

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
23 MARCH 2016

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 23 March 2016

PRESENT: Councillor David Wisinger (Chairman)

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

SUBSTITUTION:

Councillor: Ron Hampson for Christine Jones

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Bernie Attridge for agenda item 6.7. Councillor Rita Johnson for agenda item 6.8. Councillor Tim Newhouse for agenda item 6.9. Councillor Chris Dolphin for agenda item 6.12. Councillor Rita Johnson as adjoining ward Member for agenda item 6.13.

The following Councillors attended as observers:

Councillor Haydn Bateman

APOLOGY:

Councillor Billy Mullin

IN ATTENDANCE:

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

145. DECLARATIONS OF INTEREST

Councillor Nancy Matthews indicated that she had sought legal advice and as it could have been deemed that she had pre-determined her stance on the following application, she would speak as Local Member only and not as a Committee Member and would therefore not vote on the application:-

Agenda item 6.4 – Full application – Change of use of land from paddock to a touring caravan facility (24 touring caravans) and erection of amenity block at Ty Hir, Ffordd Glyndwr, Nercwys (054629)

146. LATE OBSERVATIONS

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

147. **MINUTES**

The draft minutes of the meeting of the Committee held on 24th February 2016 had been circulated to Members with the agenda.

Councillor Chris Bithell referred to page 29 and asked that the words 'fencing and' be added to the ninth line of the second paragraph before the words 'an additional camera'. On being put to the vote, the amendment was agreed.

Councillor Mike Peers also referred to page 29 and suggested that the words 'the agent for Aldi' be added after the words 'Ms. Gabrilatsou' in the seventh line of the final paragraph. On being put to the vote, the amendment was agreed.

In referring to page 33, Councillor Peers asked if the letter seeking a community benefit in connection with the development on Spencer Industrial Estate had been sent. The Chief Officer (Planning and Environment) confirmed that it had been sent and added that discussions on an appropriate scheme would be held with the Local Member.

RESOLVED:

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

148. **ITEMS TO BE DEFERRED**

The Chief Officer (Planning and Environment) advised that deferment of the following application was recommended:

Agenda item 6.7 - Full application – Erection of 33 No. apartments with associated car parking at Albion Social Club, Pen y Llan, Connah's Quay (054607) – Deferred due to concerns raised at the site visit about access to the site and waste collections. Deferment was proposed by Councillor Gareth Roberts and was duly seconded.

On being put to the vote, the application was deferred.

RESOLVED:

That application 054607 (Albion Social Club, Pen y Llan, Connah's Quay) be deferred.

149. **APPLICATION FOR VARIATION OF CONDITION NOS 2, 14 & 18 FOLLOWING GRANT OF PLANNING PERMISSION: 042468 AT PARRY'S QUARRY, PINFOLD LANE, ALLTAMI (054135)**

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 Senior Minerals and Waste Officer detailed the background to the report and explained that the application had been deferred from the previous meeting to allow clarification on the conditions to be provided. She explained that the proposal was for a Section 73 application to vary conditions 2, 14 and 18 which she detailed. Appendix 1 to the report provided details of the original wording, the proposed wording and the reason for the changes and the proposed changes were broadly grouped as detailed in paragraph 1.02 of the report. Condition 32 had been added to secure a traffic management plan. The officer referred Members to the late observations where comments from Councillor Richard Jones were reported which included a request for an amendment to condition 4, clarification on the use of a tail piece and seeking clarification on the differences between conditions; officer responses had been provided. The recommendation was for approval of planning permission and the officer indicated that there had been no objections from statutory consultees.

Mr. S. Amos spoke in support of the application. He said that transport consultants had been employed by the applicant and they had reviewed personal injury traffic accident data which demonstrated that no accidents had been recorded on the A494/Pinfold Lane junction over the past 10 years. It was therefore felt that there were no road safety issues that required the provision of any road widening scheme but a scheme had been proposed by the applicant which it was felt would be a significant improvement to the ability of two vehicles to pass. There were no outstanding objections nor conflict with planning policy and therefore Mr. Amos asked the Committee to approve the application.

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

The Local Member, Councillor Carol Ellis, said that most of her concerns had been discussed at the previous meeting but she still had concerns about condition 12 relating to an approved dust scheme and condition 15 about the prevention of mud, dust, debris and litter onto the public highway. She sought clarification that all of the schemes would be in place before any waste was brought to the site and said that there were no details in the report about the control of odour from the site which she also felt was a concern.

At the previous meeting, Councillor Owen Thomas has referred to the ditch being concreted over to allow the development of the access to the site; he queried whether the ditch would be reinstated. Councillor Richard Jones thanked the officer for the responses provided in the late observations and the descriptions in the appendix of why the conditions were to change. In relation to condition 4, Councillor Mike Peers suggested that the Local Member and adjoining Ward Member be advised when the detailed work programme had

been submitted. He also sought assurance that no waste would be received on the site prior to the submission of all necessary schemes.

In response to the comments made, the officer confirmed that the schemes referred to in conditions 12 and 15 had already been approved and added that the operator was obliged to comply with these schemes as approved. On the issue of odour, the officer confirmed that the applicant would need to submit a scheme before waste could be received at the site and confirmed that no waste would be received at the site before the working programme was submitted and approved by the Local Planning Authority. The officer confirmed that discussions about the detailed working programme (as referred to in condition 4) could be held with the Local Member. She added that Highways had felt the work on the culverting of the ditch by the access to the site was acceptable. The Chief Officer (Planning and Environment) drew Members' attention to condition 31 on the implementation of an approved liaison committee scheme, which he felt would allow an opportunity for Members and residents to engage with the applicant on any areas of concern. The Senior Minerals and Waste Officer confirmed that an initial meeting had taken place and that there would be more meetings in the future. She added that consultation could be undertaken with the Local Member and the adjoining Ward Member, as requested.

In summing up, Councillor Bithell said that all issues and concerns that had been raised had been addressed.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the completion of a supplementary Section 106 (S106) agreement to attach the obligations contained in the S106 agreement dated 16 December 2008 in relation to planning permission 042468 to the permission arising out of this application.

150. FULL APPLICATION – ERECTION OF WASTE TRANSFER BUILDING, WEIGHBRIDGE, WEIGHBRIDGE OFFICE, ACCESS ROAD AND ANCILLARY DEVELOPMENT AT PARRY'S QUARRY, PINFOLD LANE, ALLTAMI (054201)

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 Senior Minerals and Waste Officer detailed the background to the report. She explained that the applicant was in the process of implementing the planning permission granted for the site and this application was for the erection of a waste transfer building which would reduce the impact on the amenity for issues such as noise. She provided details of the size and height of the building which had been revised and compared the building with a nearby telecommunications mast which was 23.5 metres high. Concerns had

been raised about the height of the building but the officer stated that the nearest residential properties were 140 metres away and the distance was considered to be too large for the transfer building to be overbearing on these properties. The views from Liverpool Road and Smithy Lane, which were between 700 and 1,000 metres away, would be more distant and would only be of the top of the building. The provision of the building would reduce the impact of the site on the area and would therefore be an overall planning gain. The officer added that the applicant could operate without the transfer building but its provision would allow them more control.

Mr. S. Amos, the applicant, spoke in support of the application. It was felt that the facility would improve the efficiency of the site and the reduction in vehicles accessing the waste tipping area would reduce the potential disturbance in terms of dust and noise that may otherwise occur. All of the delivery vehicles would use the new HGV access and there had been no objections from statutory consultees and the application was compliant with planning policy.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He felt that the proposal would be an improvement and would reduce some of the problems that could otherwise have occurred and would be a planning gain. The height of the building was a concern but other buildings and structures in the area were more prominent. The site would be used for industrial purposes and screening was already in place and therefore there would not be an impact on the neighbouring residents. Councillor Ian Dunbar sought clarification on the distance of the building from the nearest residents.

The Local Member, Councillor Carol Ellis, noted the conditions but said that she still had a number of concerns relating to the visual impact from Liverpool Road and Smithy Lane. On the issue of noise control, she asked that all schemes be submitted to the Council before any work commenced on site. She hoped that the compliance with conditions would not need to be undertaken by herself, the adjoining Ward Member or members of the public as she felt it was the Council's responsibility to ensure that the conditions were all complied with.

