

PLANNING & DEVELOPMENT CONTROL COMMITTEE

9 OCTOBER 2013

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, 9th October, 2013

PRESENT: David Wisinger (Chairman)

Councillors: Derek Butler, David Cox, Ian Dunbar (Vice-Chairman), Carol Ellis, David Evans, Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, Ray Hughes, Christine Jones, Richard Jones, Brian Lloyd, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts, Carolyn Thomas and Owen Thomas

APOLOGY:

Councillor Chris Bithell

ALSO PRESENT:

The following Councillors attended as local Members:

Councillor Rita Johnson – agenda item 6.1 and Councillor Dave Mackie – agenda item 6.4

The following Councillors attended as observers:

Councillors: Haydn Bateman and Marion Bateman

IN ATTENDANCE:

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Support Officers, Principal Solicitor and Committee Officer

76. **DECLARATIONS OF INTEREST**

Councillors Billy Mullin and Mike Peers declared a personal and prejudicial interest and Councillor Derek Butler declared a personal interest in the following application:-

Agenda item 6.3 – Full application – Construction and operation of the Beluga Line Station and associated development (including preparatory earthworks) at British Aerospace Airbus Ltd, Chester Road, Broughton (051119)

Councillor Jim Falshaw declared a personal interest in the following application:-

Agenda item 6.7 Outline application – Erection of a detached bungalow at Belmont, South Street, Caerwys (050169)

In line with the Planning Code of Practice:-

Councillor Alison Halford declared that she had been contacted on more than three occasions on the following application:-

Agenda item 6.4 – Full application – Change of use from agricultural to caravan park with 27 spaces including the conversion of shed into campsite and fishing facilities, conversion of barn into site managers dwelling, formation of an access, construction of fishing pools, parking and ancillary works at Stamford Way Farm, Stamford Way, Ewloe (050839)

77. **LATE OBSERVATIONS**

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

78. **MINUTES**

The draft minutes of the meeting of the Committee held on 4 September 2013 had been circulated to Members with the agenda.

RESOLVED:

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

79. **ITEMS TO BE DEFERRED**

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

He reminded Members of training sessions to be held on 15 October and 15 November 2013. He also advised that there had been some teething problems with viewing planning applications on the Council's new website but advised that the issues were being addressed.

80. **VARIATION IN ORDER OF BUSINESS**

The Chairman explained that there would be a slight change in the order of business and, for reasons that he outlined, agenda item 6.9 would be considered at the start of the agenda.

81. **FULL APPLICATION - ERECTION OF 2 NO. FLATS, DEMOLITION OF EXISTING GARAGE, CREATION OF TWO NEW VEHICLE ACCESSES WITH ASSOCIATED PARKING FOR THE PROPOSED FLATS AND EXISTING DWELLING OFF VICTORIA ROAD AT 16 BEACONSFIELD ROAD, SHOTTON. (051022)**

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 7 October 2013. 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 eight letters of objection had been received and the grounds of their objection were reported.

Mrs. F. McMonagle spoke against the application. She lived in the adjacent property and raised concerns about the introduction of a vehicular access which would compromise the privacy of her garden. The proposal included the removal of outbuildings and Mrs. McMonagle queried what would be done to ensure that her property was not compromised during that operation. She also queried whether appropriate controls for materials used in the outbuildings such as asbestos would be put in place during the demolition of the garage. Traffic and parking were a significant issue in the area and Mrs. McMonagle queried whether five parking spaces were sufficient for the proposals. Due to a bend in the road, visibility was very limited and hazardous. The introduction of a new vehicular access would require vehicles to reverse onto or off Victoria Road and would increase the problem. Mrs. McMonagle was concerned that the site would be overdeveloped and not in keeping with the current buildings.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He said that concerns had been raised about parking but five spaces had been allocated. The issues raised were valid but had been addressed in the report. Although it was a tight site for development, it was an area of residential demand.

The officer confirmed that the conditions addressed the concerns raised. The site was in a Category A settlement and currently had parking for two vehicles on the existing site, with three additional spaces proposed which would meet the required standards. Any asbestos found during the demolition of the buildings would be removed in accordance with other legislation and on the issue of safety he said that it was the responsibility of the developer to undertake the work in accordance with safe practices.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide a commuted sum of £733 per unit to enhance recreation provision in the area in lieu of on site open space provision.

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

82. **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL (035575) AT CROES ATTI, CHESTER ROAD, OAKENHOLT. (050967)**

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 7 October 2013. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report explaining that this part of the site for 52 dwellings had reserved matters approval and the application sought to amend house types on part of phase one. The proposal was to reduce some of the three storey dwellings to two storey with a range of terrace, semi detached and detached properties. He highlighted the late observations where it was reported that condition 6 should refer to plot 38 and not plot 40 as was reported. He added that the local Member had concerns about the impact of the development on the parking situation for the terraced properties adjoining the site and she felt that the developer should provide parking for these residents.

