

PLANNING & DEVELOPMENT CONTROL COMMITTEE
5 SEPTEMBER 2012

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 5th September, 2012

PRESENT: David Wisinger (Chairman)

Councillors Chris Bithell, Derek Butler, David Cox, Ian Dunbar (Vice-Chairman), Carol Ellis, David Evans, Jim Falshaw, Alison Halford, Patrick Heesom, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips, Owen Thomas, Dave Mackie (Reserve) (for Veronica Gay), Paul Shotton (Reserve) (for Billy Mullin) and Carolyn Thomas (Reserve) (for Ray Hughes)

SUBSTITUTIONS:

Councillor: David Mackie for Veronica Gay, Carolyn Thomas for Ray Hughes and Paul Shotton for Billy Mullin

APOLOGY:

Councillor Gareth Roberts

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Rita Johnson – agenda item 6.1. Councillor Cindy Hinds – agenda items 6.2 and 6.3.

The following Councillors attended as observers:

Councillors: Marion Bateman, Helen Brown and George Hardcastle

IN ATTENDANCE:

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planners, Democracy & Governance Manager and Committee Officer

56. **DECLARATIONS OF INTEREST**

Councillor I. Dunbar declared a personal interest in the following application due to applicant being a friend of the family:-

Agenda item 6.3 - Full Application – Erection Of A Dwelling At Land Side Of Talossamme, Abbots Lane, Penyffordd (049790)

Councillor N. Phillips declared a personal interest in the following application due to being related to the applicant:-

Agenda item 6.4 - Full Application – Alterations To An Existing Agricultural Access On Land At Llinegr Hill, Ffynnongroyw (049849)

Councillors I. Dunbar, C.A. Ellis and C.A. Thomas declared a personal interest in the following application due to being related to employees of Airbus:-

Agenda Item 6.7 - Full Application – Additional Use Class B1 In Existing Buildings At British Aerospace Airbus Limited, Chester Road, Broughton (049821)

Councillor M.J. Peers declared a personal and prejudicial interest in the following application due to family members being employees of Airbus:-

Agenda Item 6.7 - Full Application – Additional Use Class B1 In Existing Buildings At British Aerospace Airbus Limited, Chester Road, Broughton (049821)

Councillor D.I. Mackie declared a personal interest in the following application as he lived near the application site:-

Agenda item 6.8 - Outline Application Seeking Approval Of Access And Scale – Erection Of Detached Dwelling At Earlscroft, Aston Hill, Ewloe (048746)

57. **LATE OBSERVATIONS**

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

58. **MINUTES**

Accuracy

Councillor M.J. Peers referred to the fifth line of the second paragraph on page 20 and suggested that the words 'at the late observations stage' be added after the word 'received'.

Councillor Peers also referred to the third line of the second paragraph on page 21 and suggested that the words 'this was' be deleted and replaced with the words 'the proposed extension was'.

Matters arising

Following a comment from Councillor C.A. Thomas on bullet point 8 on page 7 about the establishment of a management company for the open space areas and whether the site could be offered for adoption to the Council, the Democracy & Governance Manager said that the transfer of land to the Council could not be legally required. Councillor Thomas said that it was of great concern to Members and spoke of two sites where the establishment of a management company had not worked.

RESOLVED:

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

59. **ITEMS TO BE DEFERRED**

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

Agenda item 6.5 - Full application – Siting of 18 no. static caravans at Pennant Park Golf Club, Saithfynnon, Whitford (049812) - to allow for consultation with Whitford Community Council.

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

RESOLVED:

That application 049812 be deferred.

60. **VARIATION OF CONDITION NO. 15 ATTACHED TO PLANNING PERMISSION REF. 046595 CROES ATTI, CHESTER ROAD, OAKENHOLT (049425)**

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

The Development Manager detailed the background to the report and the site history. He reminded Members that the outline planning permission was still extant and that the reserved matters approved in July 2008 included the complete road system to serve the site, including the access onto Prince of Wales Avenue. The separate reserved matters approval for 132 dwellings, granted in 2012, was the one to which Condition 15 applied. He referred to the Traffic Impact Assessment that had been requested and which had been assessed by an independent Transport Consultancy and it was the opinion of Planning and Highways officers that any highway reason for the condition could not be sustained. This left the amenity reason which again could not be sustained in the opinion of officers. The Development Manager drew the attention of Members to the late observations sheet, advising that if condition 15 should be removed that a Section 106 obligation be required, to restore the need for the highway contribution regarding traffic calming on Prince of Wales Avenue.

