

PLANNING & DEVELOPMENT CONTROL COMMITTEE
24 FEBRUARY 2016

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 24th February, 2016

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, Carol Ellis, David Evans, Richard Jones, Mike Lowe, Mike Peers, Gareth Roberts, David Roney and Owen Thomas,

SUBSTITUTIONS:

Councillor: Jim Falshaw for Alison Halford, Veronica Gay for Ray Hughes, Mike Reece for Christine Jones and Chris Dolphin for Nancy Matthews

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Dave Mackie - agenda items 6.4 and 6.5. Councillor Glyn Banks - agenda item 6.11. Councillor Matt Wright - agenda item 6.18. Councillor Adele Davies-Cooke (adjoining ward Member) - agenda items 6.9 and 6.10

The following Councillors attended as observers:

Councillors: Haydn Bateman and Clive Carver

APOLOGIES:

Councillors: Richard Lloyd, Billy Mullin and Neville Phillips

IN ATTENDANCE:

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

119. **DECLARATIONS OF INTEREST**

Councillor Ian Dunbar declared a personal and prejudicial interest in the following application because an objector had dealt with a personal matter for a family member:-

Agenda item 6.12 – Erection of a foodstore, associated car parking, access, servicing and landscaping (partly retrospectively) at Brought Shopping Park, Broughton (054589)

Councillor Mike Peers declared a personal and prejudicial interest in the following application because his son was an employee of the applicant:-

Agenda item 6.16 – Full application - Erection of 21 No. dwellings including 15 No. 2 bed apartments and 6 No. 1 bed apartments at Gateway to Wales Hotel, Welsh Road, Garden City (054513)

Councillor Derek Butler declared a personal and prejudicial interest in the following application because he was the owner of the property:-

Agenda item 6.20 – Full application – formation of dormer to front of dwelling at 7 Somerford Road, Broughton (054725)

120. **LATE OBSERVATIONS**

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

121. **MINUTES**

The draft minutes of the meeting of the Committee held on 20th January 2016 had been circulated to Members with the agenda.

RESOLVED:

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

122. **ITEMS TO BE DEFERRED**

The Chief Officer (Planning and Environment) advised that deferment of the following applications was recommended:

Agenda item 6.7 - Full application – Proposed development of solar photovoltaic panels and associated works including inverter housings, access tracks, security fencing and cameras at Deeside Lane, Sealand (053686) – to allow consideration to be given to additional information submitted by the applicant.

Agenda item 6.8 - Full application – Development of Solar Photovoltaic Panels and associated works including inverter housings, access tracks, security fencing and cameras at Manor Farm, Deeside Lane, Sealand (053687) – to allow consideration to be given to additional information submitted by the applicant.

Councillor Chris Bithell proposed deferment of the applications and this was duly seconded by Councillor Derek Butler who requested site visits to be undertaken prior to consideration of the applications by Committee.

On being put to the vote, both applications were deferred.

RESOLVED:

That applications 6.7 and 6.8 be deferred and that a site visit be undertaken prior to consideration of the applications by Committee.

123. **FULL APPLICATION - PROPOSED NEW VEHICULAR ACCESS TO PARRY'S QUARRY, OFF PINFOLD LANE, ALLTAMI (054050)**

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 22 February 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 Senior Minerals and Waste Officer detailed the background to the report and gave a brief overview of applications 6.1, 6.2 and 6.3 as they all related to the same site. An application had been granted on appeal and was in the process of being implemented and the landfill site being constructed. The use of the site would not change by these applications and the proposals were as a result of enforcement action with agenda items 6.1 and 6.3 being partly retrospective but this was not a reason to refuse the applications.

This proposal was requesting a new access to the site which would be 250 metres away from the junction with the A494 trunk road; the existing access was approximately 50 metres from that junction. The creation of the access had required the removal of several trees. Welsh Government(WG) had initially issued a direction to withhold planning permission pending the submission of further information but this direction had now been lifted following the submission of a road widening scheme by the applicant at the junction between Pinfold Lane and the A494. The creation of the new access would serve heavy goods vehicles (HGVs) with the existing access remaining in place for use by cars and light vehicles; it was felt that the proposal would be a significant highway gain. A number of conditions relating to highways were being requested and the officer highlighted a comment in the late observations from a resident who had previously submitted comments during consultation; the concerns had been addressed in the report. Highways had commented that the issues raised by the resident were insufficient to recommend refusal and therefore approval was recommended.

Mr. S. Amos, the applicant, spoke in support of the application. Pinfold Lane served other commercial uses and industrial uses and the new access would be located 250m north of the existing access and was a major improvement to the existing arrangement. There were no objections from statutory consultees and no outstanding objections on any of the planning applications and therefore he requested that the applications be approved.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He said that there were concerns about having two accesses to the site with the new access also being the egress point for the HGVs. Councillor Chris Bithell said that the proposal met with highway requirements and would be located further away from residential properties.

Councillor Owen Thomas expressed significant concern that the work had already commenced on this site before the planning application had been considered. He felt that the concrete included at the access would affect the water flow of the ditch and he queried whether a pavement would be provided to protect pedestrians. The Housing and Planning Solicitor understood the

frustrations about the applications being retrospective, but he advised that this was not material to the consideration of the application. Councillor Mike Peers queried whether the appeal inspector had considered the current access to be inadequate and had therefore imposed an additional entrance. He referred to the road being an unclassified road with a 60 mph speed limit and commented on paragraph 7.04 where it was reported that two HGVs were able to pass but would need to modify their speed; he asked whether it was proposed that the speed limit on the road would be reduced. It was also reported that HGVs wanting to exit the proposal site would need to wait for the travelling HGV to pass before exiting; he raised concern and asked whether this related to the current or new access.

The Local Member, Councillor Carol Ellis, did not see how the introduction of a second access would be a highway gain when the existing access would remain open. She asked who would police the site to ensure that HGVs only used the new access and raised concern because this was a very busy junction with many vehicles using Pinfold Lane as a shortcut to the A55. Councillor Ellis also raised concern that the application was retrospective and queried whether the issue of flooding would be rectified. She did not feel that two HGVs could pass on the lane as there was insufficient space. She said that 18 of the 31 conditions had been amended and added that there was a need to ensure that the conditions set by the appeal inspector were followed. Councillor Ellis sought assurance that the conditions would be policed by officers of the Council, and highlighted those relating to dust, noise, wheel washing and the transfer of operating hours from the original proposal to this application.

Councillor Richard Jones felt that the fact that the application was retrospective was very material as it had an impact on local residents. He felt that to receive requests to amend conditions that had been imposed on appeal did not generate a feeling of trust for the applicant and that reasons should be provided by the applicant of why the conditions needed amending. Councillor David Roney said that it appeared that there was agreement amongst the speakers that the new proposals were an improvement and asked if a condition could be imposed to close the original entrance. In referring to the comments of Councillor Thomas about concreting over the ditch to make the new entrance, Councillor Gareth Roberts suggested that this issue would be addressed by conditions 8, 9 and 10. He said that he could not see any reason to refuse the application which he agreed would be an improvement on what was currently in place.

In response to the comments made, the Senior Minerals and Waste Officer confirmed that the new entrance would be an access and egress for HGVs and reiterated the fact that a retrospective application was not a reason for refusal. A pavement had not been put forward as part of this proposal, nor had it been requested by WG or Highways and therefore the Senior Officer did not feel that it was appropriate to include it as a condition. The Senior Engineer – Highways Development Control confirmed that the application did not include a footway and the pedestrian movement associated with the application did not generate the need for a pavement. The Senior Minerals and Waste Officer said that the Planning Inspector had approved the application on the information before him including the existing access which the Inspector felt was appropriate. The applicant had asked the Planning Authority to consider an additional access

and officers found the proposals to be acceptable. She provided further information on the issue of vehicles needing to wait before exiting the site but felt that this was not an area for concern. The officer advised that the next application on the agenda had a condition attached to ensure that the new access was restricted to HGVs with the existing access being for cars and light vehicles. She confirmed that this would be enforced by the Planning Authority. The road widening scheme would need to be completed before the site could accept waste and she confirmed that a culvert would also be put in place which would alleviate any drainage issues and there were a number of conditions in place on this application relating to drainage. The officer confirmed that this application was only for the access and the issue of the number of conditions that had been amended was relevant to the next application on the agenda and covered the whole of the site as reflected in the Section 73 application. The ownership of the site had changed and the new owners wanted to regularise the operation of the site. The applicant had not submitted the application on the basis of closing the existing access. The Senior Engineer – Highways Development Control confirmed that moving the access for HGVs further away from the Pinfold Lane/A494 junction was a considerable highway gain and Highways did not have any objections to the proposal subject to conditions.

In summing up, Councillor Butler suggested that the condition relating to the policing of the accesses to ensure they were used by the appropriate vehicles should apply on this application as well as on the next application on the agenda. The Senior Minerals and Waste Officer advised that the applicant had submitted the application based on HGVs accessing and egressing the new access. She explained that the condition applied to the Section 73 application which covered the whole of the site. Councillor Butler reiterated his comments about the need for a condition relating to the access and egress of the new access by HGVs and the existing for cars and light vehicles. The Senior Engineer – Highways Development Control confirmed that a condition could be included for an operational traffic management plan.

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 on the submission and approval of a traffic management plan.

