

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
24 JUNE 2015

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 24 June 2015

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, David Cox, Ian Dunbar, Alison Halford, Ray Hughes, Richard Jones, Richard Lloyd, Mike Lowe, Mike Peers, Neville Phillips, Gareth Roberts and David Roney

SUBSTITUTIONS:

Councillor: Haydn Bateman for Carol Ellis, Ron Hampson for Christine Jones and Jim Falshaw for Owen Thomas

ALSO PRESENT:

The following Councillor attended as local Members:-

Councillor Helen Brown - agenda items 5.3 and 5.4.

The Chairman exercised his discretion to allow Councillor George Hardcastle to speak as local Member on agenda item 5.4

The following Councillor attended as an observer:

Councillor Owen Thomas

APOLOGIES:

Councillors: Derek Butler and Billy Mullin

IN ATTENDANCE:

Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planner, Manager (Minerals and Waste), Planning Support Officer, Democracy & Governance Manager and Committee Officer

26. DECLARATIONS OF INTEREST

Councillors Marion Bateman and Haydn Bateman declared a personal and prejudicial interest in the following application because they were co-owners of the property:-

Agenda item 5.7 – Full application – Alterations and extension to dwelling at Pen y Bryn Bungalow, 17 Pen y Bryn, Soughton (053670)

27. LATE OBSERVATIONS

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

Councillor Alison Halford queried why the minutes of the previous meeting were not included on the agenda. She was advised by the Democracy

& Governance Manager and Planning Strategy Manager that the minutes would be included on the agenda for the July 2015 meeting of the Committee.

28. ITEMS TO BE DEFERRED

The Development Manager advised that none of the items on the agenda were recommended for deferral by officers.

29. FULL APPLICATION – ERECTION OF 4 NO. 2 BED APARTMENTS, 2 NO. 3 BED HOUSES AND 1 NO. 2 BED HOUSE TO INCLUDE ALL PARKING AND ASSOCIATED SITE WORKS AT HILLSIDE AVENUE, CONNAH'S QUAY (053364)

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 22 June 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 site was in the ownership of Flintshire County Council and accommodated a number of garages, the majority of which were unused. He highlighted section 5 of the report which explained that a previous application on the site had been refused on 26 January 2015 due to overdevelopment and the adverse impact of the proposed site layout on trees which were the subject of a Tree Preservation Order. It was considered by officers that this application addressed the concerns raised and an additional condition had been suggested to safeguard the footpath-link through the site during construction works and its retention thereafter in perpetuity.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He indicated that the proposed parking for the apartment block was sited adjacent to the common site boundary with an existing property at 43 Hillside Avenue and he commented on the proposals for boundary treatments. Councillor Dunbar added that the erection of barriers to ensure that the root protection areas of the trees were safeguarded during construction works and the acknowledgement that a footpath which crossed the site which allowed for pedestrian access into the adjacent recreational area and provided a link to existing residential properties at Lon Derwen was welcomed by residents. In moving the recommendation, he said that the proposal would provide a residential development that would provide affordable housing and much needed housing stock for rent or sale.

Councillor Chris Bithell referred to the original application and said that the number of properties had been reduced in this proposal and therefore the concern of overdevelopment had been addressed. The issues about the footpath and the trees protected by the Tree Protection Order had also been addressed.

In referring to the Section 106 Obligation in lieu of on site recreational provision, Councillor Richard Lloyd asked whether the monies would be used for a nearby play facility and what the area consisted of. The officer responded that there were landscaped areas included in the site but there was no usable or definable open space. The site was immediately adjacent to an area of open space and could be easily accessed from the site and this element of the Section 106 obligation would be used to improve the existing facilities in this area. He highlighted paragraph 7.14 where it was reported that the erection of a 1.8m high brick wall to safeguard privacy/amenity due to the site being adjacent to the common site boundary with an existing property at 43 Hillside Avenue could be covered by condition if the application was granted.