Mr. J. Yorke spoke against the application to remove the barrier. He said that the Committee had agreed to put the barriers in place and added that nothing had changed since that decision. He commented on the Traffic Impact Assessment and referred to an email from 2004 which indicated that Prince of Wales Avenue was not fit for purpose as an access for the site. He spoke of other sites which had barriers in place to prevent rat runs being created and said that if the barriers were removed this would allow traffic to bypass the traffic problems in Flint and use Prince of Wales Avenue as a rat run. He felt that Anwyl Homes Limited had not thought about the safety of the residents of Prince of Wales Avenue and he urged Members to refuse the application to maintain the safety of residents.

Mr. S. Goodwin, the agent for the applicant, spoke in support of the application. He said that the introduction of the barriers had been imposed by the

Committee against officer recommendation and added that it was contrary to the outline permission which had been granted. He said that the section 106 agreement and the development brief required three points of access to the site and included Prince of Wales Avenue as one of the access points. He indicated that it was intended to start on site within the next few months and there were no highway or amenity grounds to maintain condition 15. Mr. Goodwin said that the objectors had indicated that they did not want to hold up the development of the site, but added that they kept putting obstacles forward which did not allow work to commence.

Councillor R.C. Bithell proposed the recommendation to vary condition 15 which was duly seconded. He said that three access points had been required at the outline application stage so that the traffic would be divided to the three points. He said that the traffic problems would be increased if there were only two access points and that the accesses should be restored as had been originally intended. The evidence before Members was that Prince of Wales Avenue could take the traffic which would be generated and that the Impact Assessment had been considered by an independent Transport Consultancy. Councillor D. Cox supported the comments of Councillor Bithell and said that he felt that the objectors would like to see the whole application scrapped and started again which would not happen.

The local Member, Councillor R. Johnson, spoke against the proposal to remove the barrier as she felt that it was putting the safety of the residents in Prince of Wales Avenue at risk. She commented on the two schools and the old people's home situated on the road and said that the A548 needed addressing but not at the expense of Prince of Wales Avenue. The original permission had a barrier in place with less houses on the site and she felt that it did not make sense to double the number of houses and remove the barrier and she queried why the matter was being debated at all.

Councillor P.G. Heesom said that the levels of traffic which would be created if the barrier was removed would create a disamenity for the residents and added that in his view, the number of vehicles would be unbearable. He referred to paragraph 6.03 in relation to the development brief and said that at the time that the decision was made, the development brief had not been approved. He also referred to the memo from Chris Kay in 2004 which indicated that Prince of Wales Avenue was inappropriate as an access route for the site. There were no driveways on Prince of Wales Avenue which resulted in on street parking and Councillor Heesom said that for others to say that extra traffic generated by the removal of the barrier would not cause harm was incorrect. He felt that the request to vary the condition should be refused so that the barrier could remain.

Councillor R.B. Jones referred to paragraph 7.01 where the detail behind condition 15 was reported. He said that he had seen nothing to change his mind and that his view was that the barrier should remain.

Councillor A.M. Halford queried why building on the site had not commenced even though approval for the site had been granted for some time. She concurred that she did not think it was correct to overturn the decision without further evidence and that the barrier was proposed to protect the safety of the residents. She also enquired whether the applicant's claim that the Council

had acted beyond its powers was correct. Councillor D. Butler disagreed and felt that condition 15 should be removed. Councillor M.J. Peers referred to an estate in Buckley which had barriers between the two parts and said that in this case the decision to include the barrier had been made by the Committee and that it could be clearly seen that the removal would create a rat run. He said that the proposal in the report did little to protect the amenity of the residents and that in his opinion, the Committee should stick to its original decision. Councillor C.A. Thomas was concerned that the report did not contain any information on the impact the removal of the barrier would have on the occupants of the care home, the educational facilities or the impact on amenity. Councillor C.A. Ellis said that she would not support the recommendation. She commented on an application in her ward where the Committee had required barriers, contrary to the officers' recommendation, to protect the residents and school children. She felt that the removal of the barriers in this case would set a precedent.

In response to the comments made, the Development Manager said that the development brief in place at the outline planning permission stage included three points of access to allow the traffic to be shared. This was a legitimate application to allow the development to proceed in that manner and the applicants would appeal the decision if they were not successful. The site Cllr Peers had referred to in Buckley had been designed in two sections with bollards in between, but this site had not been designed in the same way. Whereas Members had indicated that they wanted the development to go ahead he advised that it had been assessed on the basis of the three points of access and that it would not work without all three. The Senior Highways Engineer confirmed that this was also the Highways view.

