PLANNING & DEVELOPMENT CONTROL COMMITTEE
25 FEBRUARY 2015

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at Council Chamber, County Hall, Mold on Wednesday, 25th February, 2015

PRESENT: **David Wisinger (Chairman)**
Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, Carol Ellis, Alison Halford, Ray Hughes, Christine Jones, Richard Lloyd, Neville Phillips, Mike Reece, Gareth Roberts and David Roney

SUBSTITUTION:
Councillor: Mike Lowe for Billy Mullin, Veronica Gay for Mike Peers, and Brian Lloyd for Carolyn Thomas

ALSO PRESENT:
The following Councillors attended as local Members:-
Councillor Rita Johnson - agenda item 6.1. Councillor Jim Falshaw - agenda item 6.4. Councillor Carolyn Thomas - agenda item 6.7
The following Councillor attended as observer:
Councillor Haydn Bateman

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

136. **DECLARATIONS OF INTEREST**

Councillor Ray Hughes declared a personal and prejudicial interest in the following application because he was Governor of the school recommended to receive the payment:-

Agenda item 6.7 – Outline application – Residential development at Station Yard, Corwen Road, Coed Talon (051831)

Councillor Marion Bateman declared a personal and prejudicial interest in the following application because the applicant was a relative:-

Agenda item 6.11 – Full application – Erection of a single storey and two storey extensions and erection of detached garage at Alyston, Bretton Lane, Bretton (053032)

137. **LATE OBSERVATIONS**

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

138. **MINUTES**

The draft minutes of the meeting of the Committee held on 21 January 2015 had been circulated to Members with the agenda.

RESOLVED:

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

139. **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.

140. **VARIATION OF CONDITION NOS 5 & 15 OF PLANNING PERMISSION REF: 050300 TO ALLOW THE CONSTRUCTION OF PLOTS 175 & 198 BEFORE COMPLYING WITH CONDITIONS 5 & 15 AT CROES ATTI, CHESTER ROAD, OAKENHOLT (053058)**

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 sheet where an amendment to the recommendation was suggested. He explained that the area of land where the 27 dwellings were to be sited was in the southern part of the site. This area of land was in phase 3 and even though the mineshaft was at the top of the site, the condition for the mine works investigation covered the whole of that phase. In the current market, it was logical for this area of the site to be progressed and as no objections had been received from Highways on condition 5 or the Coal Authority on condition 15, the recommendation was for approval to vary these conditions.

Mr. J. Yorke spoke against the proposal. He said that the applicants should be required to comply with condition 5. He commented on the small number of dwellings built on the site in the past three years and said that approval of this application would assist the applicant in meeting their delivery targets. Mr. Yorke said that the developer had indicated that the work on this part of the site had commenced in November 2014 and queried why the application was not reported as retrospective. He felt that there was no reason to grant approval to vary the conditions.

Councillor Alison Halford proposed refusal against officer recommendation which was duly seconded. She referred to a recent appeal hearing by Anwyl Construction for a site in Hawarden where it had been indicated that the company did not want to build on Croes Atti, however they were now requesting that the condition be varied to allow them to continue developing the site.

The Local Member, Councillor Rita Johnson, said that condition 5 had been included for a good reason and should be retained. She suggested that the

spine road could be put in place now and raised concern that only 100 properties were in the process of being built on the site. She felt that the condition should be imposed and queried what other variation of conditions would be sought if this application was approved.

Councillor Chris Bithell said that the conditions were not being discharged but postponed until relevant and approval would allow the applicant to develop this part of the site. He felt that this application did not necessitate the inclusion of the spine road or an assessment of the mine workings.

In response to the comments made, the officer explained that the current road network could service the 27 properties and confirmed that the applicant had commenced work on this area in advance of the determination of this application.

The Planning Strategy Manager indicated that not agreeing to the proposal would hold up the development of the site and that it was counter intuitive to hold back this site based on the appeal decision at the site in Hawarden referred to earlier.