Councillor Richard Jones sought clarification on how many waste transfer stations there were in Buckley and sought assurance that any litter from the site would be cleaned up. Councillor Mike Peers said that a lot of time was spent consulting on drawing up conditions which were agreed by all parties but then applicants submitted applications to change them. He felt that the conditions should be imposed and asked whether it was possible to condition that the agreed conditions were not the result of an application to amend them at a future date.

In response to the questions raised by Members, the Senior Minerals and Waste Officer said that the nearest properties were 140 metres away from the building. The views from Liverpool Road and Smithy Lane would only be of the top of the building because of the mature vegetation that was in

place and a condition had also been included restricting the colour of the building to holly green. A scheme for noise control was already in place for the whole of the site and on the issue of compliance with conditions, the officer advised that the Local Planning Authority would actively monitor the site up to eight times a year to ensure compliance with conditions at that time. She added that outside of those visits, there was a reliance on the public to let the Council know if they were aware of any breaches to what was permitted. However, she explained that the site was opposite the Council depot at Alltami and therefore officers could raise any concerns they had. The officer indicated that she would check how many permitted sites there were in Buckley. She explained that the purpose of the proposal was to reduce the impact on the amenity and on residents and would minimise the number of vehicle movements and would therefore be a vast improvement. She noted the concerns raised by Councillor Peers about conditions imposed on permissions and concurred that Members and officers worked hard to draw up conditions that would provide control for the Council.

The Chief Officer (Planning and Environment) said that there were a number of ways to ensure the conditions were monitored and enforced and these included the Minerals & Waste Team, the Liaison Committee and Natural Resources Waste as they needed to be satisfied that the site was run appropriately before they issued a permit. However, he agreed with the Senior Minerals & Waste Officer that there was also a reliance on the public and Members to raise any issues with the Council. He added that the conditions included in the permission of the application met the test and were definitive and enforceable. Councillor Richard Jones felt that Members and the public should not be relied upon to check on the compliance with conditions and said that it should be the Enforcement Team with Members being an extra form of communication if necessary.

In summing up, Councillor Bithell felt that all the issues raised had been addressed but spoke of the expectation that planning conditions would be adhered to. However, if they were not, then the public could raise concerns with Members who could refer the matter to the Enforcement Team.

RESOLVED:

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

151. APPLICATION FOR VARIATION OF A CONDITION 4 (TO INCREASE TONNAGE CAPACITY), CONDITION 10 (EXTENSION TO WORKING HOURS) AND CONDITION NO. 26 (INCREASE HEIGHT OF STOCKPILES) FOLLOWING GRANT OF PLANNING PERMISSION (052359) AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE (054536)

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 Senior Minerals and Waste Officer detailed the background to the report and explained that this was a Section 73 application to vary three conditions (4, 10 and 26) attached to planning permission 052359 which had been approved in October 2015. Since the application had been submitted, the applicant had withdrawn the request to vary conditions 4 and 26 and therefore only variation to condition 10 remained. The applicant had asked for a temporary permission of six months to allow the impact of the requested changes to be assessed. The original submission had requested working hours of 7am to 6pm Monday to Saturday with no Sunday working and the variation of condition was seeking working hours of 6am to 7pm Monday to Saturday and 10am to 5pm on a Sunday. The officer explained that concerns had been expressed by Buckley Town Council and neighbouring residents about the impact on the amenity. A noise assessment had been submitted with the application and had included spot noise assessments at Parry's Cottages, Liverpool Road and Smithy Lane and these had been found to show that the noise associated with the workings would not exceed background levels. It was felt that the proposals would not have a detrimental impact on the amenity. A condition had been included to limit the noise levels which would be monitored and enforced by the Planning Authority and the officer suggested that the condition attached to the original permission also be carried forward to this proposal if approved.

In response to a question from Councillor Chris Bithell about the request for temporary permission, the officer confirmed that the working hours would revert back to those currently permitted at the end of the temporary period and a further application would need to be submitted to vary the condition on a permanent basis.

Councillor Bithell proposed the recommendation for approval which was duly seconded. He felt that a temporary permission of six months was appropriate to assess any impacts and that a request for a permanent change could be refused if necessary.

The Local Member, Councillor Carol Ellis, expressed significant concern that the public needed to advise the Council of any issues with the site and suggested that the applicant was not complying with the current working hours imposed. She said that there had been a number of complaints about the site relating to the height of the stockpiles which she felt was a fire hazard. She added that the site had previously accepted food waste from the Council for which they did not have a permit or planning permission and she said that this was a health hazard and had been reported by the public. Councillor Ellis had also raised the issue of receiving food waste by letter to the Council but had not yet received a response. She said that she could not approve the application and that the applicant was not adhering to the current conditions which meant that the public were not being protected.

Councillor Mike Peers felt that the views of the Local Member should be considered and concurred that the application should not be approved. He queried the justification to vary the condition for six months and spoke of the noise that neighbouring residents would experience if the working hours

commenced at 6am and that consideration should be given as to where the traffic would be coming from to arrive at the site from 6am. Councillor Peers felt that the current conditions should be adhered to and that a valid reason was required for why a 6am start was necessary along with working hours on a Sunday which were not currently in place. He felt that any benefit to the applicant would be outweighed by the impact on the residents and queried why a Traffic Impact Assessment had not taken place. Councillor Alison Halford agreed with Councillor Ellis and said that she would not support the proposal. Councillor Richard Lloyd indicated that it was reported that Sunday working would be to carry out repairs, maintenance and testing on the site and queried why this could not be undertaken during the working hours on Monday to Saturday. Councillor Gareth Roberts commented on the views of Councillor Ellis and suggested that if permission was granted for six months, then the applicant would comply with conditions for that period so that a request for permanent variation would be considered favourably. He felt that refusing the application was justified. Councillor Marion Bateman said that assurance had been given that any breaches of condition would be looked at when reported to the Planning Authority; she asked if any action had been taken for breaches of condition already reported.

In response to the comments made, the Senior Mineral & Waste Officer confirmed that at the end of the six month period, the applicant would need to reapply for a further extension to the working hours. She confirmed that complaints had been received about the site but reminded the Committee that this application was only to vary the working hours for the site not for issues relating to dust or litter. Any previous breaches were a matter for the Enforcement Team and Natural Resources Wales as they were responsible for the provision of a permit to allow the site to operate. The temporary variation of working hours for six months would allow the Planning Authority to assess the impact on the local amenity. The officer was recommending a condition about noise limits so that if any issues of the limits being exceeded were raised then these could be considered. She added that the purpose of including conditions was to enable the Planning Authority to take action if the workings were causing a nuisance. On the issue of Sunday working, she explained that the application was seeking permission for vehicles to be able to access the site and tip waste on a Sunday in addition to carrying out testing, repairs and maintenance. In response to comments about breaches of conditions, officers had visited the site on a number of occasions and monitoring by both the Council and NRW took place and when breaches were identified, these were raised with the operator. On the issue of traffic movements and the impact on residents, the officer indicated that vehicles to and from the site went in different directions and therefore the main consideration was the impact of on-site vehicle movements which had been assessed. It was not felt that a traffic impact assessment was necessary and the officer advised that concerns had not been raised by Environmental Health Officers.

The Chief Officer (Planning and Environment) advised that most complaints about the site had been addressed but he apologised to Councillor Ellis for not replying to her concerns about food waste on the site. He

indicated that officers accepted that there had been issues about compliance but said that no objection had been received from Environmental Health and that permitting the additional working hours for a period of six months would allow the situation to be monitored.

In summing up, Councillor Bithell said that there had been problems with the site but that the issue of any breaches of condition had not been raised by the Local Member, Adjoining Ward Member or Buckley Town Council in their consultation responses. He agreed that conditions needed to be addressed and enforced but added that Members should deal with the application before them and he reiterated his support for approval for a temporary period of six months.

Councillor Richard Jones felt that a variation of condition was not the application before the Committee today and queried whether the applicant should have reapplied. The officer advised that a Section 73 application could be approved, refused or used to change the wording of conditions. The applicant had withdrawn their request to vary conditions 4 and 26 and therefore these would remain as had been originally permitted. She felt that this was an acceptable way of dealing with a Section 73 application.

