

PLANNING & DEVELOPMENT CONTROL COMMITTEE
20 APRIL 2016

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 20th April, 2016

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Ian Dunbar, Carol Ellis, Alison Halford, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Lowe, Nancy Matthews, Neville Phillips, Gareth Roberts and David Roney

SUBSTITUTIONS:

Councillor: Veronica Gay for Mike Peers and Jim Falshaw for Owen Thomas

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Dave Mackie for agenda item 6.5. Councillor Rita Johnson (adjoining ward Member) for agenda item 6.3

The following Councillors attended as observers:

Councillor: Haydn Bateman

IN ATTENDANCE:

Chief Officer (Planning and Environment), Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planner, Planning Support Officer, Housing & Planning Solicitor and Committee Officer

167. **DECLARATIONS OF INTEREST**

Councillor Carol Ellis declared a personal and prejudicial interest in the following application because her son was employed by Airbus:-

Agenda item 6.6 – Full application – Development of external infrastructure comprising air supply units, duct work, stacks & supporting steel work & associated roadways & landscaping to support the operation of 2 no. booths within the Paint Shop Building at Chester Road, Broughton (055021)

In line with the Planning Code of Practice:-

Councillors Veronica Gay and Richard Lloyd declared that they had been contacted on more than three occasions on the following application:-

Agenda item 6.2 – Change of use of vacant Police House (formerly a dwelling) into a 9 bedroom HMO and associated access improvements at 63 High Street, Saltney (054886)

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

Agenda item 6.5 – Full application – Erection of 1 No. detached dwelling and a detached double garage at 37 Wood Lane, Hawarden (054899)

168. **LATE OBSERVATIONS**

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

169. **MINUTES**

The draft minutes of the meeting of the Committee held on 23rd March 2016 had been circulated to Members with the agenda.

RESOLVED:

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

170. **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.

171. **FULL APPLICATION - ERECTION OF 33 NO. APARTMENTS WITH ASSOCIATED CAR PARKING AT ALBION SOCIAL CLUB, PEN Y LLAN, CONNAH'S QUAY (054607)**

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 provided details of the site description and its location and advised that the principle of development had been accepted. She explained that the site was currently occupied by the Albion Hotel. It was proposed that 33 apartments would be developed on the site with one car park space for each apartment and nine visitor spaces. There had been some concerns about the height of the apartments but officers had worked with the applicant to achieve a sustainable development in this location. The officer explained that the application had been deferred from the previous meeting due to concerns about waste management but following on from this, it had been confirmed that if the management company failed, it would be possible for a smaller Council bin lorry to access the site and turn around within the site. A condition could also be included to surface the internal road to a suitable standard.

On the parking provision for the site, the officer confirmed that the maximum standards would require 50 spaces but due to the location of the site and the proximity to public transport, it was felt that 33 spaces was acceptable. Highways had requested an additional condition requiring submission of a Travel

Plan if the application was approved and it was also proposed that a Section 106 (S106) obligation be attached to the permission which the officer detailed.

Mrs. J. Faulkner (on behalf of Mrs Mullholey) spoke against the proposal and expressed concerns that the 2.5 storey apartment block, which would be sited six feet from a neighbouring boundary, would restrict views and result in loss of privacy. She spoke of anti-social behaviour that had occurred in other flats in the area which had become Houses of Multiple Occupation (HMO) and raised significant concern that this could reoccur in this development. Mrs. Faulkner felt that there were insufficient car parking spaces for the number of apartments proposed and suggested that residents could have two cars per apartment. She also felt that the entrance to the site was unacceptable and that the increased traffic in the area could lead to a serious accident. Mrs. Faulkner said that she would not be opposed to houses or bungalows on the site.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He referred to the Local Members who were unable to attend the meeting and thanked Mrs. Faulkner for her comments. Concerns had been raised about the issue of waste collection but it had been confirmed that the waste would still be collected if the management company failed. The Local Members had also expressed concerns about the small number of parking spaces on the site but acknowledged that this was in line with the Council's policy. Councillor Dunbar queried whether the S106 educational contribution should be for Bryn Deva School and not for Goltyn Primary School as reported. He noted that the application had been deferred from the previous meeting and suggested that if the application was refused, then the applicant would appeal and costs could be awarded against the Council. He felt that this proposal was better than what was currently on the site and that it would alleviate the problems of antisocial behaviour in the area.