The Planning Strategy Manager confirmed that it was a long standing site which was to be developed on the basis of three points of access. He referred to some of the comments made by members regarding effect on amenity and suggested that only using two points of access would have a greater impact on the residents in those areas.

The Democracy & Governance Manager responded to the comments made. He disagreed with the applicant's claim that the Council had acted beyond its powers. The applicant was however entitled to put in the application before the Committee. He said that evidence was important and that if the application went to appeal, the inspector would look for evidence and that there would be a risk of costs being sought against the Council due to lack of evidence. He referred to a recent similar appeal at Mold where the effect of additional traffic on the amenity of residents had been cited and in which case costs had been awarded against the Council. Councillor P.G. Heesom asked if the e-mail from Chris Kay referred to earlier could be used as evidence. Following comments from Members referring to recent Member training, the Democracy & Governance Manager quoted from the relevant costs circular and explained how opinion evidence was only allowed from experts in Court proceedings. He explained that the Council's current officers did not share the opinion of Chris Kay.

In summing up, Councillor Bithell said that some schools had been mentioned as being at risk if the bollards were removed but the school on the A548, which would suffer additional traffic if the bollards remained had not been raised, which he felt was inconsistent. He felt that the effect on the amenity could

not be upheld in an inquiry and that the Authority's Highways officers and the independent traffic consultants had said that the condition 15 could not be maintained. He said that the evidence to remove the barrier was strong which Members needed to bear in mind.

On being put to the vote, the proposal to vary condition 15 and impose the section 106 agreement was LOST. A proposal was then received from Councillor Heesom to retain the bollards which was duly seconded. On being put to the vote, the proposal was CARRIED.

RESOLVED:

That the request to vary condition 15 be refused.

61. **RENEWAL OF OUTLINE PLANNING PERMISSION 045547 TO ALLOW THE ERECTION OF A DWELLING AT LAND SIDE OF TALOSSAMME, ABBOTTS LANE, PENYFFORDD (049792)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 3rd September 2012. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and drew Members' attention to the late observations sheet and the changes to the recommendation. Planning permission had been granted on appeal in 2009 and as the circumstances had not significantly changed, the recommendation was for approval of renewal of the outline permission. The inspector at the appeal had requested that the dwelling be single storey and Welsh Water, the Environment Agency and the Inspector had not raised any concerns about drainage.

Mr. D. Owen spoke against the application. He said that the application did not comply with the Unitary Development Plan (UDP) and that it was an extreme case of tandem development. The reduction in the garden space would diminish the amenity of neighbouring properties and the building of the four bedroom dwelling would exacerbate the drainage problems. He felt that the proposal would only benefit the applicant and urged the Committee to support the UDP and refuse the application.

Mr. N. Price, the applicant, spoke in support of the application. He said that the application had been granted on appeal in 2009 and that as nothing had changed since then, that the application should be approved today. There had been problems with sewerage in the past but referred to correspondence from Welsh Water which indicated that they had no objections to the foul flow going into the public sewer. The width of the driveway was adequate for use by emergency vehicles and he hoped that the Committee would approve the application.

Councillor P.G. Heesom proposed the officer's recommendation for approval with additional condition which was duly seconded. The additional

condition suggested was for an adequate screening scheme so that the dwelling would not be overbearing on neighbouring properties.

The local Member, Councillor C. Hinds, spoke against the application. She said that the previous application had been refused by Committee but had been overturned by the Inspector, which she felt was an insult to those who had backed the refusal. She felt that the proposal was not in keeping with the other properties in the area. The owners of Graigwen were not able to use their front door during periods of heavy rain so the access from their property would be onto the driveway for the proposed new dwelling, which she felt would be dangerous. She raised concerns about the drainage issues and said that she had evidence that there were significant problems with sewerage around the development site which had been ongoing for a number of years. Councillor Hinds asked that the application be deferred to allow for the completion of remedial works in the area by Welsh Water before the work on the development could be commenced.

The Head of Planning reminded Members that some of the comments by Councillor Hinds related to the next application on the agenda for the same site and that those should not be considered in their determination of this application.

Councillor M.J. Peers said that he was mindful of the decision by the Inspector and that the only option open to Members was to approve the renewal with the stated conditions to lessen the impact on neighbouring residents. Councillor R.B. Jones suggested that condition 5 from application 049790 – agenda item 6.3 (foul flows only permitted to discharge to the 150 mm public combined sewer in Abbots Lane) be included on this application.