Mr. J. Yorke spoke against the application. He said that officers had advised Members not to fight the public inquiry in January 2013 on the basis of planning precedent and that Members had not been told that the planning condition imposed in September 2012 did not accord with what they had approved. Members were not advised of the error when they considered the application in December 2012. He spoke about accuracy and highlighted paragraph 7.06 which referred to 8 Bennetts Row; Mr Yorke said that this property did not exist. On the issue of density, he said that this site was part of a previously approved Anwyl application but was by a different developer with a different application number. He said that it must be ensured that approval did not create a precedent of non-adherence to the design brief of 35 dwellings per hectare as this part of the site was for over 41 per hectare. Mr. Yorke asked that condition 2 be tightened as he felt that the wording would allow developers the opportunity to think that 41 dwellings per hectare was the new standard. If this increase was allowed, it would result in 810 properties instead of the 683 permitted and he felt that the roundabout could not cope with the increase in traffic that this would create. This would also increase traffic movements on Prince of Wales Avenue and Coed Onn Road. He referred to the Localism Bill of 2012 and asked that assistance be given to the residents of Gardners Row and Bennetts Row by providing parking for them.

Ms. L. Hawley spoke in support of the application as agent for the applicant. She said that this site was part of Phase one and was land that benefited from extant outline and reserved matters approvals. She said that Persimmon Homes wanted to amend house types to provide family homes on this part of the site which would result in the loss of three dwellings from the originally submitted application. The density was under 35 dwellings per hectare with 10% being offered as affordable housing, and the type and tenure were satisfactory to Housing officers. Persimmon had their own affordable housing scheme in place which allowed applicants to purchase 100% of their property for 80% with the remainder being a loan until the property was sold. It was hoped that work on the site would commence early in 2014 and Ms. Hawley asked Members to approve the application in line with the officer recommendation.

Councillor Christine Jones proposed the recommendation for approval which was duly seconded.

Councillor Alison Halford queried the comments of Mr. Yorke about inaccuracies in advice given to Members and whether the application would result in a density of over 35 dwellings per hectare which would lead to a total exceeding the 683 houses originally approved.

The local Member, Councillor Rita Johnson, said that this was a new application by a new developer and should therefore comply with current policies for 30% affordable housing. She concurred with Mr. Yorke that the number of dwellings would increase to 820 if the density of 41 dwellings per hectare was agreed. Councillor Johnson said that she had submitted a request in August 2013 for the provision of parking for Bennetts Row and this had been acknowledged in writing. She asked that this be provided and that condition two on density be re-worded accordingly.

Councillor Derek Butler concurred about the wording of condition two and said that it inferred that the density would increase. On the issue of parking for the residents of Bennetts Row, he asked that a request be submitted to Anwyl Homes, the original developer, and the Welsh Government to explore the possibility of removing the wall to create off road parking for the residents. Councillor Carol Ellis supported the suggestion and requested that a condition be included to protect the residents from mud on the road during the development which would be a hazard to existing and new properties. She referred to a similar development in her ward where a condition had originally been included to protect residents but when a different number was created for the site, the condition was not carried over to the new permission.

Councillor Owen Thomas referred to the Unitary Development Plan and the Council's policies on density and affordable housing which he said should be adhered to. He said that on the site visit, Members had identified that off road parking had been created for residents on the other side of the roundabout and queried why it could not be provided for Bennetts Row. Councillor Carolyn Thomas asked for clarification regarding the 30% affordable housing guideline and said that a condition had not been included about the maintenance of open space. Councillor Mike Peers proposed that density be capped at 35 dwellings per hectare on this part of the site and expressed concern that it appeared that the affordable housing development did not even reach 10%. He asked whether a section 106 obligation could be considered for provision of parking for the residents of Bennetts Row.

The officer said that density of 35 dwellings per hectare was a maximum across the whole of the site. He said that it was reasonable for a developer to seek amendments for slight changes and reminded Members that the proposal would result in the increase of one dwelling on this part of the site compared to what had been previously approved. He explained to Members that a Roman road had been discovered on part of the site and Anwyl had agreed not to develop in that area resulting in the loss of 20 to 25 units, some of which would be absorbed elsewhere across the site. On the issue of affordable housing provision, this had been fixed at 10% when the outline planning permission had been agreed and so it would be unreasonable to seek to increase that figure as part of this application. The wording on condition two was standard and re-imposed the safeguards already in place. The officer explained that no provision for off street parking for Bennetts Row had been sought as part of the outline application and it would be unreasonable to impose it at this stage. However, following the recent site visit, he had contacted Anwyl Homes and discussed this proposal with them. Whilst they could not be compelled to make that provision, Anwyl's had indicated that they would give it serious consideration as part of the access to Phase 2 of the development.

In response to the comments made, the Development Manager said that an additional condition could be included for wheel wash facilities to prevent mud on the highway but that mud on the site roads could not be controlled during the course of construction.. The officer said that the maintenance of public open space would be subject to a legal agreement but could either be by a management company or by the Council; this was yet to be agreed.