Councillor Ellis said that Councillor Bithell had stated that no comments on non-compliance with conditions had been made in the consultation responses. Councillor Ellis indicated that she had made her comments verbally to officers when attending County Hall and had therefore not included them in her written response.

On being put to the vote, the application for approval was LOST. The Housing & Planning Solicitor sought a reason for refusal from the Committee. Councillor Jones said history of non-compliance and Councillor Ellis felt that noise was also currently an issue for residents. The Solicitor advised that history of non-compliance with other conditions was not a reason to refuse this application. He shared Members concerns about breach of conditions but he reiterated that this was not a material consideration on this application and added that any reasons for refusal needed to be for valid planning reasons as an invalid reason could leave the Council open to applications for costs in any subsequent appeal. Councillor Ellis went on to indicate that there was a perceived nuisance and extra noise from current workings on the site and said that there were currently a number of complaints from residents. The Planning Strategy Manager advised that there were no outstanding enforcement issues relating to the site. Councillor Ellis then proposed that the reason for refusal should be on the grounds that the extra working hours would increase the perceived noise experienced by nearby residents; this was duly seconded. The Solicitor suggested that a report be submitted to the next meeting of the Committee to clarify the wording for the reason for refusal.

RESOLVED:

That planning permission be refused because of the potential for additional impacts on residential amenity from increased working hours and Sunday working.

152. FULL APPLICATION – CHANGE OF USE OF LAND FROM PADDOCK TO A TOURING CARAVAN FACILITY (24 TOURING CARAVANS) AND ERECTION OF AMENITY BLOCK AT TY HIR, FFORDD GLYNDWR, NERCWYS (054629)

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 21st March 2016. 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 referred Members to the late observations sheet where comments from Welsh Water, Natural Resources Wales, the Council's Biodiversity Officer and an adjoining resident were reported. Clarification on the use of the existing access and an amendment to condition 3 were also reported.

Ms. K. James spoke against the application on behalf of local residents. She said that whilst policies within the Unitary Development Plan (UDP) allowed for new tourism developments in the open countryside, these required that the development should not have an unacceptable impact. She felt that it would have an unacceptable impact and stated that the main concerns related to the impact on residential amenity, drainage, highway safety and visual amenity. She said that 16 letters of objection had been received and none in support of the application. The proposed site was in close proximity to Godrer Foel and would result in direct overlooking to the rear of the property which would cause significant and undue harm with respect to privacy. The use of the site would cause additional noise and disturbance due to the change from agricultural and the development would be in breach of the human rights of nearby residents. Limited information was available about the drainage for foul and waste water in the area and there was no evidence that a satisfactory scheme had been provided. The site was accessed by a single track lane and Ffordd Glyndwr was a busy through road. Ms. James felt that a traffic management plan could not overcome the deficiencies in the highway and was not enforceable. The density of the development would cause considerable visual harm and would be detrimental to the Area of Outstanding Natural Beauty (AONB) and could not be protected by the provision of screening.

Mr. J. Williams, the agent for the applicant, spoke in support of the application. He commented on the extremely comprehensive report by the Planning Officer which he felt addressed all the issues raised and therefore had a recommendation of approval. There had been no objections from

statutory consultees and the proposal could be justified by being a benefit to the area and was in accord with local and national policy.

Councillor V. Hinstridge, from Gwernymynydd Community Council, said that the Community Council had objected to the proposal for reasons which included issues of the safety of pedestrians and local traffic movements. The area was popular with horse-riders and approval of the application would be a danger to them because of vehicle movements to and from the site on narrow country lanes. The proposed site was in open countryside and did not have a bus route so would increase traffic in the area and she felt that there was no need for an additional caravan site. The site was in the AONB and the proposal was considered to be detrimental to the local area. There was no evidence that the Environment Health officers and Licensing Section had been consulted on the proposal. There were also no details provided with respect to the location of the septic tank and no consultation with local neighbours on their opinion of the application.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He said that on the site visit it had been apparent that movements of caravans in the area was not an issue as large vehicles such as horse-boxes and tractors were able to freely move around the area. He indicated that the Clwydian Range & Dee Valley AONB Joint Committee had not objected in principle to the proposal which it felt would add to the tourism infrastructure of the AONB. Councillor Chris Bithell said that statutory consultees had not objected to the proposal and he could not see any reason for refusal that could be defended on appeal. He sought clarification as to whether the site would operate a booking system and in referring to paragraph 7.09, said that it appeared that prior arrangements would need to be made for arrivals and that time of departure would need to be before 12 noon. A traffic management plan had been included with the application and instructed users of the site to approach and leave the site from Nercwys Road rather than from Gwernymynydd.

The Local Member, Councillor Nancy Matthews, said that her comments had been reported and added that she had asked for Committee determination because of the new development in the open countryside which was not an expansion of an existing site. She referred to Policy T1 of the Unitary Development Plan (UDP) which required sites to be sensitive to the environment and to the needs of local people. She felt that there should have been the same rigorous application process as the other new business at Cambrian Quarry particularly in relation to the ecological survey. She spoke of the land on the site which provided foraging for various birds and animals and referred to a grassland survey that had been carried out in February when the common practice was for such surveys to be carried out in mid-summer and therefore it was likely that the report did not provide a true picture of the species in the area. It was reported that there was no evidence of badgers on site but a buffer zone of 30 metres around the site should have been searched for evidence which Councillor Matthews felt would have been found. Councillor Matthews said that no account had been taken of Great Crested Newts and she commented on the A494 Ruthin Road and Eryrys Road and if

the application was allowed it would impact on other local businesses. She spoke of inadequate screening of the site because of the length of time it would take for any newly planted trees to provide the necessary screening. The applicant was seeking to provide pitches for touring caravans with toilet block but there was no mention of electric hook-up or facilities, drinking water taps on the site or for emptying of waste water. Having earlier declared that she may be perceived to have pre-determined her stance on the application, Councillor Matthews went to sit at the back of the Chamber and did not take part in the remainder of the debate or the vote on the application.

Councillor Mike Peers said that the site was in an elevated position in the open countryside. This was a much used road and approval of the application would cause serious road safety issues and he felt that the roads were unsuitable for caravans and would have an impact on pedestrians and horses. He agreed that the proposal would bring tourism to the area but disagreed that this was the correct location for such a proposal. There was a need to consider the traffic implications and the lack of passing opportunities would make the area dangerous. Paragraph 7.11 reported that the only route considered suitable for access was the stretch of Glyndwr Road running north/south from the Nercwys to Eryrys Road. However Councillor Peers referred to the comments of the Head of Highways that a condition be included for the erection of a traffic sign indicating that Glyndwr Road was unsuitable for caravans. He felt that a significant consideration was the narrowness of the road which did not have a footpath and the road network was inadequate for such a proposal. He referred to paragraph 7.32 where it was proposed that a Package Sewage Treatment Plant be included on the site. Councillor Peers felt that the impact on the local amenity and the issues with the highways made the site unsuitable for the proposed use.

Councillor Gareth Roberts felt that the location was very close to the road to Nercwys which had wide verges which would allow space for two vehicles to pass. He spoke of the level site, provision of suitable screening around the site and an appropriate access and commented that it was in accord with planning policy. Councillor Richard Lloyd felt that the provision of passing places would be suggested to the applicant and added that screening and the impact on the landscape were important considerations. He sought clarification on the entrance to the site and suggested that the site season should start from 1st March, not 31st March as reported in the late observations. Councillor Owen Thomas concurred that the area was not suitable for the proposed use as a caravan site and added that it was not possible to include passing places on the grass verges. He felt that there were a number of routes that caravans could take to reach the site and that not all users would follow the directions provided to them.

The Senior Engineer – Highways Development Control said the condition for signage had been requested to try and restrict the access and egress to the site from the Nercwys side. It was felt that Glyndwr Road was suitable for cars but not for caravans and she added that a traffic management plan had been included with the application.

In response to the comments made, the officer advised that the issue of lighting was covered in condition 14 and that a prior booking arrangement would be put in place (as referred to in paragraph 7.09) and the proposal would need to be implemented in accordance with the submitted highway management plan. A scheme of approved landscaping was also required. The officer confirmed that the site would use the existing entrance and that the site operating season could be amended to read 1st March to 14th January the following calendar year. This was proposed by Councillor Lloyd and was duly seconded.