In response to comments made, the officer confirmed that the proposed additional condition could be included on this application, that soakaways would be in place for the surface water and that a condition could also be included for screening. Councillor Heesom asked that the local Members be consulted over the wording of the proposed conditions.

RESOLVED:

That planning permission be granted subject to the:-

- (a) conditions detailed in the report of the Head of Planning;
- (b) removal of conditions 8 and 9 and the introduction of a new condition 8 as detailed in the late observations;
- (c) inclusion of condition 5 from application 049790 – agenda item 3 (foul flows only permitted to discharge to the 150 mm public combined sewer in Abbots Lane); and
- (d) inclusion of a condition for screening.

62. **FULL APPLICATION - ERECTION OF A DWELLING AT LAND SIDE OF TALOSSAMME, ABBOTTS LANE, PENYFFORDD (049790)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 3rd September 2012. 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. Councillor I. Dunbar, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and said that the additional dwelling would not lead to any significant flooding in the area. The proposed height and distance from other properties were sufficient to not cause any loss of light. Permitted development rights would be removed so the Authority would have control over future changes to the property to protect local residents. It was considered that the dwelling would not have a detrimental impact and that Welsh Water had no objections to the scheme.

Mr. D. Owen spoke against the application saying that as this was a new application it could be dealt with differently. It was an extreme case of tandem development which was contrary to the Unitary Development Plan (UDP). He spoke of the front door of Graigwen which could not be used in bad weather and the safety issue that this would cause for small children. He felt that the problems with drainage would be exacerbated by the dwelling and that the development would have a detrimental impact on other residents because of the obtrusive gable ends which he felt should be reduced. He urged the Committee to refuse the application but added that if they were minded to approve it, that they reduce the size of the dwelling.

Mr. D. Evans, the applicant, spoke in support of the application. He said that provision had been made for soakaways which would exclude all rainwater from the drain and said that the driveway was wide enough for emergency vehicles to use if required. He had endeavoured to meet design guidelines and the application complied with the UDP and with the decision of the Inspector for a single storey dwelling.

Councillor C.A. Thomas proposed deferment of the application, which was duly seconded. She was unhappy with the comments of Welsh Water as the local engineer had been called out a number of occasions due to significant problems in the area. She felt that they were only taking into account that it was a single dwelling and were not considering the problems which were already occurring in the area. Councillor A.M. Halford supported deferment due to the problems of drainage and the safety of the children in the neighbouring property.

Councillor R.B. Jones felt that deferment could not be supported as the previous application had been approved. Councillor Peers asked if it was possible to determine the application but to impose a condition that no work was to commence on the site before the required work was completed by Welsh Water. Councillor D. Cox asked if an end date had been provided for the completion of the works by Welsh Water. Councillor R.C. Bithell proposed that a 'Grampian Style' condition be imposed.

The Head of Planning said that he was not certain what a deferment would achieve. He confirmed that a 'Grampian Style' condition could be included and explained that this would require the approval and implementation of a scheme prior to commencement of the development.

Councillor R.C. Bithell proposed that the application be approved with the inclusion of a 'Grampian Style' condition, which was duly seconded. Councillor Thomas said that she had proposed deferment to request a letter from the local water engineer to indicate that the problems had been rectified before the development could commence.

On being put to the vote, the proposal to defer the application was LOST. A vote was then taken on Councillor Bithell's proposal to approve the application with the inclusion of a 'Grampian Style' condition and this was CARRIED.

RESOLVED:

That planning permission be granted subject to the:-

- (a) inclusion of a 'Grampian Style' condition;
- (b) conditions detailed in the report of the Head of Planning; and
- (c) removal of conditions 11 and 12 and the introduction of a new condition 11 as detailed in the late observations.

63. **FULL APPLICATION - ALTERATIONS TO AN EXISTING AGRICULTURAL ACCESS ON LAND AT LLINEGR HILL, FFYNNONGROYW (049849)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 3rd September 2012. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report explaining that the proposal was to upgrade the existing agricultural access to highway standard agricultural access requirements, thus improving it in terms of highway safety.

Mr. W. Jones spoke against the application. He said that this was the fifth in a series of applications, all of which had been refused and dismissed on appeal. He said that this was a special landscape area and to alter the access would detract from the character of the site. The removal of the hedge would have a detrimental impact and he believed that this application did not comply with policy GEN1 of the Unitary Development Plan (UDP). The existing entrance had been used for a significant number of years and he urged Members to refuse the application.