On the issue of density, the Planning Strategy Manager said that the condition referred to the whole site of 683 and explained that the average density across the site had not changed. There was nothing in the application to suggest that the number of units would increase to over 800 units and was therefore not for consideration by the Committee at this meeting.

In summing up, Councillor Christine Jones proposed including the condition suggested by Councillor Ellis for wheel wash facilities and she thanked the officers for their responses. However, she said that Members had had ample opportunity to raise issues and added that she did not agree with new items such as off road parking for Bennetts Row being suggested each time an application for the site was considered.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning (with condition 6 being amended to refer to plot 38) and with an additional condition about wheel wash facilities.

83. **RESERVED MATTERS - DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE SUBMITTED IN ACCORDANCE WITH CONDITION NO. 1 ATTACHED TO PLANNING PERMISSION REF: 038189 AT BROUGHTON PARK, BROUGHTON. (050796)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report and an amended recommendation that Condition 1 was not required, were circulated at the meeting.

The officer detailed the background to the report explaining that the application had been deferred at the meeting of this Committee held on 4 September 2013 to allow further discussions between officers and local Members/Community Council about a proposed footpath link from the development into the adjacent community council park and to clarify issues regarding the potential for an eastbound "off" slip road to serve Broughton from the A55. Following these discussions it had been determined that a direct footpath link from the site into the park was not required. However, if at a later date a link was considered to be required then this could be achieved over publicly owned land and consequently condition no. 7 mentioned in the recommendation to September's Planning Committee had been deleted. On the A55 slip road issue, it had been confirmed to local Members that the current application did not infringe the land which historically had been indicated as a possible slip road location.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He asked whether a bond could be required for the provision of a future access across the old railway line. In response, the Principal Solicitor said that financial arrangements of that nature could not be conditioned and the report indicated that access was not required at this stage. Councillor Butler spoke about the existing hedgerow and trees and sought confirmation that the planting would be properly maintained if it was damaged during construction on the site.

Councillor Mike Peers said that at the September 2013 Committee meeting he had asked that a plan be shown which included the potential slip road but he said that this had not been forthcoming.

In response to the comments made, the officer said that a standard condition was included requiring the maintenance of the landscaping. He said that an alternative access to Broughton had been suggested, running parallel to what was proposed in this application. The route proposed had however passed a safety audit so an alternative route was not needed and a bond was therefore not required. On the slip road issue, he explained that the plan showed an area where the slip road would be situated: the area was adequate. The Development Manager said the original owner had retained whatever land was needed for a proposed slip road so if it was needed it could be constructed and he confirmed that this application could be approved without affecting that piece of land.

Councillor Carolyn Thomas raised concern that in the past, ongoing maintenance of sites had been discussed prior to consideration of an application by Committee but it was now to be discussed following approval. She felt that this could cause future problems if it was not conditioned as to whether the developer would contribute to the ongoing maintenance. Councillor Thomas felt that the issue should be considered at a future meeting of the Planning Strategy Group. The Head of Planning agreed to include the issue as an agenda item at a future meeting of the Group.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning with condition one being deleted.

84. **FULL APPLICATION - CONSTRUCTION AND OPERATION OF THE BELUGA LINE STATION AND ASSOCIATED DEVELOPMENT (INCLUDING PREPARATORY EARTHWORKS) AT BRITISH AEROSAPCE AIRBUS LTD., CHESTER ROAD, BROUGHTON. (051119)**

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. Councillors Billy Mullin and Mike Peers, having earlier declared an interest in the application, left the meeting during its discussion.

The officer detailed the background to the report explaining that a similar application had been approved by the Committee in May 2013. The scheme had

been slightly amended and was now for a different type of structure, requiring a further application.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded.

Councillor Owen Thomas said that the building would be built on an area used for parking and queried whether alternative parking was to be provided. Councillor Derek Butler said that the application would allow Airbus to load and unload the Beluga in adverse weather which would enable more day flights to take place thereby reducing proposed evening flights. In response to the question from Councillor Thomas, the officer drew Members' attention to condition 7 about adequate parking facilities being provided and retained within the site.

Councillor Halford said that Airbus was a gem in the North Wales economy and referred to a letter from the company which said that they were addressing all of the issues raised to reduce problems and noise for neighbouring residents.

RESOLVED:

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

85. **FULL APPLICATION - CHANGE OF USE FROM AGRICULTURAL TO CARAVAN PARK WITH 27 SPACES INCLUDING THE CONVERSION OF SHED INTO CAMPSITE AND FISHING FACILITIES, CONVERSION OF BARN INTO SITE MANAGERS DWELLING, FORMATION OF AN ACCESS, CONSTRUCTION OF FISHING POOLS, PARKING AND ANCILLARY WORKS AT STAMFORD WAY FARM, STAMFORD WAY, EWLOE. (050839)**

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

The officer detailed the background to the report explaining that this was a re-submission of a previous application which had been refused on the grounds as detailed in paragraph 7.02. The applicant had appealed the decision but, due to concerns raised by Countryside Council for Wales (now Natural Resources Wales), had been required to resubmit the application with additional information to address these matters.