In summing up, Councillor Halford commented on the appeal decision for 41 homes in Ewloe on Green Barrier land by the applicant which had been agreed as the County did not have a 5 year land supply even though the number of dwellings that could have been built on the site at Croes Atti was 368.

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

RESOLVED:

That planning permission be granted for plots 175 to 198 inclusive only to be constructed without complying with conditions 5 and 15 of planning permission reference 050300

141. **RESERVED MATTERS APPLICATION FOR 24 DWELLINGS WITH DETAILS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOLLOWING OUTLINE APPROVAL 047624 AND VARIATION OF CONDITION APPLICATION 051481 AT DOVEDALE, ALLTAMI ROAD, BUCKLEY (052914)**

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 drew Member's attention to the late observation sheet where the correct site plan was included. The principle of development had been addressed at the outline application stage and it had been considered that the proposal was acceptable in relation to space around dwellings and that there would be no detrimental impact on the area. The late observations reported the removal of two conditions which were not required

as part of this application as they had been covered by conditions on the outline application stage.

Mr. H. White spoke against the proposal and said that the site of the application adjoined the common at the northern side. He felt that the details of landscaping and the relationship to the common land were not clear and that this information was not included in the Design and Access Statement. Mr. White suggested that two of the driveways were across the visibility splay and vehicles reversing from the site would be a hazard. His main concern was the lack of detail in the application.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded.

The Local Member, Councillor Carol Ellis, concurred with the comments of Mr. White on the lack of detail and added that a public right of way bordered the site of this proposal. An application for four additional houses was refused by Committee but the decision was overturned by the Inspector. She reminded Members that the site had been used for landfill in the past and commented on the importance of the footpath and queried what was to happen to the hedgerow. Councillor Ellis felt that it was an area of beauty and was near a Site of Special Scientific Interest (SSSI) and that no details had been provided of how the footpath would be affected by the proposal or how the common land could be accessed. She referred to the concerns raised by Buckley Town Council, who would have local knowledge of the problems generated by busy traffic on Alltami Road. She commented on the health centre and the location of the proposed access to this site which would create a mini crossroads near a crossroads which Councillor Ellis was concerned about. She had submitted complaints about the highways in the area but had not yet received a response but had been advised that no fatalities had taken place in the area. She highlighted her grave concerns for public safety in the area and she felt that local knowledge should be respected. She suggested that a condition should be imposed that Anwyl Construction upgrade the road.

Councillor Neville Phillips concurred and added that traffic concerns in the area were well documented and had been raised from the submission of the first application for the site.

In response, the Senior Engineer - Highways Development Control confirmed that Highways did not have any objections subject to conditions. The access to the site had been discussed at the Informal Hearing when the outline consent was refused by Members and in response to the concerns raised by the Local Member, she confirmed that the junction would be monitored. The Development Manager clarified that it was not appropriate to include this as a condition.

The officer responded to the comments about lack of detail and explained that it was normal to condition the details of landscaping and foul pumping station at this stage of an application. She added that access to the common land could be served through the proposal for the landscape scheme. In response to a query from Councillor Richard Lloyd on whether a traffic assessment could be

undertaken, the officer explained that no highway safety issues had been identified and therefore an assessment was not necessary.

The Chief Officer (Planning and Environment) referred to Councillor Ellis' comments about the common land and suggested that condition 10 could be expanded to include reference to access to the common land.

In summing up, Councillor Derek Butler agreed to expand condition 10 as suggested and asked whether the conditions relating to the foul pumping station and site access could be strengthened; he was advised that the conditions reported were a summary of the conditions and that these items could be included in the full conditions.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) without conditions 1 and 4 and the expansion of condition 10 to include reference to access to the common land.