In sharing the concerns raised about parking standards, Councillor Chris Bithell suggested that even residents living in town centres might have more than one car per family and would still need to park the vehicles even if they were not being used. He said that the current policy for town centre developments was 1.5 spaces per unit which would result in a shortfall on this site of nine spaces and therefore did not comply with policy. He said that he had raised a similar concern at the previous meeting and had suggested that the issue be considered by the Planning Strategy Group. Councillor Bithell commented on a layby used by visitors to the neighbouring church and suggested that vehicles parked there may affect the visibility splay of the entrance to this site. He raised concern about the request for a travel plan and suggested that they were rarely adhered to and added that he still had concerns about the issue of refuse collection. Councillor Richard Lloyd asked whether any of the parking spaces were designated as disabled spaces.

Following the comments made, the officer advised that she had confirmed with the Education Officer that Goltyn Primary School was the nearest to the site. She explained that the parking standards were maximum not minimum and as the site was in an urban area where there were alternative modes of transport, one space per apartment was deemed to be acceptable. Purchasers would be advised that there was only one space per apartment and the provision of a travel plan would also be included as part of the sales details for the dwellings. She

advised that concerns had originally been raised on the issue of waste because of the use in the area of a six wheel refuse vehicle but it had been confirmed that a four wheel refuse vehicle, which the Council also had available, could access the site and turn around within the site. The officer advised that none of the parking spaces had been specifically designated as disabled spaces.

Councillor Bithell sought clarification on whether the access would be open at all times to ensure that the visibility splay was maintained. The Senior Engineer – Highways Development Control confirmed that a condition had been included for works on the access to be completed prior to the commencement of other works on the site and she confirmed that the visibility splays could be maintained.

In summing up, Councillor Dunbar welcomed the suggestion for designated disabled spaces and indicated that he would like to add that in his proposition and Councillor Jones, who had seconded the proposition, indicated her consent to the additional condition. Councillor Dunbar also reiterated his earlier comment that Bryn Deva school was nearer than Golftyn. The Development Manager confirmed that the contribution was based on proximity to the development site not ward boundaries.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), subject to the additional condition reported in the late observations and the additional condition for a minimum of two disabled parking spaces, and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or earlier payment of monies to provide the following:-

- An off-site commuted sum of £733 per unit in lieu of on-site provision to improve the junior play facilities at Central Park, Connah's Quay
- A contribution of £98,056 is required towards educational enhancements at Golftyn Primary School
- A commuted sum of £360,000 to facilitate access to affordable housing in Connah's Quay
- Local Planning Authority review terms of the proposed management agreement for the apartments in order to ensure that it requires private refuse collection

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

172. **CHANGE OF USE OF VACANT POLICE HOUSE (FORMERLY A DWELLING) INTO A 9 BEDROOM HMO AND ASSOCIATED ACCESS IMPROVEMENTS AT 63 HIGH STREET, SALTNEY (054886)**

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 18 April 2016. 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 application and explained that the proposal was to convert a former dwelling into a House of Multiple Occupation (HMO) with six bedrooms with en-suite bathrooms and three bedrooms with a shared bathroom. Two parking spaces were on the existing driveway and an additional access point was proposed with a further two parking spaces. Both accesses would require reversing onto the High Street as there was insufficient space to turn within the site; Highways officers had not raised any issues with this. A bus stop was also situated outside the property. The main issues related to intensification of the residential use and the impacts relating to noise, disturbance, parking and access issues. There were no parking standards for a HMO and therefore four spaces was deemed appropriate because of the proximity to local facilities and a bus stop with services directly to Chester and into Flintshire towns; a cycle store was also to be included in the site. There were no windows in the property which directly overlooked the school playing fields or the adjacent residential properties in either the existing dwelling or the proposed extensions.

