement, but it had been suggested that the applicant was willing to enter the necessary agreement.

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 either into a Section 106 agreement, a unilateral undertaking or making of an advance payment to satisfy the following requirements:-

1. Ensure the payment of a commuted sum equivalent to £1100 per dwelling in lieu of on site play and recreation provisions. Such sum to be paid to be used as a contribution towards the provision of a wheeled sports facility at The Willows Recreation Ground, Hope. Such sum to be paid upon occupation of 50% of the approved dwellings.

2. Ensure the payment of a commuted sum of £55,407 which is required to provide specialist Art teaching accommodation at Castell Alyn High School. Such sum to be payable before the commencement of development.

If the obligation pursuant to Section 106 of the Town & Country Planning Act 1990 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.

After the vote had been taken, Councillor Ray Hughes returned to the meeting and the Chairman advised him of the decision.

58. **FULL APPLICATION - CHANGE OF HOUSE TYPES ON PLOTS 146-154, 157-159, 162-171, 173-174 AND ADDITION OF 2NO. PLOTS AT "CROES ATTI", CHESTER ROAD, OAKENHOLT (053783)**

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 site formed part of the overall site and a change of layout of the site had resulted in a request for a change of house types and two additional plots.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the application entering into a Section 106 obligation/Unilateral Undertaking to re-impose all the requirements of the original legal agreement attached to the outline planning permission i.e.

- Scheme to be in general conformity with the Revised Development Brief
- Construct or to reimburse the Council for the reasonable cost of a footpath/cycleway linking the site with Leadbrook Drive
- Phasing/occupation of housing
- Setting aside 1.5 hectares of land and its transfer for a school site and an extension to the school site of not less than 1.0 hectare
- Setting aside of land for a shop site
- Setting aside of a site of 0.45 hectares for a health centre
- Setting aside of a site of 0.25 hectares for a community centre and its transfer
- Provision of 4.5 hectares of open space including an enclosed equipped children's play area, a landscape strategy, a management strategy for open space areas including establishment of a management company
- Provide for a maximum of 10% of number of dwellings for affordable

59. **FULL APPLICATION - ERECTION OF SINGLE STOREY DWELLING AND ASSOCIATED WORKS ON LAND ADJOINING "SEA VIEW", LLANASA ROAD, GRONANT (053789)**

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 that the application was to be considered by Committee due to the requirement for a Section 106 Obligation as the existing private access road required visibility improvements over adjoining land.

Mrs. P. Roberts spoke against the application. She raised significant concern that the road was dangerous and about the access to the site which she felt was inadequate. The road, which provided access to Gronant and Prestatyn, was frequently used by commercial vehicles for a nearby business and was narrow and did not have a footpath. There had been a number of vehicle collisions in the area and it had once been deemed a traffic blackspot. Mrs. Roberts felt that traffic had increased in the area due to the provision of a retail park in Prestatyn and as a result of nearby planning applications being approved. She referred to the issue faced by cars on the lane and commented on the impact of the proposal on the properties North Pines and Orchard End, in particular the separation distance to North Pines which she felt was only 12 metres to the conservatory which was below the required standard. She added that the elevated position of the plot in relation to neighbouring properties could result in a reduction in privacy. Mrs. Roberts felt that the application was out of context with the surrounding dwellings and requested that the application be refused.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He felt that there did not appear to be any compelling reasons to refuse the application.

In acknowledging the comments that traffic in the area was a concern, Councillor Derek Butler said that this was not sufficient to refuse the application on planning grounds. He also sought clarification on the issue of land levels. Councillor Mike Peers asked for further information on the separation distances between the proposed property and the dwelling at North Pines.

The Senior Engineer - Highways Development Control confirmed that Highways did not have any objections to the proposals subject to conditions and the Section 106 Agreement. She explained that the access was an existing access serving two existing properties and complied with policy TAN18. The provision of securing a visibility sight line in perpetuity in a westerly direction as detailed in the Section 106 obligation would give a vast improvement to the existing and new properties.

In response to the comments made, the officer explained that the issue of levels had been addressed in the consideration of the application and was reported in paragraph 7.09 where it was noted that the difference in levels was not detrimental to amenity. The properties at Orchard End and North Pines were situated side on to the site and the guidance for separation distances indicated that this should be 12 metres to the gable. The proposal was 22 metres from Orchard End and 18 metres to North Pines and therefore complied with policy. Councillor Richard Jones queried whether the distances took account of the conservatory at North Pines and was advised by the officer that separation distances were applied to the gable of the main dwelling and not the conservatory.

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 or Unilateral Undertaking to

secure a visibility sight line in perpetuity in a westerly direction, with no obstruction in excess of 1.00m above the level of the nearside channel.