The primary use for the site was the fishing ponds for 52 weeks of the year and 27 touring caravan pitches which would be open for eight months of the year to anglers and non anglers. It was proposed that one of the buildings would be utilised for accommodation for a manager and another to be converted into a café and shower block. The main issues for consideration included the effect on the openness of the green barrier and on the visual appearance and character of the open countryside. Paragraph 7.17 detailed when Policy GEN4 could be applied and paragraphs 7.18 and 7.19 referred to the Magazine Lane application, the decision of the Inspector for that site, and how it differed from this site. The officer said that because of the seasonal nature of the touring caravan part of the

application, the caravan site would not be in use from November to February. It was therefore considered that this proposal was acceptable and that any impact could be mitigated.

Mr. T. Rimmer spoke against the application on behalf of the owner of the working farm on the adjoining land. He said that the impact on the green barrier was a concern and that if the application was approved it would make it difficult for the farmer to undertake routine farming activities such as muck spreading, due to the close proximity of the site to his farm. He referred to Policy T6 which required that the site did not have a significant adverse impact on the amenity of other residents; Mr. Rimmer felt that it would cause a significant impact on the farmer. He felt that the proposal was too intensive for the land and there was no evidence that a hydrological survey had been carried out. He said that the impact on the amenity and upon the ponds had not been taken into account and urged Members to refuse the application. He concluded that the proposals would impact on the farming of neighbouring land.

Mr. E. Jones, the agent for the applicant, spoke in support of the application. He said that the application complied with all relevant policies in the Unitary Development Plan (UDP) and this was evidenced in the report. The proposed use was appropriate in the green barrier and Highways had no objection to the application subject to conditions which were detailed. He said that the site was in an ideal location for a fishing facility and though the provision of caravans was controversial, as that use would be seasonal, its impact was reversible, and it would contribute to the tourism of the area. It would be a family run facility with a sound base and would employ up to 12 local people on a full or part time basis. Tuition for fishing was to be provided and fishing competitions would also be arranged. Professional advice had been sought to ensure that there was no detrimental impact on neighbours. Mr. Jones added that it was an exciting opportunity and asked Members to approve the application.

Councillor Derek Butler proposed refusal of the application against officer recommendation which was duly seconded. He said that he could not see any difference to the application which was refused in 2012. He raised concern about the reasons given by Natural Resources Wales and said that, whilst an environmental assessment had previously been sought, it had not been asked for as part of this application. He felt that paragraph 7.12 did not show a business plan and he disagreed with the use of the word 'essential' in paragraphs 7.17 and 7.18 as he did not feel that the fishing ponds were big enough to attract customers to the site. Councillor Butler referred to the wealth of small ponds in the area which provided opportunities for fishing and said that he did not feel that the business was sustainable. He also raised concern about the lack of comments from the Tourism and Regeneration officers.

Councillor Carol Ellis asked if Northop Hall Community Council and the adjacent ward Member had been consulted on the proposals as the settlement boundary was near to Northop Hall. She supported refusal of the application on the grounds of non compliance with Policy T6 and the detrimental impact on the farms around it. Councillor Ellis highlighted paragraph 7.16 regarding the policy considerations and the principle of development, and disagreed with the comments made.

One of the local Members, Councillor Dave Mackie, said that in accordance with advice previously given, he would leave the chamber after speaking and prior to discussion of the application. He spoke against the application and said that, whilst some elements of the development were temporary, others were not, and it would be open and visible from a wide area which would make it harmful to the green barrier. He said that the Inspector in the Magazine Lane inquiry had not accepted that a rural location was essential for such a proposal. If the proposal went ahead, Councillor Mackie felt that fishing ponds could be dug anywhere. He said that the officer had recommended approval of the application in October 2012 but it had been refused by the Committee and he urged Members to be consistent and refuse the current application.

Councillor Alison Halford, the other local Member, said that one of the reasons that the application had previously been refused was because of the decision on the Magazine Lane application, the other because of the lack of proper consultation with the adjoining land owner; both of these issues had been addressed in the report. Three letters of support had been received along with ten letters of objection: more weight should be given to the former. She felt that there were no proper fishing facilities in the area. Councillor Halford said that the issues of drainage and boreholes had been covered in the report along with the visual impact of the caravans. She added that the visibility splay was to be conditioned which would be better than that at the nearby Ewloe Kennels. Councillor Halford said that the comment that children and fishing did not mix was untrue and referred to the pond at Ewloe which was well used. She felt that this was a wonderful opportunity and asked Members to approve the application.

Councillor Richard Jones disagreed with Councillor Halford regarding the availability of fishing facilities and referred to other ponds in the area. He queried the figures proposed in the business plan reported in paragraph 7.12. He raised concern about the boreholes which were to be dug and queried what effect this might have on the water table. He did not feel that this was the right proposal for this piece of land.

