

PLANNING & DEVELOPMENT CONTROL COMMITTEE

18 JUNE 2014

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, 18th June, 2014

PRESENT: Councillor David Wisinger (Chairman)

Councillors Marion Bateman, Derek Butler, David Cox, Carol Ellis, Jim Falshaw, Ray Hughes, Richard Jones, Richard Lloyd, Neville Phillips, Mike Reece, Gareth Roberts, Owen Thomas, Veronica Gay (Reserve) (for Mike Peers), Mike Lowe (Reserve) (for Christine Jones) and Paul Shotton (Reserve) (for Ian Dunbar)

SUBSTITUTIONS:

Councillor: Paul Shotton for Ian Dunbar, Mike Lowe for Christine Jones, Veronica Gay for Mike Peers and Brian Lloyd for Carolyn Thomas

ALSO PRESENT:

The following Councillor attended as an observer:
Councillor Haydn Bateman

APOLOGIES:

Councillors: Chris Bithell, Alison Halford and Billy Mullin

IN ATTENDANCE:

Chief Officer (Planning and Environment), Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planners, Planning Support Officer, Democracy & Governance Manager and Committee Officer

1. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

2. **APPOINTMENT OF VICE-CHAIRMAN**

The Chairman sought nominations for the appointment of Vice-Chairman for the Committee. Councillor Paul Shotton nominated Councillor Ian Dunbar which was duly seconded and Councillor Richard Lloyd nominated Councillor Owen Thomas which was also duly seconded. On being put to the vote, Councillor Ian Dunbar was appointed as Vice-Chairman for the Committee.

RESOLVED:

That Councillor Ian Dunbar be appointed Vice-Chairman for the Committee.

3. **LATE OBSERVATIONS**

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

4. **MINUTES**

The draft minutes of the meeting of the Committee held on 14 May 2014 had been circulated to Members with the agenda.

Councillor Neville Phillips asked that the final sentence in the first paragraph on page 17 be amended to read 'She stated that properties on the main road could not get a mortgage because of subsidence and were sold for cash'.

The Chief Officer (Planning and Environment) referred to the resolution on page 18 and said that the applicant had expressed concern about the educational contribution which had been reported in the Late Observations; discussions would take place with the applicant prior to the appeal to clarify the situation. He also explained that the action identified on page 19 about assessing the need for a pedestrian crossing had been referred to the relevant Chief Officer.

Councillor Richard Lloyd asked that his first name be quoted in the first paragraph on page 20 as two Councillor Lloyds had been present at the meeting.

RESOLVED:

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

5. **ITEMS TO BE DEFERRED**

Councillor Neville Phillips referred to application 7.5 (051966 - Village Road, Cadole) and asked, on behalf of the Local Member Councillor Nancy Matthews who had been unable to attend the meeting to speak on the application due to her being on an interview panel, whether the application could be deferred to allow her to speak at the next meeting of the Committee; the request was duly seconded.

The Chairman explained that there were other Local Members who had applications before the Committee today who were also on the interview panel and he had advised them that the applications could not be deferred just because they were not present at the meeting. The Democracy & Governance Manager said that it would set a dangerous precedent to defer the applications just because the Local Member had a clash of meetings.

Councillor Richard Lloyd did not think that the application needed to be deferred as Councillor Matthews had spoken at the Planning Site Visit held on 16 June 2014. Councillor Gareth Roberts said that it was current practice not to defer items for the reason being given.

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

RESOLVED:

That agenda item 7.5 (051966 - Village Road, Cadole) not be deferred.

6. **GENERAL MATTERS APPLICATION - ERECTION OF A CREMATORIUM WITH ASSOCIATED CAR PARKING, NEW ACCESS, LANDSCAPING AND GARDEN OF REST ON LAND EAST OF A5119 & SOUTH OF TYDDYN STARKEY, STARKEY LANE, NORTHOP (051043)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application.

The Chief Officer (Planning and Environment) indicated that criticism had been received about the plan on page 29 of the report. He reminded Members that it was a location plan and did not show the constraints but added that when the application for planning permission was submitted to the Committee for consideration, Members would be made aware of the constraints.

The officer detailed the background to the report and explained that this application was to seek approval to determine the application for planning permission at a Special meeting of the Committee due to its major significance and issues of local and regional importance. The Democracy & Governance Manager advised that the date of the Special Committee meeting would be discussed and agreed with the Chairman.