Mr. J. Morgan spoke against the application. He highlighted a number of issues which included that even though it had been indicated that the residents would be working professionals, this could change without notice and the building could be occupied by more vulnerable groups of people which could create child protection issues with the windows overlooking the school premises. He felt that the provision of only four parking spaces for nine bedrooms was a problem as there was no-where for all of the residents to park if they all had a vehicle and would create extra traffic on an already busy road. The school used the local church regularly and because there was no pedestrian crossing in the area, any additional traffic could increase a danger for those crossing the road.

Councillor Richard Lloyd proposed refusal of the application, against officer recommendation, which was duly seconded. He felt that the site visit had allowed the Committee to see the location of the site, which was significant. It was close to the primary school, church and doctor's surgery and the property, which had not been a police station since the 1950s, had been empty for the past couple of years. He did not feel that the change of use to a nine bedroom house was a good use of the site and expressed significant concern about the requirement to reverse out of the site on the High Street. He commented on the Design and Access Statement and on the issue of parking felt that four spaces for nine rooms was insufficient particularly as there was no convenient on or off-road parking in the area for the residents of this property or their visitors. Councillor Lloyd also expressed significant concern about the waste and recycling collections and said that nine extra bins on the pavement would make it impossible for pedestrians to pass. He shared Mr. Morgan's concerns about the close proximity of the site to the school and said that the application should be refused as it was not in keeping with the area, both accesses were dangerous, parking on the road would impact on the traffic flow and the rubbish collections would block the pavement.

The Local Member, Councillor Veronica Gay, spoke of attractions in Broughton that was attracting people to the area and of River Lane Industrial Estate which the traffic had to exit onto Boundary Lane and then travel up the High Street to the A55. She felt that to include another access near to the bus stop was unreasonable and added that there was no safe place to cross the road safely, particularly for the school children who visited the church on a regular basis. She felt that the second proposed vehicular access was below highways level and even though conditions had been put in place to lower the walls either side of the access, there were still concerns about the front of the dwelling being in line with the access. She did not believe that a nine bed HMO was in keeping with the area and sought clarification on the tenant profile of 'working professionals'. Councillor Gay expressed concern that the pavement was too narrow for the number of waste bins that would be put out by the residents and asked that a condition be included, if the application was approved, for the bins to remain within the curtilage of the site at all times. She suggested that the second access be removed from the proposal and queried why there was parking on the site if there was a bus stop outside the dwelling. Councillor Gay also asked what arrangements were to be put in place for the construction vehicles during the development of the site. She added that there had been 15 reported accidents on the road between Boundary Lane and Park Avenue.

Councillor Chris Bithell felt that the proposal would be an overdevelopment of the site and queried the requirement for shared bathrooms, kitchen and living accommodation. The number of car parking did not comply with the Council's standards of 1.5 spaces per dwelling and he expressed significant concern about the requirement for vehicles to reverse out of both accesses onto the high street. He said that Saltney was a ribbon development and this proposal would not assist with the significant traffic problems that were already experienced in the area. He added that a smaller development on the site would be more acceptable.

Councillor Carol Ellis felt that it was important to consider local knowledge in the determination of the application and reiterated the concerns of other Members about the amount of traffic already in the area, the requirement for shared bathrooms and kitchens and the need for vehicles to reverse out on to the street. She also commented on the possible future use of the property by vulnerable users and of the close proximity of the site to the school.

Councillor Richard Jones spoke of previous applications that had been refused in the past because they did not have a turning area within the site. He expressed significant concern about vehicles reversing out onto the main road and of the number of extra bins that would be put out on the pavement one day each week. He did not feel that the description of the application was what would be developed if the application was approved.

The Senior Engineer – Highways Development Control confirmed that Highways had no objections to the proposal subject to appropriate conditions and that even though there were no parking standards for a HMO, each proposal should be considered on its own merits. She said that it was not always a necessity to have a turning area within the site and on the issue of the accident history in the area, indicated there had been five recorded accidents in the last

five years. She added that given the location and the public transport availability in the area, Highways supported the application.