On the issue of the contribution in lieu of on site recreational provision, Councillor Chris Bithell referred to community asset transfers for play areas and queried whether the section 106 obligation monies could be transferred to a third party if the asset was taken over. The Development Manager explained that under the terms of a section 106 agreement, it could not be requested that the monies be transferred to another body. It would be paid to the Council and if the land was transferred, the monies could be transferred with the land unless it had already been enhanced. The Planning Strategy Manager referred to the Community Infrastructure Levy guidance note and the issue of not being able to request a Section 106 Obligation if five or more for a particular project had already been requested. Discussions had taken place with Education and Leisure colleagues to ensure that there was a clear audit trail for projects that had received Section 106 monies. In response to a question from Councillor Bithell, the Democracy & Governance Manager indicated that he did not feel that there would be a legal challenge if monies were handed over to a third party as it was all part of the community asset transfer process.

In summing up, Councillor Dunbar said that if the conditions were met then the proposal would clear up a derelict area. He added that the recreation area was well used. He thanked the officer for the work that he had undertaken on the application and for the correspondence he had provided.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional condition referred to in the late observations and subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling and £733 per apartment in lieu of on site recreational provision.

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

30. INSTALLATION AND OPERATION OF A MOBILE ADVANCED THERMAL TREATMENT PLANT (ATT) AND ASSOCIATED OPERATIONS IN EXISTING BUILDINGS COMPRISING A 1 MW PYROLYSIS UNIT AND ASSOCIATED GAS ENGINE AT PORT OF MOSTYN, COAST ROAD, MOSTYN (053393)

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 22 June 2015. The usual consultations had been undertaken and the responses received detailed in the report.

The Manager (Minerals and Waste) detailed the background to the report and explained that the proposal was for a small-scale temporary energy centre for a period of five years for a pyrolysis plant to produce bio-oil, bio-gas and char, a gas cleaning unit and a gas powered engine electricity generator set. It was predicted that the unit would have capacity for 16 tonnes per day of feed stock in pelleted form and would generate up to 1 MW of electricity which would feed into the National Grid and onto other users. The heat from the proposal could be reutilised and would be available for other businesses in the area to use. No new buildings would be erected as a result of the proposals as an existing warehouse would be used but it was anticipated that a number of offices would be erected outside of the building and would include welfare facilities. The noise levels from the site would be very low and the proposal was for a small scale experimental facility to demonstrate whether the process would work. The Manager (Minerals and Waste) advised that the proposal was within Welsh Government guidelines and added that the process required a permit before the treatment and processing of any waste could take place. In this instance, it would be regulated via a Part B Authorisation under the Environmental Permitting Regulations from the Council's Public Protection Department rather than from Natural Resources Wales.

The site was in a flood risk zone C1 but was considered to be in a less vulnerable area and an upgrade of the flood defences was to take place in the near future at the Port of Mostyn. The Manager (Minerals and Waste) commented on the access to the site from the A541 Coast Road and said that it was anticipated that there would be one or two HGV deliveries per day. The process would run for 24 hours per day and it was likely that the site would employ two or three staff in the office and three to four operatives on each of the three shifts. The feed store would be located inside the building but anything stored outside would be plastic wrapped until it was needed for the process.

Mr. D. Levis spoke in support of the application. He commented on the consultation exercise that had been undertaken on the proposals and indicated that the Local Member, Councillor David Roney, had been invited to attend a meeting on 24 February 2015 to discuss the scheme. Mostyn Community Council had also been invited to attend the site but no representatives had taken up the invitation and had not provided a response to the consultation. He added that further information had also been sent to the Planning Committee about the proposals. On the issue of the processing equipment, Mr. Levis indicated that it was not an incinerator and that time had been spent by the

applicant to find the most advanced equipment for the scheme. The facility would not enable oxygen to reach the feed store and therefore it would not be able to combust. The bio-gas would be cleaned to remove particles so that the product could be used elsewhere in the process and Mr. Levis explained that the process was so advanced that it was classed as renewable energy. The feed stock would be wrapped and baled and the primary use for the proposal was to generate electricity which would assist to meet renewable targets. The proposal was fully compliant with local and national policies, including policy EM3 and the Waste Strategy policy.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He felt that the concerns that had been raised by Councillor Roney and Mostyn Community Council on access and highways grounds had been addressed. The facility would be for a temporary period which would allow the opportunity for the proposal to be assessed. He added that there were no planning or highway reasons to refuse the application. Councillor Mike Lowe concurred with the comments of Councillor Bithell and added that there had not been any objections from Highways or Natural Resources Wales.

