

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**12 MARCH 2014**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 12 March 2014

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

Councillors: Derek Butler, David Cox, Ian Dunbar, Carol Ellis, David Evans, Jim Falshaw, Alison Halford, Ron Hampson, Christine Jones, Richard Jones, Brian Lloyd, Richard Lloyd, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts, Carolyn Thomas and Owen Thomas

**SUBSTITUTION:**

Councillor: Mike Lowe for Chris Bithell

**ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor Robin Guest - agenda item 6.1. Councillor Amanda Bragg - agenda item 6.3. Councillor Tony Sharps - agenda item 6.4

The following Councillors attended as observers:

Councillors: Haydn Bateman, Marion Bateman, Veronica Gay and Hilary Isherwood

**APOLOGY:**

Councillor Ray Hughes

**IN ATTENDANCE:**

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Support Officers, Democracy & Governance Manager (for agenda items up to and including 6.1), Principal Solicitor (for agenda items 6.2 onwards) and Committee Officer

**154. DECLARATIONS OF INTEREST**

Councillor Mike Peers declared a personal and prejudicial interest in the following application due to him being the Chairman of Governors at Mountain Lane Primary School :-

**Agenda item 6.6 – Application for removal of condition No. 14 of previously approved planning permission Ref: 047624 at Dovedale, Alltami Road, Buckley (051481)**

**155. LATE OBSERVATIONS**

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

## 156. MINUTES

The draft minutes of the meeting of the Committee held on 12 February 2014 had been circulated to Members with the agenda.

The Democracy & Governance Manager referred to minute number 147 on page 14 and advised that any reference to Mr. Sinclair should read Mr. Arkwright.

Councillor Mike Peers referred to third line in page 15 and asked that the words 'which would result in 32 affordable homes being sited in this area' be replaced with 'with parking for 32 cars, 26 of these together in one large parking area'.

In referring to the first paragraph in the minutes on page one about the location of the draft conditions, the Democracy & Governance Manager advised that they were located in Member Services but that Members needed to request them from the Member Services staff to ensure that the conditions were retained in the office for use by other Members.

The Head of Planning also advised that he had circulated details to Members of the RTPI Cymru Spring Conference which was due to be held on 19 March 2014.

### RESOLVED:

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

## 157. ITEMS TO BE DEFERRED

The Head of Planning advised that deferment of the following applications was recommended:

**Agenda item 6.1 – Full application – Erection of 23 No. dwellings and associated works on land at (side of Ffordd Hengoed), Upper Bryn Coch, Mold (051105) – following a request from the Local Member for a site visit**

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

**Agenda item 6.3 – Full application – Construction of 13 No. detached houses and associated works at land to the rear of Rock Bank, Main Road, New Brighton (051424) – due to a number of issues that had arisen on highways and the impact on neighbouring properties, following the site visit.**

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

**RESOLVED:**

That agenda items 6.1 (051105) and 6.3 (051424) be deferred.

**158. GENERAL MATTERS – CHANGE OF USE OF AGRICULTURAL LAND TO A GRAVEYARD ON LAND REAR OF 10 CROMPTON CLOSE, HIGHER KINNERTON (051534)**

The Committee considered the report of the Head of Planning in respect of this application.

The Development Manager detailed the background to the report explaining that the application had been refused at the meeting of the Committee on 12 February 2014 and that this report detailed the three reasons for refusal based on concerns over the unsatisfactory access leading to parking on Park Avenue, lack of provision for disabled access and the potential conflict with the use of the playing field.

Councillor Richard Jones proposed the recommendation for the three reasons for refusal of planning permission which was duly seconded.

Councillor Mike Peers concurred with the reasons but felt that the third reason should be amended and that the words 'conflict with those users and impact upon them' be included after the words 'users of the playing field' in the third line.

**RESOLVED:**

That subject to the amendment to the third line of refusal reason 3, that the reasons for refusal be agreed.

**159. FULL APPLICATION – ERECTION OF 36 NO. AFFORDABLE DWELLINGS WITH ASSOCIATED PARKING, ACCESS, HABITAT CREATION AND PUBLIC OPEN SPACE ON LAND AT LLYS BEN, NORTHOP HALL (050613)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 10 March 2014. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report explaining that the main issues to consider included the principle of the development in planning policy terms, the provision of affordable housing and the impact on the openness and visual amenity of the green barrier.