Councillor Gareth Roberts referred to paragraph 7.17 and said that he did not feel that this was an essential facility for outdoor sport and recreation. The crucial factor was that it was in the green barrier. He concurred that there were many fishing ponds in the area and that if it was permitted would set a precedent for similar types of application in the green barrier. He had supported officers in opposing a previous proposal in the green barrier on Sealand Road, near Chester. If he had been against that proposal, he could not see how he could support the current application.

Councillor Mike Peers felt that the application would have a detrimental impact on the green barrier and highlighted paragraphs 7.07, 7.08 and 7.31. Councillor Jim Falshaw spoke in support of the application and said that tourism in Flintshire was needed. Councillor Dave Cox concurred with approval of the application and spoke of the significant work that had been put into the application and that it would be a pleasant area for families to enjoy if the application was approved. He felt that the countryside was not exclusively for use by farmers. Councillor Owen Thomas said that a lot of work had been done and the conditions had been tightened but he disagreed with permitted

development removal saying that caravan occupants would have to accept associated smells from farming.

In response to comments from Councillors Butler and Ellis, the officer said that the Tourism and Regeneration officers had been consulted but no response had been received. Northop Community Council and the adjoining local Member had not been consulted.

The Planning Strategy Manager said that the UDP policies generally allowed this sort of development in this sort of location. The application did not have to meet all of the criteria within the green barrier policy (GEN 4) and that it did satisfy criteria (g), which referred to other appropriate uses. The important question was whether the proposal would unacceptably harm the green barrier and it was felt that this proposal did not. He also advised, in the context of policy T6, that agricultural activities such as muck spreading were infrequent and should not influence the decision.

In summing up, Councillor Butler said that the application should be refused for the same reasons as the previous application. He felt that the business plan needed further examination and added that the report did not contain any information on the need or demand for fishing ponds. He also said that a response was also required from the Tourism officer.

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

RESOLVED:

That planning permission be refused on the grounds of unacceptable use within this area of open countryside designated as green barrier which would lead to coalescence and erosion of the open character (the same reason as for application number 049803).

86. **FULL APPLICATION - ERECTION OF 3 BEDROOM DETACHED DWELLING WITH GARAGE (FOR THE ACCOMMODATION OF A REGISTERED DISABLED PERSON) AT 45 BROUGHTON HALL ROAD, BROUGHTON. (051040)**

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

The officer detailed the background to the report explaining that a previous application had been refused by Committee and was the subject of an appeal. The applicant had amended the internal design of the property and had submitted this application along with supporting information about why he needed the new dwelling. As Broughton exceeded the growth levels of a Category B settlement the proposed dwelling was considered to meet the requirements in Policy HSG3 of the Flintshire Unitary Development Plan (UDP).

Mr. E. Roberts, the agent for the applicant, spoke in support of the application. He complimented the officer for her report and explained that the

previous application had been refused because it had demonstrated a need for the development. This application sought to do so, and included the fact that the applicant was wheelchair bound following an accident and that the current accommodation was deficient for reasons which included, inadequate turning space and layout, poor access to the front and rear of the property, and underutilisation of space.

Considerable alterations had already been carried out at the property which were now unsuitable and a purpose-designed dwelling was the only option available to the applicant. The proposed dwelling would alleviate the problems and would considerably improve the quality of life for the applicant. Mr. Roberts felt that the application complied with Policy HSG3 due to the local need and the applicant intended to sign the Section 106 obligation as detailed in the report.

Councillor Billy Mullin proposed the recommendation for approval which was duly seconded.

Councillor Derek Butler said that the application had been turned down previously for valid reasons but that the required information had now been submitted. Councillor Gareth Roberts highlighted paragraph 7.13 where the requirements of the Section 106 obligation were detailed. In response to a comment from Councillor Owen Thomas about the Council purchasing the property if it became available, the Planning Strategy Manager said that there was a demand for specialist adapted accommodation and that the Section 106 obligation would mean that the property would be offered to the Council in the first instance.

In summing up, Councillor Mullin said that the concerns expressed about the original application had been addressed and that if the Council did not want the property, it would be offered to a Registered Social Landlord.

RESOLVED:

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

- The property shall be occupied by the applicant Mr. Partington in the first instance;
- The Council would be offered first refusal to purchase the property if it is put up for sale at open market value within an agreed time period. If the Council do not wish to purchase the property, second refusal is given to a Registered Social Landlord within a similarly agreed time period.

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

87. **FULL APPLICATION - DEMOLITION AND REBUILD OF 4 NO. POULTRY BUILDINGS AND ASSOCIATED INFRASTRUCTURE (RETROSPECTIVE) AT TREUDDYN FARM, FFORDD Y BLAENAU, TREUDDYN. (051050)**

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

The officer detailed the background to the report explaining that the buildings had collapsed during the snow earlier in the year, had been demolished and the site cleared. The application was for four poultry sheds to house 141,200 on a two hectare site and was accompanied by an Environmental Statement which addressed the likely environmental impacts of the development; they would be limited and could be managed. She added that the site operated under an environmental permit from Natural Resources Wales (NRW).

