

## **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**23 JULY 2014**

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 23rd July, 2014

### **PRESENT: David Wisinger (Chairman)**

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar (Vice-Chairman), Carol Ellis, David Evans, Christine Jones, Richard Jones, Billy Mullin, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, Carolyn Thomas, Owen Thomas, Adele Davies-Cooke (Reserve) (for Jim Falshaw) and Veronica Gay (Reserve) (for Richard Lloyd)

### **SUBSTITUTIONS:**

Councillor: Adele Davies-Cooke for Jim Falshaw and Veronica Gay for Richard Lloyd

### **ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor Robin Guest - agenda item 7.1. Councillor Stella Jones - agenda item 7.9.

The following Councillor attended as an observer:

Councillor: Haydn Bateman

### **APOLOGIES:**

Councillors: Alison Halford and Ray Hughes

### **IN ATTENDANCE:**

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

## 17. **DECLARATIONS OF INTEREST**

Councillors, Chris Bithell, Derek Butler, Billy Mullin and Carolyn Thomas declared a personal interest in the following application as they were members of the Co-op Group:-

**Agenda item 7.6 – Full application – Retail extension to create new convenience store and back of house facilities at Gladstone House, Main Road, Broughton (052209)**

In line with the Planning Code of Practice:-

Councillors Billy Mullin declared that he had been contacted on more than three occasions on the following application:-

**Agenda item 7.6 – Full application – Retail extension to create new convenience store and back of house facilities at Gladstone House, Main Road, Broughton (052209)**

18. **LATE OBSERVATIONS**

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

19. **MINUTES**

The draft minutes of the meeting of the Committee held on 18 June 2014 had been circulated to Members with the agenda.

Councillor Owen Thomas referred to page 4 on the Crematorium application for Northop and said that Councillor Neville Phillips had proposed that paragraph 6.02 of the report be removed, but it appeared to have been reinstated. Councillor O. Thomas also queried why the application had not been considered by the Committee even though Members had resolved to hold a Special meeting to consider the application.

The Democracy and Governance Manager said that the minutes accurately reflected his advice to Councillor Phillips that his proposal had not been valid. A letter had been issued to advise Members of a provisional date for the meeting but as officers had not been in a position to submit the application to Committee, a letter was subsequently sent out to cancel the provisional date.

The Chief Officer (Planning and Environment) said that a resolution to hold a special meeting had been sought at the previous meeting as at that time, only one application for a crematorium site had been received. A second application from a different applicant had now been submitted. The central point of the original application was that there were no suitable alternative sites available but an application for an alternative site had now been received. The second application had been validated and was being assessed.

Councillor Phillips felt that the resolution to hold a special meeting was nothing to do with an alternative application being submitted and that the report was for one application not two. He said that the Committee needed to know what was going on and asked when 'as soon as possible' would be.

The Democracy and Governance Manager said that it was taking longer to submit the application to committee because of the changed circumstances. The letter detailing the provisional date had indicated that the meeting may not happen. More work needed to be done on the new application and this was still ongoing. It was still intended to bring the Northop application to Committee 'as soon as possible'.

Councillor Richard Jones felt that it was not fair to the original applicant to continue to delay the determination of the Northop application because of other applications that had been received. The Democracy and Governance Manager reiterated his comments that officers were still working on bringing the Northop application to the Committee but advised that there was a need to evaluate whether there were any suitable alternative sites.

In response to a question from Councillor Mike Peers about why it had taken 12 months to process the application, the Chief Officer (Planning and

Environment) said that the application had been delayed for a number of reasons and the information needed assessing. It had been deferred twice and late responses that needed to be considered had been received. He felt that the stance that had been taken was reasonable and reminded Members that the applicant could appeal on the grounds of non-determination.

Councillor Carol Ellis referred to page 10 of the minutes and asked what the next steps were for the Field Farm Road application and whether enforcement would be implemented. The Development Manager said that he understood that the applicant was appealing against the decision but was also considering submitting a further application in the next few weeks. If nothing happened in the longer term, then the expediency of enforcement action would need to be considered as the development was currently unauthorised. Councillor Ellis felt that the dwellings had not been built in accordance with the planning permission and therefore did not see why enforcement action could not be commenced immediately.

**RESOLVED:**

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

20. **ITEMS TO BE DEFERRED**

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers.

21. **TRANSFER OF GIFTED UNITS TO BE USED AS AFFORDABLE HOUSING**

The Democracy and Governance Manager introduced a report to inform the Committee that as a result of a Cabinet decision in future, gifted units may be transferred to North East Wales Homes Ltd (the wholly owned subsidiary housing company) or may be retained by the Council where this best met housing needs. The report sought approval for the transfer of gifted units direct to New Homes Ltd (without coming into Council ownership) notwithstanding previous committee resolutions that they should be transferred to the Council.

Councillor Chris Bithell proposed the officer recommendation and on being put to the vote, it was CARRIED.

**RESOLVED:**

That the change in practice be noted and the transfer of the gifted units listed in paragraph 6.03 to North East Wales Homes Ltd be approved.

22. **FULL APPLICATION - ERECTION OF 22 NO. DWELLINGS AND ASSOCIATED WORKS AT UPPER BRYN COCH, MOLD (052208)**

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 referred Members to the late observations where two corrections were reported. Planning permission was refused in May 2014 due to plots 20 to 23 having an overbearing effect on the existing properties of 2 to 8 Ffordd Hengoed. This application had been submitted to try and overcome this ground for refusal by deleting the proposed dwelling on plot 23.

Mr. L. Collymore spoke against the application and in highlighting policy GEN1 and Local Planning Guidance (LPG) note 2, said that the previous application had been refused due to the inadequate space around dwellings of plots 20 to 23 and the overbearing impact on neighbouring properties. He was grateful that plot 23 had been removed but felt that it made little difference to plots 20 to 22 or 2 to 8 Ffordd Hengoed. He felt that too many large houses had been shoehorned into the site and that the proposed dwellings were still overbearing and dominated the area. Mr. Collymore commented on Policy HSG8 and the number of four and five bedroomed homes proposed for the site and Policy GEN1 on the need for high quality designs without compromising space around dwellings guidelines. He felt that the applicant had failed to meet policy guidelines and that access from the other end of the site would be more acceptable and would increase road safety. He also commented on trees on the site which benefited from Tree Protection Orders.