142. **FULL APPLICATION - PROPOSED CHANGE OF HOUSE TYPES ON PLOTS 5, 6, 33 AND 35 TO 37, RESITING OF PLOT 34 WITH ADDITIONAL PLOT 73 AT CAE EITHIN, VILLAGE ROAD, NORTHOP HALL (052907)**

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 requested changes were detailed in paragraph 7.03. There had been no objections to the proposal and the application was to be determined by Committee due to the requirement for a Section 106 agreement.

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

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a supplementary Section 106 agreement or unilateral undertaking to link this development with the requirement for the affordable housing provision and the open space and education contributions as required by 048855.

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.

143. **FULL APPLICATION - CONVERSION OF EXISTING OUTBUILDING TO FORM 2 NO. DWELLINGS AND ERECTION OF 3 NO. DWELLINGS TO REAR (AMENDMENT TO PREVIOUSLY APPROVED APPLICATION 047518) AT BRYN LLWYD YARD, NORTH STREET, CAERWYS (052760)**

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 23 February 2015. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and explained that the site was in the settlement boundary and Conservation Area. The site had the benefit of planning permission for four dwellings which the officer detailed. Initial plans were submitted which were deemed unacceptable and amended plans were received and a further consultation exercise undertaken. The highway issue had been addressed and the scale was now deemed acceptable.

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

The Local Member, Councillor Jim Falshaw, commented on the concerns that had been raised by Caerwys Town Council on the siting of the plots and suggested that plot 3 be removed and plots 1 and 2 be moved to correspond with the previously approved application (047518). He referred to an application on Summerhill Farm which would take the growth figure for Caerwys over the figure identified in the Unitary Development Plan and of concerns over parking issues. Councillor Falshaw felt that a proposal similar to that approved under application 047518 was more appropriate.

In response, the officer said that permission on that application was granted in 2012 so would expire in 2017 and that it was for Members to determine whether this application for an additional unit was acceptable. On the issue of the growth rate in Caerwys, this had been referred to in paragraph 7.06 of the report.

The Planning Strategy Manager queried what harm was evident by increasing the number of dwellings by one from the already approved application.

In summing up, Councillor Bithell asked that the amendments to conditions in the late observations be included as part of the resolution.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional condition and amendments to 2 conditions referred to in the late observations and subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling, in lieu of on site recreational provision.

144. **FULL APPLICATION - CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO DEAL WITH A CHANGE IN LEVELS TO THE REAR OF PLOTS 52 - 56 (SCHEME 1) ON LAND AT FIELD FARM LANE, BUCKLEY (053014)**

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 this application had been re-submitted following approval of application 051537 at appeal by the Planning Inspector. The proposal allowed the retention of ground levels on plots 52 to 56 and modifications to the existing 5.5m raised platform with stepped access to a lower ground level on plots 55 and 56. This had been considered unacceptable by officers when the application was initially submitted and as it was still deemed unacceptable, the recommendation was for refusal.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He felt that the proposal would result in overlooking and should therefore be refused.

RESOLVED:

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

145. **FULL APPLICATION - CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO DEAL WITH A CHANGE IN LEVELS AT THE REAR OF PLOTS 52 - 56 (SCHEME 2) ON LAND AT FIELD FARM LANE, BUCKLEY (053015)**

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 this proposal was seeking to retain the ground levels already constructed on plots 52 to 54 and to revise the treatment of the raised rear garden area on plots 55 and 56 by introducing a raised platform approximately 1.5m wide. A plan indicating the proposal that had been allowed at appeal along with what was proposed in this application was displayed for the Committee to view. A condition to provide a boundary fence/privacy screen to retain in perpetuity was included in the recommendation.

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

The Local Member, Councillor Carol Ellis, asked that the condition imposed by the Inspector at the appeal in relation to screening be included if the application was approved. She did not feel that the proposal would be of benefit to nearby residents but would make the proposals more acceptable for the owners of plots 55 and 56. She added that the proposal was to include the raised area that Members had initially been concerned about. Councillor Ellis felt that the scheme passed by the Inspector should be the scheme put in place. In response, the Development Manager detailed the original scheme when compared to what was allowed on appeal and what was being proposed in this application. The officer said that it had been recognised that the impact on neighbouring properties was important and the proposed condition for screening, as suggested by the appeal Inspector, would give confidence that the resident's privacy would be safeguarded.