Mr. D. Bryce spoke against the application and explained that he had been a resident in Northop Hall for 20 years. He referred to the site which was known locally as 'the Gorse' and said that it had been designated as

green barrier and was irreplaceable as a countryside play area and a safe path for children to walk to school. The area was used by the whole village and this was reflected in the 405 letters of objection that had been received. The Housing Strategy Manager had agreed that there were sufficient affordable housing properties in the area and these were detailed in paragraph 7.23 of the report. Mr. Bryce asked the Committee to refuse the application in order to retain the area for the community of Northop Hall.

Mrs. L. Pierce from Northop Hall Community Council also spoke against the application. She said that the case had been strongly made in the report to refuse the application and she sought to provide a very local basis as to why the site was so special. Northop Hall's access to the countryside had been lost by the construction of the A55, and the community had been under siege by developers for many years. The Gorse was precious to the residents of the village and could be accessed from any part of the village. The footpaths were well used and if the site was built on, the paths would all be lost. The Community Council was developing a local village plan to feed into the Local Development Plan. Mrs. Pierce said that the Gorse was part of the network of open land to the north of the village which was of great importance and suggested that village green status could be applied to the Gorse. She urged the Committee to refuse the application.

Councillor Carolyn Thomas proposed the recommendation for refusal which was duly seconded.

The Local Member, Councillor Tony Sharps, spoke against the application and thanked the Committee for attending the site visit to see the area. He concurred with everything which had been said by Mr. Bryce. He said that the area known as the Gorse was a designated green barrier with public rights of way and informal rights of way and at the public inquiry, the Unitary Development Plan (UDP) Inspector had considered that the site should not be included in the UDP. If the application was approved it would create additional strain on the local primary school and Hawarden High School, and with an extra 75 vehicles in the area, it would increase the danger for children and other pedestrians. He considered that there was adequate housing provision in Flintshire by way of outline and full planning permissions. Councillor Sharps said that the open countryside was enjoyed by many residents and created a buffer from other developments. He thanked the officer for his work on the report.

**RESOLVED:**

That planning permission be refused for the reasons detailed in the report of the Head of Planning.

160. **FULL APPLICATION FOR THE ERECTION OF 35 NO. DWELLINGS INCLUDING ASSOCIATED LANDSCAPING AND FORMATION OF NEW ACCESS FROM CYMAU LANE, AT ABERMODDU CP SCHOOL, CYMAU LANE, CAERGWRLE, WREXHAM (051482)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report and points of clarification were circulated at the meeting.

The officer detailed the background to the report and explained that the site currently had an extant planning permission which was granted in 2012 for a similar development of 35 dwellings. This current application was as a result of the site changing hands and the new developer wanted to impose its own house designs on the site.

The officer drew attention to the Section 106 obligation and the increase in educational contribution from £24,500 to £208,870 as a result of changes to the formula identified in the Supplementary Planning Guidance. A speed activated flashing neon sign on the approach to the site also formed part of the Section 106 obligation.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He suggested that it would be useful if the report mentioned the site area, which he stated to be 1.03 Ha., to allow the density to be calculated. He also asked how the educational contributions mentioned in the Section 106 obligation were calculated and suggested that future reports could include the formula for this. In response to a question from Councillor Owen Thomas about whether the amenity area at the northern end of the site would be safeguarded, the Planning Strategy Manager said that the area was outside the settlement boundary and was protected by the open countryside and play area policies.

Councillor Carolyn Thomas queried the lack of condition about securing the maintenance of the amenity area or whether it would be transferred to the Council to secure for its future maintenance. She asked whether the estate road would be up to adoptable standard and queried why the number of parking spaces offered for school parking had been reduced. Councillor Thomas asked whether the traffic light system at the junction of the Mold Road had been considered. She raised concerns about highway issues particularly around the school opening and closing times and whether the junction would be able to cope with the number of extra vehicles generated by the development. Councillor Thomas also asked whether the hours of operation could be restricted for construction traffic to alleviate problems during the school morning or evening times.