The Local Member, Councillor David Roney, said that he had been invited to visit the site by the Port Manager, not the applicant, and when he had attended, representatives from Aeternis Energy (Mostyn1) Limited were also in attendance. He agreed that Mostyn Community Council had been invited but it had been indicated that health and safety checks would take a whole day before they could be allowed on to the site. The facility would take commercial waste from outside the area which would be burned to produce electricity. Councillor Roney commented on applications for incinerators at Warwick International and on Deeside industrial Park and on the issue of fracking in the area. He spoke of TAN 8 which indicated that the proposal needed to have a carefully sited heat load adjacent to the site, which this did not. He quoted from the Unitary Development Plan paragraph 19.4 which indicated that proposals that would use waste from elsewhere should be discouraged. He also referred to policy EWP6 about managing waste arising from Flintshire rather than from elsewhere, which he felt should not be permitted and therefore the application should be refused.

Councillor Mike Peers queried why the temporary permission was for five years and asked whether this could be reduced to three years. Members had been advised that the main fuel source would be pellets and he therefore sought clarification on paragraph 7.24 about the facility assisting Wales to become more self-sufficient for the final treatment of residual wastes.

Councillor Richard Jones said that he was aware of a similar facility in Sandycroft and queried whether the proposal was experimental, as had been indicated earlier. He sought clarification on the heat load and requested further information on the feed source. Councillor Richard Lloyd queried whether waste was being taken to the plant which would then be made into pellets and he also asked whether it was appropriate to undertake consultation with the Fire Authority or Network Rail. He raised concern about the waste and asked

for a guarantee that it was pellets rather than waste that was stored in the bales.

In response to the comments made, the Manager (Minerals and Waste) said that there was no link between this application and fracking and there were currently no proposals for fracking in the area. TAN8 required the proposal to be sited in an appropriate location but did not require an end-user of the heat load to be identified at the application stage. The majority of the output would be to generate electricity and the heat produced could be used for ambient heating and could be sold on to other users. He explained that warming up the fuel stock would make the process more efficient and added that the majority of the fuel stock was pelleted but it was possible that some would be non-pelleted, but he added that there was very little difference between pellets and flocked materials. It was a small scale proposal and the waste would be compacted into bales rather than delivered to the site in loose form and would be brought into the unit and unwrapped when it was required. In referring to policy, the Manager (Minerals and Waste) said that the UDP policies were considered during consideration of the applications but where newer national policy was in place, this was considered instead of the UDP. He did not feel that a temporary permission of three years was appropriate and that five years would allow the operators to monitor the effectiveness of the proposal. The technologies used at the site in Sandycroft were slightly different and the Manager (Minerals and Waste) added that this proposal was for an energy generation plant rather than an energy from waste facility. The Fire Authority and Natural Resources Wales had not been consulted as the proposal was to be sited within an existing building. On the issue of the final treatment of residual wastes referred to in paragraph 7.24, he said that the feed stock could come from anywhere in Flintshire but anticipated that the applicant would not be looking to take waste from a distance of more than 50 miles away from the plant. He reminded Members that the waste would not just be waste from the Council but would also be commercial waste too. In response to a query from Councillor Roney, the Planning Strategy Manager reiterated the earlier comment that the UDP was the starting point when considering applications but that national policy could not be ignored if it was more up to date. He added that the proposal was for a renewal energy generating source which did not conflict with other proposals in the area.

In summing up, Councillor Bithell said that the small scale proposal complied with local and national policy. Safeguards to reduce any risk or harm were in place and were reported in paragraphs 7.21 and 7.22 and he added that there were no highway or planning reasons to refuse the application and the proposal would not cause any environmental or public amenity nuisance.

RESOLVED:

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

31. PART CHANGE OF USE FROM CAR DISMANTLERS TO MOT TESTING STATION AND VEHICLE REPAIRS AT TRANSPORT YARD, ASTON HILL, EWLOE (053460)

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 22 June 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 Local Members had asked for committee determination because of the amount of local interest in the proposal. Hawarden Community Council had objected to the application on the grounds of highway safety and proposed hours of operation and 13 objections had been received from local residents.

