

PLANNING & DEVELOPMENT CONTROL COMMITTEE

22 JUNE 2016

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, 22nd June, 2016

PRESENT: Councillor David Wisinger (Chairman)

Councillors Marion Bateman, Chris Bithell, Derek Butler, Ian Dunbar, David Evans, Alison Halford, Richard Jones, Richard Lloyd, Mike Lowe, Nancy Matthews, Mike Peers, Neville Phillips, Gareth Roberts, David Roney and Owen Thomas

SUBSTITUTIONS:

Councillors Haydn Bateman for Carol Ellis, and Mike Reece for Christine Jones

APOLOGY: Councillor Billy Mullin

IN ATTENDANCE:

Chief Officer (Planning and Environment), Development Manager, Service Manager Strategy, Senior Engineer – Highways Development Control, Senior Planners, Planning Support Officer, Housing & Planning Solicitor and Committee Officer

14. **DECLARATIONS OF INTEREST**

Whilst not having an interest Councillor Nancy Matthews indicated that she would speak as a Local Member only as she may have been perceived to have predetermined her stance on the matter and would therefore not vote on the following application:-

Agenda item 6.6 – Full application – Conversion and Alteration of Stable Block to Holiday Accommodation at Fron Bach, Ffordd Las, Gwernymynydd (055300)

15. **LATE OBSERVATIONS**

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

16. **MINUTES**

The draft minutes of the meeting of the Committee held on 25 May 2016 had been circulated to Members with the agenda.

RESOLVED:

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

17. **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.

18. **VARIATION OF CONDITION NO. 17 ATTACHED TO PLANNING PERMISSION REF: 00/20/570 TO INCREASE PRODUCTION LIMIT AT PANT Y PWLL DWR QUARRY, PENTRE HALKYN (054768)**

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 explained that the applicant had applied under Section 73 of the Town and County Planning Act 1990 to vary Condition No.17 of the deemed planning permission at Pant y Pwll Dwr Quarry, Pentre Halkyn, to effectively increase the tonnage output from the Quarry from a limit of 800,000 tonnes per annum, as measured over a period of three consecutive years, to a limit of 1.2 million tonnes per annum, as measured over a period of three consecutive years. The application was being applied for retrospectively as the applicant had been exceeding the three yearly average annual tonnage for some years. The application had been submitted at the request of the Authority to regularise this.

The officer advised that the main issues being considered to determine the planning application related to the impact on the highway network and amenity in terms of potential noise, dust, and blasting from the quarry operations as a result of an increase in exported limestone aggregate products.

The officer detailed the background to the report and advised that the quarry operated under a deemed consent, in terms of regulations. She referred to the consultation which had been undertaken with local residents and the neighbouring Ward Member and the concerns which had been expressed around the increase in output at the Quarry and the suggestion that there should be improvements made to the highways as a result. Local residents had also raised concerns relating to vehicles 'wheel spinning' and noise. The response to the concerns raised were detailed in the report

The officer advised that the current conditions provided no control of output and were not enforceable and suggested it would be more effective and appropriate to remove Condition No.17 and replace with a maximum daily vehicle number rather than revising the average output level. It was suggested that a daily week day HGV limit of 600 HGV movements (300 in and 300 out) per week and restrict HGV movements to 300 on Saturdays with no HGV movements on Sundays or public/bank holidays. The condition would also state that in any 12 months period the quantity of processed limestone aggregate leaving the site should not exceed 1.2 million tonnes.

In summary the officer explained that the application would provide the opportunity to review all the conditions which would help address the concerns raised by local residents around noise and blasting. She advised a restriction in daily vehicle movement, controlled by condition which would not have an impact on the operation, capacity, safety of the local highway network, and that consent

be reviewed and modernised as outlined in the report with the draft conditions provided. The Officer recommended that the application be approved as there was no sustainable reason for refusal.