124. **APPLICATION FOR VARIATION OF CONDITION NOS 2, 14 & 18 FOLLOWING GRANT OF PLANNING PERMISSION: 042468 AT PARRY'S QUARRY, PINFOLD LANE, ALLTAMI (054135)**

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 22 February 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 Senior Minerals and Waste Officer detailed the background to the report and explained that the application was linked to the previous application. It was to amend three conditions relating to the inclusion of a new access proposed

under application 054050 (condition 2), the restriction of the site access to that currently consented (condition 14) and to the improvements to the site access and the junction of Pinfold Lane with the A494 (condition 18). She drew Members' attention to the late observations where an amendment to paragraph 1.04 and to condition 14 were reported. The full list of conditions had been made available to Members prior to the meeting. The amendment to condition 14 would allow the operator to continue to use the existing site whilst constructing the landfill, providing sufficient time for details reserved by condition to be secured and for the construction of the new access to be completed. Once constructed, the new access would be used as an access and egress point for heavy goods vehicles (HGVs) with the existing access being used by cars and light vehicles only. On the issue of condition 18, there had originally not been any requirement to improve the highway but Welsh Government (WG) had issued a direction that permission be withheld pending the submission of suitable information/evidence. The applicant had now proposed highway improvements which were the same as the original application and included the widening of Pinfold Lane. WG had now directed that any planning permission include a number of conditions to include adequate provision for vehicles to turn, wheel washing facilities and full details of highway improvement works to be provided. The Senior Minerals and Waste Officer said that this was a Section 73 application and therefore was in effect a new planning permission for the whole site which was why there were a large number of conditions attached. When considering the application, there was a need to consider all of the conditions applied to the applications for the site, not just the ones that the applicant was asking for variations on. She understood Councillor Carol Ellis' comment about the condition being proposed by a Planning Inspector which were imposed following a significant amount of deliberation and discussion. The amendments proposed did not significantly or fundamentally change the controls at the site and in many cases there was a need for additional schemes to be submitted such as on the issue of landscaping and protected species to tie all of the schemes on the site together. The Section 73 application would ensure that all of the conditions were appropriate and fit for purpose.

Mr. S. Amos, the applicant, spoke in support of the application. On the issue of road widening scheme, transport consultants had been employed by the applicant and they reviewed personal injury traffic accident data and demonstrated that no accidents had been recorded on the A494/Pinfold Lane junction over the past 10 years. It was therefore felt that there were no road safety issues that required the provision of any road widening scheme but a scheme had been provided and it was felt that this would offer a significant improvement to the ability of two vehicles to pass. There were no outstanding objections nor conflict with planning policy and therefore Mr. Amos asked Committee to approve the application.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He felt that the proposal would improve the area and on the issue of condition 18 and the requirement to submit a highway improvement works scheme within three months of the date of the permission, he asked whether there was a need to stipulate a timetable for this.

The Local Member, Councillor Carol Ellis, said that it had been indicated that the Local Planning Authority would police the conditions but she expressed

significant concern about how the provision of the conditions would be monitored. The officer had provided an explanation of why the conditions had been amended and she taken on board that there were also new conditions. She agreed with Councillor Bithell about the requirement for a timetable and asked for assurance that the condition relating to working hours from the original application would be transferred to this application. The conditions relating to noise and opening hours had not been amended but Councillor Ellis queried why condition 23 relating to stockpiles had been amended. On the original access, she asked whether a condition could be included where there was a height restriction to prevent HGVs going in and out.

Councillor Richard Jones said that the report related to changes to three conditions but that these would have a knock on effect to other conditions. He said that there had been 13 other amendments on conditions but he did not know why some were being proposed for change as they did not have any connection to the three conditions that had been referred to in the application.

The Senior Minerals and Waste Officer advised that condition 18 required the submission of a scheme including a timetable and required that the scheme be implemented as approved prior to the receipt of waste and therefore this was the same as for the original landfill permission. The timetable would need to be agreed but it was difficult to include a timetable in the condition. She noted the concerns raised by Councillor Ellis and confirmed that the Planning Authority would enforce that the HGVs using the approved access only. The previous application required the inclusion of a condition for an operational traffic management plan and she suggested that this also be included for this application as it covered the whole of the site. The issue of height restriction would also be covered by the traffic management plan. The Senior Officer also noted the concerns about the condition relating to operating hours and noise and she confirmed that this would be as applied as in the original landfill permission. On the issue of condition 23 relating to stockpiles, the original application restricted the storage of waste material to avoid waste being stored before it was disposed of. The purpose of the transfer building which was the subject of the next application would enable the applicant to store waste material before it was disposed of which was why it was proposed that condition 23 be amended. If Members resolved to refuse the transfer building, then condition 23 would not be needed. In response to Councillor Jones' comments, she explained why some of the conditions had been amended, particularly conditions 13 and 17 and she added that the amended conditions required the submission of an updated scheme. The main changes were to secure a detailed compensation and mitigation method statement for Great Crested Newts which both Natural Resources Wales (NRW) and the Council's Ecology Officer felt was necessary. The only new condition was number 17 requested by WG to prevent the discharge of water onto the highway.

Councillor Jones proposed deferment of the application to allow further information to be provided on how the amended conditions related to the variations of the three conditions referred to in the report; this was duly seconded. Councillor Ellis sought clarification on condition 21 relating to litter. The Planning Strategy Manager said that it was his understanding that a full list of the detailed conditions was available in the Members' Room and that this would allow them to be scrutinised in advance of the meeting. It had been stated that the

amendments had only been suggested where necessary and he did not feel that deferment of the application was necessary.

In response to Councillor Ellis' query, the Senior Minerals and Waste Officer spoke of condition 21 and said that the original landfill permission required the submission of schemes, which had included the provision of a scheme relating to litter and therefore this had already been secured. The wording was only to reinforce that the scheme also applied to this planning permission. On the issue of ecology, a scheme had been agreed under the original landfill consent but there was a need to ensure that the scheme tied together the whole of the site and that was why an additional scheme was being requested.

The Chief Officer (Planning and Environment) said that it was important to provide a single comprehensive permission for the whole of the site.

The Chairman asked Councillor Jones whether he wanted to withdraw his request for deferment following the explanation that had been provided. He confirmed that he did not as the connection between all of the conditions was not clear.

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

RESOLVED:

That the application be deferred to allow clarification of the amendments to the conditions and the reasons for the changes.

125. **FULL APPLICATION - ERECTION OF WASTE TRANSFER BUILDING, WEIGHBRIDGE, WEIGHBRIDGE OFFICE, ACCESS ROAD AND ANCILLARY DEVELOPMENT AT PARRY'S QUARRY, PINFOLD LANE, ALLTAMI (054201)**

The Chairman suggested that as the previous application, which related to the same site, had been deferred that this application also be deferred. Councillor Carol Ellis proposed deferment and this was duly seconded.

RESOLVED:

That the application be deferred.

126. **FULL APPLICATION - PROPOSED NEW VEHICULAR ACCESS TO SERVE PLOT 5 ONLY OF PREVIOUSLY CONSENTED GYPSY SITE AT EWLOE BARN WOOD, MAGAZINE LANE, EWLOE (054095)**

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 22 February 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 was for a new vehicular access for plot 5 only. The application had been deferred from the October 2015 meeting of the Committee to allow a site

visit to take place and to consider whether an application relating to the other points should be considered at the same time. The agents of both parties had been encouraged to submit an application for the whole site to consider all of the proposed changes to the site but they had been unwilling to do so. Proposals for other separate accesses on the site were still being considered and were not yet ready to come forward. The application had an impact on the layout of the whole site as it moved the amenity buildings and relocated the static caravans and it was therefore decided that the application could not be considered in that format. However, this proposal was now ready for consideration by Members. The overall 'red line' area for the application before the Committee today had been amended to retain the turning head so if this application was approved, the application could go ahead and the rest of the site could still conform with the existing planning permission. Therefore Members needed to consider what the proposed harm was to the green barrier for the access proposed as part of this application only and the subsequent application on the agenda for the re-siting of the proposed amenity building.

Mr. J. Gollege spoke against the application. He indicated that he was a member of Northop Hall Community Council but that the comments he was making today were his own views. He objected to the application on the grounds that it did not comply with the recommendations and conditions of two separate planning appeals. The Committee refused permission twice but it was approved on appeal by the Planning Inspector on the grounds of need despite the site being on green barrier land. The point was reported in 7.05 of the officer's report as being recognised by the appeal Inspector but failed to acknowledge the fact that at the first appeal hearing, the Inspector stated there was harm through inappropriateness in conflict with policy GEN4 and there was harm to the open character and appearance of the green barrier. Condition 12 of the second appeal hearing stated that all trees and hedgerow should be retained in the course of construction. As part of the appeal submission, the applicant had committed to improve the screening. Mr. Gollege said that maintenance of the natural screening was important to local residents and failure to recognise this in the report to Committee was a serious omission. The Inspectors at both hearings had required the retention of the hedgerow and natural screening and any breach of the natural screening therefore contravened this. The access requested in the application should have been included in the original site design and raised at the public inquiry. Any special considerations had been taken into account when granting the application on appeal and Mr. Gollege felt that the personal requirements by the applicant would have a harmful impact on the rural area. Removing the hedgerow even by 4.5 metres would not improve the natural screening.