Mr. M. Nixon, the application, spoke in support of the application. He said that the opening hours of 6am to 6pm Monday to Friday and 8am to 1pm on Saturdays had been requested. The 6am start would allow customers to bring their vehicles for MOTs outside of normal working hours and would result in a maximum of three cars being brought in during the period of 6am to 8am. The MOT testing station was not near the road so the issue of noise was not a problem and the concerns that had been raised about trading already taking place were untrue. Mr. Nixon explained that equipment needed to be in place before the MOT station could operate and this had been stored on the site since the garage closed down earlier in the year.

Councillor Alison Halford moved refusal of the application, against officer recommendation, which was duly seconded. She raised concern about the highway particularly as the site was located on a bend and added that the introduction of more vehicles to the area was a problem. Councillor Halford felt that the start time of 6am for a residential area was too early and added that another MOT station in the area did not open as early.

The Local Member, Councillor Helen Brown, raised concern about highway safety and the hours of operation and said that objections had been received from Hawarden Community Council. She reiterated the comment that vehicles were parking on the bend at the entrance to the site and that a 6am start in a residential area was unacceptable. It was reported that a number of different businesses had been carried out on the site without planning permission. Councillor Brown queried how it could be ensured that cars and loaders would not park on the road outside the site and asked Members to consider the hours of opening and highway issues if they were minded to grant permission.

Councillor Mike Peers said that some photographs of the problems caused by vehicles parking on the road had been forwarded to him; he circulated these to the Committee Members. He explained that the photographs were showing the difficulty experienced by a delivery van and the need for it to reverse into the site because of vehicles parked on the road. He

also did not feel that the access and egress were suitable and concurred that the 6am start was unacceptable because of the effect on the residential amenity. Councillor Peers said that the comments of the Local Member and Community Council should be considered and that a condition should be included to prevent parking on the bend and to ensure the access and egress were acceptable if the Committee was minded to approve the application. He also suggested that a 7am or 8am start would be more appropriate. Councillor Richard Lloyd concurred that a 6am start was unacceptable.

In response, the Senior Engineer – Highways Development Control said that Highways did not have any objections subject to conditions about parking and the entrance to the site. The road was of an adequate width and the access met visibility standards so there was no reason to refuse the application on highway grounds.

Councillor Lloyd proposed an amendment that the hours of opening be 8am to 6pm Monday to Friday with the times proposed for Saturdays remaining unchanged at 8am to 1pm; this was duly seconded.

The Development Manager indicated that it was not possible to include a condition to restrict parking on the bend and reminded Members that as the proposal was not currently in operation, that the vehicles currently parking there could not be associated with this application. The MOT testing station would have to include dedicated areas for vehicles to be tested and provided that the facility met the required standards for this, then other highway issues would be a matter for the Police to consider.

Councillor Gareth Roberts felt that there was little difference in the amount of vehicles between the proposed use and the previous use but said that the MOT would not create the noise and nuisance of general repairs. He felt that refusal of the application would be difficult to defend on appeal and said that the general concerns about highways could be considered but added that this was not a consideration for this application.

The Democracy and Governance Manager explained that the Highways officer had indicated that there were no highway grounds to refuse the application and an amendment had been put forward by Councillor Lloyd, which if approved, would address the concern about the early opening hours. He added that the parking on the bend could not be attributed to this application as the MOT testing station was not yet in operation.

Councillor Peers accepted that this application was not causing the parking problem but asked if Highways could look at the concerns to ensure that they did not continue and consider the inclusion of yellow lines. The Senior Engineer – Highways Development Control indicated that she would take up the concerns raised with the Streetscene Department to assess whether there was a requirement for yellow lines in the area.

In summing up, Councillor Halford referred to a dismantling yard which would remain in operation and she reiterated her concerns about the 6am start.

She felt that double yellow lines was the only option to stop traffic parking on the bend and she raised concern about the comment in paragraph 7.03 that businesses had been in operation for a number of years without planning permission. Councillor Halford also raised concern that enforcement action to prevent this reoccurring was not taking place. She also felt that the views of the objectors should be taken into account.

The Democracy and Governance Manager advised that the fact that planning permission for previous businesses had not been sought could not be held against the applicant.