If the obligation pursuant to Section 106 of the Town & Country Planning Act 1990 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.

60. **FULL APPLICATION - CHANGE OF USE TO EQUESTRIAN AND CARAVAN STORAGE AT TYDDYN Y GWYNT FARM, RHYDYMWYN (053794)**

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 application needed to be determined by Committee as the site exceeded the delegated powers available to the Chief Officer (Planning and Environment). He explained that the site consisted of outbuildings with an historical element and more modern steel framed agricultural barns with profiled sheet steel cladding. The application had been the subject of consultation and no issues had been raised by the statutory consultees and no letters of objection had been received. The main issues for consideration were the principle of development and the effect on the character and appearance of the open countryside. The only aspect of the proposals which would introduce a visually new element within the landscape was the proposed manege but it was not proposed that this area would be illuminated and therefore the impact on the wider landscape would be minimal.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded.

In seconding the proposal, Councillor Mike Peers said that the proposal, which would allow rural enterprise to make use of redundant buildings, should be supported.

RESOLVED:

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

61. **FULL APPLICATION - CHANGE OF USE FROM AGRICULTURAL STORAGE AREA TO RESIDENTIAL AND ERECTION OF 1 NO. DWELLING AT FFORDD Y WAEN, NANNERCH (053293)**

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 drew Members' attention to the late observations where a revised comment from the Housing Regeneration & Strategy Manager, an amendment to the recommendation and a deletion from paragraph 7.10 were reported. He explained that the proposal was for a single storey dwelling for a specific local need and the details provided in relation to the design, size, scale, form and materials to be used were considered to be in keeping with the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, adjacent Nannerch Conservation Area and setting of the listed building. It was felt that the proposal would not have a detrimental impact upon the adjacent occupier due to the proposal being for a single storey dwelling.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He said that the proposal was for the erection of a dwelling for a specific need and would not have an impact due to overlooking or loss of light. The land was currently used for storage of machinery and the current house owned by the applicant failed to meet the daily needs of the family.

In referring to the comments of Natural Resources Wales (NRW), Councillor Richard Lloyd queried whether they had provided a response since the report had been published. The officer confirmed that additional information had been sent to NRW but a response had not been received. The Council's Ecology Officer did not have any objections to the application subject to conditions.

Councillor Gareth Roberts referred to paragraph 7.20 and sought clarification on whether the application would have a detrimental impact on the amenities of the proposed residents and the occupiers of the neighbouring properties as reported. The officer confirmed that there was no detrimental impact and that the word 'not' had been missed from the sentence concerned.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional conditions referred to in the late observations and subject to the applicant entering into a Section 106 Agreement ensuring occupation by the three ladies and upon subsequent disposal of the dwelling offered either to the Council or to a Registered Social Landlord at market value.

62. **FULL APPLICATION - CHANGE OF USE OF GROUND FLOOR TO 3NO. FLATS AT CROSS KEYS, CHURCH STREET, CONNAH'S QUAY (053381)**

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 application had been submitted to Committee because the delegation scheme did not permit a decision on this type of application to be delegated to the Chief Officer (Planning and Environment).

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He commented that the public house had been empty for a number of years and despite marketing, it had not been taken over. The building was in a state of disrepair and was becoming an eyesore and the proposals in the application would be an improvement on what was currently in place. He also welcomed the five reserved parking spaces which would be marked out for the occupiers of the proposed flats.

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 £733 per apartment towards improvements to the existing play area at York Road, Connah's Quay.

63. **APPEAL BY MR. DAVID READ AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A SINGLE WIND TURBINE (45 METRE HUB HEIGHT, 67 METRE BLADE TIP HEIGHT) TWO METERING UNITS, ACCESS TRACK, ASSEMBLY AND CRANE AREAS AT TY COCH, CROSSWAYS ROAD, PEN Y CEFN, CAERWYS (051826)**

RESOLVED:

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

64. **APPEAL BY MR. & MRS M. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR REPLACEMENT OF EXISTING BUILDINGS WITH 1 NO. ECO DWELLING AT MARSH FARM, CHESTER ROAD, OAKENHOLT (052504)**

RESOLVED:

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

The Chief Officer (Planning and Environment) spoke about applications where the Committee voted against officer recommendation. He acknowledged that it was part of the democratic process but reminded Members that it was important that members of the public and press who were in attendance at the meetings were certain of the reasons and which policies applications were being refused on. He added that protocol enabled officers to bring reports on decisions against officer recommendation back to the subsequent Committee to confirm the reasons for refusal.

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

There were 28 members of the public and two members of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.48 pm)

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Chairman