Mr. D. Bartlett spoke against the application. He said he appreciated the contribution the Company made to the economy and valued the liaison which had taken place with local residents regarding development at the quarry. He asked that the application be refused. In outlining the reasons for refusal Mr. Bartlett referred to a mistake in the Transport Assessment and said there were not enough restrictions in the Planning Officer's report to resolve the objections raised during consultation. He said many residents would be able to support the planning officers recommendation for approval if a number of conditions were included in the recommendation of the report which would address most of the 19 objections which had been raised during consultation.

Mr. I. Southcott for the applicant, spoke in support of the application and asked the Committee to endorse the officer's recommendations. In detailing his reasons for approval he said that the Company believed the conditions and limits proposed would enable it to further improve its performance, maintain its important role in the local economy, and continue to support the local community.

Councillor Gareth Roberts proposed the officer recommendation for approval of the application which was duly seconded. He supported the application subject to monitoring and control of vehicle movements.

Councillor Chris Bithell raised a number of questions and concerns around an increase in production by 50% at the site and referred to the long term impact of quarrying of the limestone, the hours of operation, the number of HGV vehicles entering and leaving, and the aggregate levy.

Officers responded to the questions raised by Members concerning HGV limits, visibility, increase in production and the impact on future stocks, monitoring of output, hours of operation, the requirement for a footpath.

Councillor Owen Thomas expressed concerns around access to the site and said there was a need for consideration to be given to improvement of the highways before the application was approved.

Councillor Mike Peers referred to the conditions which had been put forward by Mr. Bartlett and suggested that they should be given consideration by the Chief Officer (Planning & Environment) and would improve the position for local residents. He referred to the hours of operation at the site and the level of vehicle movements planned and expressed concern about the 6.00 a.m. start which he felt was not acceptable. He proposed an amendment to the motion that the hours of operation be amended to 7.00 a.m. from 6.00 a.m. and the amendment was duly seconded.

Councillor Richard Jones said that if the start time was amended to 7.00 a.m. then the rate of vehicles entering and leaving the site per hour would be increased. He suggested that the number of vehicles be limited during the hours of operation on the site per day. He also referred to the list of conditions put

forward by Mr. Bartlett and reiterated the comments expressed by Councillor Peers that there were valid points in the list which needed consideration.

Councillor Mike Peers acknowledged the point raised by Councillor Jones and said that his proposal to amend the start time to 7.00 a.m. stood but he would like to see the number of vehicle movements entering and leaving the site limited to 50 per hour on a daily basis as detailed in the report.

Councillor Gareth Roberts queried the hours of operation of other quarries in the North Wales area. Councillor Owen Thomas asked what the hours of operation were at other quarries in Flintshire.

The officer explained that whilst she was aware that there were some quarries in the area which operated at a 6.00 a.m. start she could not confirm the hours of operation for all quarries in North Wales. She emphasised the upper daily limit of vehicle movements and the caveat of no more than 1.2m tonnes per annum which controlled and capped the annual output. The officer advised that the average output was anticipated to be less but the condition was worded so that the operator would not be in breach of condition during busy periods.

Councillor Derek Butler commented on the need for clarity and costings around the retrospective application. He said he acknowledged that there was a national demand for the operation of the quarry but was unclear as to the benefit to be gained by the local community. He proposed that the application be deferred until the issues raised had been fully addressed.

Councillor Richard Lloyd spoke in support of a 6.00 am start and queried why there was a limit on the output in terms of tonnage.

The Service Manager Strategy advised the Committee to be mindful of the operating hours of other providers in the area and that the quarry was not put in a position of disadvantage.

Members were asked to consider the recommendations within the report with a variation on the condition relating to the operating hours from 6.00 a.m. to 7.00 a.m.

The Chief Officer (Planning & Environment) referred to the issues raised by Members concerning the amended hours of operation at the quarry in relation to tonnages, the hours of operation at other quarries in Flintshire, the need to reduce vehicle movements in and out of the quarry, the aggregate levy, and the conditions suggested by Mr Bartlett. He explained that if Members wished to defer the item the additional information requested on the matters raised could be provided by officers.

Councillor Mike Peers withdrew his proposal to amend the condition relating to the operating hours from 6.00 am to 7.00 am in support of the deferral of the application for further clarification and discussion.