Mr. S. Daintith spoke in support of the application and said that the applicant had addressed the concerns raised by removing plot 23 from the proposals. The gable separation distances for plots 20 to 22 had also been increased and as reported in paragraph 7.30, the separation distances between the rear of the proposed dwellings and the rear of the existing dwellings on Ffordd Hengoed complied with minimum separation distances in LPG note 2. He detailed the density of properties on neighbouring developments and said that the proposal for this site was in line with the surrounding area. The density of the development equated to approximately 20 dwellings per hectare which was below the UDP guidance of 30 dwellings per hectare and as the site was less than one hectare or 25 dwellings, a mix of 2, 3, 4 and 5 bedroomed properties was not required.

Mr. A. Parry from Mold Town Council spoke against the application and added that the Town Council had found the proposal to be unacceptable. The site had been allocated for 15 dwellings in the Unitary Development Plan (UDP) and this proposal for 22 properties would exceed the allocation by 50% and he felt that a layout for 15 houses related well to the existing development. The increase in traffic generated by vehicles from the proposed houses would put further pressure on Upper Bryn Coch Lane which was already busy at school start and end times and the proposed site access was on an acute section opposite a pedestrian access to the playing field. Mr. Parry said that Mold Town Council had indicated that the access at the opposite end of the site was more appropriate. It was also felt that the 30 mile per hour speed restriction could be extended to beyond the junction of Upper Bryn Coch Lane.

Councillor Mike Peers proposed refusal of the application against officer recommendation, which was duly seconded. In referring to the comments of Mr. Daintith, Councillor Peers said that the site needed to be considered against

policy and not based on what was in the surrounding area. The proposal did not comply with density guidelines and there was not a mix of properties on the site. He felt that if the dwellings were smaller, then more than 25 houses could be accommodated on the site which would then allow for a mix of dwellings to comply with policy and would trigger the requirement for affordable housing. He felt that this was an underdevelopment of the site as a similar sized site had accommodated 33 dwellings and that a density closer to that suggested in the policy was required.

The Local Member, Councillor Robin Guest, spoke against the application and said that he had raised concern on the previous application about the overall density of the site and the four properties on the eastern boundary of the site. The proposal did not comply with space around dwellings policy and resulted in an overbearing impact on the residents of Ffordd Hengoed. The application before the Committee today showed the removal of plot 23 but did not show any realignment of the three remaining plots on that area of the site. He commented on the dangerous junction at Upper Bryn Coch Lane and the proposed access/egress of this site and referred to condition 29 about the submission of a detailed scheme for the rationalisation of the junction. Councillor Guest said that it was essential that it included an extension of pavement for pedestrians to St. Mary's Park open space area. He referred to road and drainage issues and spoke about a pond on the site which had been drained prior to the submission of the original application. He also highlighted condition 31 about the reprofiling of the watercourse to the south of the site which Councillor Guest said needed to be carefully considered. He reiterated the general concerns expressed on the original application which were:-

- i) the increase in units from 15 in the UDP to 22 in this proposal
- ii) the space around dwelling distances which were far from generous and which could be more acceptable with a different layout
- iii) the junction of Upper Bryn Coch Lane which would make the walk to school for children very dangerous

Councillor Chris Bithell said that the previous application had been refused on the grounds of density and close proximity to the dwellings on Ffordd Hengoed and because of this the applicant had removed plot 23. He queried whether the Committee could now discuss other reasons such as highways and density when these had not been advanced as a reason for refusal on the previous application. The Development Manager detailed the previous reason for refusal and said that the Committee had refused a very similar layout for that reason only and so by implication, all other issues such as density were considered to be deemed acceptable and therefore should not be revisited by the Committee. He advised Members that as plot 23 had now been removed, the consideration should now focus on the impact of plots 20 to 22 on the existing dwellings at Ffordd Hengoed.

Councillor Mike Peers referred to paragraph 1.03 where the main issues for consideration were reported. The Democracy & Governance Manager advised that the Committee could only safely discuss what they had been unhappy with on the previous application. At that time Members had commented on overdevelopment but were now considering underdevelopment on the site. He reminded the Committee that the applicant could appeal which could result in

costs being awarded against the Council. The safest course of action was to consider whether plots 20 to 22 constituted overdevelopment.

Councillor Richard Jones raised concern that he had proposed refusal on the grounds of space around dwellings in connection with properties on Ffordd Hengoed but had not specifically mentioned any particular plots, as was referred to in the minute for that application. He had also made the point about indicative yield being an overdevelopment of the site. The Development Manager said that the reason for refusal reflected the debate around properties nearest Ffordd Hengoed. Councillor R. Jones also queried why the amount for educational contributions had reduced by such a large amount when only one plot had been removed from the proposal. The officer advised that he would speak to Education colleagues about this and the Development Manager suggested that delegated authority could be given to the Chief Officer (Planning and Environment) to amend the figure if necessary.

In raising concerns about highway issues, Councillor Marion Bateman asked whether she could take these into account when voting, even though the Committee had been advised to only discuss the reason for refusal. The Development Manager said that access arrangements were still the same so it was not appropriate for Members to introduce it now when it had been implied that it was acceptable on the previous application. On the comment raised by Councillor Guest about realigning the properties at plots 20 to 22, the Development Manager reminded Members that the separation distances had been met and exceeded and plot 23 had been removed; there were no planning grounds to further realign the plots.

Councillor Chris Bithell said that in the past he had made an issue of an access being considered through the site and the narrow part of the lane being restricted to cyclists and walkers but this had not been included in the reason for refusal. He commented on plots 20 to 22 and the distances to the properties on Ffordd Hengoed and queried whether these had been extended due to the removal of plot 23. In response, the officer said that the plots nearest Ffordd Hengoed met the minimum separation distances even with the difference in levels so had therefore not been adjusted following the removal of plot 23.

In summing up, Councillor Mike Peers said that the main issues were that the application was not in accordance with Policy HSG8 which indicated a minimum density of 30 dwellings per hectare and Policy HSG9 about a mix of property types.

On being put to the vote, the proposal to refuse the application was LOST. Councillor Marion Bateman indicated that she wished it to be recorded in the minutes that she had abstained from voting.

Councillor Derek Butler then proposed approval of the application, which was duly seconded and on being put to the vote, the proposal was CARRIED. Councillor Marion Bateman indicated that she wished it to be recorded in the minutes that she had abstained from voting.