Councillor Derek Butler proposed refusal of the application, against officer recommendation, which was duly seconded. He said that his main concern was that the hedge was being removed which was against the decision of the appeal Inspector. He also felt that this would result in more water in the ditch. He did not feel that there was a valid need for a second access point and felt that the site should remain as granted on appeal with one access/egress for the whole site. Councillor Owen Thomas spoke of his concern that when the Committee had first visited the site, the A55 had been behind a bund and trees but on this visit, the A55 had clearly been visible. He also raised concern about noise on the site and commented that it was reported that the ditch had been cleared of

vegetation; he added that it was proposed that the ditch would be filled in to allow the creation of the access. He commented on the hedgerow regulations of 1997 and queried why this had not been adhered to. The appeal Inspector had indicated that the hedgerow should be retained and that there should only be one access and therefore this proposal did not comply with the Inspector's decision.

The Local Member, Councillor Dave Mackie, indicated that he had previously declared an interest, so he would speak for three minutes and then leave the chamber prior to the discussion of the application. He indicated that both applications had been deferred from the October 2015 meeting on the advice of the Chief Officer (Planning and Environment). He quoted from the minutes of that meeting where it was reported that officers felt that the application for the access for this site and the proposal requesting individual accesses for plots 2, 3 and 4 should be considered at the same time and it was intended that all the applications should be considered at the same committee meeting. Councillor Mackie indicated that the other application was still being considered and the wording for this application was identical to that reported to Committee in October 2015 and he therefore requested that this application should be deferred. The Inspector had granted approval of the site on appeal and his condition 12.2 stated that all existing trees, hedgerows and other vegetation should be retained. Councillor Mackie felt that creating an opening for the proposed new access would clearly damage the screening and should be avoided and as mentioned earlier, there was potential for an additional three openings if the other application was approved. He queried why there was a need for a new opening when the site road provided access and had already been approved. He added that two accesses may prove dangerous particularly to playing children with the possibility of vehicles approaching from different directions. He asked the Committee to reject the application and thereby retain all the screening. Councillor Mackie then left the chamber for the remainder of the discussion on the application.

Councillor Chris Bithell said that the site was originally granted planning permission with one access for the five pitches. This application had now been submitted for an additional access for one pitch and he suggested that approval of the application would set a precedent. He felt that the hedgerow would disappear if individual accesses were permitted and said that the original permission should be adhered to. Councillor Mike Peers felt that the proposal had no planning merit and was only for the personal gain of the applicant. He raised concern at the suggestion that only 4.5 metres of hedgerow had been removed as he felt that it should all have been retained as reflected in the appeal Inspector's decision. The report at paragraph 7.03 referred to a single point of access with an internal access road within the site serving each plot and he felt that what was being requested in this application was unnecessary and unjustified. It was reported in paragraph 7.11 that there was no planning reason to refuse the application but Councillor Peers felt that there would be a significant impact on the environment. He suggested that the application should be refused and the removed hedge replaced. Councillor Richard Jones referred to paragraph 7.05 where it was reported that the need for more gypsy and traveller sites outweighed the harm to the green barrier. He felt that this proposal was changing how the original decision had been made and changed how the Inspector valued the green barrier. He suggested that if this application had been submitted to an appeal Inspector, it would not have been allowed on appeal.

Councillor Jones felt that changes to conditions and the site had been drip-fed to Committee to get the applicant to the stage that they were originally seeking and he felt that this was inappropriate and should be stopped by refusal of this application. Councillor Gareth Roberts referred to the need to ensure that the ditch was cleared further down as it had been filled in to generate the access to the site. He said that it had also been noted that nearly all of the hedgerow had been removed and queried whether it could be conditioned that the hedge be restored.

In response to the comments made, the officer indicated that the applicant had stated that he required this individual access as he did not have a right to the main access into the site. There had been a need to consider the highway and planning impacts of the proposal and these issues had been addressed in the report. On the issue of noise raised by Councillor Thomas, the officer advised that the bund had been included as part of the application and had therefore not previously been in place. Additional planting had also been included on the bund and a condition had been included to ensure that the existing ditch was culverted and that a scheme was submitted and approved by the planning authority. A landscaping condition would also ensure that the hedging would be retained. On the issue of whether this application set a precedent, the officer indicated that each application should be considered on its own merits. Councillor Peers had also queried why it was reported that 'only' 4.5m of hedgerow was being removed and the officer explained that in some instances all of the hedgerow would have needed to be removed to obtain the relevant visibility splay but in this instance only 4.5 metres was required to be removed.

The Planning Strategy Manager said that the setting of a precedent was not a good reason to refuse an application and that each application should be considered on its own merits. He provided clarification that the green barrier did not necessarily convey protection to hedgerows but indicated that the importance of the green barrier was to retain its openness and said that Members should consider whether the limits of the balance suggested by the Inspector had been reached.

Councillor Peers proposed that the hedgerow be reinstated. In response to an earlier comment by Councillor Thomas on the hedgerow regulations 1997, the Housing and Planning Solicitor said that the separate regulation was not material to the consideration of this application.

In summing up, Councillor Butler raised concern that the rationale for the recommendation of approval was that the applicant did not have the right of access to his plot through the main access. He stated that the Inspector had not given permission for five landlocked houses and he could not see the reason for the extra access. He felt that the limits of the balance suggested by the Inspector had been reached and that all of the relevant information had been considered by the appeal Inspector at the public inquiry and he had made his decision accordingly. Councillor Butler felt that the application should be refused on the grounds of visibility, loss of the environment and it had not been proved that the applicant would be landlocked if the application was refused.

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

RESOLVED:

That planning permission be refused on the grounds of detrimental impact on the character of the open countryside and green barrier and that the application did not comply with policies GEN3 & GEN4.

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

127. **FULL APPLICATION - ERECTION OF DAY ROOM/AMENITY BUILDING ON PLOT 5 IN LIEU OF PREVIOUSLY APPROVED DAY ROOM AS APPROVED BY PERMISSION 050463 AT EWLOE BARN WOOD, MAGAZINE LANE, EWLOE (054096)**

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 22 February 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 this application was requesting the relocation of the day room to locate it adjacent to the road side hedge in the north eastern corner of plot 5 and an increase in the size of the building was also being requested. The officer explained that if the application was approved, the applicant would need to enter into a Section 106 agreement to agree that the building was constructed in lieu of the previously consented dayroom/amenity building on 050463.

The Local Member, Councillor Dave Mackie, said that as Members had rejected the previous application which had included the relocating of the static caravan on the plot, approval of this application would result in the day room being located right next to the location of the caravan. Councillor Mackie, having earlier declared an interest in this and the previous application, left the meeting prior to its discussion.

Councillor Chris Bithell asked whether the hedgerow had been removed and the officer indicated that the hedge referred to was located near to the day room and if the previous application had been approved, it would have required the reinstatement of the hedge. Councillor Mike Peers asked whether this proposal prevented the occupier of plot five from accessing the entrance and egress that was proposed under the appeal; the officer confirmed that the applicant would still be able to access the entrance.

Councillor Peers suggested that the application be deferred as there were a number of issues about the hedge that required clarification and it was not clear that if the day room was moved where the occupier's caravan would be situated. Councillor Bithell said it was also not clear where the amenity building would be included on the site and that consideration of this item was on the assumption that the previous application had been approved. The officer said that on the previously approved plan, the static caravan was located where the amenity building was now proposed to be and the static caravan was located where the touring caravan was proposed to be sited. There was still room for the access

and there would still be room for the amenity building and to be able to turn and park a touring caravan. The officer also confirmed that this application could be approved and not affect the decision previously made.

Councillor Butler proposed the recommendation for approval which was duly seconded. Councillor Owen Thomas sought clarification of what was located on the west side of the site. Councillor Peers said that the application was dealing with the increase in the size of the dayroom and raised concern that the entrance that had been refused on the application previously considered was shown on the plans being displayed for this application. He asked whether there was an illustration showing the relocation of the dayroom and the originally approved internal road layout. If not, he asked for written assurance of where the day room would be, ignoring all information about the access which had previously been refused. Councillor Richard Jones felt that the plan was indicating that the access had already been agreed which was incorrect as it had been refused on the previous application and he raised concern that this could be confusing when determining the application.

The Development Manager said that the application related only to the dayroom and that if Members were concerned, then a condition could be added that the permission related only to what was described in the description and specify what it did not apply to. He added that nothing within this application would prejudice the applicant's right to access the site by the private road which had been approved at appeal.

In response to Councillor Thomas' question, the officer confirmed that the static caravan was located on the west side of the site. The Development Manager confirmed that the proposed static caravan met the definition of a mobile home.

Councillor Butler requested that an additional condition be included relating to replacement of the hedge as shown in paragraph 7.04 of the previous application; this was duly seconded. The Development Manager said that by refusing the previous application for the access, this development would be subject to that permitted at appeal which included a condition to retain the hedge and therefore barring an appeal on this application, the applicant would be in breach of the condition if it was not reinstated and enforcement action by the Council would be required.

RESOLVED:

That planning permission be granted subject to the applicant entering in to a Section 106 agreement to agree that the building is constructed in lieu of the previously consented dayroom/amenity building on 050463, subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and with an additional condition making it clear that permission applies only to the items specified in the description of development and not matters shown on the plan.

After the vote had been taken, Councillor Mackie did not return to the meeting.

128. **FULL APPLICATION - ERECTION OF 92 NO DWELLINGS (62 NO HOUSES AND 30 NO APARTMENTS) AND ALL ASSOCIATED DEVELOPMENT WORKS AT THE WALKS, DUKE STREET, FLINT (054485)**

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 proposals had been the subject of a design review which was attached to the report. The main issues for consideration were reported in paragraph 1.02.