Councillor Derek Butler proposed that the application be deferred which was duly seconded.

RESOLVED:

That the application be deferred to allow clarification of the issues raised by the Committee.

19. **FULL APPLICATION - ERECTION OF NEW HIGH BAY INDUSTRIAL BUILDING AT ELECTROIMPACT UK LTD., MANOR LANE, HAWARDEN (054887)**

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 20 June 2016. The usual consultations had been undertaken and the responses received detailed in the report.

The officer explained that the full application proposed the erection of a new high-bay industrial building, including the formation of a new vehicular access hardstanding as an expansion of an existing industrial operation undertaken by Electroimpact UK Ltd, Manor Lane, Hawarden. The company was involved in the manufacture of aircraft assembly equipment and the site is located in the development zone, enterprise zone, and a principal employment area in this location. He reported on the proposed size of the building and explained that the height of the building was required to facilitate the provision of an internal crane which would be used for the movement of larger items of aircraft manufacturing equipment. He reported that during progression of the application amended plans were received which resulted in the re-siting of the building further into the site from Manor Lane and on the basis of the amendments further consultation had been undertaken. The Officer advised that the recommendation was to grant planning permission subject to the conditions outlined in the report.

Mr. C. Turnbull for the applicant, spoke in support of the application. He explained that Electroimpact was dedicated to the design and manufacture of state of the art assembly equipment and lead the world in technical ability and counted Airbus and Boeing amongst its customer base. He outlined the reasons for choosing the site and explained that the new building would enable the company to expand their manufacturing business without the need to relocate. He spoke of the hours and nature of operations and of the benefits to the economy and local community through the creation of new highly skilled and well paid jobs as a result of the expansion. He also commented on the highly valued apprenticeship scheme in conjunction with Coleg Cambria.

Councillor Derek Butler proposed the officer recommendation for approval which was duly seconded. He acknowledged that there had been some objections around the scale and height of the building but explained that an alternative site had not been found. A compromise had been agreed which had resulted in the revised siting of the building which would increase the distance between the proposed building and existing residential properties. Councillor Butler said he welcomed the opportunity for the company to develop and commented on the exceptional quality of the business and opportunities and apprenticeships that had been provided in an enterprise zone.

Councillor Mike Lowe, adjoining Local Member, speaking on behalf of the local member Councillor Billy Mullin, was against the application due to the scale of the proposed building which he said was not in keeping with the buildings in the surrounding area and was too close to the buildings situated opposite. He said that local residents were against the structure which was detrimental the amenities and affected the character of the area. He said the Community Council was also against the structure.

Councillor Owen Thomas commented on the height of other buildings connected to Airbus in the area and supported the application.

Councillor Mike Peers said that the proposed building was located on an aviation site in an enterprise zone. He supported the application and said the company was a leader in innovation and technology and the employment it created in Flintshire was welcomed.

Councillor Richard Lloyd asked if some form of screening could be provided to offset the impact of the building and commented on the recommendation that a pre-commencement condition be imposed requiring a noise survey be undertaken given the proximity of the site to existing residential properties.

The officer responded to the issues raised by Members and advised that the combination of re-siting of the building, supplemental landscaping and noise mitigation, resulted in a recommendation that the application be granted.

In summing up Councillor Derek Butler asked if the applicant could give a commitment to be a 'good neighbour' for the benefit of the community.

RESOLVED:

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

20. **FULL APPLICATION - ERECTION OF 64 DWELLINGS WITH PUBLIC OPEN SPACE AND OTHER ASSOCIATED INFRASTRUCTURE AT SUMMERHILL FARM, DROVERS LANE, CAERWYS. (054007)**

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 advised that this was a reserved matters application for 64 dwellings with associated open space and associated infrastructure. He drew attention to the late observations in relation to the application which stated that the application related to 64 dwellings not 67 and provided clarity in terms of the affordable housing component.