On being put to the vote, the amendment proposed by Councillor Lloyd for opening hours of 8am to 6pm Monday to Friday with Saturday hours remaining unchanged at 8am to 1pm, was CARRIED. This became the substantive motion and on being put to the vote, planning permission was granted subject to that amendment to the conditions in the report.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) but with an amendment to the condition relating to opening hours so that opening hours are 8am to 6pm Monday to Friday and 8am to 1pm on Saturday.

32. FULL APPLICATION – REMOVAL OF EXISTING ROOF, DEMOLITION OF EXISTING FLAT-ROOFED GARAGE AND ERECTION OF NEW GARAGE, ERECTION OF EXTENSION TO REAR OF GARAGE CONSTRUCTION OF NEW HIGHER-PITCHED ROOF OVER THE WHOLE STRUCTURE TO CREATE NEW ROOMS IN THE ROOF SPACE AT 28 SUMMERDALE ROAD, QUEENSFERRY (053329)

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 22 June 2015. 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 had been the subject of a number of applications, with the two most recent applications being dismissed on appeal or refused.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He said that the application had been refused twice and dismissed on appeal and even though the height had been reduced by one metre, the proposal was still incongruous. Councillor Gareth Roberts concurred and indicated that the appeal Inspector had agreed with the decision to refuse the application.

A Local Member, Councillor Helen Brown, spoke in support of the application. She said that the applicant had submitted amended plans which reduced the height by one metre and added that she did not consider the

development to be detrimental to the streetscene. No objections had been received from the neighbours or Hawarden Community Council. She explained that the applicant wanted to extend his property for himself and his family and asked Members to consider the different type of properties in the area and approve the application.

A Local Member, Councillor George Hardcastle, said that he had lived in the area for a number of years and commented on the variety of properties in Aston Park and some of the extensions to properties in the area. He felt that the application should be approved as he did not feel that it looked out of place and the proposal had been reduced by one metre from the original application. He asked the committee to consider approving the application.

Councillor Alison Halford suggested that the comments of the Local Members should be taken into account and said that it appeared that the officer had decided that they did not like the proposal because of the height. She did not think that the Inspector's decision on the previous application should be considered when the applicant had reduced the height for this proposal. Councillor Halford added that it was unfair to do so as it was not known what the Inspector's decision would be if this application was refused and went to appeal. She also said that the application was for an affordable home.

In response, the Development Manager said that the recommendation in the report was based on experience of similar proposals which officers faced on a regular basis. A consistent approach had been taken in the recommendation of refusal and he asked the Committee to also be consistent in their decision. The Democracy & Governance Manager reminded Members that all reports were in the name of the Chief Officer (Planning and Environment).

Councillor Richard Lloyd concurred with the earlier comments that there were a variety of property styles in the area and suggested that the proposed amendments to the dwelling were appropriate. Councillor Ray Hughes queried if the Inspector had recommended a reduction in height of 1 metre, Councillor Helen Brown said that the appeal Inspector had indicated that the original proposal for the dwelling was too high and therefore the applicant had reduced the height by one metre.

In referring to paragraph 7.05 of the report, Councillor Mike Peers said that the Inspector had made particular reference to the massing of the roof as a result of the proposals. However, Councillor Peers felt that the extension to one of the neighbouring properties had more of an impact on the streetscene than what was proposed in this application. He queried what the differences were between the proposed extension to this property and the neighbouring property and whether the resultant massing compared to what was currently in place was the reason for the recommendation of refusal. In response, the officer commented on the extensions to other properties in the area and explained that permitted development rights had changed since those extensions were permitted and the criteria was now based on the impact on the streetscene. He referred to appeals which the Council had been successful in

defending in the last five years for similar proposals and advised that both the height of the roof and the overall massing were areas of concern. He added that the massing had been increased and the roof was higher than the two adjacent properties.

The Planning Strategy Manager acknowledged the comments of the Local Members but indicated that in planning policy terms, there needed to be exceptional circumstances for the proposal to be approved, but there were none on this application. He agreed that a decision of an appeal Inspector was not known on this application but he added that to say that the proposal would not do any harm was not a sound planning reason to approve the application. On the issue of whether the proposal was for an affordable home, the Planning Strategy Manager said that details of the affordability element had not been provided and it did not necessarily mean that the application should be approved if it was affordable. The scale and massing of the proposal were the same as on the previous application which was refused. He referred to the impact on the streetscene of other extensions and in highlighting paragraph 7.01 indicated that the proposal was for more than the inclusion of a dormer window.