Councillor Dave Cox proposed the recommendation for approval which was duly seconded. He said that this had been a long awaited planning application and would be an added bonus to the town of Flint and would mark the start of the regeneration of the town. In seconding the proposal, Councillor Mike Reece welcomed the scheme and hoped that similar projects would be achieved in rural areas. Councillor Ian Dunbar commented on the demolition of the maisonettes and in referring to a similar scheme in Connah's Quay, he welcomed the flagship development as part of the Council's Strategic Housing and Regeneration Programme (SHARP) and gave particular thanks to Andy Roberts and David Glyn Jones for their work which he felt should be commended. Councillor Chris Bithell also welcomed the rejuvenation of the centre of Flint and the submission and agreement of an archaeological investigation scheme prior to the development of the site. He expressed significant concern about the low number of car parking spaces allocated for the site and queried how the travel plan, which needed to be submitted and agreed, would be monitored.

The officer thanked Councillor Dunbar for his comments.

The Senior Engineer – Highways Development Control confirmed that the Local Planning Guidance for Parking related to maximum standards and added that the site was very sustainable and had a good public transport infrastructure.

RESOLVED:

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

129. **APPLICATION TO VARY CONDITION 4 ATTACHED TO PLANNING PERMISSION REF: 043879 RELATING TO HOURS OF WORKING AT UNIT 8A - 8B ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN (053957)**

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 22 February 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 Manager (Minerals and Waste) detailed the background to the report and explained that the application was requesting a variation to condition 4 relating to the hours of working and the delivery and removal of materials. There

had been a number of objections from the local residents and Cilcain Community Council but none from statutory consultees. He drew Members attention to the late observations where information on a noise assessment that had been undertaken was reported. It was proposed to increase the delivery hours from 8am to 6pm to 7am to 7pm and this would allow for the possibility of further employment in addition to the 50 workers currently employed on the site. Controls were already in place for the site in relation to noise and dust in the form of an environmental permit which was regulated by Natural Resources Wales (NRW). However, he added that the operator was in breach of a condition relating to height of materials stored outside the building as the mound was in excess of what was permitted. If there was no evidence that the height of the waste was reduced, then the permit would be removed by NRW.

Mr. J. Williams, the agent for the applicant, spoke in support of the application. The proposal for an extra hour at the start and end of the day for external working and deliveries to the site from Monday to Saturday. Increasing the hours would allow the continuation of the management of the specialised waste and would create further jobs at the plant, whilst safeguarding existing jobs at the site. The site was located on an industrial estate and it was considered that the proposal was in keeping with other units on the industrial estate. Highway access was good and it was felt that the proposal would have a negligible impact on neighbouring residents. On the issue of dust, the report stated that there was no evidence of dust accumulation in the area and the application was compliant with national policy and the Unitary Development Plan. There had only been an objection from Cilcain Community Council, which indicated that there had been improvements to the management of the site, and none from statutory consultees. The Council's Public Protection officer had indicated that the noise from the site was inaudible and had therefore not raised any objection. Consultation responses did not relate to dust emissions being an issue. The overall development constituted a sustainable development and Mr. Williams encouraged the Committee to approve the application.

Councillor Owen Thomas proposed refusal of the application, against officer recommendation, which was duly seconded. He raised concern about the breach of the operating licence for the site and suggested that some conditions had been omitted from the recommendation in the report. On the issue of dust, it was indicated that the operator should cease until the dust was no longer a problem so Councillor Thomas did not know why the operation on the site had not ceased as dust was a problem. He said that in 2013 the applicant agreed to have a building on the site where lorries could tip tubes but the building had never been used. One of the conditions related to HGVs only being able to go in forward to the site but the operator was in breach of this as vehicles were also reversing in. Unloading of materials should also not take place outside the front of the site but this was also not complied with. Councillor Thomas felt that the applicant had failed to address the noise impact from the site and he also referred to hazardous and dangerous waste being on the site which was not permitted.

Councillor Mike Peers said that it was reported that the reasons for the application was to reduce a problem with late deliveries and to increase the throughput capacity to enable the operator to grow the business. He sought clarification as to whether late deliveries was a material planning consideration.

He queried whether there was any evidence that the extra operating hours would create additional jobs as referred to in paragraph 7.04 and suggested that paragraph 7.08 indicated that the application had a total disregard for dust mitigation measures. There was also evidence that the applicant was in breach of the conditions that had been imposed. Councillor Peers was unable to support the application for increased capacity as he felt it would lead to a further impact on the environment. In response about the late deliveries, the Housing & Planning Solicitor said that it was for the applicant to alleviate the problem which was an impact in planning terms.

The adjoining ward Member, Councillor Adele Davies-Cooke spoke against the application. She felt that the applicant was in flagrant breach of conditions relating to:-

- Unloading and loading outside the front of the building
- Storing of materials and plant equipment in front of building
- Height of waste material in excess of 3 metres at rear of the site
- Vehicles reversing into the site
- HGVs tipping on yard instead of in the covered building
- Clouds of dust leaving the site boundary without adequate abatement measures
- Storage and treatment of CRTs best available techniques as required by a directive

She felt that conditions had not been complied with since 2008 and in 2013, the Council had written to the applicant to remind them of the conditions and delivery hours and the impact that non-compliance would have on neighbouring residents. Despite assurances, there had been no improvement on the site. The area was rural and very quiet and the noise from the operation was clearly audible. Councillor Davies-Cooke felt that the planning officer's report was inaccurate and only briefly provided details of the objections from residents. The application did not comply with a number of planning policies and there was no mention of the noise report by the applicant that had been assessed by an acoustic consultant advising that the issue of noise had not been addressed. She queried why the stockpiles were such a significant size if the stock could be sold on as had been suggested by the officer. The company was not complying with existing conditions and no enforcement action had been taken and there was therefore no assurance that the company would comply with noise and dust prevention measures. She felt that the existing opening hours were adequate. Councillor Davies-Cooke referred to a letter from the Environment Agency dated 17 January 2011 which referred to a review of how the site had been granted planning permission and the suitability of the site for such an operation. This was a CRT site which was unique and there were no other sites of this type with these issues with planning permission for this type of operation. She referred to background noise levels of 20 decibels and any noise which would typically be inaudible would become audible and therefore the suitability of the site in such a location was brought into question. In the event that the company ceased trading and the site needing to be cleared, she asked whether the Council would be responsible for the cost. She asked the Committee to refuse the application.

Councillor Richard Jones expressed concern on the issue of noise and indicated that Natural Resources Wales (NRW) identified the proposal may

increase the volume of complaints. He added that the size of the mound of waste was significant and felt that to increase the operating hours would make the situation worse. Councillor Gareth Roberts referred to the issue of the NRW permit which he felt could be revoked until the applicant had addressed the concerns. Once the applicant had complied with this, they could resubmit a proposal. He spoke of hazardous waste on the site and concurred with the recommendation or refusal as he felt the increased hours would only increase the amount of the waste being brought onto the site.

In referring to previous complaints that had been investigated and the reference in the report to a previous operator, Councillor Chris Bithell sought clarification as to whether there had been any improvements since the new operator had been in place. There were a number of aspects that he was uncertain about and queried whether the complaints previously made had been investigated and appropriately resolved. He referred to a comment from the Head of Public Protection that the last period of monitoring had shown that the factory was not causing a nuisance or affecting amenity. He also referred to the comments of NRW and queried whether they were in support of the application or not. He felt that it would be helpful if the officer from Public Protection was in attendance to answer any questions raised by Members. Councillor Derek Butler also referred to NRW comments and commented on the late observations. He felt that if there were heavy metals in the area then the site should be policed and suggested that NRW should be monitoring the use of the site rather than the planning authority considering an application to extend the opening hours to make the site compliant.

In response, the Manager (Minerals and Waste) said that noise had been an issue on the site for some time but there had been a number of different operators in place. An extensive amount of work had been carried out on the site and Public Protection colleagues had been working with the Environment Agency and NRW. The operation at the site was audible but generally the overall noise was within appropriate limits. The increase in hours related to daytime hours not night-time. A condition was in place on the current planning permission that the operator could store materials at the rear of the site but he confirmed that the size of the mound was in excess of that permitted but an extension to the hours of operation would allow the operator to reduce the stockpiles. He said that all of the material on the site was saleable products and in the past the waste had been designated as hazardous but this had been re-designated by NRW as no longer being hazardous. He suggested that if there was not a marked improvement in the operation of the site, then NRW would suspend the licence and the operator would therefore not be able to bring new material onto the site.

Councillor Jones referred to the mound at the back of the building and queried whether it was washed material. The Manager (Minerals and Waste) said that a lot of the material was not subject to pre-washing and the mound had built up over time but the current operator could recycle it and put it back into the market. Councillor Bithell asked how long the current operator had been in charge. Councillor Peers said that the officer had indicated that the throughput capacity was not related to this operation but in paragraph 7.04 it indicated that the proposal would increase the throughput capacity to grow the business he sought clarification on this.

In response, the Manager (Minerals and Waste) confirmed that the current operator had been at the site for 18 months. He said that this application would address the problems relating to early and late arrivals but would also allow the business to expand and increase throughput through the site. The Planning Strategy Manager asked Members to consider their reasons for refusal and whether approval of the application would generate any planning harm.