Mr. R. Mawby, an employee of the applicant, spoke in support of the application. He explained that the applicant wanted to rebuild the structures on the site and explained that the company provided poultry to businesses in Llangefni and Sandycroft. The site would be regularly monitored by NRW and failure to comply with the permit could result in the closure of the unit.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded. He said that the business was already established and the replacement buildings were needed.

Councillor Carolyn Thomas said that concerns had been raised but these had been addressed by the conditions.

RESOLVED:

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

88. **OUTLINE APPLICATION - ERECTION OF A DETACHED BUNGALOW AT BELMONT, SOUTH STREET, CAERWYS (050169)**

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

The officer detailed the background to the report explaining that it had been deferred at the 12 December 2012 meeting of the Committee pending the applicant submitting further information with regard to a pre-determination archaeological evaluation and local/affordable housing provision. The information had not been received and the recommendation was therefore for refusal of the application.

Mr. S. Hatherall, the agent for the applicant, spoke in support of the application. He said that the first reason for refusal was on the grounds of scale and massing but he did not feel that this reason was appropriate as it was an

outline application and all matters had been reserved. The application was for a moderate dwelling with two parking spaces which would comply with the space around dwellings policy. Caerwys had reached 19.7% growth which exceeded the 15% growth band for a Category B settlement, although there was some flexibility in those figures, which showed that applications of this nature could be approved. The development offered the chance of a dwelling to cater for a proven local affordable housing need although Mr. Hatherall said that this was unreasonable as it amounted to 100% affordability. He added that the cost of the archaeological assessment was more than £3,000 which did not guarantee approval of the application so the applicant could be left with approval on an unviable site.

Councillor Jim Falshaw proposed approval of the application against officer recommendation which was duly seconded. He said that the application had been deferred twice for further discussions and that the dwelling proposed was for the parents of the applicant. Other houses in the street were well established and maintained and this site was the only unmaintained site. The site had previously been for a taxi office and for the maintenance of vehicles and was therefore a brownfield site. He said that he had attended a meeting with officers where he had been advised that an archaeological survey would only be required if the application was approved. There had not been any house growth in Caerwys for seven years and there were sites smaller than this one on which three terraced properties had been built. Councillor Falshaw supported the application and could see no reason to refuse it.

Councillor Owen Thomas said that there was lots of infill in Caerwys and added that this was a piece of derelict land that could be cleaned up by having a bungalow built on it. He felt that local need had been established and that it was an ideal site for the proposal.

Councillor Derek Butler said that there was no reason to go against the officer recommendation as it did not comply with Policy HSG3 and he referred to the comments of Caerwys Town Council who were also against the proposal. Councillor Mike Peers referred to paragraph 7.10 which referred to the special character of the Conservation Area, but paragraphs 7.3 and 7.4 stated that the harm was already there. He agreed with the local Member that it was a brownfield site. He added that it was a vacant plot in the settlement boundary and that the proposal would not harm the special character or the area.

Councillor Alison Halford commented on the second and third reasons for refusal and asked if there was a balance for officers to help the applicant and point them in the right direction. Councillor Gareth Roberts felt that a dwelling could be built that was in keeping with a neighbouring property but said that a bungalow on the site was not suitable. He said that if this application was approved in an area that exceeded the 15% growth, how could other applications in other villages be refused. In response to a question from Councillor Richard Jones, the Principal Solicitor said that if the application was approved, delegated powers would be given to the Head of Planning to include any appropriate conditions.

In response to the comment from Councillor Alison Halford, the Development Manager said that discussions had taken place with the applicant

and he had been advised of the information that he needed to submit, but to date it had not been forthcoming. He added that each of the reasons for refusal were valid and would stand alone. The officer said that there was no proof that the property was required for local need and evidence about the impact of the development upon subsurface archaeology had not been submitted. He referred to paragraph 7.06 and the comments from Highways officers about setting the dwelling further back into the site to enable a set back of 2.5m from the adjoining highway, which would further compound the limited plot depth. The officer added that there was no history of a taxi office being on the site and that there was no reason to approve the application.

The Planning Strategy Manager said that just because the site was derelict, it was not a reason to grant permission. The growth percentage being over the limit for the settlement was not in dispute and an exceptional case had to be made to permit an application in this situation. The applicant had been advised of this but the information had not been forthcoming. He spoke about Policy HSG3 and the comments of the Clwyd Powys Archaeological Trust in relation to what was an important archaeological area. It had been reported that a pre-determination archaeological evaluation needed to be completed to supply information about the site and to allow subsequent discussion on mitigation. Nothing had been provided.

On being put to the vote, the proposal to approve the application was LOST.

RESOLVED:

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

89. **FULL APPLICATION - ERECTION OF A GARDEN ROOM EXTENSION AT SMITHY COTTAGE, HENDRE. (051029)**

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 7 October 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report explaining that an application for a similar application was submitted by the applicant but withdrawn in April 2013 following discussions with officers where the applicant had been advised that the proposals were out of character with the existing dwelling. An amended scheme had been submitted and granted permission in June 2013. The applicants had sought clarification as to why one application was acceptable and the other was not. They had been advised that the second application more closely reflected the rural character of the building. This proposal was similar to the application withdrawn in April 2013 although it showed a reduction in length from six metres to five metres.