Councillor Derek Butler said that it was his understanding that there were two alternative sites for crematoriums in Flintshire and suggested that determination of the Northop site application may be premature as the Committee needed to decide on the best site for Flintshire out of all of the possible alternatives. The Democracy & Governance Manager said that currently only an application for the proposed site in Northop had been submitted and highlighted point two of paragraph 6.02 which indicated that determination of the application would include consideration of other possible sites in Flintshire.

The Local Member, Councillor Marion Bateman, said that she had been advised that a cut off date of 24 June 2014 had been identified for receipt of other applications and proposed that the recommendation include the words 'unless any other applications come forward before 24 June 2014'; the proposal was duly seconded. The Democracy & Governance Manager queried whether Councillor Bateman was requesting that any applications for crematorium sites be considered at a Special Committee meeting. Councillor Bateman felt that any applications for crematorium sites should be determined at the same time. She added that the Northop site was on green belt land and it was important to consider whether any other sites were more appropriate.

Councillor Carol Ellis concurred that any applications for crematorium sites should be submitted to the same Committee meeting and commented on applications for landfill sites which had been dealt with separately and had resulted in one being approved and the other being refused but neither being brought forward. Councillor Richard Jones said that he was not aware of other sites or the cut off date of 24 June 2014 and suggested that this application should be considered on its own. Councillor Owen Thomas agreed and said that determination of the application was long overdue and as no other applications had come forward, this application should be considered by the Committee at a Special Meeting to be arranged as soon as possible.

Councillor Gareth Roberts said that the application should be dealt with on its planning merits and added that it could not be compared with the issues identified by the determination of the landfill sites. He was surprised that the applicant had not appealed on grounds of non-determination of the application and reiterated the earlier comments that this proposal should be considered at a Special Planning Committee.

Councillor Neville Phillips proposed that point two of paragraph 6.02 be removed, which was duly seconded. The Democracy & Governance Manager advised that the officer's report could not be amended by a proposition. He added that if another application was submitted then he would have to consider the legal position of determining the application in advance of any new application. He said that all Member comments had suggested the application merited a special meeting, and if it was agreed then it would be on a date determined by the Chairman of the Committee.

The Democracy & Governance Manager reminded Members that the proposal put forward by Councillor Phillips to remove point two of the recommendation was not valid and that the proposal that they were voting on was from Councillor Bateman to allow a Special Planning Committee to be determined provided no other applications came forward by 24 June 2014. On being put to the vote, the proposal was LOST. Councillor Gareth Roberts proposed that a Special meeting be arranged as soon as possible, which was duly seconded, and on being put to the vote, was CARRIED.

RESOLVED:

That a Special Planning and Development Control Committee be convened to determine planning application 051043 as soon as possible.

7. **FULL APPLICATION - RE-PLAN TO PLOTS 124 - 127, 136 - 139 AND ADDITION OF PLOTS 173 - 180 USING TYPES PREVIOUSLY APPROVED ON APPLICATION 049605 AT LANE END BRICKWORKS, CHURCH ROAD, BUCKLEY (052000)**

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

The officer detailed the background to the report and explained that it was a re-submission of an application which was considered and refused by the Committee on 12 February 2014 (application number 051066). The proposed site layout had not changed from the previous application but the applicant had submitted additional information within the Design and Access Statement setting out the design principles adopted in order to seek to address the previous reasons for refusal. The officer referred Members to the late observations where it was reported that the previous application was now the subject of an appeal which was to be dealt with by way of an informal hearing. Paragraph 7.05 provided details of the reasons for the proposed replan of this part of the site.

The officer recommendation of approval was consistent with that of application 051066 to the 12 February 2014 meeting of the Committee.

Councillor Veronica Gay (on behalf of the Local Member, Councillor Mike Peers) proposed refusal of the application, against officer recommendation, which was duly seconded. She said that the application had not changed from that which had been refused by the Committee and the reasons for refusal which were detailed in paragraph 7.04 should be the same for this application. The Design and Access Statement sought to justify why the proposal should be acceptable but it did not address the reasons for refusal of the earlier application. This area of the southern parcel of the site currently had planning permission for the erection of a total of eight dwellings and the proposed amendments which were detailed in paragraph 7.03 included the substitution of house types to eight smaller units and the addition of eight smaller affordable housing units, which had been relocated from the northern part of the site. She added that it would appear that Redrow did not want the affordable homes in the northern part of the site and this application had done nothing to address the concerns raised. The proposed communal parking area serving 13 properties was still out of character with the site and would have an impact on the amenity of residents.