RESOLVED:

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

146. **APPLICATION FOR OUTLINE PLANNING PERMISSION - RESIDENTIAL DEVELOPMENT AT STATION YARD, CORWEN ROAD, COED TALON (051831)**

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. Councillor Ray Hughes, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and explained that all matters were reserved. The site was allocated in the Unitary Development Plan for residential development and the two main issues of flooding and drainage had been addressed in the report. The late observations included comments by Councillor Carolyn Thomas about the existing right of way and this had been included as condition 22 in the proposal.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He welcomed the inclusion of condition 22 to safeguard the right of way.

The Local Member, Councillor Carolyn Thomas, welcomed the application. She commented on the inclusion of a roundabout in the indicative plan and sought clarification on paragraph 7.16 about upstream flooding. She referred to previous flooding problems in the area and welcomed the removal of the culvert. She referred to paragraph 7.04 where it was reported that it was proposed to demolish the Railway Inn public house and said that this was incorrect as only the public house car park was to be used for access to the site. Councillor Thomas commented on the condition for the protection of the public right of way which she welcomed but requested that it be amended to include cyclists, horse riders and walkers.

Councillor Chris Bithell felt that the report did not refer to the disposal of surface water and queried whether it would flow to the River Alyn. He also sought clarification that this proposal would not exacerbate flooding as the area had had flooding issues in the past.

In response to a query from Councillor Ian Dunbar about the demolition of the Railway Inn public house, the officer said that this application was for outline permission and it was therefore not certain what was proposed in relation to the pub. He felt that a roundabout as a method of access to the site was unlikely and on the issue of surface water, he referred Members to paragraph 7.18 where it was reported that the discharge rates to the watercourse would be regulated to pre-development rates by means of employing a flood control device within the surface water drainage system upon the site. He provided a detailed explanation to Councillor Thomas' question on paragraph 7.16 on the issue of upstream flooding.

The Democracy and Governance Manager sought clarification on whether Councillor Butler, as the proposer of the recommendation, was happy to include the amendment suggested by Councillor Thomas; Councillor Butler confirmed that he was.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional conditions referred to in the late observation, the amendment to condition 22 to include 'cyclists, walkers and horse riders' and subject to the applicant entering either into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment for education provision for a sum equivalent to £18,469 per secondary school pupil generated towards Castell Alyn High School.

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.

After the vote had been taken, Councillor Ray Hughes returned to the meeting and the Chair informed him of the decision.

147. **FULL APPLICATION - ERECTION OF 4 NO. DWELLINGS AND ASSOCIATED WORKS AT THE CROFT, ALLTAMI ROAD, BUCKLEY (052936)**

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 site had permission for four dwellings. The site was within a Category A settlement and space around dwellings guidance had been complied with and full consideration had been given to the ecological issues in the area.

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

RESOLVED:

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

a) Ensure the payment of a contribution of £10,000 to the Council for ecological mitigation. Such sum to be paid to the Council prior to the occupation of the dwelling hereby approved.

b) Ensure the payment of a contribution of £4400 in lieu of on site play and recreation facilities. Such sum payable upon 50% occupation or sale and to be used to upgrade existing facilities within the community.

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.

148. **APPLICATION FOR OUTLINE PLANNING PERMISSION - FOR THE ERECTION OF A BUNGALOW AT BRYN AWEL, TIR Y FRON, PONTYBODKIN (052885)**

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 23 February 2015. 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 as it did not comply with policy.