Councillor Gareth Roberts proposed the recommendation for refusal which was duly seconded. He said that the proposals were out of character with the building and were similar to the application submitted earlier this year. He said

that an extension to the building could be accommodated as reflected in the proposals approved in June 2013 but added that refusal of this application was correct.

Councillor Derek Butler said that it was reported in paragraphs 7.09 and 7.12 that discussions had taken place and the applicant had been advised that an appropriate extension to the building could be achieved but he had chosen to submit this application which was unacceptable.

Councillor Owen Thomas said that the dwelling was hidden by trees and could not be seen from the road. He felt that the glazed link approved by the previous permission would not be in keeping with the existing character of the building. This application was in keeping with the character of building and of the area and should be approved.

In response to the comments made, the officer said that paragraph 7.13 highlighted the application which had been withdrawn, which proposed an extension at right angles to the property which was out of character with the linear building.

The Planning Strategy Manager said that this was a unique building. Discussions had been undertaken with the applicant about what was acceptable and this had been negotiated and agreed. However, the applicant had chosen to submit another application with a different proposal.

RESOLVED:

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

90. **OUTLINE APPLICATION - RESIDENTIAL DEVELOPMENT AT CHAPEL STREET, CONNAH'S QUAY (050153)**

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

The officer detailed the background to the report and drew Members' attention to the late observations where it was reported that amended plans had been submitted which reduced the number of dwellings from five to four. It was also reported that condition 2.01 (a) about payment of an educational contribution, and condition 19 about proposed overspill parking at the Naval Club, were to be deleted.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He said that the site had never been used as part of the park and was in a Category A settlement being a continuation of the houses in Pinewood Avenue.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the deletion of the conditions reported in the late observations and subject to the applicant entering into a Section 106/Obligation/Unilateral Undertaking to provide:-

- Payment of not less than £1,100 per dwelling to be provided upon 50% sale or occupation of the development in lieu of on site public open space. The receipt to be used to enhance existing recreation provision in the community.

If the obligation/Unilateral Undertaking (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

91. **VARIATION OF CONDITION NO. 11 ATTACHED TO PLANNING PERMISSION REF: 048892 ASSOCIATED LAND AND FORMER WHITE LION PUB, CHESTER ROAD, PENYMYNYDD (051056)**

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

The officer detailed the background to the report explaining that if the application was approved, a supplemental Section 106 obligation would be required to tie the proposals into the wider site. He highlighted paragraph 7.03 where the original condition was reported which prohibited occupation of any of the dwellings until such time as a scheme of off site drainage system improvement works had been undertaken and completed. A scheme of works had been agreed between the developer and Welsh Water which was in two parts; the first phase of the works had been completed. The second part of the project required the upgrade of a 76 metre length of sewer pipe prior to its entry into the Penyffordd Waste Water Treatment Works. Welsh Water had programmed this part of the scheme to be undertaken alongside another unrelated piece of work which was planned to be completed by 31 March 2014. The officer had been advised that the outstanding upgrade works which were the subject of the condition were intended to be the first part of that larger scheme of works and were therefore anticipated to be completed earlier. Welsh Water had advised that there was no 'in principle' objection to the variation of the condition sought by the developer. However, they had assessed the current foul drainage system and had advised that, provided that no more than 50 properties were connected to the system before the completion of the upgrade works, there was no risk to existing residents.

Councillor Richard Jones proposed refusal of the application against officer recommendation which was duly seconded. He felt that the request to vary the condition should be refused and that no dwellings should be occupied until the works by Welsh Water had been completed.

Councillor Carol Ellis referred to an application which had been granted in her ward which had been conditioned that no properties be occupied until works had been completed by Welsh Water; dwellings had subsequently flooded when it rained. She supported refusal of the application and said that conditions were

put on for a reason and should be complied with. Councillor Carolyn Thomas queried whether the advice from Welsh Water was being given by an engineer or by a planner. Councillor Billy Mullin concurred that conditions were put in place to safeguard the residents and that they should be adhered to. Councillor Derek Butler said that the works would be completed by 31 March 2014 and that Welsh Water had no objection to the variation 'in principle'. Councillor Gareth Roberts considered that, if the condition needed to be imposed previously, it needed to be imposed now, and queried what would happen if the request to vary the condition was refused and the applicant appealed, as they had the support of Welsh Water.

In response to the comments made, the officer said that it was the choice of Welsh Water to undertake the project in two parts and that the contact at Welsh Water had been the same person so the response for both applications had been consistent. The developer would have programmed the building of the dwellings on the site into a build programme based on the original discussions with Welsh Water and they had confirmed that there would be no risk to residents. If there were any problems, any issues would be directed to Welsh Water. He reiterated the earlier comment that Welsh Water had indicated that up to 50 properties could be connected to the system before the completion of the upgrade works without risk to existing residents.