In summing up, Councillor Lloyd reiterated his concerns about the small number of parking spaces and the requirement to reverse out on to the main road which he felt was dangerous. Any parking on the road would increase the traffic problems in the area and the kerbside collections would block the pavement and cause a danger for pedestrians. He added that the proposal was an overdevelopment of the site.

RESOLVED:

That planning permission be refused, against officer recommendation, on the grounds of overdevelopment, concerns about parking and the requirement to reverse out onto the main road.

173. **FULL APPLICATION - ERECTION OF 14 NO. SEMI-DETACHED HOUSES, 2 NO. SEMI-DETACHED BUNGALOWS, 6 TERRACED PROPERTIES AND 1 NO. SPECIAL NEEDS BUNGALOW TOGETHER WITH ACCESS ROAD AND PARKING AT LAND OFF COED ONN ROAD, FLINT (053662)**

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 had been deferred from the previous meeting to allow the application to be publicised further. This period had now elapsed and no further representations had been received. The site had been granted approval under application 050300 and this application was to amend house types on this part of the site.

Mr. J. Yorke spoke against the application and in referring to the Design and Access statement which he said referred to nine houses. He sought clarification on whether the contribution for play provision was for the playground at Oakenholt or Albert Avenue as both had been mentioned in the report. The Design Brief required affordable housing for young people to get on to the housing ladder and in line with Technical Advice Note (TAN) 2, he suggested that this should be peppercotted through the site and not just be in one location within the site. Mr. Yorke said that this application did not adhere to the condition required by 050300 as it was for social housing in one area of the site and suggested that these were not affordable homes. He expressed significant concern about the parking on Coed Onn Road and said that the Environment Impact Assessment was 13 years old. Concern had been expressed by the Ecology Officer because of the requirement to remove 13 feet of top soil alongside a Site of Special Scientific Interest (SSSI). He referred to an email that had been sent by the Planning Strategy Manager to Local Members, Councillors Vicky Perfect and Paul Cunningham, which implied that approval of this application implemented the planning condition imposed on phase 3 that the link road from Coed Onn Road to the A548 would be provided; he queried why this was not evident in this proposal. Mr. Yorke felt that this application was

significantly different to those submitted in 1999, 2004, 2008 and other public exhibitions.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He said that the area had planning permission for 23 dwellings and that this application was for the same number of dwellings but of different house types and the development would also link the proposal for the distributor road. Councillor Christine Jones welcomed the inclusion of a special needs bungalow as part of the proposal.

The Adjoining Ward Member, Councillor Rita Johnson spoke against the application. She said that the application was part of the Croes Atti design brief which included affordable properties to be pepperpotted throughout the whole site. This application from a Housing Association was trying to change the site to 23 affordable homes was not part of the original application and suggested that this had not been adhered to. The area was classed as phase 3 which required that the through road to the A548 was to be completed to a base level but now it was proposed that only between 15 and 25 metres length of this road was required.

Councillor Chris Bithell raised concern about the suggestion that the affordable housing would not be pepper-potted through the site as he felt that this could lead to segregation. Councillor Alison Halford supported what Mr. Yorke had said about pepper-potting the affordable homes through the site and indicated that as it was a historic site, there was only a requirement for 10% affordable dwellings. Councillor Carol Ellis commented on the road and sought clarification on the requirement for the provision of only 15 to 20 metres rather than the through road as conditioned in the previous planning permission.

In response to the comments made, the Officer said that 10% affordable housing was a requirement for the whole site which the developer was still bound by and added that this proposal was in addition to that requirement. There was also a requirement as part of the original proposal to improve the junction of Coed Onn Road and the Croes Atti junction prior to any works commencing on site.

The Planning Strategy Manager said that Mr. Yorke had referred, in his objection letter and his address to Committee, to an email that he had sent to the Local Members which advised that the approval and subsequent implementation of this application totally initiated the part of the Phase 3 Section 106 agreement requiring full provision of the remainder of the estate link road through from Coed Onn Road to the A548. The Planning Strategy Manager said that the email actually said was "that as a consequence of this application gaining permission and subsequently being implemented, the part of the Phase 3 Section 106 agreement requiring an access link into the Croes Atti site from Coed Onn Road would be triggered". It confirmed what the Planning and Highway officers had already advised Members.