In summing up, Councillor Owen Thomas said that the reason for refusal was that the proposal would increase the output and he was concerned about the environment and the impact of noise if the hours were increased. He felt that the applicant was not complying with current conditions and therefore the inclusion of more conditions would not resolve the issues. He referred to a site in Sandycroft which had been abandoned and the hazardous materials that had to be cleared by the Council and expressed significant concern at the cost to the taxpayer if a similar situation arose on this site.

RESOLVED:

That planning permission be refused on the grounds that the potential increase in output would have a detrimental impact on the environment and potential noise increase.

130. **APPLICATION FOR VARIATION OF CONDITION NO. 3 & 4 FOLLOWING GRANT OF PLANNING PERMISSION (048179) TO EXTEND OPERATIONAL HOURS AT UNIT 6, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN (053959)**

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 22 February 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 Manager (Minerals and Waste) detailed the background to the report and explained that the application was seeking to extend the operational hours for the delivery of materials and also extend the hours under which external working was allowed. The site was used for dismantling electrical equipment and the glass would be sent to unit 8 and the other items removed from the site.

Mr. J. Williams, the agent for the applicant, spoke in support of the application. He reiterated that there had been no objections to the proposal from statutory consultees other than Cilcain Community Council who even though they were opposed to the extended opening hours, had acknowledged that management of the site had recently improved.

Councillor Owen Thomas proposed refusal of the application, against officer recommendation, which was duly seconded. He raised concern that if the operational hours were extended, more items would be brought into the site which would create more material to be transferred to the other site which would create additional waste outside. He felt that both applications were linked and the problems that residents were experiencing would still occur. Councillor Mike Peers concurred that increasing the hours would increase output to the other site

and would increase the problems. As the extension of opening hours for unit 6 had been refused, if the hours for this site were increased, this would result in the operator not being able to move the waste to the other site, and would therefore increase the stockpiles of waste on this site.

The adjoining Local Member, Councillor Adele Davies-Cooke, asked the Committee to refuse this application as they had done with the previous proposal and felt that this would be the fairest outcome for the community. She said that the materials would not be able to be moved onto the other site if this application was also refused.

The Manager (Minerals and Waste) said that the operation at this site was different to that carried out on the other site but added that unit 8 was the main input for bulk deliveries and some materials were also moved from unit 6 to unit 8.

Councillor Thomas felt that the reason for refusal should be the same as for the previous application. He said that at the site visit, Members had been able to see that fridges and other electrical equipment were unloaded on the road outside the front of the building and suggested that if the hours of operation were increased, then more items would be unloaded on the road. The Planning Strategy Manager said that Councillor Thomas had suggested that the application be refused because of noise and environmental harm but then went on to say it was because equipment was unloaded onto the roadside. The Planning Strategy Manager said that he had not heard any evidence of the harm that approving the application would generate. In response, Councillor Thomas said that it would increase the waste on the other site as there would be more input into it and would therefore increase the problems.

RESOLVED:

That planning permission be refused because the potential increase in output would have a detrimental impact on the environment and potential noise increase.

131. **USE OF LAND AS RECYCLING AND RECOVERY CENTRE FOR END OF LIFE VEHICLES, FERROUS AND NON-FERROUS METALS; REDUNDANT/SCRAP CARAVANS, RECEIPT AND STORAGE OTHER SALVAGED INERT MATERIALS, INCLUDING SALVAGED BUILDING SUPPLIES AND SITING OF 1 NO. CARAVAN FOR SECURITY AT DELYN METALS LIMITED, POINT OF AYR, FFYNNONGROYW (051795)**

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 22 February 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 Manager (Minerals and Waste) detailed the background to the report and explained that a similar application had been refused in 2013 as the applicant had not completed the necessary legal agreement. This application was a resubmission with a revised access but still incorporated the original

access which would be used by heavy goods vehicles (HGV) with the revised access being for light vehicles due to constraints of a very low bridge. Another change since the previous submission was that the North Wales Coastal Path had been built and as a result of this, there was potential conflict at crossing points. The applicant had proposed a unilateral undertaking for a commuted sum with respect to highways works for signposting on the A548 and the cycle path. The site was currently subject to an enforcement notice and if this application was refused, then enforcement would continue but if it was approved, then the notice would be withdrawn.

Ms. C. Percival spoke against the application on behalf of ENI Liverpool Bay Operating Company Limited. The first concern was about safety and the danger posed by HGVs using the route to the site in the event that a lorry would breach the fence line. ENI also objected to an unlimited number of trucks with scrap metal passing through their site. She hoped the application was rejected but if it was approved, ENI requested, as a condition, the installation of a crash barrier along the section of the green access route as far as it ran adjacent to the perimeter fence. The second issue related to site security for ENI which had been designed to prevent easy access to the colliery site adjacent to the Point of Ayr terminal. The application suggested that there would be locked gates to prevent unauthorised use but did not address how the routes might be used once the gates were unlocked at the beginning of the working day. ENI was not in a position to provide continuous monitoring or gate keeping for a third party and Ms. Percival added that illegal occupation of the site had been an issue in the past. The third area of concern was the rail overpass which was a purpose built direct route to the Point of Ayr facility from the Talacre roundabout. She noted that a number of vehicles had used this route via the railway overpass even though there were conditions in place. A rental agreement for the railway airspace was in force between Network Rail and ENI and the applicant did not have permission from either party to use this access and would not have sufficient control over the vehicles including their speed. Finally the fourth issue related to pedestrians given that this area had featured highly in Flintshire's Tourism Strategy for the Talacre area. The most recent proposal put forward was for a circular route from the Dangerpoint facility, round the colliery into the village of Talacre and would serve to increase pedestrian traffic in this area. It was proposed in the application that the public rights of way would be blocked off as mitigation in the design and access statement but this would be an offence and was therefore not achievable. For these reasons and those put forward their letter of June 2015, ENI objected to the proposal.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. On the issue of conflict with cyclists, he said that this was preferable to cyclists using the busy coast road.

The Chairman exercised his discretion to allow the Local Member, Councillor Glyn Banks, to speak on the application. Councillor Banks said that he had requested a site visit for three reasons which included the dangerous access for vehicles accessing the site through the underpass but this had been addressed and Network Rail were content. Secondly he felt that the access was unsuitable for long term use, with the proposal seeking permission to 2033 and thirdly that the route crossed the cycle path but he felt that this had been addressed by the issue of signage and the imposition of a speed limit. In

welcoming the report, he felt that the concerns he had raised had been addressed and he asked the Committee to approve the application.

Councillor Mike Peers referred to the comments from the third party speaker and felt that the condition suggested by the speaker on behalf of ENI should be considered if the application was approved. Councillor Gareth Roberts noted the remarks by British Rail regarding the underpass to the railway but suggested that some vehicles would still try and access this route without the provision of appropriate signage to inhibit the route to vehicles of a certain height. He felt that Ms. Percival had given the impression that vehicles would be travelling over ENI land and therefore they were in a position to control who had access to it but added that this was a civil matter. He felt that the application could be approved with signage about height restrictions on the access under the underpass. Councillor Chris Bithell referred to paragraph 7.39 on landscape and visual impact where it was reported that immediate views would be possible as visitors travelled past the site. He queried whether any further landscaping could be undertaken in this area.

In response to the questions and comments, the Manager (Minerals and Waste) said that in relation to traffic and a crash barrier, it was proposed to include a condition for a Traffic Management Scheme to be submitted and agreed which would include a whole range of measures and could include a crash barrier. It was not possible to erect a height barrier on the low bridge as suggested as the applicant did not own the land so it was proposed that signage be erected on the A548 to indicate that there was a low bridge. He reminded Members that the applicant had operated in the area for a number of years and that vehicles going to the site would be by prior notification. It was his understanding that a 'banksperson' would be required to unlock the gate and relock it once the vehicle had passed through and that this could be included as a condition. On the issue of landscaping, the Manager (Minerals and Waste) said that this was an open and flat area and it was possible that any landscaping included could draw attention to the site. He reminded the Committee that there was a Special Area of Conservation (SAC) and a Site of Special Scientific interest (SSSI) surrounding the site for open wetland and therefore would not comply with the designations by Natural Resources Wales (NRW). He added that the existing palisade fencing which separated the access road from the cycleway detracted from the views of the site.

Councillor Richard Jones suggested that a condition should be included to prevent the dragging of containers under the low bridge. The Manager (Minerals and Waste) felt that this could be included in the Traffic Management Scheme. The Senior Engineer – Highways Development Control said that by means of the Unilateral Undertaking, officers had sought to secure funding from the developer to enable measures to be installed on the existing adopted highway to stop HGVs from using the unadopted road in the form of advanced signage on the highway that the height of the bridge was unsuitable for use by certain vehicles. There was also a requirement for an operational traffic management plan which would need to be submitted and approved and this would also provide a safeguard in the way it was operated.

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 or unilateral undertaking for a commuted sum with respect to highways works for signposting on the road and cyclepath.