Mrs. H. Jones, the applicant, spoke in support of the application, stating that there were inaccuracies in paragraph 1.01 and 7.05 as it was not indicated that the bungalow would be for her father, herself and family rather than for her and her family. The application would enable a purpose built bungalow to be erected so that her father could be supported and Mrs. Jones explained about her father's ill health. She referred to the problems that he was experiencing and said that living in a bungalow would assist in alleviating some of the problems. Mrs. Jones said that converting the garage to provide accommodation had been considered but it was not a sufficient size to allow its adaptation. Provision of a bungalow would offer ideal living conditions and would allow her father to have a good quality of life.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He referred to the site history where it was reported that a previous application had been refused and he felt that, for consistency, this application should also be refused as it did not comply with policy. He suggested that the applicant had the option to appeal the decision if it was refused.

Councillor Bithell sympathised with the applicant's circumstances but added that these were not unique and that in planning terms the issues did not override planning policy and therefore refusal was the correct decision.

Councillor Derek Butler concurred that the application should be decided on planning merits and whatever the social issues they were not tantamount to planning considerations: as it did not comply with planning policy, it should be refused. Councillor Gareth Roberts felt that this was a new build in the countryside and should therefore not be permitted. The officer indicated that the circumstances of the family did not override planning policy. The Chief Officer (Planning and Environment) advised that the previous application that Councillor Bithell had referred to earlier had been decided by delegated powers, not by the Committee.

The Planning Strategy Manager said that if Members accepted that there were exceptional circumstances to allow the proposal, evidence would need to be provided that all other avenues, such as the adaptability of the current property, had been explored first. Policies were in place which could allow an annexe accommodation to be developed but this was not what was being sought in the proposal.

RESOLVED:

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

149. **FULL APPLICATION - ERECTION OF AN AFFORDABLE HOME AND ALTERATIONS TO EXISTING VEHICULAR ACCESS AT GLENELLA, LONDON ROAD, TRELAWNYD (052333)**

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

The officer detailed the background to the report and explained that the application needed to be determined by the Committee due to the requirement for a Section 106 agreement.

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

RESOLVED:

That planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to secure a payment of 30% to the Council in the future to provide affordable housing in the County and subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

150. **FULL APPLICATION - ERECTION OF SINGLE STOREY & TWO STOREY EXTENSIONS & ERECTION OF DETACHED GARAGE AT ALYSTON, BRETTON LANE, BRETTON (053032)**

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. Councillor Marion Bateman, having earlier declared an interest in the application, left the meeting prior to its discussion. Councillor Haydn Bateman, who was observing the meeting, also left the meeting prior to the discussion.

The officer detailed the background to the report and explained that it was to be determined by the Committee due to the applicant being closely related to Elected Members.

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

RESOLVED:

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

After the vote had been taken, Councillor Marion Bateman returned to the meeting and the Chairman informed her of the decision.

151. **GENERAL MATTERS - FULL APPLICATION - CONSTRUCTION OF A NEW CREMATORIUM, ASSOCIATED CAR PARK, ACCESS ROAD AND ANCILLARY WORKS, LANDSCAPING AND GARDENS OF REMEMBRANCE ON LAND AT KELSTERTON LANE/OAKENHOLT LANE, NEAR NORTHOP (052334)**

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 reasons for refusal had been based on highways and landscape grounds and wording for the suggested reasons for refusal was reported in paragraph 6.03.

Councillor Chris Bithell proposed the recommendation that the wording of the suggested reasons for refusal in relation to application 052334 did accurately reflect the resolution made at the Special Planning and Development Control Committee on 12th February 2015. This was duly seconded.

Councillor Alison Halford queried whether the highway reasons for refusal needed strengthening. The main reasons discussed had related to unsuitability of Oakenholt Lane/Kelsterton Lane as an access route to the site and Councillor

Halford asked whether the conflict with policies TWH1 and TWH2 as referred to by Councillor Richard Jones had been considered. It had been suggested that 4.8 metres was not wide enough and that to increase the width of the lane would result in the destruction of ancient hedgerow which should be protected. Councillor Halford felt that the highways reasons for refusal should also be strengthened to include the access and egress on Oakenholt Lane/Kelsterton Lane. Councillor Gareth Roberts concurred with Councillor Halford that inclusion of the conflict with polices would strengthen the Council's case in an appeal situation. Councillor Neville Phillips said that Councillor Rita Johnson had circulated a letter to Members about issues relating to Oakenholt Lane and the A548 which were not mentioned in the report. Councillor David Roney felt that removal of the footpath to widen the road was unacceptable.