The officer advised that the application provided details of the siting, design, external appearance and landscaping of the site following the grant of

outline planning permission 044232 and the extensions of time for the submission of Reserved Matters subsequently granted under 048605 and 052169. The issues associated with the principle of developing this site for residential development had been dealt with at the outline stage. It was considered that the details of the scheme did not raise any issues in relation to impact on residential amenity or the character of the area. He referred to the recommendations as detailed in the report that conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation or Unilateral Undertaking or making an advance payment with the conditions attached. The officer referred to the main considerations as detailed in the report around design and impact upon character and amenity, access, education, and S106 public open space.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded. Councillor Mike Peers commented on affordable housing and the matter of gifted properties and shared equity. He referred to the decision to take gifted properties and said whilst this was acceptable it would be useful to have a report from the Housing Strategy Manager to explain the rationale behind suggested affordable housing provision in order to assist the Committee with future decision making. He asked that this be applied to all items submitted to the Planning Committee and officers agreed to this.

Councillor Nancy Matthews commented on the design of some of the dwellings which were 3 storeys and queried whether they were compatible with other buildings in the area.

Councillor Owen Thomas asked that gifted and first time buyer houses be allocated to local people.

RESOLVED:

That planning permission be granted subject to the conditions as detailed in the report of the Chief Officer (Planning and Environment) and a Section 106 Obligation or Unilateral Undertaking, to secure the following :-

- a. Ensure the payment of a contribution of £49,500 in lieu of 66% of on-site recreation provision, the sum to be used to enhance the children's play area at Chapel Street Play Area. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved, and
- b. Five gifted dwellings comprising three three-bed and two two-bed dwellings to be gifted to NEW Homes and made available via an intermediate rental model
- c. Five shared equity units (30% equity retention) comprising five three-bed dwellings

21. **FULL APPLICATION - APPLICATION FOR AMENDMENTS TO PREVIOUSLY APPROVED HOUSE TYPES INCLUDING AMENDED SITE LAYOUT TO**

ALLOW FOR 61 DWELLINGS (INCREASE BY 11 DWELLINGS) AT CROES ATTI, CHESTER ROAD, OAKENHOLT. (055209)

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 information to the report and advised that the application related to the erection of 61 dwellings, being 11 additional dwellings to that shown on the original approval for this part of the site. The dwellings proposed consisted of mainly detached, semi-detached and terraced 2 storey dwellings and some 2.5 storey properties.

The officer referred to the consultations undertaken and advised that the local Ward Member had raised concerns on the changes proposed and one letter of objection had been received. He advised that the recommendation was to grant approval subject to the conditions detailed in paragraph 2.01 of the report.

Mr M Mallon spoke in support of the application for the applicant Persimmon Homes (North West) Limited. He said the site formed part of a wider development in which Anwyl had already secured planning permission for housing and therefore the principle for developing the site was well established. Persimmon Homes had recently completed an earlier phase at Croes Atti in which smaller house properties proved popular with young families and first time buyers. Smaller house types mean that there will be an increase in the number of properties slightly above the number applied for. Mr. Mallon referred to the recommendation for approval in the officer's report and said there were no objections from any of the statutory consultees. He continued that the design of the house types followed the plan already approved and would be in keeping with the development in the area. He outlined the benefits of the proposal and said that 10% of the units would be affordable and in accordance with the S106 agreement to develop affordable housing, would create jobs, and stimulate the economy.

Councillor Ian Dunbar proposed the officer's recommendation for approval which as duly seconded. He said the area of land which was the subject of the application related to 1.34 hectares of an overall site of 27 hectares. He continued that the application formed part of the third phase of development on the site and commented on the affordability of smaller homes and the need for affordable housing to be provided. Councillor Dunbar also referred to the condition with the recommendation to safeguard the two known areas of Roman occupation.

Councillor Owen Thomas also commented on the issue of affordability and referred to the number of applications made by different builders on the site. He queried whether the original planning for affordable homes was being achieved and if there were the appropriate number of affordable dwellings on site.

Councillor Chris Bithell referred to the 20% increase in development and said this was a major development that had changed dramatically over the years. He said he acknowledged the reasons for some of the objections raised and that people should be made aware of any future developments on site.