132. **ERECTION OF A FOODSTORE, ASSOCIATED CAR PARKING, ACCESS, SERVICING AND LANDSCAPING (PARTLY RETROSPECTIVELY) AT BROUGHTON SHOPPING PARK, BROUGHTON (054589)**

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 application had been deferred from the meeting on 20th January 2016 in order for issues of site security, impact of the site on the amenity of residents and the loss of the affordable housing on the site to be addressed. The report had been updated to address the concerns and a summary of the issues was included. On the issue of site security, Aldi had confirmed that an additional camera at the rear of the store had been erected and signage advertised the fact that CCTV was in operation. The proposed landscaping was in excess of what was required in an ordinary landscaping scheme and any additional planting would not leave sufficient room for the proposed scheme to grow and establish. Officers had considered that no additional planting or fencing was required in the interest of residential amenity. The trolley bay had been relocated to the front of the store. Aldi had undertaken their own noise readings following complaints from a neighbouring resident and this concluded that there were no issues with the plant equipment and it was within the agreed levels as predicted in the noise assessment which accompanied the planning application. The increased delivery times would not have an impact on residential amenity as these took place in an enclosed bay and there had not been any complaints in respect of any issues relating to the opening hours or delivery times. On the issue of affordable housing, there were a number of people on the Affordable Housing register for Broughton and the report detailed how the commuted sum for affordable housing had been calculated.

The Chief Officer (Planning and Environment) advised that he would read out a statement prepared by Mrs. J. Richards (who had registered as an objector), as she did not want to appear on the webcast. Her statement was summarised as follows:

When Aldi had obtained planning permission, they had built what they wanted, not what had been approved. She felt that Flintshire County Council had made an error by not including the words 'for approval' and Aldi took advantage of this. She expressed concern about the monies for public art and the amount for affordable housing as she did not feel that it was sufficient to build two properties. The lack of provision for affordable housing on the site had resulted in an additional 31 car parking spaces and the building of a larger store which was

nearer to the residential properties than had originally been approved. Mrs. Richards expressed significant concern about the provision of the landscaping which Aldi had indicated would be enhanced but Mrs. Richards said that it had been completely removed in some places. She also raised concern about the issue of security to the rear of the store which was located near her property and urged the Committee to refuse the application.

Mr. G. Brown, on behalf of the applicant, spoke in support of the application. Following the previous meeting he had spoken to Mrs. Richards to try and address her concerns. The main issue related to the positioning of the trolley bay and he had agreed that this would be relocated to the front of the store, which had since been undertaken. At the Committee meeting, Councillor Derek Butler had also referred an issue of noise. The noise monitoring that was carried out did show an increase in noise at the times referred to by objectors but it appeared that this was from Hawarden Airport, not from the Aldi store and was therefore out of Aldi's control. Another area of concern had been site security and Mr. Brown confirmed that an additional CCTV camera had been installed to the rear of the store. Mrs. Richards had also asked why the north side of the site was not fenced off but Mr. Brown confirmed that it was already fenced off and he added that there had not been any evidence of anti-social behaviour on the site. Mrs. Richards had also felt that individuals would be able to access her property from the rear of the store but Mr. Brown commented on the steps that such intruders would need to take to be able to do this. He suggested that access could be gained more easily to the property through her front gate. He indicated that landscaping of the site had been undertaken and particularly concentrated on an area to the boundary of Mrs. Richards' property and this had now been replanted. Mr. Brown felt that all concerns raised by Mrs. Richards had been addressed and he added that no other objections from residents had been received.

Councillor Ian Dunbar, having earlier declared an interest in the application, indicated that he would speak for three minutes and would then leave the meeting prior to its discussion. He suggested that some of the conditions imposed on the permission had been ignored by Aldi and Mrs. Richards' statement also highlighted concerns about the bund and the security of residents in their homes. He felt that what was currently in place was an open invitation for individuals to climb on to the bund and access the neighbouring properties. Councillor Dunbar suggested that an extra gate be included to increase security and asked that the landscaping be replaced to reflect what was previously in place. He felt that streetlights would be a deterrent to any intruders trying to access the front of the residential properties and that the inadequate bund was an easier way to enter Mrs. Richards' garden.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He said that Aldi had taken measures to address the concerns and had installed CCTV to the rear of the building and even though some of the bund had been removed, additional planting had been put in place which would provide screening in time. The trolley bay had been moved and the noise issues that had been raised were not in the control of Aldi. The officer had advised that the amount for affordable housing was acceptable. Prior to the store being in place, there had been an open bund on the site but Aldi had now provided fencing and an additional camera which Councillor Bithell felt addressed

the issue of security of the neighbouring properties. He raised concern about problem with the measurements for the location of the site and suggested that this needed addressing for the future.

Councillor Gareth Roberts said that the original application had been approved by Committee and expressed significant concern about some of the comments made when the application was considered at the previous meeting of the Committee as what had been provided, was what had been requested. He felt that Aldi should be commended for the work they had done, particularly in relation to the loading bay. He noted that Welsh Government had not objected to the application even though the site had originally been allocated for housing. Councillor Roberts said that there were no grounds to refuse the application as it complied with planning policy and approval was the correct decision. Councillor Derek Butler said that the original proposal that had been approved was for a store and five affordable dwellings but only the store element had been delivered. On the letter sent by Aldi, he said that he had not received it at his home address so it had been sent to County Hall where it had only recently been passed to him; he added that he was not the Local Member for the ward. He said that the Committee was making representations for Mrs. Richards and indicated that Aldi had built the store in the wrong place and had removed the bund. Councillor Butler requested that Mrs. Richards' concerns on the issue of security be addressed.

Councillor Mike Peers commented that at the previous meeting he had sought clarification on whether officers had discussed an extension to the car park with Aldi; he asked that this be answered. He supported Councillor Butler's comments on the lack of delivery of affordable housing on the site and referred to an email from Aldi to Members which had not indicated that the affordable housing was no longer part of the proposal. He referred to the November 2014 Committee meeting when Ms. Gabrilatsou (the agent for Aldi) had indicated that the application allowed for the delivery of five affordable houses and had referred to the growth for Broughton of 15%. One of the seven objections to the proposal had indicated that the affordable housing element had been a ploy to get the application through. Councillor Peers sought clarification on the calculation of the commuted sum in lieu of affordable housing on the site and suggested that the figures were incorrect. He highlighted paragraph 7.34 on the location of houses within a retail environment accessed through a car park not being an attractive environment and commented that this had not appeared to be an issue for Aldi in November 2014 when the proposal was discussed. Paragraph 7.39 of the report before this Committee indicated that this was not a desirable location for the siting of the affordable homes; Councillor Peers felt that the affordable dwellings should be provided and that refusal of the application was the correct decision. Councillor Owen Thomas said that the Committee had voted for the application, against officer recommendation, in November 2014. He said that the Committee had listened to the residents of Broughton who wanted an additional supermarket with the provision of five affordable dwellings. On the issue of the security to the rear of the store, Councillor Thomas felt that if the bund had not been touched then the nearby resident would not have complained. He said that Aldi had built the store in the wrong place and queried whether Aldi should be asked to take the store down and build it in the correct location.

Councillor Marion Bateman said that her main concern was the issue of security for Mrs. Richards' property. She had been unable to attend the site visit with the Committee but had attended the site since and suggested that access could currently be gained to the rear of the properties from the Aldi site. She requested that the side of the store nearest to Mrs. Richards' property be blocked off to prevent public access. Councillor Richard Jones referred to application 052369 where the opening hours had been agreed but this application indicated that the opening hours would revert back to the original hours requested by the applicant which he felt should not be permitted and that a condition should be included to confirm the opening hours proposed for application 052369.

In response to the comments made, the officer indicated that officers did not have any objection to the use of the area previously approved for affordable housing as car parking spaces. On the issue of opening hours, the Public Protection Officer did not have any objection to the hours proposed as part of this application. There was no longer an issue relating to noise as the trolley bay had been relocated to the front of the store and the deliveries would take place within an enclosed bay and the proposed delivery hours had also not received any objections from Public Protection officers.

The Planning Strategy Manager advised that it was important for Members to consider the proposal before them and said that substantial improvements had been made since the application was first submitted. He expressed significant concern about the suggestion to refuse the application and ask Aldi to demolish the store. He queried whether the concerns raised by Mrs. Richards were material in planning terms and said that the bund was not in place as a security measure but was intended as a form of separation. Additional landscaping had been put in place but it was not appropriate to request more planting at this stage as the plants needed room to grow and mature. However, replanting would take place if required in the future. On the issue of the affordable housing element, it was for Members to judge whether the applicant was appropriate or not but reminded the Committee that the predominant use in the area was for food retail. The Planning Strategy Manager advised that Aldi had approached Registered Social Landlords to take on the affordable housing element of the original scheme but they did not want to take up the opportunity and therefore it was considered that a commuted sum was more appropriate which could assist those in need of affordable homes in a number of ways. The initial figure proposed by Aldi was lower than what had finally been achieved and that this had been as a result of discussions between officers and Aldi. He felt that the suggestion for fencing off the area nearest to Mrs. Richards' property was sensible but said that the increased opening and delivery hours would not generate any extra noise for the residents as the loading bay was located away from the boundary. The stores in Mold and Buckley were open for the hours proposed in this application and therefore a reduction in hours for this store was not appropriate.

The Housing & Planning Solicitor asked Councillor Bithell if he was willing to accept the conditions suggested by Councillor Bateman for a security fence and Councillor Jones for opening hours as agreed for application 052369 as he had made the proposal to accept the officer's recommendation. He agreed to add the condition suggested by Councillor Bateman.

In response to a query from Councillor Roberts on paragraph 7.26, the officer confirmed that the store could be opened on a Sunday for a six hour period between the hours of 10am and 6pm.