Councillor Bithell referred to paragraph 7.09 on affordable housing and sought clarification on whether they would be spread throughout the site. In response, the officer reiterated his earlier comments that the applicant was bound by the agreement to provide 10% affordable housing across the whole site. The

Development Manager advised that this application from a Housing Association was for 100% affordable dwellings on this part of the site, which was in addition to the 10% across the remainder of the site. Councillor Marion Bateman sought clarification on whether this proposal for 100% affordable housing would all be in one location. The Development Manager confirmed that it would be and asked Members to be mindful that if they were considering refusal of the application simply because it was for Housing Association properties, this would be difficult to sustain at appeal.

The Planning Strategy Manager said that there were three phases of development which had a condition to provide 10% affordable housing, so this application was in addition to that provision. He reminded Members that the Housing Association provided quality homes and provided a range of affordability options for their residents which could include selling the properties to the occupiers as a shared equity option.

In summing up, Councillor Dunbar confirmed that pepperpotting of affordable homes was in place throughout the whole of the Croes Atti site.

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 agreement, providing a unilateral undertaking or the making of an advanced payment which provides for the following:-

- Ensure the payment of a contribution of £733 per dwelling (£16859) in lieu of on-site play and recreation facilities, to upgrade the existing children's play area at Oakenholt.

174. **FULL APPLICATION - ERECTION OF JOINERY WORKSHOP AT JOINERY YARD, VALLEY ROAD, FFRITH (054266)**

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 18 April 2016. 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, which was for a joinery workshop to replace a building destroyed by fire, had been referred for Committee determination by the Local Member. The main issues for consideration were the impact on the public footpath, drainage and noise. He added that this proposal was for a building smaller than the one previously on the site.

Ms. H. Arndt spoke against the application on the grounds of concerns about the drainage solutions for the site and the negative impact on the property 'The Glen'. She explained that 'The Glen' was a lower lying property than the joinery yard therefore water naturally drained onto 'The Glen' from the concrete surface and the concern was regarding the proposed shed and the surrounding concrete yard. There was a current soakaway on the site which was omitted

from the site maps and the application and it was unclear what would happen to the soakaway under the new plan but there would be a negative impact on the adjoining land. She quoted from policy GEN 1 (d) and (i) and suggested that these had not been complied with in this proposal. She felt that a soakaway was not a suitable solution for the site and was not a manageable solution for the rainwater at the Joinery Yard.

Mr. O. Jones spoke in support of the application on behalf of the applicant. He firstly apologised for speaking at the site visit and explained his reasons for his comments. He said that the applicants felt that the report was comprehensive and factual and asked that it be put on record the input from other departments within the Council particularly the Drainage Engineer. He felt that the Council through its economic policy supported and encouraged such developments as this. He refuted any allegations that this application would increase any drainage problems on adjacent land.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. She congratulated the officer for the report and indicated that the drainage proposals had been explained on the site visit. The building was smaller than what had previously been in place and would bring employment to the area. In seconding the proposal, Councillor Richard Jones said that the application need not have been referred to Committee for consideration and that it should be approved.

RESOLVED:

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

175. **FULL APPLICATION - ERECTION OF 1 NO. DETACHED DWELLING AND A DETACHED DOUBLE GARAGE AT 37 WOOD LANE, HAWARDEN (054899)**

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, explaining that a previous application had been approved on this site as part of a Section 106 (S106) obligation because the Category B settlement had exceeded its growth for the Unitary Development Plan (UDP) period. However, the applicant had not signed the S106 and the proposal was therefore refused under delegated powers. This application was a resubmission of that proposal but in view of the date of the UDP there was no longer a requirement to comply with policy HSG3 and therefore approval of the application was recommended.