The Planning Strategy Manager said that Councillor Matthews had indicated that the proposal was not for the expansion of an existing site but reminded Members that it did not need to be (as referred to in Policy T6) and therefore the proposal was not contrary to the Tourism policy.

In summing up, Councillor Butler agreed to include the amended site operating dates in his proposal to accept the recommendation and reiterated his earlier comments that there had been no objections from statutory consultees.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) with an amendment to condition 3 to read occupancy restricted to 1st March to 14th January in the following calendar year.

After the vote had been taken, Councillor Matthews returned to her seat in the meeting.

153. FULL APPLICATION – PROPOSED DEVELOPMENT OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS INCLUDING INVERTER HOUSINGS, ACCESS TRACKS, SECURITY FENCING AND CAMERAS AT DEESIDE LANE, SEALAND (053686)

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 21st March 2016. 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 said that he was aware that the applicant had circulated a letter to the Committee Members, which had been summarised in the late observations. The site was in open countryside, in the green barrier and was on best and most versatile agricultural land (BMV) and that there was therefore no precedent made in granting permission for a solar farm at Weighbridge Road, Shotwick.

Mr. J. Owens spoke against the application on behalf of the 11 families in houses which formed 'The Bowry' which were the nearest properties to the

site. He felt that there were a number of errors in the original documentation and some misleading photographs of the site which he detailed. He commented on hand delivered leaflets which none of the residents at The Bowry had received and neither had any residents on Deeside Lane and suggested that there had not been any two-way communications on the application. He spoke of a property that had been reported to be nearest to the site at over 400 metres away but The Bowry was only 50 metres from the site boundary; on the new diagram the site came right to the boundary of The Bowry. He said that it was been reported that the site was on land to the east of Deeside Lane but it was to the west. He added that the main issue was that the area was not an industrial area and residents wanted it to stay that way.

Mr. E. Ramsey-Smith spoke in support of the application. He said that he was optimistic that the Committee would use its privileged position and independent judgement in order to future proof job creation and solve the power shortage problem on Deeside which was currently a barrier for future investors considering relocating to the area. He trusted that common sense would prevail and that Members would vote positively on the application. He spoke of the planning officer's comments on the site being best and most versatile land and the green barrier impacts as a reason to recommend refusal of the application although this contradicted the recent approval on the grounds of economic benefit of the solar farm at Weighbridge Road which was ten times the size of this site. In the unlikely event of a refusal, the applicant had robust legal opinion that the applications would be allowed on appeal. The location process was driven by it being sited close to the 11kv grid location in Deeside and the Local Planning Authority officers had offered no alternative sites nor had they conducted a sequential analysis study or a grid network report. He felt that the only issue for consideration was the discounted power agreement with the Northern Gateway developer which had not been given the weight it deserved by the Local Planning Authority officers. The importance of the site had been recognised by Welsh Government who had provided a further £13m towards this infrastructure. The revenue created by the proposed 5,000 jobs was estimated at £100m per annum. The power agreement would ensure that future employers would benefit from cheaper electricity when relocating to Flintshire and this was an over-riding economic benefit.

The Housing & Planning Solicitor said that Mr. Ramsey-Smith had referred to a legal opinion but he advised that he had not seen the opinion and he was not aware that the Committee had seen it either and therefore asked Members to treat the comments with extreme caution.

Councillor Ian Dunbar proposed the recommendation for refusal which was duly seconded. He felt that the site visit put the scheme into perspective and allowed Members to see the best and most versatile grade 2 agricultural land. He summarised the comments from the Local Member, Councillor Christine Jones, as follows:-

'As the Local Member, she agreed with the officer recommendation for refusal as there was no justification to lose good quality green land in a rural area of

open countryside. To develop a solar farm in this location would have a detrimental impact on the landscape and the site would cause a visual impact and have an adverse effect on the landscape and there was also no need for the solar farm in this area. The applicant had indicated that there was interest in purchasing the power but the development had not yet commenced on the Airfields site and therefore there was no end user for the power and it would be put into the national grid with no control over where it would be distributed to. No other firms had shown any commitment and the application should be refused.'

Councillor Chris Bithell said that the difference between these two sites and the solar farm at UPM was that this was not related to any industry and its purpose was therefore speculative. The site was on grade 2 agricultural land which was not often found. The proposal was premature as there was no end user for the power and there was no overriding reason to approve a site on grade 2 valuable land which should be protected. He supported the recommendation of refusal.

Councillor Derek Butler said that he would move approval of the application. He spoke of the comment by the earlier speaker that The Bowry was not in an industrial area and said that it was in an enterprise zone which required energy. He spoke of the local infrastructure and added that there was a local user who would take the power generated by the proposal. He commented on the report on biodiversity and the local grid connector and spoke of the application for UPM. Councillor Butler said that the Bowry was a redundant farm building and he did not think that there would be any harm if the field became a site for solar panels. Councillor David Roney said that it had been indicated that there was no end user for the site and commented that the Deeside Incinerator also did not have an end user but that application was approved. He felt that sheep could be grazed on the land underneath the solar panels and he agreed with Councillor Butler that the application should be approved.

Councillor Marion Bateman sought clarification on the terms green barrier and green belt. Councillor Owen Thomas also agreed with Councillor Butler and said that proposals for renewable energy should be encouraged. He added that targets were in place to provide 27% by 2030 and suggested that there was a need to improve on these figures. He felt that the power could be used by the Northern Gateway site and Airbus and such schemes should be provided before there was a need for it. Councillor Thomas commented on the need for renewable energy to help tackle climate change and felt that all forms of low energy providers should be supported. He quoted from guidance from the Assembly Member Carl Sargent to follow guidelines to approve such applications and deliver sustainable developments for future generations.

Councillor Gareth Roberts said that there was a need for alternative energy sources but did not feel that the site of grade 2 agricultural land was the best place for the solar farm to be located and added that there were more appropriate places to site them. He felt that land such as this was very

important and suggested that solar panels could be placed on buildings or on brownfield land.

Councillor Mike Peers referred to paragraph 7.20 and asked whether the objection was from the Land Use Planning Unit or from Welsh Government (WG). He queried whether there were any alternative sites that could accommodate such a proposal and sought clarification on the current use of the land and whether it was awaiting planting. Councillor Richard Jones said that he did not disagree with solar energy but felt that it needed to be in the most appropriate location. WG had objected to the use of the land and he added that grade 2 land needed protecting. He felt that any advantage to the enterprise zone should not be given more weight than the protection of residential amenity. Councillor Carol Ellis queried whether a decision of approval would be called in by WG as they had objected to the proposal.

In response to the comments made, the officer said that the first point to make was that Mr. Ramsey-Smith had said that common sense should be applied and discount the subjective view of the planning officer; the officer reminded the Committee that they made decisions based on planning policy unless there were material considerations to not do so. It had been mentioned that the Planning Authority had not put forward any alternative sites; it was not up to the authority to do so and it should be up to the applicant to look at other sites as part of the sequential site selection process. In response to Councillor Butler's comments that the site was in an industrial area in the Deeside Enterprise Zone (DEZ); the officer said that it was in the DEZ but that did not make it an industrial area. He confirmed that green barrier was a designation used in Wales but carried the same weight as green belt which was the term used in England. He said that approval of the application for the Solar Farm to UPM had not set a precedent and spoke of a number of factors in relation to that site that did not apply to this site. In commenting on the guidance from the Welsh Minister, the officer said that it did not outweigh the policy. He confirmed that the objection in paragraph 7.20 was from WG and if the application was approved, it could be called in by WG. He did not know the intention of the farmer for the field but indicated that it currently appeared to be partly ploughed. The Development Manager said that what the land was capable of not what the intent for it was that was the key consideration in the determination of the application.

The Planning Strategy Manager spoke of the WG definition of grade 2 land which was best and most versatile land. He quoted from the remainder of the letter from the Welsh Minister, Carl Sargeant, which said that encouragement should be given to making Wales more energy efficient but said that there was a need to balance this against the visual impact and the policies in place to safeguard against it. Significant weight should be given to the green barrier land policy. In indicating that the application had taken ten months to progress to this stage, the Planning Strategy Manager referred to the letter from the applicant in which it said that the only outstanding issues related to land quality and economic impact; both of these issues were there at day one. There was no evidence that there was a legally binding

agreement for an end user to take the energy and he reiterated earlier comments that energy could go anywhere if it was sold back to the grid.