The Housing & Planning Solicitor advised that the first vote needed to be on the amendment proposed by Councillor Jones for reduced opening hours to those proposed. On being put to the vote, the proposal was LOST. The proposal by Councillor Bithell for the officer recommendation with the additional condition for security fencing 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), subject to the additional condition requiring submission and approval of a security fence to prevent public access to the bund to the rear of the store and subject to the applicant entering into a Section 106 obligation/unilateral undertaking to provide the following:-

- Payment in the sum of £210,000 towards to provision of, or to facilitate access to, affordable housing in the community
- Payment in the sum of £15,000 towards a community art project or projects for the public realm.

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.

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

133. **FULL APPLICATION - CHANGES TO AND SUBSTITUTION OF HOUSE TYPES TO 15 NO. PLOTS AT OLD HALL ROAD/GREENHILL AVENUE, HAWARDEN (054641)**

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 submitted to Committee because of the requirement for a supplementary Section 106 agreement.

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) and subject to the applicant entering into a supplementary Section 106 agreement or unilateral undertaking to link this development with the unilateral undertaking on application

051613, which requires the payment of an education contribution of £129,283 towards Hawarden High School and £122,570 to Ysgol Penarlag, Ewloe, the provision of 4 gifted units to NEW Homes and secures the provision of and the maintenance of the public open space.

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.

134. **FULL APPLICATION - INSTALLATION OF 845 KW SOLAR ARRAY INCLUDING PANELS, SECURITY FENCING, CONTROL ROOM, CUSTOMER CABIN AND INVERTOR CABIN AT STANDARD LANDFILL SITE, STANDARD ROAD, SPENCER INDUSTRIAL ESTATE, BUCKLEY (054630)**

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 report referred to the relevant issues that had been considered.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He explained that he had met with the Cabinet Member for Environment, the Chief Officer (Streetscene and Transportation) and the Energy Manager on the proposal. In welcoming the green benefits of the solar panels he spoke of the need to recognise that this was an amenity site and of ensuring that the extensive 360 degree views would still be seen from the viewing point in the park once the solar panels were in place. He had discussed the issue with the Cabinet Member and Chief Officer who had indicated that, if necessary, the level of the viewing platform could be raised to retain the views. He asked that this be conditioned and in referring to the security fencing which would prevent access to the solar panels, he also asked that the footpaths be kept open at all times. Councillor Peers indicated that he had discussed with the Chief Officer, the possibility of a Section 106 (S106) agreement to secure a community benefit and spoke of an email from the Chief Officer giving assurance that money would come forward to provide a car park for users of the site.

In response, the officer confirmed that a condition about the level of the viewing platform could be included and added that the route of the footpaths would be kept open even when the solar panels and security measures were in place. On the request for a S106, the officer explained that it was not directly related to this proposal and would therefore fail the test for a S106 obligation. The Chief Officer advised that the Council could not enter into a Section 106 with itself as the applicant and suggested that a letter be sent to the Chief Officer (Streetscene and Transportation) on behalf of the Committee to seek a community benefit in connection with the development.

On being put to the vote, the Committee agreed to the recommendation of the officer, the inclusion of a condition about raising the viewing platform to retain the 360 degree views and the suggestion to send a letter to the Chief Officer (Streetscene and Transportation).

RESOLVED:

That planning permission be granted subject to the inclusion of a condition about raising the viewing platform to retain the 360 degree views and a letter being sent to the Chief Officer (Streetscene and Transportation) and subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

135. **FULL APPLICATION - INSTALLATION OF 400 KW SOLAR ARRAY INCLUDING PANELS, SECURITY FENCING, CONTROL ROOM, CUSTOMER CABIN AND INVERTOR CABIN AT BROOKHILL LANDFILL SITE, BROOKHILL WAY, CATHERALLS INDUSTRIAL ESTATE, BUCKLEY (054631)**

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 this was a similar proposal to the previous application but was for a 400kw solar array.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He queried whether a similar condition as that requested for the previous application was also required for this application.

The Local Member, Councillor Carol Ellis, said that she had been assured that the proposal would not have a detrimental impact on residents. She raised concern about a footpath that had previously been diverted and queried whether it would still be available. In referring to landfill tax, Councillor Ellis asked whether any benefit to the community would be provided and commented on the nearby Site of Special Scientific Interest (SSSI) and skateboard park.

In response, the officer advised that the footpath was a definitive line footpath that connected to the railway line but the definitive route was no longer walkable. On the issue of community benefit, he suggested that a similar letter be sent to the Chief Officer (Streetscene and Transportation) to explore possibilities. Councillor Bithell and the seconder agreed to add this suggestion to their proposal.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and that a letter be sent to the Chief Officer (Streetscene and Transportation) on behalf of the Committee to seek a community benefit in connection with the development.

136. **FULL APPLICATION - ERECTION OF 21 NO DWELLINGS INCLUDING 15 NO 2 BED APARTMENTS AND 6 NO 1 BED APARTMENTS AT GATEWAY TO WALES HOTEL, WELSH ROAD, GARDEN CITY (054513)**

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 scheme included an area for refuse and recycling. He drew Members' attention to paragraph 7.17 to 7.20 where it was reported that payment via a Section 106 agreement were not being sought in lieu of on-site play and recreation provisions or educational contributions.

Councillor Chris Bithell proposed the recommendation for approval, with the additional conditions from Welsh Government referred to in the late observations, which was duly seconded.

Following the debate, Councillor Mike Peers asked that it be noted that he had not taken part in the debate or voted on the application as he had a personal and prejudicial interest in the application. He had not realised who the applicant was until the debate had already started.

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 conditions from Welsh Government referred to in the late observations.

137. **FULL APPLICATION - PROPOSED REPLACEMENT OF GARAGE WITH NEW SINGLE STOREY DWELLING AT TOP CORNER, VILLAGE ROAD, NORTHOP HALL (054552)**

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 22 February 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 report and explained that the application was before Committee at the request of the Local Member as he disagreed with the recommendation of the officer. Paragraph 7.02 highlighted the main issues for consideration in determination of the application which was recommended for refusal because the application site was outside the settlement boundary of Northop Hall.

Mr. R. Turner, the agent for the applicant, spoke in support of the application. He said that the key issue was the principle of development for a new dwelling outside the settlement boundary. He felt that the report did not mention that the site was just outside the settlement boundary and explained that the boundary was the wall onto Smithy Lane. He suggested that in policy terms the site was classified as being in open countryside but Mr. Turner said that Members would have noted on the site visit that the site was hardly in open countryside. He felt that this was an instance where either the siting of the boundary was not a realistic picture of where the settlement ended or a different approach should be taken as to what constituted open countryside as the

surrounding area was not typically open countryside. He suggested that there were already precedents for provision of dwellings outside settlement boundaries and referred to the application for 41 dwellings in Hawarden that had been permitted on appeal. Mr. Turner drew Members' attention to the fact that the application had not received any objections and reminded Members that the Council did not have a five year housing land supply and therefore queried how any dwelling could be deemed non-essential, as had been reported. He asked Members to note the previous approval for the replacement of a proposed garage with ancillary accommodation had the identical form and massing as this proposal and should therefore be acceptable in the open countryside. He referred to two sites in the area that had been submitted as candidate sites for the Local Development Plan and said that the report focussed on policy HSG7 but did not refer to HSG5 which had been raised in the design and access statement and was the policy that Mr. Turner felt the proposal could have been considered against. He felt that the site was a highly sustainable location for a new dwelling.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He said that the site was outside the settlement boundary and was in the open countryside and suggested that once the settlement had been breached, other proposals would come forward. The site in Hawarden had been approved on appeal because of the lack of five year land supply and Mr. Turner had mentioned that neighbouring sites had been submitted as candidate sites. He felt that these would be dealt with accordingly and that this application was being presumptuous. Councillor Gareth Roberts concurred and queried what could be said to applicants who had their applications outside the settlement boundary turned down if this application was approved.

The officer said that the previous permission for an annexe was permitted in policy terms but had not been forthcoming and what was being proposed was a new dwelling which was contrary to policy.

On the issue of candidate sites, the Planning Strategy Manager said that policy did not use words such as 'just outside' or 'nearly in' and was why the settlement boundary was a definitive line. He added that 41 dwellings in Hawarden was an entirely different circumstance to this proposal. Candidate sites had been put in for consideration but currently carried no weight in the determination of applications and policy HSG5 related to limited infill which it was not felt that this proposal complied with.

RESOLVED:

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

138. **FULL APPLICATION FOR THE ERECTION OF FIRST FLOOR EXTENSION TO SIDE OF DWELLING, ERECTION OF PORCH TO FRONT, FORMATION OF NEW ROOF WITH CREATION OF A SECOND FLOOR WITHIN THE ROOF SPACE AT "COPPER VIEW", PENTRE ROAD, PENTRE HALKYN, HOLYWELL, FLINTSHIRE (054664)**

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 main issues related to the raising of the wall plate and the roofline to provide accommodation in the roof space. The application was considered to be contrary to policies GEN1 and HSG12.