Councillor Richard Jones said that the application was identical to the refused proposal but some of the information that had been contained in the earlier report had been omitted from this report and he found it patronising that the information had not been included.

Councillor Gareth Roberts concurred that the applications were identical and nothing had materially changed, and queried why the applicant had not appealed the earlier decision of refusal.

In response to the comments made, the officer said that a lot of information had been included in the previous report about the 15% affordable housing requirement which was to be split between the two parts of the site. As the reasons for refusal did not focus on the issue of affordable housing, the details had not been included in this report but he added that one of the fundamental changes was with the Design and Access Statement. The affordable units were not being advanced specifically for affordable housing to meet the 15% requirement and the proposed additional properties on the replan of the site were to be terraced units which were to be offered under the Right to Buy scheme.

The Planning Strategy Manager asked Members to consider what harm moving the affordable housing to this part of the site would bring and said that this could be an opportunity for Members to review the reasons for refusal of the previous application. He added that evidence to counter the reasons for refusal had been provided in the form of the Design and Access Statement and the compliance with space around dwelling guidelines and parking guidelines.

The Development Manager said that the omission of the information referred to by Councillor Jones was respecting the earlier decision of the Committee and added that the report concentrated on the changes to the proposal. As the applicant had now appealed the earlier decision, there may be aspects of that refusal that officers would need to come back to Committee with.

In response to a question from Councillor Richard Lloyd, the officer said that the requirement for affordable housing had been reduced by the Inspector to 15% for the site. However, the affordable properties proposed for this part of the site would not count towards the 15% required for affordable dwellings by the Housing Strategy Manager for people on the Housing waiting list.

In summing up, Councillor Gay said that the application should be refused for the same reasons as the previous application (051066) on the grounds of:-

- overdevelopment with the associated additional vehicular movements and substantial areas of car parking
- out of character with the existing development
- the impact on the residential amenity of existing occupiers

RESOLVED:

That planning permission be refused on the grounds of:-

- overdevelopment with the associated additional vehicular movements and substantial areas of car parking
- out of character with the existing development
- the impact on the residential amenity of existing occupiers

8. **FULL APPLICATION - CHANGE OF USE OF LAND AND BUILDINGS FROM B1 USE WITH STORAGE IN CONNECTION WITH THAT USE, TO USE OF THE BUILDINGS FOR A MIXED B1/B8 USE AND THE LAND FOR ANCILLARY STORAGE IN CONNECTION WITH THAT USE AND FOR CARAVAN STORAGE AT OWL HALT INDUSTRIAL ESTATE, MANOR ROAD, SEALAND (051501).**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 16 June 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and reminded Members that the application was for retrospective planning permission and that even though objections had been received from the Local Member and Sealand Community Council, the recommendation was for approval.

Mr. L. Smith, the agent for the applicant, spoke in support of the application. He said that the site had a long and troubled history and that the applicant wanted to realise the economic aspect of the site and if approved, would employ two people on a full time basis to undertake caravan servicing. The current consent for B1 use did not have any control for hours of operation and approval of the application would restrict movement of caravans into and out of the site, which would not be used for caravan storage, only servicing.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He felt that the proposal was a resolution to the ongoing difficulties and commented on the fact that the site was poorly designated as B1

without conditions and that the conditions which included hours of operation would provide more control over the site.

In response to a question from Councillor Owen Thomas, the officer said that the area of the site in the proposal equated to the same as had been applied for under the Certificate of Lawfulness for B1 use.

Councillor Richard Lloyd requested that a condition be included on the number of caravans stored on the site in addition to the conditions about height of stored vehicles or materials and the hours of opening. The Development Manager said that the number of caravans would to an extent be self limiting as the application site was relatively small in relation to the total land holding.

Councillor Paul Shotton said that the access to the site was on an unadopted road and had a footpath on one side of the road which children used to walk to school. He said that the site was on green barrier land and the proposal would create lots of traffic and noise and the security lights on the site would affect the residents in the neighbouring properties. Caravans would have difficulties accessing the site if resident's cars were parked on the road and he queried the number of caravans on the site at present.