Mr. I. Warlow spoke against the application which, he advised, he had also done on the previous application for this site. He felt that the plans had not shown how close the site was to the properties at 35 and 37 Wood Lane. He raised concern about the significant excavation that would be required as this site was elevated by six feet and if groundwork was not carried out, the ground floor

rooms would be at the same height as his first floor rooms. The side windows would also overlook his daughter's bedroom window. There would be light and noise pollution on neighbouring properties as a result of the application and concern had been expressed about the ability to comply with condition 10. He added that the owners of number 37 had been asked to sign a contract to indicate that they would not object to the proposals for this property. Mr. Warlow felt that the site would impact on the local area and there had already been an additional 100 properties being permitted in the locality and therefore this one extra property was not required. He also felt that it was backland development and that the application should be refused.

Mr. C. Shaw, the applicant, spoke in support of the application. The earlier application had required the completion of a Section 106 agreement but this had not been signed because he had deemed the scheme to be unviable if the S106 had been signed. He had listened to the concerns raised and explained that the floor levels were at a similar level to those of number 37. Both of the Local Members had asked for Committee determination. As the UDP had expired in April 2015, he felt that this should be treated as a new application and considered on its own merits. There had been no objections from the Head of Assets and Transportation and the addition of one dwelling would not significantly increase the traffic in the area. The issue of backland development had been addressed and there were already houses to the rear of 31, 33 and 35 Wood Lane. The Council only had a 3.7 year housing land supply which was below the five year requirement by Welsh Government and it was reported that it was a sustainable windfall site that should be treated favourably. The proposal complied with planning policy on space around dwellings, separation distances between dwellings, overlooking impact and provision of amenity space.

Councillor Alison Halford, the Local Member, proposed refusal of the application, against officer recommendation, which was duly seconded. She felt that the application should be refused because of the impact of the development on residential amenity, highways, potential coal mining legislation and was backland development. Ewloe had reached 17.5% growth rate and 2547 houses had been built in the area upto 2008 and another 100 since 2009 and another 23 had not been started and a further 19 were under construction. An appeal had also been lost for a further 41 dwellings outside the settlement boundary on agricultural land in a built up area when the schools were full and the roads and infrastructure could not cope. A large hole had appeared nearby which could be the result of mineshafts in the area which was a cause for concern. She said that it was completely unfair for a four bedroom house to be built in the garden and added that the owner of number 37 regretted signing the legal agreement that he would not object to the proposal. Councillor Halford felt that there were too many houses in the area and that one more was unnecessary. She queried the need for an affordable dwelling if the applicant already had a home and said that it had been suggested that he could only stay in the area if he built in the back garden of the property. There was a loophole in the policy and following a review the policy had been changed.

The other Local Member, Councillor Dave Mackie, also spoke against the application. He referred to paragraph 7.02 where it was reported that approval had been granted but for an affordable dwelling and suggested that this was a major factor in the deliberations by Committee. This application would be

considered on its own merits and not following the previous approval for affordable housing consent. He highlighted paragraph 7.11 about acceptable growth during the UDP period but the monitoring of growth over the plan period had ended on 1 April 2015. He felt that this proposal was for backland or tandem development but had not been reported, which he felt was inconsistent and therefore quoted from Planning Policy Wales 9.3.3 on sensitive infill developments and 9.2.13 on tandem development, which it suggested should be avoided. He also referred to 11.51 of UDP which stated that tandem development was unsatisfactory. Paragraph 7.15 of the report mentioned the effect on 37 Wood Lane but not on the residents of number 35. The resident of that property had made clear of the harm that would be created by the development. Councillor Mackie referred to two other areas of concern which were in relation to condition 10 and the level of ground if it was six feet higher in the garden than in the houses in front then there could be overshadowing and loss of light.

Councillor Gareth Roberts said that the settlement was already full and the applicant had applied for an affordable dwelling which he had questioned how a four bedroom dwelling could be classed as affordable. The goalposts had changed because the Council did not have a five year housing land supply as the completions method was no longer used to calculate the supply. The reason for the initial refusal was no longer there and he was struggling to find a reason to refuse the application. Backland development was not a reason for refusal and suggested that approval of the application was accurate.