**RESOLVED:**

- (i) That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional conditions detailed in the late observations and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:-
  - (a) Payment of £61,285 towards educational provision/improvements at Ysgol Glanrafon, Mold. The timing of such payment to be agreed with the Chief Officer (Education and Youth)
  - (b) Payment of £24,200 for the enhancement of existing public open space in the nearby community.
- (ii) That delegated authority be given to the Chief Officer (Planning and Environment) to amend the educational contribution payment in the Section 106 Obligation if the figure above is found to be incorrect.

23. **COMBINED HEAT AND POWER BIOMASS PLANT AT WARWICK INTERNATIONAL LIMITED, COAST ROAD, MOSTYN (051924)**

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 21 July 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 and drawn to the Committee's attention by the officer.

The officer detailed the background to the report and explained that the applicant was seeking to build a new combined heat and power plant to replace the existing steam generating gas-fired boilers with a steam and electricity producing burning plant. She provided details of the size of the application site which would include a stack of 35 metres high. The proposed access would be from the Dock Road and lay within flood zone C1 of the Development Advice Map provided by Natural Resources Wales (NRW). Wirral View was located 100 metres to the south west of the site at an elevated level.

The main issues for consideration when determining the application were reported at paragraph 7.20 and included impact on air quality, flood risk and residential amenity. There had been no objections from statutory consultees but the objections and comments from Mostyn Community Council and the Residents Action Group were detailed in the report. Three petitions had also been received along with six letters of objection. Comments from the Port of Mostyn were reported in the late observations which indicated that they did not object to the proposed development but had concerns in relation to highways and the access/egress. It had been suggested that potential congestion on the Dock Road could be an issue but Highways had indicated that this would not be a problem as there was sufficient room for two HGVs to wait should the access gates be closed and that there was sufficient room in the site for vehicles to wait before reaching the weighbridge. The Port of Mostyn had also raised concern about inconsistencies in relation to proposed annual tonnage of both biomass

fuel/waste and additional materials stated within the planning application and the environmental permit application. The initial figures provided in the environmental permit application were incorrect and subsequently amended. The tonnage of the 'additional materials' which were omitted from the details of the planning application had been calculated and considered and the increased vehicle movements per day were found to be acceptable and not material as it amounted to an extra vehicle per day.

The officer also commented on a letter received from local residents about lack of consultation and added that it had not been necessary to consult with interested parties in the Wirral across the Dee Estuary as emissions would disperse before reaching the other side of the Dee Estuary. She drew Members' attention to the biomass facility at Whitford Primary School which was on a much smaller scale than this proposal and also the Biomass Combined Heat and Power Plant at UPM Shotton which was a much larger facility which was operational and had caused no concern or complaints. It would be highly regulated and would require compliance with an industrial emissions directive as part of its environmental permit. Paragraph 7.07 detailed the waste which would not be permitted into the biomass boiler and the officer explained that the project would assist with carbon reduction targets in compliance with waste hierarchy. The project would allow Warwick International Limited to be more competitive to allow it to provide job security for this and the whole project. Natural Resources Wales had concluded that mitigation would not have a significant effect on the Dee Estuary and even though the area was within a flood zone, it was not felt that the application should be refused.

Mr. P. Heesom spoke against the application. He said that in reality the project was a major biomass incinerator which would produce 8.5MW of power. It was a major plant which could not be compared with Whitford School and it was proposed that it would burn continuously for 25 years. He felt that there had been limited public consultation. Mr. Heesom said that the issue of harm and disamenity had been acknowledged but it had been reported that harmful emissions would dissipate; he did not feel that they would. He highlighted paragraph 7.61 where it was reported that the applicants had carried out the necessary assessments and created 'realistic' worst case estimates of risk on the health of residents, but Mr. Heesom felt that this was still a concern. He asked what safeguards were being put in place to guard against the high levels of carbon and such emissions as a result of the facility burning waste for 24 hours a day. He referred to the environment statement which had been submitted and asked that if the application was not refused, then it be deferred to allow for a proper independent assessment of the environmental impact.

Ms. B. Clark, agent for the applicant, spoke in support of the application. She said that the aim of the project was to provide heat for Warwick International from a renewable source of energy. Approval would allow the company to compete on a global scale and would create 17 permanent jobs. The proposal was in line with national and local policy and there had been no objections from statutory consultees. A public exhibition had been held which had received very positive feedback. There would be no significant impact from the process and regulation would be undertaken by Natural Resources Wales. The site was of an industrial nature and there was sufficient lorry parking on site.



Councillor D. Roney from Mostyn Community Council spoke against the application. He said that the Community Council had contacted Warwick International when they heard about the application and were advised that the facility was like a wood burning stove. He felt that this was not the case due to its significant size and it was intended that it would burn continuously for 25 years. The facility would be built below houses at Wirral View and Councillor Roney highlighted paragraph 7.76 where it was reported that the view from these properties was already compromised by the existing industrial development and was also blighted by considerable night time pollution. It was also reported that harmful emissions would not travel towards the south in the direction of Wirral View but Councillor Roney said that noise and pollution would harm the area for the length of the project. He commented on a letter which had been sent to Mostyn Community Council about the sounding of an annual alarm at the site and said that to his knowledge, this had not been undertaken.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He welcomed the comprehensive and detailed report which covered all of the issues raised. The site was in an industrial area and the proposal would secure renewable energy in line with national policy. There had been no objections from statutory consultees and the proposal would be monitored by NRW. He highlighted paragraph 7.61 where it was reported that the Head of Public Protection was satisfied that the applicants had demonstrated that the public would not be subject to a significant carcinogenic risk or non-carcinogenic hazard, arising from exposures via both inhalation and the ingestion of foods.

Councillor Owen Thomas spoke of the site visit which had been undertaken which included visiting Wirral View. He felt that the higher houses would look down on the chimney stack and that the smoke would blow towards the houses, which caused him concern. Councillor Carolyn Thomas commented on the boiler which would burn for 24 hours a day and the view of the chimney from Wirral View. She spoke of the biomass boiler in Whitford Primary School which was on a much smaller scale than this proposal. She felt that the impact of the proposal was unknown and that there was no guarantee for the health of the families living in the nearby houses. She concurred that the application should be deferred for consultation and further examination and to allow all of the issues to be resolved.

Councillor Mike Peers raised concern at the proposal and asked whether other alternatives had been explored. He sought an assurance that only the materials indicated as suitable in the report would be used. He was concerned that the boiler would burn for 24 hours a day and in noting the comments of the Head of Public Protection in paragraph 7.61, raised concern that an environmental impact assessment had not been undertaken. Councillor Peers said that there was a need to look at the storage facilities and whether the vehicles could continually supply fuel in inclement weather.