In summing up, Councillor Dunbar said that WG had objected to the loss of best and most versatile land and he added that there was no end user for the energy and that it could be 18 months to two years before the Northern Gateway development was in place. The site was also on green barrier land.

RESOLVED:

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

154. FULL APPLICATION – DEVELOPMENT OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS INCLUDING INVERTER HOUSINGS, ACCESS TRACKS, SECURITY FENCING AND CAMERAS AT MANOR FARM, DEESIDE LANE, SEALAND (053687)

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 21st March 2016. 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.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He felt that the same reasons for refusal applied to this application as to the previous application on the agenda and as there was no identified end user for the power, the application should be refused.

Councillor Ian Dunbar read out comments from the Local Member, Councillor Christine Jones which were summarised as follows:

‘The application was for a site in the open countryside and on green belt land. It would have a detrimental impact and harm the landscape and even though an expression of interest for the power had been received from the Airfields development at Northern Gateway, that site had not yet been developed and therefore there was no end user for the power. Solar farms should be on brownfield sites not on grade 2 land which Councillor Jones felt should be used for farming’.

In referring to the site which would provide renewable energy, Councillor Owen Thomas commented on the grading of the land and suggested that it was possible to transfer the power from the site. He felt that renewable energy should be considered and that alternative sites had not been put forward by the Council.

Councillor Derek Butler spoke of the two landfill sites in Buckley that had been approved for solar farms. He felt that there was a need for renewable energy and queried whether the policy determined that there had

to be an end user for the power. He commented on an employment land review and indicated that the Deeside Enterprise Zone was the first carbon neutral Enterprise Zone in North Wales, which he felt was a material consideration. Councillor Richard Jones felt that the use of grade 2 quality land for such a proposal outweighed the issue of economic development. Councillor David Roney referred to the comments about an end user not being in place and said that this had not been an issue when the Committee was considering the proposal for the incinerator on Deeside Industrial Park which also did not have an end user but was approved. He felt that this type of proposal was the way forward and indicated that he would vote in favour of the application.

In response to the comments made, the officer confirmed that it was not the responsibility of the Council to find sites but that did not mean that there weren't any alternatives in the county. In referring to the policy, he added that the suggestion to approve the application for economic benefits was not possible as there was no 'end user' for the power. On the issue of the Deeside Incinerator, the officer advised that that site had not been in the open countryside, was not on best and most versatile land and was not in the green barrier and therefore the decision to approve the application had been in accord with planning policy.

The Planning Strategy Manager said that the fact that there was no end user was not the reason that the application was recommended for refusal, it was because of the unacceptable loss of best and most versatile land and the green barrier impact.

In summing up, Councillor Bithell said that the site was in open countryside and in the green barrier. The land where the solar farms that had been approved was not of such good quality and he felt that these panels could be located elsewhere suggesting the roof space of industrial buildings. On the issue of no end user for the Deeside Incinerator, he said that it was to be used by the other authorities in North Wales, as well as Flintshire, and therefore could not be compared to this application.

RESOLVED:

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

155. OUTLINE APPLICATION – RESIDENTIAL DEVELOPMENT WITH DETAILS OF ACCESS AT PANDY GARAGE, CHESTER ROAD, OAKENHOLT (054077)

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 21st March 2016. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and explained that this was an outline application with all other matters except access reserved for future consideration. The site had had a number of industrial uses and the main issues for consideration related to archaeological implications of the development, flood risk and highways. The site lay within flood zone C2 and there was a pond located to the west of the site. A flood consequences assessment had been submitted with the application and Natural Resources Wales (NRW) had no objections to the proposals subject to conditions relating to surface water and finished floor levels. On the issue of archaeology, Clwyd Powys Archaeological Trust (CPAT) had advised that the site fell within an area of high archaeological sensitivity and it was therefore considered that due to the brownfield nature of the site, it would be reasonable to condition any archaeological investigations to part of the reserved matters submission in order to inform the proposed layout.

On the issue of access, it was proposed to create one access point to the centre of the site frontage to serve the proposed residential development and this had been accepted by Highways who had not submitted any objections to the proposals subject to the imposition of conditions as set out in their response. Welsh Water had objected to a new connection in this location into the foul network as there was insufficient capacity in the existing network. However, there were a number of businesses on this site which had connections into the network which would be replace those flows; calculations could be undertaken at the reserved matters stage. Concerns had been raised about the impact on the residential amenity and any detailed layout would need to take account of the adjacent dwelling Rubern to ensure that there was no detrimental impact in terms of overlooking and to achieve a layout and design that was in scale with the adjacent property. The Section 106 obligation related to educational contributions for Croes Atti Primary School and a contribution in lieu of on-site open space provision to fund improvements to the adjacent play area at Croes Atti Lane.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He said that Highways had provided assurances on highway issues and screening would be considered at the reserved matters stage to ensure that the neighbouring property was not overlooked.

The Local Member, Councillor Rita Johnson, raised concern about the nearby reservoir which was higher than the ground level of the site which was in a known flood risk area. She quoted from Planning Policy Statement 25 which indicated that developments in such areas should be avoided where possible and suggested that this development was not required due to the large housing development nearby. She explained that the A548 had been closed in the past because of flooding and felt that building additional properties in this area was likely to increase the risk of flooding. Councillor Johnson felt that hedgerow in the area would assist in reducing the risk of flooding but raised concern that the removal of hedgerow in the area for the creation of this and other developments would further increase the risk of flooding. She said that the site had always been for light commercial use and it was still a busy working site. She felt that it was important to protect and

promote local jobs, not lose them for additional housing which was not needed in this location.

Councillor Owen Thomas referred to the last sentence in the comments from CPAT which indicated that, in their opinion, the application should not be determined until the archaeological resource had been properly evaluated. Councillor Richard Jones said that both CADW and CPAT had commented on the archaeological history of the site which he felt should be considered by Members in their determination of the application. Councillor Chris Bithell agreed about the archaeological importance of the site and suggested that a condition be included for an archaeological watching brief to ensure that if there were any historical signs on the site that they were to be preserved, photographed and commented on. Councillor Mike Peers felt that the current use of the site as a small industrial enterprise should be taken into account as it provided local employment. Councillor Richard Lloyd felt that the area was suitable for housing but referred to the comments of Welsh Water who had raised concerns about incidents of flooding in the area and had raised objection to the application. He asked if it was appropriate to include a 'grampian-style' condition that work could not commence on the site until improvements had been made to the sewerage system.

Councillor Gareth Roberts concurred that this was a site of archaeological importance and spoke of the need to ensure that investigations on the site were carried out. Councillor David Roney referred to the issue of flooding and felt that increasing the amount of concrete in the ground would increase the risk of flooding and suggested that building should not take place on this site or on the nearby site where 700 houses were proposed to be built. Councillor David Cox indicated that photographs of the archaeological site had been taken approximately 15 years ago and suggested that a report on the archaeological investigations on the site should be prepared. Councillor Derek Butler referred to the 19 conditions on the application and said that the request from CADW for scheduled ancient monument consent should also be conditioned. In referring to the concerns raised by Welsh Water about flooding in their consultation response on page 166, Councillor Marion Bateman sought assurance that mitigation would be put in place at the reserved matters stage. Councillor Ray Hughes queried how the finished floor levels requested by Natural Resources Wales to alleviate the flood risk would be managed. He felt that the application should be refused due to concerns about the drainage issues in the area.

In response to the comments made, the officer indicated that a flood consequences assessment had been submitted as part of the application. The site was not an allocated employment site and the proposal for residential development was on a sustainable location and was in accordance with policy. She felt that it was not necessary to include a condition for the scheduled ancient monument consent and referred Members to condition 6 about the requirement for an archaeological investigation to take place prior to the reserved matters submission. The officer explained that the site was a brownfield site and advised that the comments of Welsh Water indicated that a further assessment of the sewer network would be required to consider the

impact of the development on the sewerage network; this could be investigated at the reserved matters stage.