In referring to a comment by the agent that caravans would not be stored on the site, Councillor Marion Bateman queried how this could be determined. The officer responded that the application was for storage of caravans and the original B1 use had no restrictions on hours of operation or height of storage. The proposal would allow more control over the site with the conditions requested and he added that there were currently approximately 50 caravans on the site, so the visual impact would also be reduced.

Councillor Richard Jones queried whether a condition could be included, to protect the residents, that the owners of the site pay for the upkeep of the unadopted road if the residents were responsible for its maintenance. The Democracy & Governance Manager advised that this was a civil matter and not a planning consideration. Councillor Mike Lowe felt that the restricted hours of use of 8am to 8pm would not be adhered to. The officer explained that there were no restrictions on the current B1 use and that it would be an enforcement issue if the conditions were not complied with. Councillor Owen Thomas said that there had been a number of enforcement issues on the site and queried what work had been undertaken to ensure the applicant complied with any restrictions. The Development Manager advised that previous enforcement issues were not directly relevant to this application but that the Certificate of Lawfulness established the use of this part of the site. He reminded Members of Councillor Butler's comments that a planning permission would allow more control of the site.

In summing up, Councillor Butler said that the conditions suggested would regularise the use of the site and would allow enforcement action to be taken if the conditions were not complied with. He suggested that the applicant could plant leylandii trees to screen the site.

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

The Chief Officer (Planning and Environment) noting the concerns about the impact on amenity and enforcement issues, suggested that a temporary permission be granted to allow the site to be monitored. Councillor Gareth Roberts proposed that the application be approved for a temporary period of 12 months, which was duly seconded. Councillor Owen Thomas suggested that the application should be approved for a period of 18 months to cover the remainder of this season and the whole of the 2015 holiday season. Councillor Roberts amended his proposal to temporary permission for 18 months which the seconder also agreed with.

On being put to the vote, the proposal to approve the application for a temporary period of 18 months, subject to conditions and the applicant then having to reapply for permission, was CARRIED.

RESOLVED:

That temporary planning permission for a period of 18 months be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

9. **FULL APPLICATION - CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO PROVIDE RAISED AND TIERED GARDEN AREAS TO THE REAR OF PLOTS 52 - 56 FIELD FARM LANE, BUCKLEY (051537)**

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

The officer detailed the background to the report and explained that the partly retrospective application was for the treatment of the garden areas at Plots 52-56 Field Farm Lane, Buckley. The application had been deferred at the previous meeting of the Committee to allow negotiations to take place with the applicant following concerns raised at the site visit held on 12 May 2014. Discussions had taken place and had resulted in the applicant now proposing a reduced raised platform area at the rear of Plots 55 and 56 Field Farm Lane with the garden area being at a lower level instead of the tiered gardens which were part of the previous application.

Mr. N. Mellan, the agent for the applicant spoke in support of the application. He detailed the differences in the schemes which included the new proposals for a raised area at 55 and 56 Field Farm Lane with steps down to the garden area instead of the terraced garden area, with a two metre high fence around the garden. It was unlikely that residents would use the raised area and would only be used as an access to the garden area and the proposed screening, which would remain in perpetuity, would mean that the property at Field Farm would not be overlooked. The amended proposal to deal with the differing levels of the site was in accordance with local and national policy and the applicant had no objection to the removal of permitted development rights.

Councillor Derek Butler proposed the recommendation for approval which was not seconded. Councillor Richard Jones proposed refusal of the application, against officer recommendation, which was duly seconded.

The Local Member, Councillor Carol Ellis, indicated that she would give her comments on the proposal and those of Mrs. Biffin (the resident of Field Farm) who had been unable to attend this meeting to address the Committee. Councillor Ellis said that Mrs. Biffin felt that the application would not be before the Committee if plot 56 had been sited in the correct position. She indicated that it was situated 5.5 metres too close to Field Farm and created an overlooking issue from the garden of the property into the bedrooms of Field Farm. Discussions had not taken place with Mrs. Biffin on the design of the garden which had been created without planning permission. She commented on GPS maps which she felt showed an incorrect location of Field Farm, which officers had disagreed with, and said that the amended house type for plot 56 did not accord with the original house layout and this was indicated on the original plan which showed a path running alongside plot 56. Councillor Ellis referred to Local Planning Guidance Note 2 and Policy GEN1 on space around dwellings and said that the proposal did not comply with the guidelines. She added that if the application was approved, she requested that an additional condition be included to extend the six foot high fence to the whole of the garden area of 56 Field Farm Lane.