Councillor Richard Jones was in favour of deferring the application. He asked whether the fuel source was sustainable for the 25 year term and said that alternative sources might be suggested in the future. Councillor Gareth Roberts said that when compared to what was currently in place, then this proposal would appear to be less harmful and therefore preferable. He highlighted paragraph

7.61 in relation to impacts on humans and health and added that Wirral View overlooked the site and as it was in a north easterly direction, the prevailing south westerly winds should not have an impact on the properties.

In response to the comments made, the officer said:

- The levels of omissions would be regulated by NRW to ensure that they were not harmful.
- On the issue of climate change, this project would reduce Carbon dioxide emissions by 30,000 tonnes per annum
- The application has been independently assessed by the Council's internal and external consultees such as NRW who would also carry out regular monitoring to ensure that Warwick International were complying with the environmental permit
- It was in the best interest of the company to ensure that the fuel was clean and that any contracts with companies that did not supply clean fuels would be terminated
- The current boilers would be retained as a back-up in the event of a problem with the biomass boiler to ensure continuous operation at the site
- No complaints had been received about the similar facility at UPM Shotton Paper which was three times the size of this proposal
- A landscaping scheme would be undertaken at the site
- The prevailing winds and technologies in the facility would ensure that no harm was caused in the area
- The boiler would have to comply with the Industrial Emissions Directive.
- Pre-application discussions had taken place with the applicant and the level of consultation was in line with normal procedures, in accordance to the Regulations and a public exhibition event held by the applicant.
- There was provision for storage of 600 tonnes of fuel which would be controlled by the permit and would be restricted by the storage capacity on the site. A condition would also be imposed that no waste or fuel material was to be stored outside the facility.
- The use of any other fuels would require a new planning application and a new permit

In response to an earlier comment from Councillor R. Jones about whether the fuel source was sustainable for the term of the project, the Democracy & Governance Manager advised the Committee that this was not relevant in their determination of this application.

In summing up, Councillor Butler highlighted paragraph 7.05 where the grade of waste wood to be used was reported and said that paragraphs 7.48 and 7.49 addressed the concerns raised about the supply of materials. He felt that references to the facilities at Whitford and UPM Shotton Paper were pertinent as the process was the same as was proposed at this site, even though the sizes were different. He said that no other fuel could be used as the boiler was specifically designed to burn the types of fuel reported, so this provided an additional safeguard. Councillor Butler welcomed the comment in paragraph 7.142 that the applicant and operator were supportive of forming a Liaison Committee for the site, which would provide a formal forum for liaison with the

local community which would seek to address concerns from residents about the proposal.

**RESOLVED:**

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

24. **FULL APPLICATION - INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC (PV) SOLAR ARRAYS TO PROVIDE 45.7 MW GENERATION CAPACITY TOGETHER WITH TRANSFORMER STATIONS; INTERNAL ACCESS TRACK; ELECTRICITY SUB-STATION; LANDSCAPING; FENCING; SECURITY MEASURES; ACCESS GATE AND ANCILLARY INFRASTRUCTURE AT WEIGHBRIDGE ROAD, SEALAND (051772)**

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 21 July 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 drew Members attention to the late observations where two additional conditions were reported and explained that condition 25 had been repeated in error. The scheme was limited to a 25 year term and the land would be returned to agricultural land at the end of the period. The site extended to approximately 109 hectares. He referred Members to paragraph 8.01 where the matters which weighed in favour of the proposal and those against the proposal were reported and he added that this was a very finely balanced application. It was reported that the site was in the Green Barrier and was on Grade two agricultural land but the case for renewable energy and the economic benefits arising from the development had been considered a very special circumstance to justify the use of the site. The proposal was not a permanent development within the landscape and could be easily reversed and would allow grazing of sheep, which maintained an element of the original purpose of the land.

Mr. M. Redmond on behalf of Burton residents and Puddington Parish Council spoke against the application which he felt was a departure from the Unitary Development Plan (UDP) and objections had been received to the proposals. Mr. Redmond felt that the application did not comply with the policy to only use Grade 2 agricultural land in exceptional circumstances and he spoke of a recently announced project on the issue of food production. The application would only create 20 jobs and the agricultural land supported 160 jobs. The only reason given for solar on the land was due to close proximity to UPM otherwise it would be built on poorer quality land. He referred to the proposed Scottish Power connection for 2000MW which was due to commence in 2016 without detriment to the environment.

Mr. S. Gibbins spoke in support of the application. In addressing the objections received, he said that the visual impact of the site and the loss of agricultural land was temporary as the land would be returned after 25 years in a better condition. Other sites had been considered but this site scored the best for

its suitability and it was felt that there would be a benefit of £40m to the local economy. Local contractors would be used in the construction of the project and 27 full or part time jobs would be created once the scheme had been completed. Mr. Gibbins felt that the scheme would provide significantly to the economy of the area and he commented on a £50,000 per annum contribution to a North Wales Skills and Technology Centre. The scheme would also include the upgrade of an electricity substation and negotiations had been undertaken with UPM to purchase the electricity generated by the park.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He agreed that the application was finely balanced but said that the land would be improved by the end of the 25 year term. He said that there was a demand for cheaper electricity. Councillor Christine Jones, the local Member, concurred but spoke of the loss of grade two agricultural land, the site being in the green barrier and the impact on ecology and wildlife in the area. However, she felt that this was outweighed by the benefits to the economy of Flintshire and UPM and other businesses in the area. She said that there was a need for renewable energy and would secure sustainable energy which could encourage businesses to come to Deeside which would be a long term benefit for the area. Councillor C. Jones said that she hoped that approval of the application would not set a precedent for other agricultural land in the area to be used for solar panels in the future.

Councillor Chris Bithell spoke of the high grade agricultural land which was limited in the United Kingdom and highlighted the objection of Welsh Government Department for Natural Resources and Food because it was not in the long term national interest to lose 109 hectares of the best and most versatile agricultural land. He asked whether the applicant would be able to extend the term beyond 25 years. He also spoke of the application which had been submitted in 1997 which was called in by the Secretary of State for Wales and was refused because of lack of need; he felt that this application could also be called in.