In response to the comments made, the officer said that the educational contribution was based on a standard formula so would be applied consistently across all sites. It was not yet known if the public open space area would be transferred to the Council, or whether it would be managed by a management company; the officer reminded Members that transfer to the Council could not be required. He referred Members to paragraph 7.09 where it was reported that the applicant had offered to provide parking spaces for eight cars within the site to assist parents waiting for

children at the adjacent school, but reminded Members that the spaces were not directly required to facilitate the application in highway terms. The spaces were also not requested by the Head of Assets and Transportation but they were an attempt by the applicant to address highway matters of local concern rather than concerns which generated specifically by the development.

The Senior Engineer - Highways Development Control said that the conditions included the requirement for more detail on highways to be submitted and approved by the Council.

The Planning Strategy Manager advised that the Supplementary Planning Guidance had changed in the past twelve months and this had resulted in changes to the formula for educational contributions which were now more generous. In response to a query from Councillor Carolyn Thomas about the contributions having to be returned if some or all of the money was not spent within five years of payment, the Principal Solicitor referred Members to the late observations where it was reported that the timeframe was ten years not five. The officer confirmed that a condition could be included for a construction management plan to be produced.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, additional highway conditions reported in the late observations, an extra condition for a Construction Management Scheme and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to deliver the following:-

(a) The construction to DQR (Design Quality Requirements) and transfer at no charge to the Council of three 2 bed residential units prior to the completion of 18<sup>th</sup> dwelling on the site with such dwellings being used for affordable housing in perpetuity and nomination rights being referred by the Council. The dwellings shall be added to the Council housing stock for local residents in the Abermoddu community.

(b) Ensure the payment of an educational contribution totalling £208,870 towards educational provision/improvements to local education facilities (to be allocated as follows – Castell Alun £110,814, Abermoddu County Primary £98,056). The contribution shall be paid prior to occupation of the first dwelling and if some or all of the money is not spent within ten years of payment, it is to be returned to the developer together with any interest accrued.

(c) Ensure payment of £75,000 to provide for the long term maintenance of the public open space area, and installation of play equipment in accordance with detailed specifications with the play equipment provided prior to 50% of the development being built.

(d) Ensure the provision prior to occupation of any dwelling of a speed activated flashing neon sign on the approach to the site from Cymau Lane at a cost of £3,500 and to the Council's specification.

**161. APPLICATION FOR REMOVAL OF CONDITION NO. 14 OF PREVIOUSLY APPROVED PLANNING PERMISSION REF: 047624 AT DOVEDALE, ALLTAMI ROAD, BUCKLEY (051481)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Councillor Mike Peers, having earlier declared an interest in the application, left the meeting whilst it was considered.

The officer detailed the background to the report explaining that condition 14 of the existing permission (047624) stated "As part of the reserved matters application no development shall take place to the north of the hammerhead as illustrated on the submitted illustrative layout drawing J002220 02 21<sup>st</sup> June 2010". Paragraphs 7.03 and 7.05 provided details of the planning history and reported that application 047624 sought to overcome the issues of uncertainties in relation to the nature of the contamination within the site and the stability of the ground. The illustrative layout that accompanied the application showed a significant landscape buffer around the northern boundary of the site extending along the western and eastern boundaries with no development in the area to affect the stability of the structure. It showed two houses to the north of a hammerhead at the northern end of an internal estate road but Members had imposed an additional condition to restrict any development to the north of the hammerhead.

The applicant had subsequently submitted an engineering report which reported no reason why the developer could not develop on the land to the north of the hammerhead and therefore this application had been submitted to remove condition 14; Building Control officers were satisfied with the findings of the report. The officer also advised that the Section 106 obligation had been amended to increase the educational contributions due to the changes in the formula in the Supplementary Planning Guidance.

Councillor Carol Ellis proposed refusal of the removal of condition 14 against officer recommendation which was duly seconded. She said that the condition had been put in place to support the view of the Inspector at the appeal inquiry about the nature of the contamination within the site and the stability of the ground. She indicated that the site had been used for landfill between 1935 and the 1960s and the authority did not have any records of the materials that were put into the area, and she highlighted paragraph 7.07 of the report about the 1899 Ordnance Survey Map of the area. The condition had been proposed by Members to support what the Inspector had said about the safety of the environment. In referring to adjoining Site of Scientific Interest (SSSI), Councillor Ellis asked if third parties had been involved in consultation about the site. She added that if the condition was removed,

then the application would be identical to application 043626 which was refused and dismissed on appeal.