In summing up, Councillor Bithell referred to the earlier comments by Councillor Halford about it being the officer's decision and reminded Members that the officers were professionals who should be given the respect that they deserved. The decision made by officers had been based on local and national policy and Councillor Bithell asked the Committee to listen to the advice provided. He referred to the large and varied extensions to other properties that had been mentioned earlier and said that this may be because applications were approved against planning policy. He said that the applicant could appeal the decision if it was refused by the Committee at this meeting and if the Inspector felt that the incorrect decision had been reached, then it could be overturned. Councillor Bithell concluded that Members should abide by the officer recommendation and uphold the Council's policies by refusing the application.

RESOLVED:

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

33. FULL APPLICATION – REPLAN TO 3 NO. PLOTS (201 – 203) WITHIN NORTHERN PARCEL OF FORMER BUCKLEY BRICKWORKS, DRURY LANE, BUCKLEY (053308)

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

The officer detailed the background to the report and explained that the plots were located in close proximity to the main entrance to the site and following concerns that had been expressed, this application to replan the three plots had been submitted. He provided a detailed explanation of the proposals and advised that the orientation/relationship of the dwellings was acceptable to provide for a well-balanced site layout. The dwellings were orientated so that they had frontages onto the main estate road and Drury Lane and it was considered that this would provide an attractive entrance into the estate development. Concerns had been raised on access grounds and as a result of this, it was recommended that additional parking restrictions be included in the Section 106 Obligation and this could consist of double yellow lines to prevent residents and visitors parking in this area.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He referred to the original application which would have required vehicles to reverse from parking areas at these properties into the road and indicated that he had raised this as a concern. He welcomed the change in elevation on plot 201 as the proposals would result in the French window facing a southerly direction, away from the site entrance. In response to a question from Councillor Peers, the officer explained that the reorientation of the plots would result in the gardens being parallel to Drury Lane and therefore removal of permitted development rights to allow further extensions of properties without the further grant of permission had been included as a condition.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional condition in the late observations and subject to the applicant entering into a supplemental planning obligation, re-enforcing:-

- a. the provision of the Section 106 Obligation entered into under Code Nos 050333 and 050874 on the site, in respect of highway, ecological, affordable housing and open space requirements.
- b. The introduction of additional parking restrictions to ensure that the main estate road is kept free from casual parking/obstructions.

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

34. UPGRADING OF AN EXISTING TELECOMMUNICATIONS APPARATUS AND ASSOCIATED WORKS AT FFYDDION FARM, LLOC (053555)

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 was being considered by the Committee because of its height. No objections had been received to the application but Caerwys Town Council had requested that the existing structure be removed; this had been included in condition 3.

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

In response to a query from Councillor Richard Lloyd, the officer advised that even though Caerwys Town Council had asked for the existing structure to be removed within three months, a condition had been included to remove it within one month of the installation of the new equipment.

Councillor Jim Falshaw commented on concerns raised by Caerwys Town Council about the separation distances between the mast and a wind turbine. The officer advised that the telecommunication company were consulted on the wind turbine and had objected to the proposal. The Development Manager added that the Committee had resolved to grant permission for the wind turbine if no objections were received but as the telecommunications company had objected, planning permission had not been given for the turbine.

RESOLVED:

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

35. FULL APPLICATION – ALTERATIONS AND EXTENSION TO DWELLING AT PEN Y BRYN BUNGALOW, 17 PEN Y BRYN, SOUGHTON (053670)

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. Councillors Marion Bateman and Haydn Bateman, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and explained that the application had been submitted to the Committee as the applicant was an Elected Member.

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

In response to a question from Councillor Mike Peers, the officer provided details of the proposed changes to the property. Councillor Ray Hughes asked about the increase in the footprint and the officer confirmed that the size of the property would increase by approximately one third.

RESOLVED:

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

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

36. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 9 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.49 pm)

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Chairman