Councillor Owen Thomas said that there were very few farms of this size in Flintshire and added that the only other grade 2 land was on the Dee Estuary. He felt that the solar panel would be in place for 30 years due to the time to be added on for the erection and removal of the arrays. He said that there were other areas where the solar farm could be located and added that nothing could outweigh the use of grade two land. He asked whether the site would become a brownfield site following the end of the term and stated that there would not be any grass under the panels for the sheep to graze on.

Councillor Mike Peers noted the objection from the WG department and said that 25 years was permanent, not temporary. He highlighted paragraph 7.16 and felt that a different site could have been chosen but agreed with the benefits of the proposal. He suggested that alternative sites could be on the roof of buildings, such as Toyota, which benefitted from long periods of sunshine. Councillor Peers referred to paragraph 7.26 where it was reported that the development would change the character of the field it was in but that there would be little change to the actual topography of the field. He said that he could not support the application and suggested that the Council surveyed the county to establish suitable sites for any future similar proposals which would not have too much of an impact on the area.

Councillor Marion Bateman said that she was fully in favour of renewable energy but not to the detriment of the green barrier. She asked why other sites had been discounted and suggested that applications such as this were premature and should be considered as part of the Local Development Plan (LDP). Councillor Billy Mullin supported the renewable energy policy but raised concern about the departure from the UDP which could result in other applications for solar panels on agricultural land being submitted. Councillor Richard Jones said that there was a need to consider the type of land used for such developments and suggested that a brownfield site would be more appropriate. Councillor Gareth Roberts concurred that an application on a brownfield site would be approved and that this proposal should be refused due to its location. He felt that there were suitable alternatives and suggested that the solar panels could be sited over a number of fields, not just one.

In response to the comments made, the officer said that a critical element to this proposal was the reversibility as the framework could be easily removed at the end of the term. There would be an agricultural element as there would be room for the sheep to graze and the proposal would be linked to UPM which would potentially reduce their electricity costs which could make a difference to the future long term strategy of the company. A previous scheme referred to in paragraph 5.01 was dismissed due to the lack of need for the development and the lack of an end user, however this was not the case for this application. The site had been chosen because of its closeness to UPM and other sites such as the roof of buildings could not be considered due to restrictions. Alternative sites were detailed in paragraph 7.22 along with criteria for choosing such sites and reasons why the other sites had been discounted.

The Planning Strategy Manager spoke of national and international employers and their significance in a Flintshire context. The 25 year term for the siting of the solar panels would be controlled by condition but he spoke of changing technologies which could result in the solar panels not being viable before the end of the 25 year period. He said that it was not appropriate to defer the application for the LDP as the plan may not be adopted for another four to five years and would not carry any weight in policy terms until then. The land would be the same quality at the end of the 25 years and therefore using green barrier land was justified for this application.

In summing up, Councillor Butler said that the debate reflected how finely balanced the application was but said that he agreed with the economic benefits of the proposal. He hoped that the application would not be called in and highlighted paragraph 7.22 which provided details of the end user for the scheme. Alternative sites had been considered but it was felt that this site was the most suitable.

### **RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and the additional conditions detailed in the late observations and subject to the applicant entering into a Unilateral Undertaking in regards to securing the long term use of the

generation of electricity to serve the needs of UPM Papermill with only the surplus supplied to the national grid.

25. **FULL APPLICATION - SUBSTITUTION OF HOUSE TYPES FOR 13 NO. HOUSES PREVIOUSLY APPROVED UNDER RESERVED MATTERS APPLICATION REF: 050796 PURSUANT TO OUTLINE PLANNING PERMISSION REF: 038189 AT BROUGHTON PARK, BROUGHTON (052112)**

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 which was for a substitution of house types for 2.5 storey dwellings instead of 2 storey properties. It was not unusual for developers to request change of house types on developments as sites progressed and as a result of market changes. The Local Member and Broughton & Bretton Community Council had concerns but the officer explained that the 2.5 storey dwellings would be dispersed throughout the site and added that it would be difficult to resist such an application.

Councillor S. Stevens from Broughton & Bretton Community Council spoke against the application and said that there had been no mention of three storey dwellings in the original application for the site. There were no others in the villages of Broughton & Bretton. She added that the Community Council were dismayed to see the changes to three storey dwellings as this would mean that the site would no longer look like what had originally been approved and would not fit in with the rest of the village.

The Local Member, Councillor Derek Butler, proposed refusal of the application, against officer recommendation, which was duly seconded. He raised concern at the application for three storey properties as there were currently none in Broughton and Bretton. He felt that increasing the size of the properties would mean more people and he asked if the local schools would be receiving additional funding for any increased numbers of pupils.

Councillor Billy Mullin concurred with the comments of Councillor Butler and said that a precedent would be set if the application was approved. He spoke of the significant amount of development taking place in the area and said that the application should be refused.

Councillor Owen Thomas felt that a significant number of requests to vary house types were received and approved by Committee. Councillor Gareth Roberts said that Planning Policy stated that a mix of house types was favourable and this application would provide this. He said that it was not unusual for a developer to amend house types during the delivery of a development and added that he had not heard anything to suggest that the proposal did not comply with policy or should be refused. Councillor Chris Bithell said that there was no such thing as a 2.5 storey dwelling and that the properties were 3 storey. He felt that more of this type of property would be seen in the future but he queried whether it was on the same footprint as the originally approved dwellings. Councillor

Richard Jones noted that the reserved matters application had permitted 2.5 storey properties on the site and in referring to a similar development in Buckley said that it would be difficult to refuse.

In response to the comments made, the officer said that there had been some house type substitutions on the site from 2 storey to 2.5 storey and added that this was a common request on large sites. He confirmed that some of the house types had been approved at the reserved matters stage and asked what the harm in amending the dwelling types was. The proposed dwellings were half a metre higher than the other buildings and the application did not propose to increase the number of properties on the site. He added that the site had the ability to create its own style and character.

The Chief Officer (Planning and Environment) said that it was a requirement of policy to look for variety in a development and added that this application would ensure that a balanced and mixed development was created. The applicant was responding to changes in market conditions and approving the application would not set a precedent and would not create any harm. He added that there were no reasons to refuse the application.

In summing up, Councillor Derek Butler said that the application was for three storey buildings and he asked whether a Section 106 Obligation for educational contributions could be requested as the burden in schools was not catered for.

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

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and the additional highway condition reported in the late observations.

26. **FULL APPLICATION - CHANGE OF USE TO FORM 2 NO. FLATS IN EXISTING DWELLING AT 14 HOWARD STREET, CONNAH'S QUAY (052061)**

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 21 July 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.