Councillor Richard Jones said that a previous application had been refused by Committee in 2009 and dismissed at appeal because of the risk of contamination and land stability issues. He concurred that the authority was unaware of what had been infilled at the site and commented on leachate potentially leaking into the Trap as a result of removing part of the old tramway which acted as a barrier. He felt that condition 14 should remain in place to protect the area. Councillor Alison Halford asked whether officers had sufficient expertise to issue guarantees about the proposal by the developer to use piling on the site and asked for further information on piling. She also requested more details on the 'shallow solutions' referred to in paragraph 7.10. Councillor Neville Phillips referred to the educational contributions requested as part of the Section 106 Agreement and queried whether Elfed High School was nearer to the site than Mountain Lane Primary School. Councillor Derek Butler said that the Inspector had made his decision based on the information that was available at the time and that further details had subsequently been submitted with which Planning and Building Control Officers were satisfied.

In response to the comments made, the officer said that the applicant had submitted the engineering report which indicated that the land stability issues could be overcome. The removal of condition 14 would not necessarily mean that the applicant would develop the land up to the site boundary. An indicative plan had not been received but she understood that two properties were proposed for the site north of the hammerhead. Building Control officers were satisfied with the technical solutions that had been identified in the submitted report. She explained that when looking at contributions as part of a section 106 agreement, Education colleagues would consider the current situation at the nearest primary and secondary schools, and at the time of their considerations, a contribution was required for Mountain Lane Primary School not Elfed High School. The Development Manager said that an important factor was that the Inspector had insufficient information at the time to decide if the development was acceptable. He advised that the details that had been submitted indicated that piling was an acceptable method of building and Building Control officers were satisfied with the proposals in the report. As and when a reserved matters application was received, that could be brought to the Committee for Members to consider the acceptability of the layout.

Councillor Richard Jones commented on the tramway, the clay buffer and leachate and possible contamination between the two sites. The officer referred to paragraph 7.05 which reported on the remediation scheme that had been taken forward and the groundwater monitoring which had been undertaken which showed no contamination of the groundwater in the boreholes. It was considered that there was no issue in relation to groundwater movements and the SSSI.



In summing up, Councillor Ellis said that she strongly believed that removal of condition 14 should be refused and reminded Members of land contamination issues on a site in Leeswood.

Councillor Richard Jones requested a recorded vote and was supported by the requisite five other Members. On being put to the vote, removal of condition 14 was refused by 12 votes to 7 with the voting being as follows:-

**FOR – REFUSING THE REMOVAL OF CONDITION 14**

Councillors:, David Cox, Carol Ellis, Ron Hampson, Christine Jones, Richard Jones, Richard Lloyd, Mike Lowe, Neville Phillips, Gareth Roberts, Carolyn Thomas, Owen Thomas and David Wisinger

**AGAINST – REFUSING THE REMOVAL OF CONDITION 14**

Councillors: Derek Butler, Ian Dunbar, David Evans, Jim Falshaw, Alison Halford, Brian Lloyd and Billy Mullin

**RESOLVED:**

That condition 14 not be removed due to issues of stability and potential contamination of third party land.

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

**162. OUTLINE APPLICATION – DEMOLITION OF EXISTING PUBLIC HOUSE, BETTING OFFICE AND DWELLING AND ERECTION OF 5 NO. APARTMENTS AT 11 HIGH STREET AND BAGILLT ARMS, HIGH STREET, BAGILLT (051325)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and explained that the application had been submitted following the refusal of application 047389 for the erection of 8 No. apartments at this location. The application had been refused as the applicant had been unable to complete the necessary legal obligation in respect of a commuted sum payment in lieu of on site open space and controlling the occupancy of the units to meet local needs due to complexities regarding site ownership. This application complied with policy HSG3 to provide affordable local need housing and this would be ensured by a Section 106 obligation.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. Councillor David Cox said that the property was in a poor state of repair and development of the site would benefit the area.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the two additional highway conditions in the late observations sheet and subject to the applicant entering into:-

(a) A Section 106 Obligation/Unilateral Undertaking to ensure that the units are offered for rental to meet local housing needs.