In response, the officer commented on the letter that Councillor Phillips had referred to and explained that those comments had been reflected in the late observations sheet submitted to the meeting on 12th February 2015. He felt that the decision of the Committee at that meeting on the reasons for refusal had been interpreted correctly on the issues of highways and landscape impact. The two aspects of the refusal were detailed in the report and reasons reflected the comments made at the meeting and those referred to in the late observations circulated earlier. He commented on the removal of a small amount of hedgerow and two trees that were in a poor condition and he felt that reason two addressed the concerns raised on landscape issues.

Councillor Halford felt that a third reason for refusal was required on the issue of safety and the protection of the hedgerows.

The Planning Strategy Manager said that it was difficult to sustain a reason for refusal by referring to policies if the harm from the proposal could not be identified. He recalled that the Council's Tree Officer had advised that the trees to be removed were in a poor condition and were not worthy of retention. He commented on policies TWH1 and TWH2 and on the issue of removing the verge to widen the road, he reminded Members that there was currently no formal walkway in place for pedestrians in this area.

In response to a comment from Councillor Halford that officers could suggest wording for a reason for refusal on pedestrian safety and retention of the hedgerow, the Democracy and Governance Manager advised that Members should suggest amendments to reasons for refusal the officers had given. An unbiased view had been provided by officers and an explanation had been provided of why the additional reasons for refusal suggested by Councillor Halford could not be evidenced.

The Democracy and Governance Manager said that Members were being asked to confirm if the reported reasons for refusal were correct and added that new reasons could not be introduced at this stage.

In summing up, Councillor Bithell said that adding in extra reasons was not necessary and said that what had been discussed was included in reasons 1 and 2.

RESOLVED:

That the wording of the suggested reasons for refusal in relation to application 052334 accurately reflected the resolution made at the Special Planning and Development Control Committee on 12th February 2015.

152. **GENERAL MATTERS - CONSTRUCTION & OPERATION OF AN ENERGY RECOVERY FACILITY (REFERRED TO AS AN 'ERF') & ANCILLARY FACILITIES, COMPRISING OFFICES & WELFARE FACILITIES, VISITOR CENTRE, BOTTOM ASH RECYCLING & MATURATION FACILITIES, ACCESS ROADS & WEIGHBRIDGE FACILITIES, ELECTRICAL COMPOUND, TOGETHER WITH PERIPHERAL LANDSCAPING & SECURITY FENCING. THE PROPOSALS ALSO MAKE PROVISION FOR A RAIL CONNECTION, SIDINGS & ASSOCIATED INFRASTRUCTURE AT ERF, DEESIDE INDUSTRIAL PARK, WEIGHBRIDGE ROAD, SEALAND (052626)**

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 Chief Officer (Planning and Environment) detailed the background to the report which was seeking a resolution to arrange a special Planning Committee meeting due to the scale and nature of the proposal.

Councillor Gareth Roberts proposed the recommendation for a Special Planning and Development Control meeting to consider application 052626 which was duly seconded.

RESOLVED:

That a Special Planning and Development Control Committee be convened to determine planning application 052626.

153. **APPEAL BY MR. S. HADFIELD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A RETAIL EXTENSION TO CREATE A NEW CONVENIENCE STORE AND BACK OF HOUSE FACILITIES AT GLADSTONE HOUSE, MAIN ROAD, BROUGHTON (052209)**

RESOLVED:

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

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

There were 15 members of the public and 1 member of the press in attendance.

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Chairman