Mr. P. Eyton-Jones, the agent for the applicant, spoke in support of the application. He commented on the difficulty in accessing the land through the current access due to the steep drop in the land and said that this access would improve the safety aspect. He said that some of the objections indicated that the

land was to be developed but he said that this was not the case in the current application, which he urged Members to approve.

Councillor W.O. Thomas proposed the recommendation for approval which was duly seconded. He felt that the current access was dangerous and said that the proposal would improve the access to the site.

Councillor R.C. Bithell said that he understood the comments of the objectors but that this application was only to improve the access to the field and that what might happen in the future could not be taken into account. Councillor P.G. Heesom spoke of concerns on the current access and added that the perceived future use was not a material consideration. Councillor C.A. Thomas asked for confirmation that the County Ecologist had been consulted on the proposal.

In response to comments made, the officer said that the previous applications had been refused on policy grounds and that that this proposal complied with policy. He confirmed that the County Ecologist had been consulted.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

64. **FULL APPLICATION - SUBSTITUTION OF 9 HOUSE TYPES AT LAND AT FIELD FARM LANE, BUCKLEY (049712)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 3rd September 2012. 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 amended plans had been received from the applicant as a result of concerns of officers and residents. He highlighted paragraph 7.09 where it was reported that the proposed changes would comply with Council's Planning Guidance on Space Around Dwellings.

Ms. A. Snook, the agent for the applicant, spoke in support of the application. She explained that the request for changes in the house type was in response to market demands and would not result in an increase in the number of plots on the site. She added that new house types were not being introduced as the house types proposed were already on other parts of the site. On the concerns which had previously been raised about drainage, Ms. Snook said that work had been completed and added that the applicant had contributed £100,000 to the cost of the works. The application complied with planning policy and she requested that the Members approve the application.

Councillor A.M. Halford proposed the recommendation for approval which was duly seconded. She raised concern about a lack of enforcement when 22

families had moved into the site before the drainage issue had been completed and queried whether there were any conditions relating to the ransom strip.

The local Member, Councillor C.A. Ellis, spoke against the application, as she felt that the proposal would result in an extensive change and would have a detrimental impact on the properties Dovecote, The Chimneys and Field Farm as the orientation of the dwellings would change. She had been told the drainage issues had been addressed but spoke of the 22 properties which had been occupied before the upgrade had been completed. She felt that the enforcement issues were yet to be resolved. Councillor Ellis asked for clarification on legend H36 which was included in the original planning permission and whether it had been included in application 046845. There would be significant changes to the amenity of the occupants of The Chimneys if this application was approved and she felt that it would set a precedent for the rest of the site.

Councillor C.A. Thomas suggested that a condition be included about the hours of working as residents had indicated that work commenced on the site at 7.30am on Saturday mornings. Councillor Halford indicated that she would include this in her proposal to approve the application.

In response to comments made, the officer said that it was acknowledged that the layout was significantly different to what had previously been approved but that the changes resulted in the dwellings following the building line of what was already in place. The drainage issues had been resolved and the proposal was recommended for approval. He confirmed that he would make enquiries about legend H36 and would let Councillor Ellis know.

Councillor R.B. Jones commented on the affordable housing element and asked whether this would be affected by the substitution of the house types. The officer responded that there was no requirement for affordable housing in the outline application which had been approved in 2004. He added that the application did not change the mix of what was originally proposed.

In summing up, Councillor Halford said that the proposal was to approve the application including the additional condition reported in the late observations. She added that discussions were needed between Councillor Ellis and the officer about Legend H36 and asked that she be provided with a written response about the lack of enforcement action on the 22 houses commented on earlier.

RESOLVED:

That planning permission be granted subject to the additional condition reported in the late observations, the requested condition about hours of working and subject to the conditions detailed in the report of the Head of Planning.

65. **FULL APPLICATION - ADDITIONAL USE CLASS B1 IN EXISTING BUILDINGS AT BRITISH AEROSPACE AIRBUS LIMITED, CHESTER ROAD, BROUGHTON (049821)**

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

responses received detailed in the report. Councillor M.J. Peers who had earlier declared an interest in the application, left the meeting prior to its discussion.

