

# Public Document Pack

## **CHIEF OFFICER DECISIONS** **29 APRIL 2020**

Minutes of the Chief Officer decisions, Wednesday, 29 April 2020

During the emergency situation, we have adapted our processes so that urgent decisions can be made. We have introduced 'Individual Chief Officer' decision making so that such decisions are taken transparently and with due accountability. Chief Officer decisions will be made in consultation with the Chair of the Planning Committee, Chair of the Council and Leader of the Council. However, the views of all members of the Planning Committee will be a very important part of that decision making process and been sought and responded to where points of clarification have been requested.

### **63. REPORTS OF SENIOR PLANNING OFFICER**

#### **RESOLVED:**

- (a) That the decisions be recorded as shown on the Planning Application schedule, attached as Appendix 1 of the minutes;
- (b) That the views of the Local Member, Member of the Public, and Applicant/Agent, as shown as Appendix 2 of the minutes be noted; and
- (c) That the views of the Members of the Planning Committee, as shown as Appendix 3 and 4 of the minutes be noted.

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**Chairman**

**CHIEF OFFICER DECISIONS - 29 APRIL 2020**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	RESOLUTION	ACTION
060006	Flint Town Council	Full Application - Part Amendment to Layout Previously Permitted Under 046067, To Allow For the Erection of 19 Apartment Units in 3 Blocks at Flint Working Men's Club, Woodfield Avenue, Flint	To grant planning permission in accordance with the officer's recommendation with additional conditions to: <ol style="list-style-type: none"> <li>1. Require details and provision of bin storage</li> <li>2. Ensure the retention of the existing boundary hedge within any landscaping proposals</li> </ol>	RMH – issue the planning permission subject to a Section 106 Agreement and conditions as stated in the original recommendation plus the additional conditions specified
060782	Llanasa Community Council	Full Application - Regrading of Existing Agricultural Land at Nant-Y-Gro, Gronant	To grant planning permission in accordance with the officer's recommendation with additional conditions to restrict material to be deposited at the site to only derive from the adjacent housing development.	RMH – issue the planning permission to reflect the original recommendation and the imposition of the additional planning condition

Appendix 2

<b>Item No</b>	<b>Application Reference</b>	<b>Description</b>	<b>Local Member</b>	<b>Member of the Public</b>	<b>Applicant /agent</b>
1.1	060006	Full Application - Part Amendment to Layout Previously Permitted Under 046067, to Allow For the Erection of 19 Apartment Units in 3 Blocks at Flint Working Men's Club, Woodfield Avenue, Flint.	Response attached from Cllrs Johnson and Cunningham, shown at Appendix 3 of the report.  No response from Cllr Perfect.	No response	Response attached, shown at Appendix 2 of the report.
1.2	060782	Full Application - Regrading of Existing Agricultural Land at Nant-Y-Gro, Gronant.	No response from Cllr Braun	No response	Response attached, shown at Appendix 2 of the report.