(b) A Section 106 Obligation/Unilateral Undertaking or advance payment of £733 per apartment towards the maintenance enhancement of open space in the locality.

**163. FULL APPLICATION – REGULARISATION OF EXISTING EQUIPMENT STORE AT MOUNTAIN PARK HOTEL, NORTHOP ROAD, FLINT MOUNTAIN, FLINT (050965)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 10 March 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report explaining that the local Member had requested a site visit to allow Members to see the impact of the shed on the neighbours. One letter of objection had been received on the grounds of loss of view from the rear of the neighbouring property and the adverse affect on the amenity. The recommendation included a condition that there should be no windows or doors in the east elevation of the building.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He felt that the proposal did not significantly affect the amenity of the neighbour and that the application should therefore be approved.

Councillor Alison Halford raised concern about Members requesting site visits and then not attending either the site visit or the Committee meeting. She felt that the amenity of the neighbour would be adversely affected and that the shed could be sited elsewhere within the hotel grounds. Councillor Ian Dunbar said that this was a retrospective application and as some of the sheds in this area of the site had already been moved, he saw no reason why this shed could not also be moved. He raised concern at the height of the roof and referred to the loss of sunlight into the neighbour's property due to the positioning of the shed. Councillor Richard Lloyd also raised concern about the roof which was at its highest point nearest the fence bordering the neighbour's property which could result in the property being overlooked. He felt that the proposal was overbearing, the shed overshadowed the garden, and agreed that it could be moved. Councillor Derek Butler concurred that the

proposal should be refused and in raising concern that this was a retrospective application stated that it would be refused even if this was not the case. In his view, the shed could have been put further down the slope

The officer said that the fact that the application was retrospective did not make it wrong and that if it was unacceptable then enforcement action could have been undertaken. He added that the condition that there should be no windows or doors in the east elevation of the building would prevent overlooking.

In summing up, Councillor Roberts reiterated his comment that the proposal did not significantly affect the amenity currently enjoyed by the neighbour and added that the application could not be refused because it was felt that it should be sited elsewhere. He raised concern about costs that might be awarded against the Council if the applicant appealed and was successful in gaining planning permission. In response, the Principal Solicitor said that costs would not necessarily be awarded if the application was refused by Committee and the applicant appealed. A costs award depended upon the Council acting unreasonably. In his opinion, it was unlikely that a costs award would be made in cases of this nature.

On being put to the vote, the proposal to approve the application was LOST on the grounds of the application having a significant impact on the residential amenity of the neighbour.

**RESOLVED:**

That planning permission be refused on the grounds of the significant unacceptable impact on the residential amenity of adjoining properties by virtue of its scale and position.

**164. FULL APPLICATION – ERECTION OF 3 NO. CLASS B1 INDUSTRIAL UNITS AND ASSOCIATED CAR PARKING AND AMENDED VEHICULAR ACCESS AT BILLY JEANS CAFÉ, UNIT 2, THE HAVEN GRANGE, THE NANT, PENTRE HALKYN (051580)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 10 March 2014. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report explaining that the proposals required the applicant to enter into a Section 106 Agreement in respect of matters for which delegated powers to determine did not exist. The Section 106 Agreement would prevent the commencement of the development until such time as another existing planning permission had been implemented.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. Councillors Butler and Dunbar raised concern about Members asking for a site visit then not attending either the site visit or the Committee meeting.

Councillor Gareth Roberts concurred with the recommendation of approval and said that it was important that the Section 106 Obligation was in place so that work could not commence until the other permission had been implemented.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a S.106 agreement which provides for the following:-

- That development approved under planning permission Reference 051580 is not commenced until such time as the planning permission granted under Reference 050361 has been implemented.

**165. FULL APPLICATION – ERECTION OF A DETACHED GARAGE BLOCK INCORPORATING HOME OFFICE AND WORKSHOP AT 2 TY UCHAF, CEFN ROAD, CILCAIN (051686)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 10 March 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the adjacent property to the site had been the subject of a previous extension and that permitted development rights had been removed to prevent any further development.