The Planning Strategy Manager advised that the suggested hydraulic modelling assessment work by Welsh Water would be at the expense of the developer and would determine the capacity and whether any improvement works were required. On the issue of the archaeological history of the site, he reminded the Committee that development of the site could not commence until an archaeological assessment had been carried out.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 obligation/Unilateral Undertaking to provide the following:-

- a. Payment of £49,028 towards educational provision/improvements (toilets) for Croes Atti Primary School;
- b. Contribution of £1,100 per dwelling in lieu of on-site open space provision to fund improvements to the adjacent play area at Croes Atti Lane.

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.

156. FULL APPLICATION – ERECTION OF 4 NO. DWELLINGS (STARTER HOMES) AT RHYDDYN FARM, BRIDGE END, CAERGWRLE (054615)

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

The officer detailed the background to the report and explained that the site was adjacent to the new medical centre which was currently being constructed. The period for monitoring growth of a settlement ended on 1 April 2015 and as at that date, the settlement had a growth rate of 10% over the plan period which was within the indicative growth band of 8 to 15% for a Category B settlement. The application, which was in a sustainable location, complied with policy and was considered acceptable as the Council did not have a five year housing land supply. Other issues for consideration included the impact on the open countryside and on Wat's Dyke. Clwyd Powys Archaeological Trust (CPAT) had indicated in their consultation response that the proposal for four dwellings on the site took account of pre-application advice to limit the size and orientation of the layout. Access to the site would be from the A550 and Highways had not raised any objections in relation to

parking or turning of vehicles. On the issue of impact on residential amenity, the officer explained that the properties on Queensway, which this site was adjacent to, had long gardens and therefore the space around dwellings guidelines had been exceeded.

Mr. D. McChesney, the agent for the applicant, spoke in support of the application. He felt that there was overwhelming demand for starter homes in the area and that this development would provide this type of property. The design met the economic and social needs and guidance from CPAT on the impact of the development on Wat's Dyke had been taken into account. The properties would have three bedrooms and were all north/south facing and would include solar panels on the roof and the site was in a sustainable location with easy access to the local schools and amenities. Mr. McChesney felt that the proposal was for an infill development and was a sustainable development and was sensitive to its surroundings. He therefore requested that the Committee approve the application.

Councillor Mike Peers proposed refusal of the application, against officer recommendation, which was duly seconded. He said that the application site was outside the settlement boundary and added that the plans displayed appeared to look like four bedroomed homes rather than houses for affordable local need. He asked whether the site had been put forward as a candidate site in the Local Development Plan (LDP) and added that the growth rate within the settlement for the plan period was 10% which meant that 5% was still available within the boundary before the growth rate of 15% was reached. Councillor Peers queried why the application had been put forward for approval when other sites outside the settlement boundary had been recommended for refusal and suggested that approval of this application would set a precedent for other developers to submit applications outside the settlement boundary. He recognised the issue of a lack of five year housing land supply but he felt that there was still capacity within the area through the Unitary Development Plan (UDP) and that this application should be refused to comply with the Council's policies. Councillor David Roney concurred and commented on other applications outside the settlement boundary which Members had been recommended to refuse and he expressed concern that this application was being reported for approval.

The Local Member, Councillor Tim Newhouse, said that he regularly asked for applications to be dealt with by delegated powers rather than be considered by the Committee, even if there were a number of objections from residents. He commented on other applications in the area such as a development in Stryt Isa for 19 dwellings on a site within the settlement boundary which was also a windfall site. A further 58 homes had been built off Fagl Lane and 35 in Abermorddu which was part of the Hope settlement. These three applications totalled 112 dwellings and assurance had been sought that development beyond these sites would not be permitted as the land was outside the settlement boundary and this assurance had been provided by the Planning Officers. Councillor Newhouse added that there had also been a number of successful applications within the settlement for developments of between one and three new homes. Applications for sites

outside the settlement boundary were permitted if they were for developments of a community benefit such as a medical centre or sports pavilion and should only be permitted for housing if a settlement was not meeting its target for new housing; Hope was meeting its target. Councillor Newhouse quoted from Planning Policy Wales guidance and asked the Committee to refuse the application rather than setting a dangerous precedent for approving an application outside the settlement boundary.

Councillor Chris Bithell concurred that the site was outside the settlement boundary. He indicated that there was a policy in place to provide for affordable homes outside the settlement boundary but added that there was still capacity within the growth figure for additional homes and therefore this proposal was not appropriate. He raised concern about the closeness of the dwellings to Wat's Dyke which was a local and national feature and in suggesting that the site could be a candidate site, he felt that this proposal was premature. Councillor Gareth Roberts agreed and commented that assurance had been provided that the UDP was the plan that consideration needed to be given to when considering applications. He added that policies were in place to prevent inappropriate new build outside the settlement boundary and expressed concern about the close proximity of the site to Wat's Dyke. He agreed that the application should be refused.

Councillor Alison Halford referred to the third paragraph on page 184 and the comments from CPAT and sought assurance that an archaeological assessment would take place. She also referred to the public footpath 64 which the Public Rights of Way officer had indicated appeared to be unaffected by the development.

In response to the comments made, the officer said that the growth rate for the area was 10% which included allocations and in line with Technical Advice Note (TAN) 1, the four proposed dwellings in a sustainable location would contribute to the housing supply for the County. On the comments by Councillor Halford, the officer advised that CADW did not object to the proposal and therefore neither did CPAT. She added that the response from Public Rights of Way was a standard response but it confirmed that the footpath was unaffected by the development.

The Planning Strategy Manager did not think that the site had been submitted as a candidate site but even if it had, this would not have any weight over the determination of the application. A unique situation had been created because of the health centre site and in referring to Section 38 of the Act, he reminded Members that the lack of housing land supply was a material consideration when determining this application. He advised that the planning application that Councillor Roney had referred to had been determined by different policies and therefore required different consideration. On the comments made by Councillor Newhouse, he spoke of the application for the health centre and said that each proposal needed to be considered on its own merits. He felt that it was incorrect to say that there was 5% capacity within the settlement boundary and queried where such sites were and said that

there was no evidence for the existence of white land. He added that there was no evidence of the harm that permitting this application would create.

In response to a comment from Councillor Bithell about whether the dwellings were 'starter homes', the officer advised that they would be sold at market rate but the applicant considered them to be 'starter homes'.

In summing up, Councillor Peers felt that the suggestion of starter homes was a ploy to get the application approved, as had been the case for the Aldi application in Broughton. He spoke of policies in place for the provision of affordable homes and reiterated his earlier comments that the application should be refused as it was outside the settlement boundary. He said that 112 new homes had been provided in the area and therefore there was no justification for these dwellings.

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

RESOLVED:

That planning permission be refused as the site was outside the settlement boundary, was an inappropriate development in the open countryside and would have a landscape impact due to its close proximity to Wat's Dyke.

157. FULL APPLICATION – CHANGE OF USE TO 16 NO. APARTMENTS WITH ASSOCIATED CAR PARKING AT 1-3 PIERCE STREET, QUEENSFERRY (054668)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the application had been considered by the Committee in 2015 but had been refused as the Section 106 agreement had not been signed by the applicant.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He felt that the application was for appropriate use for such a prominent building and said that any issues raised had been addressed. Councillor Ian Dunbar indicated that the building was in a commercial area but there were other residential properties in the area. The building had been vandalised and the application was welcomed to bring the building back into use.

In referring to the Council's policy for provision of parking spaces, Councillor Mike Peers felt that the issue should be reconsidered by the Planning Strategy Group. The maximum standards for this site would require 24 parking spaces but as it was deemed that this site was within walking distance of the town centre and had excellent public transport provision and nearby public car parks, only five spaces were being provided on the site.

Councillor Derek Butler asked whether the telecommunication equipment was to be removed from the roof of the building. The officer confirmed that it was to remain in place and added that the maintenance of the equipment was not a planning consideration.

Councillor Richard Jones sought clarification that no more than five Section 106 (S106) agreements had been requested for Deeside Leisure Centre, to ensure that the request complied with Community Infrastructure Levy (CIL) regulations. The officer confirmed that the S106 obligation for enhancement to the children's play area at Deeside Leisure Centre was CIL compliant.