Mr. A. Jones, the applicant, spoke in favour of the proposal and said that he and his family had lived in the property for 18 months and had been praised for their enhancements to the dwelling. The application was proposing raising the front elevation by 400mm to allow the introduction of living space at the second floor level which would provide an overall height increase of 5.33% on the original dwelling. This would still be lower than the semi-detached properties to the north west of the building. The proposed roof lights would be tinted and would blend in and all elevations would be finished in the same materials as the original dwelling. The proposed extension over the single storey element would increase the floor space by 11 square metres and would facilitate a decent sized third bedroom. The dormer windows to the rear elevation would be set back from the gable end and would only be visible for a few metres in each direction and would not encroach on neighbour's space or light. There was only one dwelling to the rear of the property and this was over 400 metres away. The properties on Pentre Road varied in scale and colour and a dwelling three doors away was significantly taller than what was proposed in this application and was located much closer to the road. Mr. Jones felt that this proposal added to the mix of dwellings in the area rather than adversely affecting the streetscape. The original proposal included dormer windows to the front of the dwelling but this element had now been removed from the application. It was reported that the rooflights were too large but Mr. Jones felt that there were other properties in the vicinity with larger glassed aspects to the front of the dwellings.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He felt that the proposal would result in an imposing dwelling and was inappropriate in this area. Councillor Derek Butler concurred and felt that allowing this dwelling to become three storey would not be in keeping with the surroundings and would generate applications from other residents for similar proposals.

The Local Member, Councillor Matt Wright, spoke in support of the application. He agreed that there were a range of properties in the area and said that there had not been any objections to this proposal. The change to the roof line was very small and he asked the Committee to vote against the recommendation of officers to allow the applicant to develop his family home as he felt that the application was a reasonable interpretation of planning law.

Councillor Richard Jones agreed with the proposal to refuse the application and spoke of similar applications in Buckley. He felt that the proposal would have a significant detrimental effect on the neighbouring property which was a bungalow. Councillor Owen Thomas spoke in support of the application

and agreed that the properties in the road were of differing heights and scales and that the enhancements proposed would be an enhancement to the dwelling. Councillor Mike Peers said that it was reported in paragraph 2.01 that the scheme did not harmonise with the site. He sought clarification on the percentage increase and he suggested that the decision on whether to approve or refuse the application was a matter of opinion. Councillor Gareth Roberts said that there were a mix of dwellings in the area but felt that the decision to refuse the application to allow the property to become three storey was correct. Councillor Marion Bateman asked whether it was essential to raise the ridge height and whether the space would be uninhabitable if it was not raised.

In response, the officer said that he did not have the details of the percentage increase with him but that this was not the issue here. He added that the increase to the right hand side of the dwelling was below 50%. The increase in the ridge line would give the impression that the property was three storey and that the visual impact was a concern.

In summing up, Councillor Bithell said that it was a dominant building and that the provision of roof lights and a dormer made it a three storey dwelling. He felt that allowing a two storey side extension as well as raising the ridge height would make the property even more dominant. A similar proposal had been refused in 2015 and he felt that this application should also be refused.

RESOLVED:

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

139. **CHANGE OF USE TO A HOUSE OF MULTIPLE OCCUPATION AT 7 BREEZE HILL, CONNAH'S QUAY (054219)**

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 this was an enforcement generated application. He added that the property would need to be registered with Rent Smart Wales under the Housing (Wales) Act 2014.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He said that the property was already being lived in and the application would ensure the safeguarding of the residents.

RESOLVED:

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

140. **FULL APPLICATION - FORMATION OF DORMER TO FRONT OF DWELLING AT 7 SOMERFORD ROAD, BROUGHTON (054725)**

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 Derek Butler, 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 to Committee because the applicant was a Councillor.

Councillor Mike Lowe 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 Butler returned to the meeting and the Chairman advised him of the decision.

141. **GENERAL MATTERS - CONTINUATION OF USE OF LAND AS RESIDENTIAL GYPSY SITE ACCOMMODATING 9 FAMILIES ON 7 PITCHES, WITH A TOTAL OF 13 CARAVANS (NO MORE THAN 7 STATIC CARAVANS) AND RETENTION OF 3 NO. AMENITY BLOCKS AND ERECTION OF 1 NO. ADDITIONAL AMENITY BLOCK AT DOLLAR PARK, BAGILLT ROAD, HOLYWELL. (053163)**

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

The Housing & Planning Solicitor explained that he had received some correspondence from a person who he believed to be a complainant about the development indicating that they intended to write a letter of judicial review of the decision made at the 20th January 2016 meeting of the Committee. He had been asked if the application could be deferred until the letter of judicial review was received but as the letter did not indicate why the challenge was being made, the Housing & Planning Solicitor did not feel that a decision on the application should be deferred. During the meeting today he had been handed some email correspondence which he understood to be from a barrister on behalf of the complainant. He had not had the opportunity to read the email but said that if for any reason, following a decision on this application, there was a need to come back to committee with further legal advice arising from the email, he would do so.

The report before the Committee included two recommendations and the Housing & Planning Solicitor said that at the previous meeting, the decision had been to grant planning permission but Councillor Chris Bithell had asked for a condition relating to the provision of alternative sites earlier than the five years

temporary permission that had been granted. The recommendation at paragraph 7.01 had been put forward as he had found no precedent or reference in the guidance for anything other than a fixed time period and therefore the Housing & Planning Solicitor felt that to grant permission for five years was the safest option. However, at 7.02 he had drafted a recommendation that would at least provide certainty that should the Local Planning Authority identify an alternative site then notice could be given by them on this site and within six months of service of the notice, planning permission would come to an end.

Councillor Bithell spoke of a phone call that he had received whereby concern had been raised by a resident that material had not been shared with the Committee in relation to access and egress of the site. The resident had also indicated that lengthy discussions had taken place with the Senior Engineer – Highways Development Control and a dvd had been submitted showing the issue he was referring to. Councillor Bithell proposed the recommendation at 7.02 which was duly seconded. Councillor Gareth Roberts said that he had seen some of the footage and commended the individual for providing it. He felt that the application was for a permanent site but the committee had made the correct decision to extend the temporary permission. Councillor Roberts agreed that the recommendation at 7.02 was appropriate and suggested that the material that Members had not seen could have been material in their decision making on the application. He felt that it was not appropriate to refuse the application because there was a risk that permanent permission could have been granted on appeal.

The Planning Strategy Manager commented that it had been suggested at the previous meeting that the development plan would sort out this issue of sites, but this was not the case. He explained that the requirements of the new Housing Act required the authority to carry out an updated Gypsy and Traveller Accommodation Needs Assessment. This was currently ongoing but preliminary findings showed that there was a continuing need for pitches and the Act required the authority to act on that need. The needs of the Travellers on this site, with it being a temporary permission, were within the study that was ongoing and should be dealt with in a permanent way by an alternative solution.

RESOLVED:

That planning permission be granted in accordance with the recommendation set out in the officer's report considered by the committee on 20th January 2016 and subject to the additional condition set out in the late observations provided to that committee but with an amended condition in respect of the life of the permission that states "The use hereby permitted shall be for a limited period, being the period of five years from the date of this decision. If within the five year period of the permission the Council confirms in writing by way of notice served at the site, that in its opinion there is a suitable alternative site then planning permission shall cease within six months of the date of that written notice".

142. **GENERAL MATTERS - ERECTION OF A PAIR OF SEMI-DETACHED BUNGALOWS AT HEATHERDENE, VICARAGE ROAD, RHYDYMWYN (053534)**

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 October 2015 which was subject to a Section 106 (S106) agreement to ensure that the dwellings were made affordable either by selling at 70% market value or that the properties were let at an affordable rent at the Local Housing Allowance rate for the area. During the application process, the applicant had incurred additional costs as he had needed to provide an updated Flood Consequences Assessment and because of this, he was now asking that the dwellings be sold at 90% of market value. The Council had verified the costs submitted by the applicant and the officer was therefore proposing that the S106 agreement reflect that the dwellings be sold at 90% discount market value but include a clause that should the properties be valued at more than £135,000 then the market discount be increased incrementally from 10% to a maximum of 30%.

Councillor Chris Bithell asked what safeguards would be put in place to ensure that the properties were sold at open market prices. The Housing & Planning Solicitor advised that the S106 agreement would reflect the market value and this figure would need to be agreed with the applicant and the Local Planning Authority. If agreement could not be reached, the District Valuer would be asked to provide a market value figure.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded. He sought clarification about the 19 properties that had been built in Rhydymwyn, all of which were affordable homes and queried whether a S106 agreement was needed on this proposal. In response, the Planning Strategy Manager said that Rhydymwyn was a Category C Settlement where all new dwellings had to meet proven local need.

RESOLVED:

That planning permission be granted subject to the applicant entering into a Section 106 agreement/unilateral undertaking or earlier payment for the following contributions:-

- £733 per unit for recreation enhancements in lieu of on-site provision towards teenager play provision at 'Donkey Field' Rhydymwyn; and
- Ensuring that the properties are sold at 90% of the market value at time of sale if the market value is more than £135,000 then the financial appraisal shall be reassessed in order for the relevant discount market value to be applied; or
- The properties are rented at an affordable rent at the Local Housing Allowance (LHA) rate for the area.

143. **APPEAL BY MR. B. EVANS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE USE OF THE LAND FOR THE STATIONING OF CARAVANS FOR THE RESIDENTIAL PURPOSES FOR 1 NO. GYPSY PITCH TOGETHER WITH THE FORMATION OF HARD STANDING AND UTILITY/DAYROOM ANCILLARY TO THAT USE AT 8 RATCLIFFE ROW, CHESTER ROAD, PENTRE, FLINTSHIRE (052899)**

RESOLVED:

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

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

There were 25 members of the public and 1 member of the press in attendance.

(The meeting started at 12.00 pm and ended at 5.51 pm)

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Chairman