The officer referred to the S106 Agreement which addressed the 10% affordability position and explained that the affordable dwellings were 'pepper-potted' throughout the site.

The Planning Development Manager commented that it was inevitable that a residential development on this scale would change in accordance with demand over time. He said the developer had explained that the changes were necessary to address the preference and demand within the local community for housing supply.

In response to the question raised by Councillor Owen Thomas the Service Manager Strategy advised that the 10% affordability applied across the whole of the site and reiterated the advice that this was 'pepper-potted' throughout the development.

In summing up, Councillor Ian Dunbar referred to the need for affordable housing and said that the applicant had to adapt to the changing needs and demands of buyers in the property market.

RESOLVED:

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

22. **VARIATION OF CONDITION NO. 4 ATTACHED TO PLANNING PERMISSION REF: 053393 TO ALLOW INCREASE OF THE DURATION OF EXISTING PERMISSION AT PORT OF MOSTYN, COAST ROAD, MOSTYN (053363)**

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 advised that in August 2015 planning permission was granted for installation and operation of a mobile advanced thermal treatment plant (ATT) and associated operations in existing buildings comprising a 1MW pyrolysis unit and associated gas engine. Condition 4 of the application required that the development shall cease 5 years from commencement. The application for consideration by the Committee was to amend the condition to require that the development shall cease 15 years from commencement. The reason for the application was that the funding sources would require a return and repayment on investment over a number of years so the time currently consented was not sufficient.

Councillor David Roney proposed that the application be deferred which was duly seconded.

Councillor Peers asked for clarification on the reasons for deferral.

Councillor Chris Bithell queried the reference to a temporary facility on page 77 of the report. He suggested that permission be granted on a permanent

basis with the condition that if the site was not required it was cleared and left in a tidy state if operations ceased to function.

Councillor Richard Jones commented on the reason for the application which was financial and said this was not a planning consideration. He expressed the view that the application should be refused and not deferred.

Councillor David Roney concurred with the views expressed by Councillor Jones, and said he wished to withdraw his proposal for deferral and proposed refusal against the officer's recommendation which was duly seconded.

Councillor Richard Lloyd said he could see no reason why 15 years was needed and the applicant could reapply after 15 years.

Councillor Derek Butler spoke in support of the application and said there were no issues with the operation of the site. Councillor Gareth Roberts also said there was no reason to oppose the application.

Councillor Mike Peers referred to the fundamental reason for the application, which was that the funding sources required a return on investment over a number of years and the time currently consented was not sufficient. He said this was not a planning consideration and supported refusal of the application.

The officer advised that the proposed development had not yet been implemented and therefore there was no impact on the local community. He said the 5 year term had been granted on the original application because it had been requested by the applicant. He explained that the application complied with all of the planning policies and a 15 year period would give further control to ensure the site was not left in a derelict state.

Councillors Richard Jones and Mike Peers stated that the application had been granted with condition No.4 because the technology was new, unproven, and a pilot development.

The Chairman invited Councillor David Roney to sum up. Councillor Roney outlined his reasons for proposing refusal of the application which was that he did not want to accept the risk of a further 10 years of unproven technology.

RESOLVED:

That planning permission be refused on the grounds that the original 5 year permission was granted on the basis that the proposed application involved unproven technology and a further 10 years of unproven technology was unacceptable.

The Chief Officer (Planning and Environment) indicated that a report would be taken to the next Committee to clarify the reasons for refusal.

23. **FULL APPLICATION - CONVERSION AND ALTERATION OF STABLE BLOCK TO HOLIDAY ACCOMMODATION AT FRON BACH, FFORDD LAS, GWERNYMYNYDD (055300)**

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 20 June 2016. The usual consultations had been undertaken and the responses received were detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer advised that the application was for the conversion, extension to, and alteration of an existing stable block to holiday accommodation at Fron Bach, Gwernymynydd. He explained that the main consideration around the application was its ability to comply with policy T3 Self Catering Tourist Accommodation, due to the works required to the fabric of the building to facilitate the development. The officer advised that the recommendation was for refusal of the application for the reasons set out in paragraph 2.01.