In summing up, Councillor Bithell said that he had also been concerned about the small number of parking spaces being provided on site compared to the maximum standards in the Council's policy. He agreed that it needed to be reconsidered by the Planning Strategy Group and the concerns addressed in the production of the Local Development Plan. He felt that residents would still own cars and even though the report stated that there were public car parks nearby, the Council were now charging for parking in these areas.

RESOLVED:

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

- a. Ensure the payment of a contribution of £11,728 in lieu of on site recreation provision, the sum to be used to enhance the children's play area at Deeside Leisure Centre. The contribution shall be paid upon 50% of occupation or sale of the apartments hereby approved.
- b. Ensure the payment of a contribution of £3,000 towards the cost of amending existing Traffic Regulation Order to amend existing street parking bays and provide 'H markings' across the site access. Such sum to be paid prior to the commencement of the development hereby approved.

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

158. FULL APPLICATION – CHANGE OF USE FROM A GUEST HOUSE TO A SMALL GROUP RESIDENTIAL CHILDREN’S HOME AT GERDDI BEUNO, WHITFORD STREET, HOLYWELL (054594)

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 21st March 2016. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and explained that the main issues for consideration included the principle of development, highway implications, and effects upon the amenities of adjoining residents and upon existing health facilities in the area.

Mrs. Y. Bird spoke against the application on behalf of residents in neighbouring properties. She expressed significant concerns raised by herself and her neighbours which she felt should be taken account of when considering the application. She said that this was an extremely complex issue and she felt that there had been a lack of clarification and transparency about the intended users of the facility and the impact that this would have on the area. It was felt that the proposed small group residential children’s home could have a negative effect on the neighbourhood which could have long lasting detrimental effect. Many residents had moved to the area because it was a quiet location and Mrs. Bird referred to the lack of consultation and reassurance provided as part of the application. The third concern related to the proposed use of the building which Mrs. Bird felt had not been made clear.

Mr. J. O’Leary, the applicant, spoke in support of the application. He thanked the officer for the positive recommendation in the report and provided clarity for the committee of the comments in the late observations. He explained that there were only three types of registration for such facilities, which he detailed, and initially it had been intended that the home would be for young people subject to Child Sexual Exploitation but following a meeting with officers, it was preferred that the registration was not specialised. It was intended to close the facility in Flint if this application was approved. On the issue of the impact on the wider community, he said there would be high staffing levels and it was not intended that there would be any impact on the community and added that the applicant operated nine other homes and there had not been any neighbour issues. This facility would replicate a family environment and said that one of the issues that had to be combatted was the exclusion of looked after children and it was hoped that the community at large would be supportive of the need to safeguard the wellbeing of these children.

Councillor Gareth Roberts proposed refusal of the application, against officer recommendation, which was duly seconded. He said that the site was in a residential area and backed on to two primary schools and overlooked a smaller children’s play area. Any perceived threat would inhibit the use of the play area and the children would have to use another play area which was up

two flights of stairs. He felt that there was no need for such a facility in the County which he felt would cater for those who lived outside the area and the Council would have no control over who stayed there. The applicant stated it would be for five teenage girls but if approved any person with any behavioural problem could stay there. The perception of risk was a material planning consideration and Councillor Roberts added that the site was in an inappropriate location for such a facility. On the comments in the late observations, he shared the concerns raised by the Children's & Workforce Services Manager.

Councillor Chris Bithell said it was inevitable that there was a need for these children to be cared for and dealt with but he was not sure if all that had been said was a material planning consideration. He spoke of a children's home that had previously been in Mold and the problems that had been experienced even though assurances had been given that there would not be any issues. He said that there had been a high level of supervision at the facility but there had been no control and it resulted in problems for local people. There was no evidence of whether the homes had operated well elsewhere and he felt that there were too many unknowns and insufficient evidence and therefore agreed that the application should be refused. Councillor Derek Butler spoke of his wife who had worked with those who required specialist care. He felt that there were no planning grounds to refuse the application apart from the possible disruptive nature of the individuals who would live in the children's home but suggested that it may be in the incorrect location. Councillor Richard Jones said that there was a need to integrate the young people into society and felt that it was sited in the correct location and added that he could see no reason to refuse the application.

Councillor Marion Bateman queried whether the guest house had been a going concern. Councillor Nancy Matthews commented that if it had remained as a guest house, local residents could not choose the guests that stayed there and spoke of 'deprivation of liberty' and whether the unit would be secure or operating with more freedom for its residents. Councillor Richard Lloyd said that the screening had been good except for one area and raised concern that the school playing area was very close and as noise could clearly be heard from the school, then the children in the playground would hear any noises from the children's home. He felt that the facility would not be in the correct location and Councillor David Cox concurred. He commented on the proposal which was solely for a change of use and felt that advice needed to be sought on a direction for the Committee and raised concern that such a decision was not in the Committee's remit.

The Housing & Planning Solicitor advised that the fear of the impact of a use of land on the surrounding area was capable of being a material planning consideration depending on the particular circumstances; the officer had treated it as such in his report but had given limited weight to it in light of the supervision arrangements.

Councillor Neville Phillips queried whether the application could be deferred to receive more information. The Chief Officer (Planning and

Environment) sought clarification on the details that the Committee felt it would need to make a decision. Councillor Marion Bateman referred to the report where it was indicated that further discussions with the applicant were to be held and would be reported as late observations to the committee; she did not feel that Members had received information on those discussions. Councillor Richard Jones referred to page 209 where it was reported that this property would replace the facility in Flint so felt that if there had not been any complaints reported at that facility, then it could be assumed that there would not be any complaints as part of this proposal.

In response to the comments made, the Development Manager appreciated that this was a difficult decision for the Committee to make. He said that there were other issues such as health facilities but said that from a planning perspective it was a straight forward application for a change of use which was to provide a residential facility with an element of care. It was proposed that the first use was for a small scale intensive care unit but Members needed to be aware that it could develop into a similar type of facility without the need for a further planning permission. It had been said that the facility should not be in a residential area but Mr. O'Leary had spoken of the need to provide the residents with a home base to recuperate and on this basis a residential area was appropriate. From a planning perspective officers believed that the controls were in place particularly by limiting the number of residents, hence the recommendation of approval.

In summing up, Councillor Roberts spoke of the perception of risk which he felt was a material consideration. He was not against care facilities and in referring to the restriction to five residents, he spoke of a facility in Holywell with five residents and the issues and problems that had occurred there. He said that there were people with real needs and behavioural problems with challenging issues but he reminded members that it overlooked a small children's play area and he felt that there was no alternative but to refuse the application.

On being put to the vote, the proposal to refuse the application, against officer recommendation, was CARRIED. Councillor Nancy Matthews asked that her abstention from voting be recorded in the minutes.

RESOLVED:

That planning permission be refused because of the perceived detrimental impact of the use on residential amenity and because it was in close proximity to schools.

159. FULL APPLICATION – CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL AND SITING OF PARK HOME AT BRYN HEDYDD FARM, LLYN HELYG, LLOC (054686)

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 21st March 2016. 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 application and drew Members' attention to the late observations where the size of the park home was clarified.

Mr. J. Williams, the agent for the applicant, spoke in support of the application. He felt that there were two issues in relation to the application which were the urbanisation of the open countryside and the need for the park home. He referred to the intended siting of the park home which Members had seen on the site visit and suggested that approval of the application in this location would not lead to the urbanisation of the countryside. On the issue of need, he said that it was a family run rural enterprise and the location of the park home was important to allow the continuation of the equine nature of the business.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He felt that the relative that wanted to retire could live elsewhere to allow those running the businesses to live in the farmhouse. He queried why the application had required consideration by the Committee as he felt it was unwarranted and unnecessary and should have been refused under delegated powers. Councillor Gareth Roberts said that it had been suggested that the park home was needed to be close to the horses but he felt that the farmhouse was suitably located for this purpose. He felt that approving this application would set a precedent and refusing other applications in similar locations would be difficult.