Councillor Owen Thomas proposed approval of the application against officer recommendation which was duly seconded. He felt that the proposed detached building which was to be constructed of timber cladding and slate roof would not dominate the dwelling or adversely affect the visual amenity of the area, nor have any adverse impact upon the amenities of the occupants of the neighbouring property, as reported in paragraphs 7.07 and 7.08 respectively. Councillor Thomas said the principle of building the garage was not in dispute, but the issue was about its size. He referred to an application for a detached garage of similar size in Nannerch which had been permitted and queried why that had been approved when this application was recommended for refusal.

In referring to the use of the building for housing cars and tools to keep them safe, Councillor Alison Halford queried why it was reported in the conclusion of the report that the proposal was out of scale with the dwelling and referred to the site visit where the dwelling could not be viewed from the

highway as Members left the site. In response, the officer said that the proposal was for the garage to be a similar size to a house and that a building to provide security did not need to be of the scale requested. He reminded Members that permitted development rights were withdrawn when the barn was converted and approval of the application would be against Council policy.

Councillor Derek Butler said that the scale of the building was illustrated by the drawing which was displayed: it was the same size as a house. He felt it was a holiday home in the making. It was significant that the permitted development rights removed by the previous permission had never been reinstated.

Councillor Mike Peers felt that there was little in the report about what the harm would be if the development was allowed. The garage was to be sited some way from the main dwelling, and he felt that it would not impact on neighbours nor be seen from the highway. He added that the proposal would complement the site and as there was sufficient space for it to be sited, should be approved. Councillors Richard Lloyd and Richard Jones felt that the detached garage block was in keeping with the original building and as no objections had been received, Councillor Lloyd concurred that the application should be approved.

In response to the comments made, the officer said that policy HSG7 permitted developments in the countryside if they were of traditional character or architectural merit. The original application had been approved but permitted development rights had been removed to protect the character of the original converted barn. It was reported in paragraph 7.09 that negotiations had taken place with the applicant seeking a simpler, smaller, building which might be acceptable in design terms but the applicant wanted to seek determination of this application as it stood. The officer explained that the site that Councillor Thomas had earlier referred to in Nannerch was for a dwelling in its own right and therefore had permitted development rights and, as it was not a barn conversion, it could not be compared to this application.

The Planning Strategy Manager said that, due to its scale, this proposal would detrimentally impact upon the existing dwelling, and adversely affect the character of the area. He reminded Members that the application should not be approved just because it could not be seen from elsewhere.

In summing up, Councillor Thomas said that the applicant had agreed to construct the buildings in any material and added that a building made of wood would blend into the surrounding area in time. In response to a query from Councillor Peers about which policies the application did not comply with, the Planning Strategy Manager said that the policies were HSG12 and GEN 1.

On being put to the vote, the proposal to approve the application against officer recommendation was CARRIED. The Principal Solicitor said that the resolution would reflect that delegated powers would be given to the Head of Planning to determine appropriate conditions.

**RESOLVED:**

That planning permission be granted subject to conditions to be determined by the Head of Planning.

**166. FULL APPLICATION – CONVERSION OF REAR OF FORMER CHURCH TO TWO BED APARTMENT AT FORMER ENGLISH CONGREGATIONAL CHURCH, HIGH STREET, BAGILLT (051084)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that it was before Committee as the recommendation for approval subject to a Section 106 agreement for affordable housing did not fall within the scheme of delegation.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. She felt that the proposal would provide much needed affordable rental housing in Bagillt. In response to a query from Councillor Mike Peers about how it could be ensured that the affordable rental provision would be maintained in perpetuity, the officer said that this would be by way of the Section 106 Obligation.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 Obligation in respect of the following matter:-

- To ensure that the apartment is retained for local people who require affordable rentable housing.

**167. APPEAL BY MR. ANDREW LEWIS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A HAY BAY FOR STORAGE OF HAY PRODUCTS ON SITE AT FIELD ON SWAN LANE OPPOSITE THE CUPPINS, PENTRE-BACH, NERCWYS (050657)**

Councillor Derek Butler queried whether a precedent was being set by the Planning Inspector advising that a field was a farm unit and therefore granting planning permission; he felt that a policy should be in place on the issue.

The Head of Planning said that the application had been refused under delegated powers and that the appeal would be considered in more detail at a future Planning Strategy Group meeting.

**RESOLVED:**

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

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

There were 25 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.57 pm)

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**Chairman**