Mrs. Gillett, the applicant, spoke in support of the application for the change of use of a redundant stable block to a holiday let at Fron Bach. She said that she believed the application accorded with the Welsh Government strategy which aimed for tourism to grow in a sustainable way and to make an increasing contribution to the economic, social, and environmental well being of Wales. Mrs. Gillett said that the proposed alteration and extension to the stable block would not be tantamount to a new building in the countryside. She detailed the proposed works and alterations to the building and said the infrastructure was already in place and there was adequate parking attached to the accommodation. She said the proposal would accord with policy T3 as it did not restrict conversion of rural buildings to those of architectural or historical merit. Mrs. Gillett said her proposal was similar to schemes which had already been approved in local areas and that the need for holiday accommodation in the area was recognised by granting permission for a caravan site and amenity block locally.

Councillor Chris Bithell proposed that the application be refused in accordance with the reasons set out in report of the Chief Officer (Planning and Environment) as he said it did not comply with Planning policy. He said that the building did not have any historic or architectural merits and if approved could set a precedent for similar applications across the County. He supported the recommendation in the report.

Councillor Derek Butler said the need to encourage tourism in Flintshire was recognised, however, the application did not comply with Planning policy and he commented on the need for consistency.

The Local Member, Councillor Nancy Matthews, referred to two recent applications which had been granted by the Planning Committee for holiday/tourist accommodation in local areas. She said that the application for consideration at the meeting accorded with planning policy rules concerning the conversion of an existing buildings which are structurally sound and do not have to be of architectural merit. She said that policy T3 does not restrict extensions where they are not extensive. She continued that holiday use could be ensured by condition which would prevent permanent residence. Councillor Matthews

said that tourism was vital to ensure economic prosperity in Wales and that there was a shortage of tourist accommodation. She commented on the need to develop tourism in Flintshire and to be consistent in decision making around planning applications.

Councillor Nancy Matthews withdrew from the meeting.

Councillor Owen Thomas supported the application and said there was a need to promote tourism. He expressed the view that granting the application would not set a precedent because it was promoting the provision of holiday lets.

Councillor Alison Halford also spoke in support of the application and referred to the need to develop tourism and for consistency in granting planning permission.

Councillors Mike Peers and Richard Jones commented that the proposal was an acceptable way of utilising the existing building.

Councillor Gareth Roberts spoke against the application. He said it was a new building in the countryside which had been erected in 2008 and if the application was granted it could set a precedent for the future.

Councillor Richard Lloyd referred to the site visit which had taken place and commented that the building was in a prominent position in the countryside. He did not support the application.

The officer referred to the photographic evidence that the stable block was not redundant and still in use. He explained that in respect of the design the building was more urban in character and prominent and therefore would urbanise the location.

The Service Manager Strategy advised the Committee that they could not compare one application with another unless all the details of the applications were known and that each application should be considered on its own merits.

In summing up, Councillor Bithell said that the need to promote tourism was acknowledged, however, it was important not to destroy the countryside. He referred to the previous applications which had been cited and referred to the specific circumstances and the reasons why permission had been granted. He proposed that the officer's recommendation as stated in the report be supported.

RESOLVED:

That planning permission be refused as it is considered that the proposal due to the amount of works, and alterations proposed to the existing fabric of the stable block it is tantamount to a new build in the open countryside, as the existing building is not of sufficient size to accommodate the proposal without extension and significant alteration to the existing stable. In addition the existing building is not considered to be of historic / architectural merit to be considered worthy of retention, as such the proposal is contrary to the provisions of Policy T3 - Self Catering Tourist Accommodation, of the adopted Flintshire Unitary Development Plan.

After the vote had been taken, Councillor Nancy Matthews returned to the meeting and the Chairman advised her of the decision.