The Local Member, Councillor Chris Dolphin, spoke in support of the application. He felt that the proposal complied with Technical Advice Note (TAN) 6 and concurred with the agent that it would not lead to the urbanisation of the countryside. He felt that the provision of the park home was appropriate and it contributed to the rural enterprise which employed local people. Paragraph 7.03 referred to the reasons for the provision of the park home and why it was unreasonable for all of the family members to share the farmhouse and the report also provided details of the financial reports that had been submitted by the applicant which justified the need for a worker to live on site to be close to their work. Councillor Dolphin referred to the proposed location of the park home which would be closer to the stables than the farmhouse and was therefore necessary.

Councillor Richard Jones disagreed with the need for the park home and felt that approval would set a precedent. Councillor Owen Thomas agreed with Councillor Dolphin that the application should be approved and that there was a need to accommodate the worker required for the livery business. Councillor Derek Butler felt that there was no planning reason to permit the application which was for a new building in the open countryside. In referring to paragraph 7.15, Councillor Mike Peers queried where the visual detriment applied to. He referred to the site visit where Members had seen two caravan parks in the area and a nearby plant hire business and said that

there was a need to consider what was already in the area. He asked whether the park home was required for a member of the family or for a worker employed by the family. Councillor Nancy Matthews queried why the application was not for an agricultural workers dwelling which could be considered in open countryside.

In response to the comments made, the officer said that the visual detriment would be because the park home would be able to be seen from the track if it was permitted. He added that it was intended that the daughter and her family would use the park home to run the livery side of the business.

The Planning Strategy Manager said that permitting such an application in open countryside without good planning reason would set a precedent and would have an impact on the open countryside even if the site could not be seen by the public. He felt that the reason for the park home did not outweigh the Council's policies and added that there was no need for a worker to live on site. In response to the question from Councillor Matthews, the Planning Strategy Manager said that the application had not been submitted as being for an agricultural workers dwelling but as a result of the businesses being separated.

RESOLVED:

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

160. FULL APPLICATION – ERECTION OF 20 NO. SEMI-DETACHED HOUSES, 2 NO. SEMI-DETACHED BUNGALOWS AND 1 NO. SPECIAL NEEDS BUNGALOW TOGETHER WITH ACCESS ROAD AND PARKING AT LAND OFF COED ONN ROAD, FLINT (053662)

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 Local Members had not objected to the proposal but the adjoining Ward Member had concerns about the application. The site had been granted permission for 23 dwellings and this application was seeking to vary the house types of some of the properties.

Prior to speaking against the application, Mr. J. Yorke asked whether the application could be determined as the site notice did not show a date on it.

Councillor Chris Bithell proposed deferral of the application to allow further consultation, which was duly seconded.

RESOLVED:

That the application be deferred to allow further consultation to take place.

161. CHANGE OF USE OF LAND TO RESIDENTIAL CURTILAGE AND ERECTION OF FENCE AT WHITE HOUSE, SEALAND ROAD, SEALAND (054753)

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 21st March 2016. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and advised that this was a retrospective application as the fence had already been erected.

Mr. R. Grace, the applicant, spoke in support of the application. He felt that the two issues for consideration were the change of use to a garden area which he felt was misleading as paragraph 7.02 implied that the applicant had changed the use from countryside to garden; the area had always been garden even though it had not previously been maintained as such by the previous owner. He had not sought prior planning permission from the Council when purchasing the land adjacent to his property as when it was sold by the Council to the previous owner of the property as garden, he had applied for planning permission for three detached dwellings but as outline permission had not been approved, the area had remained as garden. The land registry documents from when he purchased the land in 2015 indicated that a fence should be erected on the land. The second issue was the fence which had been suggested would have a detrimental impact on the area which Mr. Grace also felt was confusing as both this property and the next door property had been granted permission for a two metre fence to secure their boundary. It was recommended that the fence would need to be moved back one metre and plant a hedge although it was already two metres from the highway. He commented that the two metre rule was not published by the Council although many other Councils had published guidelines on the issue. He was willing to plant a hedge in front of the fence if appearance was the issue and referred to an issue in 2012 where a car crashed through the fence and into his property.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He felt that the report suggested that the fence could remain if appropriate hedging was planted in front of it. In referring to the site history, Councillor Derek Butler spoke of a similar application that had been refused but the fence had been erected by the applicant. He said that there should be an open aspect to the area and that if the application was refused, then the fence would need to be removed.

Councillor Richard Lloyd sought clarification on whether the applicant owned the land up to the boundary as a streetlight was situated on the area. He suggested that the planting of other hedging in front of the fence could

reduce its impact. Councillor Gareth Roberts spoke of the area and said that there were properties across the road which had fences and hedges higher than what was in place on this site and added that this fence would make the garden area a safer place for the applicant's children to play in. He felt that if the application was refused, and appealed by the applicant, then considerable costs could be awarded against the Council. Councillor Ian Dunbar spoke on behalf of the Local Member, Councillor Christine Jones and summarised her comments as follows:-

'The fence provided a safety and sound barrier from the adjacent A548 and quick growing conifers could be planted in front of it which would make the fencing acceptable and not harmful to the area.'

Councillor Mike Peers commented on the fence at a nearby derelict site and said that a fence of this size was required because of the size of the garden. He suggested that the fence could be painted green to reduce the impact on the area and added that the applicant had indicated that he was willing to put planting in front of the fence. He sought clarification on the issue of the hedge and fence and said that the fence protected the applicant's property.

In response, the Development Manager said that this site was in the open countryside and he agreed that the fence might be appropriate in an urban setting but the application before Members also sought the change of use of the area behind the fence to garden area. Officers were not overly concerned about this aspect if the boundary was appropriate for the open countryside. He said that if Members were mindful to approve the application then they could consider the inclusion of a condition to provide planting in front of the fence.

Councillor Peers sought clarification of the point raised by the applicant that the land had been purchased from the Council for garden use. The Development Manager said that the fact that the application included the change of use suggested that the change of use had not already been agreed. The Planning Strategy Manager said that the applicant had indicated that the fence was required because of safety concerns but following this there was a material consideration which Members had to take into account which was whether it was appropriate to use the land as garden.

Councillor Butler reiterated his earlier comments that the previous application for a fence had been refused but it was erected by the applicant without permission. He sought clarification on whether the land was in the ownership of the applicant or the Council. The officer confirmed that the strip of land had been sold to the applicant by the Council but not for use as a garden.

On being put to the vote, the proposal to refuse the application was LOST. The Housing & Planning Solicitor suggested that delegated authority be given to the Chief Officer (Planning and Environment) to approve conditions and to determine whether there was a need for a Section 106 obligation to be attached to the permission. Councillor Richard Jones

suggested that permitted development rights could be removed and the fence be approved with appropriate hedging or screening planted in front of it. On being put to the vote, this proposal was CARRIED.

RESOLVED:

That planning permission be granted subject to conditions to include the removal of permitted development rights and requiring planting and retention of hedge of appropriate species on the outside of the fence.

162. GENERAL MATTERS – TO AGREE THE WORDING OF REFUSAL FOR PLANNING APPLICATION 053957 – DISPLAY RECYCLING AT UNIT 8A – 8B, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN (053957)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The Chief Officer indicated that the wording had been discussed with the Local Member, Councillor Owen Thomas.

Councillor Gareth Roberts proposed the recommendation for the reasons for refusal of the application, which was duly seconded.

RESOLVED:

That the reason for refusal, as detailed in the report, be agreed.

163. GENERAL MATTERS – TO AGREE THE WORDING OF REFUSAL FOR PLANNING APPLICATION 053959 – DISPLAY RECYCLING AT UNIT 6, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN (053959)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The Chief Officer indicated that the wording had been discussed with the Local Member, Councillor Owen Thomas.

Councillor Gareth Roberts proposed the recommendation for the reasons for refusal of the application, which was duly seconded.

RESOLVED:

That the reason, for refusal as detailed in the report, be agreed.

164. APPEAL BY MR. A. BAXTER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM OFFICES TO 1 NO. DWELLING AT GLASMOR BACH, PEN Y CEFN ROAD, CAERWYS (053884)

RESOLVED:

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

165. APPEAL BY MISS J. HOOD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE OUTLINE APPLICATION FOR THE ERECTION OF 1 NO. DWELLING AT 24 BOROUGH GROVE, FLINT (052761)

RESOLVED:

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

166. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 40 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 5.36 pm)

.....

Chairman