The Planning Strategy Manager said that it was not the fault of the developer that the scheme had been split into two parts, so if the application was refused, it would be for something which was out of the developer's control.

Councillor Jones said that conditions were applied to protect residents and ensure works were carried out accordingly. He felt that Welsh Water should complete the works before occupation. The Principal Solicitor asked for a reason for refusal and said that it was not for officers to supply one. He said that there was nothing to prevent developers applying for variations to conditions. The Head of Planning reminded Members that Welsh Water were a statutory consultee and had advised that 50 properties could be connected to the system before completion of the works. The Principal Solicitor said that an appeal inspector would give significant weight to the comments if the developer appealed refusal of the application.

Councillor Jones asked if third party advice could be sought. The Principal Solicitor said to do so would impact upon the timetable for the determination of the application, which reflected Welsh Water's projected timescales for the works, and that it was likely that any advice obtained would confirm Welsh Water's stance.

The officer reiterated his earlier comments about the scheme of works to be undertaken and why there had been a delay in the provision of the second part of the scheme. An element of occupancy up to 50 dwellings could be provided without putting the residents at risk. Councillor Jones asked for clarification on paragraphs 7.04 and 7.05 which the officer provided. Councillor Peers asked what assurance could be given if a problem occurred after any of the properties were occupied but before the works were completed. The officer responded that the phasing of the works could not be conditioned and that it was incumbent on Welsh Water to correct any problems that occurred.

In response to an earlier comment from Councillor Jones about third party advice, the Head of Planning said that an option before the Committee was to defer the application and seek further advice. Councillor Alison Halford proposed deferment of the application. The officer explained that it was anticipated that the works affecting this site would be completed by 31 January 2014. Councillor Billy Mullin sought assurance that it would be completed by this date.

The Principal Solicitor suggested that, if the application was approved, a strongly worded letter could be sent to Welsh Water about its changed position on the scheme of works. Councillor David Evans felt that to defer the application could put potential purchasers in a difficult position. Councillor Jones changed his proposal to approval of the application, accompanied by the letter as suggested by the Principal Solicitor.

Following a further discussion, it was agreed that the letter could also include the comment about putting potential purchasers in a difficult position and a request that the number of properties occupied before the completion of the works could be reduced if any problems occurred.

RESOLVED:

That the condition be varied subject to the applicant entering into a Section 106 obligation to link to the previous application and a letter being sent to Welsh Water to express the concerns raised by the Committee.

If the obligation/Unilateral Undertaking (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

92. **APPEAL BY MR. MRS. SUE ROBERTS AGAINST THE NON-DETERMINATION OF AN EXTENSION TO FORM FIRST FLOOR OVER EXISTING SINGLE STOREY BUILDING FOR THE PROVISION OF 4 ADDITIONAL BEDROOMS AT BRYN BUNGALOW, ROCK LANE, CAERWRLE - DISMISSED. (049553)**

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

93. **APPEAL BY MS. M. LLOYD-JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CONSTRUCTION OF A PUBLIC HOUSE, CREATION OF PARKING AND TURNING AREAS, CYCLE STORE AND MEANS OF ACCESS, THE PROVISION OF 45M² OF PHOTOVOLTAIC CELLS AND HARD AND SOFT LANDSCAPE TREATMENT ON LAND ADJACENT TO SINGING KETTLE SERVICES, ST. ASAPH ROAD, LLOC, HOLYWELL (050008)**

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

94. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC**

That the press and public be excluded from the meeting for the following agenda item which was considered to be exempt by virtue of paragraphs 12, 13, 16 and 17 of Schedule 12A of the Local Government Act 1972 (as amended).

95. **FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE**

The Development Manager introduced a report to consider if the Council should proceed with 'direct action' under the provisions contained within Section 178 of the Town and Country Planning Act 1990, to seek compliance with an enforcement notice.

He detailed the background to the report and explained that advice had been taken from Counsel. There was a need to determine how to take it forward and the current position and options available to the Council were detailed in the report.

Councillor Carol Ellis asked whether advice would be given to the occupier by Housing officers and queried whether the appropriate officers would be involved if and when the occupier was evicted from the property. The Principal Solicitor responded that this formed part of the Equality Impact Assessment referred to in the report. Councillor Richard Jones queried whether all appropriate steps had been followed and the Principal Solicitor detailed the work that had been undertaken. In response to a question from Councillor Ian Dunbar, the Principal Solicitor said any goods unclaimed could be sold and that the Council could seek to recover any costs it had incurred. The Head of Planning confirmed that Flintshire County Council had taken all the appropriate steps and would try to bring the case to a conclusion as soon as possible.

Councillor Alison Halford proposed the recommendation in the report which was duly seconded.

RESOLVED:

That direct action be taken under Section 178 of the Town & Country Planning Act 1990 to secure full compliance with the requirements of the Enforcement Notice.

Councillor Carolyn Thomas indicated that she wished it to be recorded in the minutes that she had abstained from voting.

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

There were 28 members of the public and 3 members of the press in attendance.

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Chairman