24. **GENERAL MATTERS - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 40 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS AND ALL OTHER MATTERS RESERVED AT RHOS ROAD, PENYFFORDD (053656)**

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 advised that the purpose of the report was to inform Members of the Council's current position in relation to an appeal against the refusal of planning permission and to seek a resolution to withdraw the current reason for refusal. She explained that outline planning permission for the erection of 40 dwellings with associated access and all other matters reserved at Rhos Road, Penyffordd had been refused by the Planning and Development Control Committee on 20 January 2016 for the reasons detailed in paragraphs 6.01 and 6.02 of the report.

The officer referred to a Hydraulic Modelling Assessment (HMA) which had been commissioned by the applicant through Welsh Water. She advised that in the light of the HMA, and given that Welsh Water would now accept a condition requiring the implementation of the works to accommodate the foul flows in the network, the Council withdraws the reason for refusal in defence of the current appeal. The suggested conditions to be put forward to the Inspector were detailed in paragraph 7.02 of the report. The Council also sought a S106 undertaking as detailed in paragraph 7.03.

Councillor Derek Butler proposed that the appeal be opposed and this was seconded. Councillor Butler outlined the reasons and said that the application was outside the designated settlement boundary and was not included in the UDP. Councillor Owen Thomas concurred with the reasons expressed by Councillor Butler.

During discussion the officer responded to the questions raised by Councillor David Evans on the options detailed in paragraph 6.07 of the report, and the education contribution detailed in paragraph 7.03, and contribution to provide a wheeled sports facility.

Councillor Chris Bithell agreed with the proposal put forward by Councillor Butler and said the application was against the UDP planning policy and contrary to the recommendations concerning the category for development and growth of a settlement.

Councillor Richard Jones referred to the original reasons for refusal of the application and said he did not see anything in the report to confirm that deliverability and sustainability of the site was justified. He acknowledged that the Welsh Water HMA had been completed but said that there were other reasons for refusal of the application.

The Service Manager Strategy said that the reason for refusal of the original application was outlined in paragraph 6.01 of the report and advised that the Committee was being presented with mitigation as to why that reason was no longer sustainable. In response to the further issues which had been raised the officer advised that growth bands had ceased in 2015.

Councillor Derek Butler thanked the Officers for their advice and referred to TAN1. He said there were already sustainable developments in Flintshire that were not being progressed and representation needed to be made about them. A new Minister has been appointed that may take another look at it. He proposed the appeal was resited on the basis that the proposed development was outside the settlement limits and contrary to the relevant policies in the UDP.

RESOLVED:

That the appeal be opposed on the basis that it constituted development outside the settlement boundary in open countryside, contrary to the relevant policies of the Unitary Development Plan.

25. **APPEAL BY MR. DYLAN HUGHES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR AN AGRICULTURAL WORKER'S DWELLING AT GROESFFORDD BACH, WHITFORD**

RESOLVED

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

26. **APPEAL BY MR. & MRS S. PARKER AGAINST THE NON-DETERMINATION OF FLINTSHIRE COUNTY COUNCIL FOR THE ERECTION OF A REPLACEMENT DWELLING AND ANCILLARY WORKS AT GELLI FARM, GELLI ROAD, PEN Y ALLT, TRELOGAN**

RESOLVED

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

27. **APPEAL BY NORMAN BEDFORD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 1 NO. DWELLING AT 18 GLAN GORS, FLINT**

RESOLVED

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

28. **APPEAL BY MRS E. WATKIN AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A REPLACEMENT DWELLING AT THE VARDO, GARREG BOETH, RHYDYMWYN**

RESOLVED

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

29. **APPEAL BY MR. & MRS JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR ERECTION OF FIRST FLOOR EXTENSION TO SIDE OF DWELLING, ERECTION OF PORCH TO FRONT, FORMATION OF NEW ROOF WITH CREATION OF A SECOND FLOOR WITHIN THE ROOF SPACE AT COPPER VIEW, PENTRE ROAD, PENTRE HALKYN**

RESOLVED

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

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

There were 16 members of the public in attendance and 1 member of the press.

(The meeting started at 1.00 pm and ended at 4.10 pm)

.....
Chairman