Mrs. K. Wingate spoke against the application which she felt would increase local traffic as cars currently parked on both sides of the road, allowing only one additional vehicle to pass. She felt that if two families moved into the flats, then this could result in four additional cars which would enter onto the road where children played. She raised concern that children walked to school along the road and that it was already a dangerous area. Mrs. Wingate felt that the ground floor flat would have a reduced amount of light into the property and that the bedroom window would look out onto the street which would be three feet away. The upstairs flat would overlook the gardens of neighbouring properties.

She said that she would prefer it if the dwelling remained as a family home rather than being split into flats.

Councillor Richard Jones proposed the recommendation for approval which was duly seconded. He felt that the application should not have been submitted to the Committee to determine and that there were no planning reasons to refuse the application, as the small number of parking spaces proposed was acceptable in a sustainable location. Councillor Gareth Roberts concurred with the comments made and said that a bus route nearby would reduce the need for residents in the properties to have cars.

Councillor Chris Bithell acknowledged the local opposition to the proposal but said that there were no external alterations to the property. On the issue of parking, the applicant had provided three parking spaces within the curtilage of the property. He felt that objections to the proposals on these grounds could not be sustained but suggested that the only improvement could be to provide the access for cars at the rear of the site.

Councillor Ian Dunbar spoke on behalf of the Local Members in congratulating Mrs. Wingate for addressing the Committee. He commented on the problem of parking in the busy area in which cars parked on both sides of the narrow road and said that the siting of the flats on a busy section of the road constituted a highway problem for the children who played there. He felt that approval of the application would set a precedent for other houses in the road to be turned into flats and raised concern that the upstairs flat would create an issue of overlooking into neighbouring properties.

In response to the comments made, the officer said that the plan had been amended to include three spaces and no objections had been received from Highways. The issue of light referred to by Mrs. Wingate was not a planning matter. It was reported that the existing separation distance between the building and the single storey properties to the rear at Green Park was approximately 20 metres but as the properties were not directly in line, the additional activity associated with changing a bedroom to a first floor living room for the upstairs flat would not have a material impact on residential amenity to the rear of the property.

**RESOLVED:**

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

27. **FULL APPLICATION - RETAIL EXTENSION TO CREATE NEW CONVENIENCE STORE AND BACK OF HOUSE FACILITIES AT GLADSTONE HOUSE, MAIN ROAD, BROUGHTON (052209)**

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 21 July 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 explained that the application was to extend the existing building. A letter of support was detailed in the late observations. Local Members and Broughton & Bretton Community Council had raised concerns regarding highway problems at the junction with Broughton Hall Road and had also raised objections. However, it should be noted that the Council's Highways officers had no objections to the application and it was recommended for approval.

Mr. S. Hughes spoke in support of the application. The proposal complied with local and national policy and would enable a greater range of products and groceries, including more fresh goods, to be available. The applicant had addressed concerns on the issue of parking and highway safety and no objections had been received from a highway safety perspective and no letters of objection had been received from residents. He explained that a similar size store in Kelsall had eight car parking spaces and operated at capacity and added that this store would have 16 spaces for customers. The store would not generate significant movements for deliveries and all except one of the employees at the existing store, which was to relocate to this area if approval was granted, walked to work.

Councillor S. Stevens from Broughton & Bretton Community Council spoke against the application. She felt that the main issue was the location which would result in increased traffic on a particularly busy road which was a main route to the retail park and Airbus factory. She said that the proposal would result in five accesses onto the small junction and she felt that many people would not park there or walk from the nearby car park. Councillor Stevens also raised concern about the use of the shop which would be vacated if the application was approved as she felt that it would be taken over by an 'express' store which the proposed Co-op store would not be able to compete with. She concluded that a new road system was required with either traffic lights or a roundabout to ease the congestion at the junction.

The Local Member, Councillor Billy Mullin, proposed refusal of the application, against officer recommendation, which was duly seconded. He welcomed the presence of the Co-op store in Broughton but reiterated the concerns about highways. He referred to the busy main road which took traffic heading for the retail park and which was a thoroughfare to Deeside and spoke of the campaign to get improvements to the junction. He referred to the daily battle of motorists to exit the junction which would increase if the application was approved. He added that he was not objecting to the Co-op store moving to this location but it would require significant improvements to the junction to ease traffic congestion.

Councillor Derek Butler concurred that he had no objection to the relocation but said that the shop at the new site would cause major problems, particularly in the morning and evenings, at the junction which was the main access and egress into the community. It was reported that the maximum parking standards as set out in the Council's Local Planning Guidance Notes equated to 29 car parking spaces. However as there was additional parking available near to the site, it was reported that the proposed 16 spaces was sufficient. Councillor Butler queried this and whether the car parking area would allow for an adequate turning circle.

Councillor Mike Peers raised concern that the proposal did not show the nearby zebra crossing and spoke of the conflict that could occur with the crossing for traffic turning right into the site. He suggested that the entrance be off the main road with the exit from the site being onto Broughton Hall Road i.e. one way traffic movement and said that he could not support the application due to the traffic impact. Councillor Owen Thomas concurred that there should be one entrance in and one exit out of the site and commented on not having a slip road from the A55 to the retail park which he felt would have alleviated the traffic problems in the area.

Councillor Richard Jones welcomed the proposal. He referred to the site history and the application reference 051738 for an extension to the site and asked why it had been refused on 19 June 2014. The officer responded that the application had been refused due to lack of parking and visual impact.

The Senior Engineer - Highways Development Control said that there were no objections from Highways subject to conditions and added that the proposal met the standards for visibility. She felt that the suggestion for one entrance in and one exit out of the site would exacerbate the problem and added that there was no reason to refuse the application.

The Planning Strategy Manager felt that there was a need to look at the proposal in proportion and said that he had not heard any comments about any harm that the proposal might have on the area. On the issue that Councillor Owen Thomas referred to, he spoke of the major developments in the area which had not resulted in the delivery of a slip road from the A55.

The Democracy & Governance Manager reminded Members that they had heard from officers that there was no evidence to refuse the application on highway grounds.

On being put to the vote, the proposal to refuse the application due to the traffic associated with the development having a detrimental impact on highway safety, against officer recommendation, was CARRIED.

**RESOLVED:**

That planning permission be refused due to the traffic associated with the development having a detrimental impact on highway safety.