The Democracy & Governance Manager advised Members that the application before the Committee was not for the siting of the dwelling but was for the earthworks for the garden area. He added that the issues raised were enforcement issues and the location of the property should not form part of the Committee's decision.

Councillor Richard Jones felt that by creating the earthworks, it would extend the living space which should be refused. Councillor Owen Thomas raised concern about the design of the properties at 55 and 56 Field Farm Lane.

In response to the comments made, the officer said that negotiations had taken place with the applicant following the site visit held on 12 May 2014. The amended scheme did not propose the retention of the sloping area but had been altered and adapted so the top fence line would be reduced to 1.5 metres and would allow access to the remainder of the garden at the lower level. The proposal would prevent overlooking into Field Farm and was a substantial improvement on the original scheme and would address the concerns raised.

In summing up, Councillor Jones said that the original application had been approved with sloping garden areas. He felt that an application should come forward which was more in line with what had originally been approved which was more acceptable to the people that it was affecting. His reasons for the proposal of refusal were overlooking and overbearing impact on residential amenity.

The Development Manager stated that there had to be a level area outside the rear doors to allow access and suggested that what was being proposed was better in terms of amenity as it would be step down from the raised platform into the garden area at the lower level.

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 overlooking and overbearing impact on residential amenity.

10. **CONVERSION OF SHOP & STORE TO 2 NO. DWELLINGS WITH OFF STREET PARKING AT PIONEER STORES, SHOP ROW, VILLAGE ROAD, CADOLE (051966)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 16 June 2014. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and in referring Members to the late observations, said that the second reason for refusal relating to the design of the proposal was being withdrawn. He explained that Cadole was a Category C settlement and the growth rate permitted in Policy HSG3 for such a settlement was 10% unless a local need requirement was met. This application would take the figure to 11.4% and as a local need had not been identified, the proposal did not comply with the Policy.

Mr. D. Fitzsimon, the agent for the applicant, spoke in support of the application. He said that there was no dispute that the proposal exceeded the growth rate for the settlement, but the circumstances in this case were exceptional. Planning permission for two holiday lets had been permitted in 2003 on the basis that the shop was not profitable. It had been advertised extensively and quotes of over £120,000 to convert the shop and store to two holiday lets was not a viable option as the occupancy was expected to be very low based on another holiday property in the area. If two dwellings were permitted, this could generate £475 per calendar month per property in rent and was therefore the preferred option. If the shop closed and permission was not granted to convert to two dwellings, then it would be empty and could be subject to vandalism and dilapidation which could have an impact on the village and the nearby Area of Outstanding Natural Beauty. Mr. Fitzsimon said that the shop and store had been two dwellings in the past and indicated to Members that a flat could be created about the shop without the need for planning permission. He said that approval of the application would not set a precedent and would not undermine Policy HSG3.

Councillor Neville Phillips proposed approval of the application against officer recommendation, which was duly seconded. Councillor Phillips read out a statement from the Local Member, Councillor Nancy Matthews, which indicated that the applicant had been granted permission to convert to two holiday lets in 2013 and reiterated the comments of Mr. Fitzsimon that the conversion was not viable due to costs. The application would return the store and shop to two cottages which was the original purpose of the buildings as reflected in the

conversion of the other two properties in the row. Councillor Matthews had asked that the application be approved as the proposal would improve the Conservation Area of Cadole.

Councillor Owen Thomas felt that the conversion to two dwellings would not add to the 11.1% growth in the village as the buildings were already there. He added that the conversion would create affordable accommodation for young people.