The Development Manager introduced the item, referring to an earlier application which had been the subject of a site visit in view of concerns over traffic and residential amenity. He pointed out that on the current application access was onto the airfield site and that a condition was proposed preventing use of the private road onto Manor Lane. Councillor P.G. Heesom proposed the recommendation for approval which was duly seconded.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

66. **APPLICATION FOR OUTLINE PLANNING PERMISSION SEEKING APPROVAL OF ACCESS AND SCALE - ERECTION OF DETACHED DWELLING AT EARLSCROFT, ASTON HILL, EWLOE (048746)**

The Committee considered the report of the Head of Planning in respect of this application. 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 where an amendment to the recommendation in paragraph 7.01 was reported.

Councillor R.C. Bithell felt that the money should be held by the Authority as he felt that there was an increased risk of the money going missing if it was held by the applicant. In response, the Head of Planning said that a significant amount of work had been undertaken on Section 106 agreements and that there were now mechanisms in place to ensure that the money would be accounted for.

Councillor A.M. Halford proposed the recommendation to vary the requirements of the Section 106 Agreement which was duly seconded.

RESOLVED:

That the resolution in respect of the provisions of the Section 106 agreement relating to the site be amended to allow for the commuted sum in lieu of on site affordable home provision to be delivered in the manner set out in the report.

67. **APPEAL BY REDROW HOMES NW AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DEVELOPMENT PROPOSED IS THE ERECTION OF 45 NO. DWELLINGS AND ASSOCIATED GARAGES AND PARKING, INCLUDING THE PROVISION OF 4 NO. AFFORDABLE UNITS AND DEMOLITION OF CURRENT OUT-BUILDINGS AT LAND AT OVERLEA DRIVE, HAWARDEN (048032)**

The Head of Planning and the Planning Strategy Manager commented on key points within the Inspector's decision letter, particularly with regard to the flexible approach to affordable housing. Councillor C.A. Thomas referred to the play area and highlighted paragraph 6.03 and suggested that for future applications, play provision in a more central part of the site be considered. Councillor P.G. Heesom felt that more information was required on the affordable housing element.

In response to a comment from Councillor M.J. Peers on paragraph 6.01, the Head of Planning said that the wording was the interpretation of the inspector. He added that the appeal decision would be referred to Planning Protocol Working Group for discussion.

RESOLVED:

That the decision of the inspector to allow the appeal be noted.

68. **APPEAL BY MR. L. WARD FOR THE REFUSAL OF PLANNING PERMISSION FOR VARIATION OF CONDITION NO. 2 ATTACHED TO PLANNING PERMISSION REF. 045753 TO ALLOW FOR 12 MONTH HOLIDAY SEASON AT CAERWYS CASTLE CARAVAN PARK, CAERWYS HILL, CAERWYS. (049192)**

The Head of Planning advised that officers had written to the inspector about the decision which had been reached. He highlighted in particular the substitute condition 2 suggested by the Inspector which the Head of Planning felt would cause great practical difficulties in enforcing. The decision of the Inspector also referred to the view of local Members being swayed by third parties in the reaching of the decision but the Head of Planning indicated that this application had been determined by delegated powers and had therefore not been considered by Committee.

In response to a query from Councillor D. Butler, the Senior Planning Officer explained that a response was still awaited to the letter which had been sent to the Inspector.

Councillor R.C. Bithell suggested that a letter be sent to the Minister to make him aware of the concerns which had been raised.

RESOLVED:

- (a) That the decision of the inspector to allow the appeal be noted; and
- (b) That a letter be sent to the Minister to raise the concern of Members on the decision made by the Inspector.

69. **APPEAL BY MR. C. RIDGWAY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE RETROSPECTIVE APPLICATION FOR THE RETENTION OF A BUILDING FOR USE AS AN OFFICE ANCILLARY TO THE MAIN DWELLING AT CALEDFWLCH, FFORDD PENTRE BACH, NERCWYS (049211)**

The Development Manager detailed the background to the appeal, whereby the building was initially submitted as a single storey garage but had been laid out as a suite of offices with space at first floor level. He said that the Inspector had decided the building was acceptable in visual terms but conditioned that it be ancillary to the main dwelling, which it was unlikely to be. He added that it made it difficult for enforcement as once the building was used as an office it would have to be monitored to decide if a change of use had occurred.

RESOLVED:

- (a) That the decision of the inspector to allow the appeal be noted; and
- (b) That this decision be included in the letter to be sent to the Minister.

70. **DURATION OF MEETING**

The meeting commenced at 1.00 pm and ended at 4.12 pm.

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

There were 13 members of the public and 2 members of the press in attendance.

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Chairman