28. **FULL APPLICATION - ERECTION OF A STABLE AND AGRICULTURAL STORAGE BUILDING (PART RETROSPECTIVE) AT FRON HAUL, BRYNSANNAN, BRYNFORD (051810)**

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

The officer detailed the background to the report and explained that the Local Member, Councillor Matt Wright, had concerns about the justification of the building. Natural Resources Wales had requested conditions if the application

was approved and the objections which had been received were detailed in the report.

Mr. C. Davies, who lived next door to the application site, spoke against the application. He felt that the size of the site did not justify a building of the size proposed and that this application had been submitted following the refusal of an application to extend the garden, which had been refused on the grounds of the detrimental effect upon the character of the area. He could not understand why the application was reported for approval and that it appeared that a shed was being called an agricultural building and contained equipment to convert horse boxes. It was reported that the applicant would forego permission for a detached garage within the curtilage of the dwelling, which had not currently been built, if permission for an agricultural building was granted. Mr. Davies felt that the agricultural building would be used as a garage and that it was not suitable in a domestic area in the countryside and should therefore be refused.

The Democracy & Governance Manager indicated that the Local Member, Councillor Matt Wright, had been unable to attend the meeting but had asked that the following comments be passed on to Members. Councillor Wright had raised concern about the retrospective nature of the application and that enforcement lists were being cleared by granting permissions. The applicant had built large agricultural buildings in a row of residential houses which he also expressed significant concern about.

Councillor Gareth Roberts proposed that the application be deferred for a site visit, which was duly seconded and on being put to the vote was CARRIED.

**RESOLVED:**

That the application be deferred to allow a site visit to be undertaken.

29. **FULL APPLICATION - RESIDENTIAL DEVELOPMENT OF A TOTAL OF 45 ONE AND TWO STOREY DWELLINGS INCLUDING ANCILLARY PARKING, OPEN SPACE AND NEW ACCESS FROM HALKYN ROAD, AT HALKYN ROAD, HOLYWELL (052156)**

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

The officer detailed the background to the report and explained that the site had planning permission for 44 dwellings. The site had now been sold to a new developer and this application for 45 dwellings amended the layout and house types on the site to smaller properties. The site was allocated for residential dwellings in the UDP and all issues had been resolved during the consideration of the previous application. It was reported that 16 of the plots would be affordable dwellings and would be managed by Wales & West Housing Association with the remaining dwellings being sold on the open market. The officer explained that the issue of why an educational contribution had not been requested was detailed in paragraphs 7.23 to 7.26 of the report. She added that

a Section 106 Obligation would be requested for provision of affordable homes, maintaining visibility and a commuted sum for open space if the application was approved.

Mr. D. Ellis spoke against the application. He spoke of the speed limit on the road and commented on Welsh Government guidance which asked Planning Authorities and Highways Departments to take the views of communities into account when considering planning applications. He said that consultation had not taken place on either application and added that the amount of traffic in the area was unacceptable. Mr. Ellis commented on the corner of the road which had not been altered and the failure to comply with the setting of local speed limits which he felt was not adequate. He also suggested that the vehicles from the proposal would increase traffic in the area by 25%.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He said that the application was for a change of house types following the sale of the site to a new developer. He spoke of the reduction in the speed limit on the road and the compliance by the applicant with the 90m visibility splay which he felt would make highway provision safer. He felt that the change of house type provided a greater variety of dwellings and agreed with the request of Holywell Town Football Club for a two metre high fence along the boundary of the proposed site to keep the football ground secure. The officer responded that this would be covered under condition 5 if the application was approved.

Councillor Richard Jones agreed that there was no reason to refuse the application and that the provision of a footway and the improvements to the landscaped bank opposite the site to achieve the required highways visibility would be beneficial to the area.

### **RESOLVED:**

That planning permission be granted subject to the conditions reported in the late observations, the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 Obligation to provide the following:-

- a) the provision of 16 No. affordable homes in accordance with an agreed letting policy
- b) Maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into)
- c) Commuted sum for maintenance of play area/open space for a period of 10 years, upon its adoption by the Authority

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 Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

30. **FULL APPLICATION - ERECTION OF TWO STOREY BUILDING WITH A BAKERY AND CAFE ON THE GROUND FLOOR AND RESIDENTIAL ACCOMMODATION ON THE FIRST FLOOR AT BRIDGE INN, HAWARDEN ROAD, HOPE (052143)**

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 referred Members to the late observations where three further objections were reported. The proposal would result in the loss of eight car parking spaces but as it anticipated that the bakery and café would not be opened at the same time as the existing public house, this was considered to be acceptable. Concerns had also been raised on the issue of access to the narrow entrance to the car park but it was felt that the wide area to the front of the pub would be a suitable waiting area for the short amount of time a car would have to wait. It was not considered that the proposal would have an impact on the residential amenity of the area. As the site was adjacent to a river, a Flood Consequences Assessment had accompanied the application and it was concluded that the site was at low risk of fluvial flooding but the comments of Natural Resources Wales (NRW) were awaited. The application was recommended for approval subject to no negative comments from NRW.

Miss H. Tou, the applicant, spoke in support of the application. She said that the proposal was for a small bakery and café which would make traditional artisan products. The proposal would create new jobs and would benefit the local economy. The Bridge Inn public house had been running for nine years without any problems on access and vehicles waiting to turn into the site could see oncoming traffic and Highways did not have any objections to the proposal. The opening hours would not be the same as for the public house which would ensure that there was sufficient parking for both facilities. Miss Tou added that there was only one café in the area but no bakery and she asked the Committee to approve the application to bring specialities into the local community.

Councillor Richard Jones proposed the recommendation for approval which was duly seconded. Councillor David Cox proposed an amendment to defer the application for a site visit, which was also duly seconded. In response, Councillor R. Jones felt that a site visit was not required and added that there was sufficient space for cars to pass. Councillors Mike Peers and Gareth Roberts concurred and said that they had seen the plan and presentation of the application and that there would be no benefit to having a site visit.

The Local Member, Councillor Stella Jones, said that it was a valued business but that she did have concerns. She felt that a site visit was appropriate to allow the Committee to see the access to the site, which was narrow and at an angle, which they could not see from the presentation. The proposed building would take up a lot of space and would reduce the outside area and Councillor Jones queried whether delivery lorries would be able to access the bakery/café.

She felt that the proposed new café would cause increased traffic problems between 8am to 9.30am and 3pm to 6pm.

In summing up, Councillor Richard Jones said that he respected the Local Member but said that as Highways had said that the access was viable, there was no reason to defer the application for a site visit.