In welcoming the proposal, Councillor David Cox felt that the properties would prove to be an asset to the community of Cadole. Councillor Butler said that the other two properties had been converted and questioned what difference converting the shop and store would make but commented on the loss of the gardens and queried where the recycling would take place. Councillor Marion Bateman felt that paragraph 7.03 about the achievement of affordable dwellings was self explanatory due to the proposed size of the properties. Councillor Gareth Roberts said that his initial reaction was to refuse the application as the proposal exceeded 10%, however he felt that the building would be worthy of retention as it was in the Conservation Area and there could therefore be justification to permit the application. Councillor Richard Jones said that the growth rate of 10% was a guide and that there were many areas, which he detailed, where the rate had been exceeded. He suggested that as it was only two properties, approval of the application was sustainable.

In response to the comments made, the Planning Strategy Manager said that when allocating housing, the 10% limit in policy was absolute. He asked Members to bear in mind the precedent that permitting two extra houses in a Category C settlement area that already exceeded its growth rate would be setting. He said that there was no evidence to suggest that the development would meet a local housing need and it was not possible to enforce affordability on the properties. He reiterated that the applicant had planning permission for two holiday lets and queried whether the applicant had tried to market the properties as holiday lets or sell the shop and store and asked if the suggestion to create a 'live/work' unit with a flat above the shop had been explored. It had also been suggested that the property would fall into a state of dilapidation but the Planning Strategy Manager stated that it was unlikely that this asset would be allowed to deteriorate. He said that if Members were minded to make an exception to the Policy, then this could set a precedent for the future.

In summing up, Councillor Phillips said that the figures about low occupancy rate for holiday lets in the area had been provided by the Tourist Board and other landlords.

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

RESOLVED:

That planning permission be granted subject to the conditions to be determined by the Chief Officer (Planning and Environment).

11. **FULL APPLICATION - CONVERSION OF REDUNDANT OUT-BUILDING TO FORM A SINGLE DWELLING TOGETHER WITH THE INSTALLATION OF A SEPTIC TANK AT KINNERTON LODGE, KINNERTON LANE, HIGHER KINNERTON (050308)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Amendments to the report including three additional conditions were circulated at the meeting.

The officer detailed the background to the report and explained that initially there had been objections about the traffic generated by the fishery. In order to address the issue and to retain the existing access, the applicant had agreed to rescind the use of the lake within the site as a fishery and as such a Section 106 Agreement is required.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded. He welcomed the proposal to convert the building.

In response to a query from Councillor Richard Jones about whether the applicant would be able to continue to use the lake as a fishery because of the granting of the Certificate of Lawful Use, the Democracy & Governance Manager said that the applicant was giving up the legal rights through the Section 106 Agreement.

RESOLVED:

That planning permission be granted subject to the completion of a Section 106 Obligation whereby the Certificate of Lawful Use was relinquished and subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

12. **APPEAL BY WAINHOMES LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 18 NO. DWELLINGS WITH ASSOCIATED ROADS, SEWERS AND OPEN SPACES AT LAND ADJOINING SIGLEN UCHA, RUTHIN ROAD, GWERNYMYNYDD - DISMISSED (048850)**

RESOLVED:

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

13. **APPEAL BY WM MORRISONS SUPERMARKETS PLC AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF A NEW PETROL FILLING STATION AND ASSOCIATED ACCESS ROAD WITH ALTERATIONS TO EXISTING HIGHWAY AT NEIGHBOURHOOD CENTRE, Ffordd Llanarth, Conna's Quay - DISMISSED (050616)**

RESOLVED:

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

14. **APPEAL BY MR. & MRS MARK JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A DETACHED DOUBLE GARAGE WITH STORAGE SPACE ABOVE AT TREFALYN, 53 RUTHIN ROAD, MOLD - DISMISSED (051396)**

RESOLVED:

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

15. **APPEAL BY MR. MARK ALLEN AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION TO TAKE OFF THE ROOF OF THE EXISTING BUNGALOW, DEMOLISH THE EXISTING FLAT ROOFED GARAGE AND CONSTRUCT A NEW BRICK GARAGE, EXTEND AT THE BACK OF THE GARAGE TO CREATE A NEW BEDROOM AND CONSTRUCT A NEW HIGHER PITCHED ROOF OVER THE WHOLE STRUCTURE TO CREATE NEW ROOMS IN THE ROOF SPACE LIT AND VENTILATED BY ROOF LIGHTS ONLY AT 28 SUMMERDALE ROAD, QUEENSFERRY - DISMISSED (051592)**

RESOLVED:

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

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

There were 17 members of the public and one member of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.12 pm)

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Chairman