Councillor Chris Bithell concurred that the issues that were previously in place were no longer applicable as the monitoring of growth bands had ceased on 1 April 2015. The Local Members had referred to backland development and of the mineshafts in the area but a condition had been included for a site investigation and remediation to be undertaken if necessary. On the issue of backland development, he felt that the Committee needed to consider what harm the proposal would have on the area if it was approved. The application complied with space around dwellings, and sufficient distances from surrounding dwellings and not directly overlooking other properties. On balance Councillor Bithell felt that the application could not be refused and said that he would vote in favour of the proposal.

The officer said that the key was the merits of the development and highlighted paragraphs 7.06 and 7.17 on the previous permission. The Development Manager said that it was not the case that standards had reduced since 2014. Mr. Warlow had reiterated his concerns and they had been taken into consideration in the determination of the application. The proposal met design standards and the access had been considered acceptable as it had been in 2014. In terms of detail this was the same proposal as was before Members at that Committee.

The Planning Strategy Manager commented that Councillor Mackie had made the point that the property being affordable had been the reason for the approval of the previous application. The site had to also meet other planning requirements and all issues around the location of the proposal had to be acceptable. He also commented on the decision of the Appeal Inspector and added that HSG3 had not changed but the degree to which it could be

implemented had changed. Elements of HSG3 on growth were no longer applicable as the UDP plan period had expired and Hawarden was a sustainable settlement. There was no planning argument to refuse one more property and on the issue of applying consistency to their decisions, reminded Members that they had approved an application on a site at Boar's Head in Ewloe at a previous meeting.

In summing up, Councillor Halford said that she had not implied that affordable housing would demean her ward. She felt that WG had changed their policy and she suggested that no piece of land was safe from development. She said that backland development was against policy and that the application should be refused due to loss of amenity, overlooking, overdevelopment and highways. She added that the infrastructure could not cope and the schools were full and she expressed concern about the coal mining that had previously been undertaken in the area. The Chief Officer (Planning and Environment) responded that the Coal Authority had included a condition for works to be carried out and the issue of highways had not been raised during the proposal to refuse the application or in the summing up. Councillor Halford said that she thought she had mentioned highways and the Chief Officer responded that there was no evidence of a highways impact.

On being put to the vote, the proposal to refuse the application, against officer recommendation, on the grounds of loss of amenity, overdevelopment and overlooking was LOST and therefore the application as recommended, was approved.

RESOLVED:

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

176. **FULL APPLICATION - DEVELOPMENT OF EXTERNAL INFRASTRUCTURE COMPRISING AIR SUPPLY UNITS, DUCT WORK, STACKS & SUPPORTING STEEL WORK & ASSOCIATED ROADWAYS & LANDSCAPING TO SUPPORT THE OPERATION OF 2 NO. BOOTHS WITHIN THE PAINT SHOP BUILDING AT CHESTER ROAD, BROUGHTON (055021)**

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. Councillor Carol Ellis, 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 the application had been submitted for consideration by the Committee because of the height of the development.

Councillor Gareth Roberts 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).

After the vote had been taken, Councillor Ellis returned to the meeting and the Chairman advised her of the decision.

177. **GENERAL MATTERS - APPLICATION FOR THE VARIATION OF CONDITION NO. 10 (EXTENSION TO WORKING HOURS) & CONDITION NO. 26 (INCREASE HEIGHT OF STOCKPILES) ATTACHED TO PLANNING PERMISSION 052359 AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE (054536)**

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) advised that the report was seeking clarification on the wording for the reason for refusal of planning permission from the Planning and Development Control Committee meeting on 23rd March 2016. He advised that Councillor Carol Ellis had been contacted to discuss the wording as she had proposed refusal of the application at that meeting.

Councillor Ellis proposed that the suggested wording for refusal of the application be accepted, which was duly seconded.

RESOLVED:

That the following wording be used on the decision notice for application 054536:

“The proposed increase in working hours would result in unacceptable noise and disturbance on residential amenity, contrary to policies GEN1 (d), EWP 8 (b) and (f) and EWP13 of the adopted Flintshire Unitary Development Plan.”

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

There were 17 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.00 pm)

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Chairman