On being put to the vote, the proposal to defer consideration of the application for a site visit was CARRIED.

**RESOLVED:**

That the application be deferred to allow a site visit to be undertaken.

31. **FULL APPLICATION - ERECTION OF 6 NO. INDUSTRIAL/BUSINESS BUILDINGS WITH A TOTAL FLOOR SPACE OF 5,460 M2 AT THE MERCANT HOUSE LTD., PRINCE WILLIAM AVENUE, SANDYCROFT (051328)**

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 said that the main issue was the development in an area of flood risk and whether the consequences of flooding could be acceptably managed. There had been ongoing discussions with Natural Resources Wales (NRW) and the applicant had provided information on a compensatory flood storage scheme but NRW had indicated that this was not acceptable and were therefore maintaining their objection to the development on flood risk grounds. The officer drew Members' attention to the late observations where comments from NRW and the applicant were reported. The Emergency Planning Section had considered the application and had no objection to the proposals. The site was in a flood warning area and would receive early alerts from NRW in the event of any potential flood threats. The application was recommended for approval subject to conditions and the floor levels being set as agreed.

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

Councillor Richard Jones proposed that the application should be deferred to allow the flood storage scheme to be considered, which was duly seconded but on being put to the vote, was LOST. The proposal to approve the application was voted on and was CARRIED.

**RESOLVED:**

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

32. **VARIATION IN ORDER OF BUSINESS**

The Development Manager requested that there be a slight change in the order of business to consider agenda item 7.12 before agenda item 7.11. He explained that if Members were minded to approve the listed building application (agenda item 7.12), it would need to be referred to CADW and the application for the extension (agenda item 7.11) would then need to be held in abeyance pending a decision from CADW.

**RESOLVED:**

That agenda item 7.12 (Listed Building application – Hillside Cottage, Kinnerton Lane, Higher Kinnerton) be considered before agenda item 7.11 (Retrospective application for the retention of replacement porch and amended window above at Hillside Cottage, Kinnerton Lane, Higher Kinnerton).

33. **LISTED BUILDING CONSENT - RETENTION OF A REPLACEMENT STRUCTURE TO SIDE FORMING A DINING AREA WITH REPLACEMENT WINDOW ABOVE AT HILLSIDE COTTAGE, KINNERTON LANE, HIGHER KINNERTON (051930)**

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 21 July 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the application was reported for refusal based on the impact on the Listed Building. An application for the erection of a two storey extension was approved in 2011 and this work had been carried out. However, during construction, the applicant also undertook the demolition of a single storey part-glazed porch structure to the side of the property. He replaced this with a brick built single storey extension with a flat roof and glazed lantern light above and replaced an original first floor window with a differently proportioned one, without the necessary consent.

Mr. D. Fitzsimon, the agent for the applicant, spoke in support of the application. He felt that the replacement extension had been carried out sympathetically with the rest of the dwelling and the guttering had been replaced with cast iron guttering. It became apparent that the porch was beyond repair and it was replaced by an extension that the applicant thought was an improvement to the property. Officers raised concern about the three pane window which was replaced with a two pane window but this replicated what was already in place.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He said that the applicant had been through the process of what was acceptable on a listed building in his application for the erection of the two storey extension to the rear of the property and therefore had full knowledge of what needed to take place. The applicant had then replaced the single storey extension in a way which Councillor Bithell felt was unacceptable and was a flagrant abuse of the system as planning permission and listed building consent

had not been sought. He felt that there was no alternative but to refuse the application.

Councillor Gareth Roberts concurred with the comments of Councillor Bithell and said that the owner of the listed building was aware of work that could or could not be carried out on such a building. He commented on the window but agreed that the application should be refused. Councillor Derek Butler said that full compliance with policy was required on applications for amendments to listed buildings which the applicant had not done. He felt that CADW should be made aware of the works that had been undertaken on the property.

Councillor Marion Bateman asked whether the design of the replacement was being considered and whether the previous single storey extension had listed building status. In response, the Development Manager said that on this application the main consideration was the impact of the work on the character and features of the listed building. When considering the planning application there was a need to consider the appropriateness of the extension in terms of its scale and character, in relation to the character of the existing dwelling. It was an offence to carry out works on a listed building without permission and it was the recommendation of officers that the extension damaged the listed building. He advised that if this application was refused, Members should also consider refusing the next item on the agenda which was for the planning application.

The Planning Strategy Manager commented on the impact of the single storey extension on the listed building and reiterated earlier comments that it was not acceptable. The applicant had built the extension onto the back of the building without consent and he commented on the importance of retaining the original window which was part of the fabric of the building.

In summing up, Councillor Bithell said that the agent had indicated that the extension was an improvement to the property. However, on the advice of the Conservation Officer in the report, he reiterated his proposal of refusal of the application.

The Planning Strategy Manager advised that as the application had been refused, it would not need to be referred to CADW.

**RESOLVED:**

That Listed building consent be refused for the reason detailed in the report of the Chief Officer (Planning and Environment).

34. **RETROSPECTIVE APPLICATION FOR THE RETENTION OF REPLACEMENT PORCH AND AMENDED WINDOW ABOVE AT HILLSIDE COTTAGE, KINNERTON LANE, HIGHER KINNERTON (051929)**

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 21 July 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report.



Councillor Gareth Roberts proposed the recommendation for refusal which was duly seconded.

Councillor Owen Thomas felt that the applicant had tried to preserve the building and had tried to retain as much as possible and he felt that the porch was in character with the dwelling.

Councillor Mike Peers asked whether the applicant would be advised to submit an application that was more sympathetic to the character of the original building. In response, the Chief Officer (Planning and Environment) said that it was up to the applicant to decide what to do and added that he could appeal or submit a redesign. He gave a commitment that officers would work with the applicant if requested.

**RESOLVED:**

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

35. **GENERAL MATTERS - DEMOLITION OF EXISTING HOTEL BUILDINGS AND THE ERECTION OF 21 NO. APARTMENTS AT BRYN AWEL HOTEL, DENBIGH ROAD, MOLD (045180)**

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

The officer detailed the background to the report and explained that planning permission had been granted in November 2008 subject to the applicant entering into a Section 106 Agreement. The Legal Department had been liaising with the applicant but no significant progress had been made and no response had been received to letters sent to the applicant. It was therefore recommended that the application be refused as the Section 106 Agreement had not been signed.

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

**RESOLVED:**

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

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

There were 52 members of the public and two press in attendance.

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**Chairman**