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Planning Application 060006 - Full Application - Part amendment to layout previously permitted under 046067, to allow for the erection of 19 apartment units in 3 blocks at Flint Working Mens Club, Woodfield Avenue Flint																			
NAME	DATE	TIME	CLARIFICATIONS SOUGHT BY COUNCILLOR	RESPONSE FROM CASE OFFICER	DATE	TIME	RESPONSE												
Allport Mike	21/04/20	16.32			21/04/20	16.32	Support approval												
Attridge Bernie	22/04/20	15.27			22/04/20	15.27	I have no objections or questions to raise on either application and would vote in favour												
Basteman Marion	22/04/20	17.04	For future applications - Reason how particular application reached business criteria to be deemed urgent	Both applications require committee determination as they exceed the density / site area thresholds within the council's delegation scheme of 15 No units / 2ha respectively. The applicant has provided sufficient evidence to address at least some of the criteria to prove its urgency for a decision. Please see attached table.															
Blithell Chris	21/04/20	18.2	<p>1) The previous permission was for 15 units. Four of these have already been built and now the applicants are asking for 19 units more on the remainder of the site, making a total of 23 as opposed to the original 15. Is this overdevelopment of the site since it is noted that in terms of density this amounts to nearly twice the density that HSG8 seeks to achieve on a 0.4 ha site.</p> <p>2) It also states that the proposed car parking provision will result in a shortfall of 3 spaces but does not actually state in the report how many spaces they are actually providing so we can better assess the possible impact of this shortfall.</p> <p>3) It is unclear to me how the blocks will be configured around the car park court (a diagram would be useful) and in relation to the units already built.</p> <p>4) Last but not least how many bedrooms will these apartments have and how will these be distributed in each of the blocks?</p> <p>5) The written statement from the developers say that the apartments will be affordable. How will that be secured? Are they for letting at affordable rents or for part sale or both? The photos in the appendices are pretty but I unclear about what they are aiming to show us.</p>	<p>1) Density Policy HSG8 sets a minimum density of 30/dph on allocated sites within category A settlements, and the density of development it is acknowledged is nearly twice this figure. The acceptability of this scale of development has been judged not only in numerical terms, but taking into account its impact on existing character within this urban setting and separation distances relative to existing dwellings in proximity to the site.</p> <p>2) Car Parking Provision - The site layout proposes a total of 35 No parking spaces</p> <p>3) Site Configuration - Members are able to view all plans via the website for each application. The block plan shows the configuration of the blocks of flats.</p> <p>4) Apartment Distribution</p> <table border="1"> <tr> <td>Block A</td> <td>Block B</td> <td>Block C</td> </tr> <tr> <td>4 No 2 bedroom units</td> <td>4 No 2 bedroom units</td> <td>7 No 2 bedroom units</td> </tr> <tr> <td>2 No 1 bedroom units</td> <td>2 No 1 bedroom units</td> <td>TOTAL 7 No apartments</td> </tr> <tr> <td>TOTAL 6 No apartments</td> <td>TOTAL 6 No apartments</td> <td></td> </tr> </table> <p>5) Tenure - The site has been promoted as a General Market Affordable Housing Scheme for a mix of 1 / 2 bedroom units for first time buyers. The site benefits from registration on the Help to Buy (Wales) scheme, enabling buyers to secure a 20% shared equity loan from the government. The anticipated pricing will be under £100k. The number of units / site area fall under the thresholds for affordable housing to be secured under Policy HSG11, the applicant choosing to change the scheme from that previously proposed in light of market demand.</p> <p>Photographs - Photographs are usually taken prior to Planning Committee however due to lockdown measures officers have been unable to photograph the site. The images from google street view are to try to give members an understanding of the site and the characteristics.</p>	Block A	Block B	Block C	4 No 2 bedroom units	4 No 2 bedroom units	7 No 2 bedroom units	2 No 1 bedroom units	2 No 1 bedroom units	TOTAL 7 No apartments	TOTAL 6 No apartments	TOTAL 6 No apartments		27/04/20	14.12	Thank you for the further information and clarification from the officer concerned which I asked for in relation to the planning application No. 060006 for the erection of 19 apartments in three blocks in Woodfield Avenue, Flint. On the basis of this further detail, and clarification I am now minded to vote in favour of the officer's recommendation.
Block A	Block B	Block C																	
4 No 2 bedroom units	4 No 2 bedroom units	7 No 2 bedroom units																	
2 No 1 bedroom units	2 No 1 bedroom units	TOTAL 7 No apartments																	
TOTAL 6 No apartments	TOTAL 6 No apartments																		
Butler Derek	22/04/20	14.15			22/04/20	14.15	Approve												
Cox Dave																			
Davies-Cook Adele	22/04/20	14.02			24/04/20	23.25	I vote in favour of the officers recommendations.												
Dunbar Ian	22/04/20	17.38			27/04/20	10.56	Just to confirm I go along with the decision of the Officers for Approval												
Evans David	22/04/20	16.11			22/04/20	16.11	No objection												
Gay Veronica	23/04/20	15.43	<p>1) Question re marking bays, how many are allocated to site?</p> <p>2) Only comments I can make regarding the community council, as none are not meeting at present so unless delegated powers cannot offer a response, plus will the community council be consulted/informed re the 106 agreement and asked for their input?</p>	<p>1) It is proposed that 35 No parking spaces to serve the development are provided within the site.</p> <p>2) The legal agreement is required to secure a commuted sum payment in lieu of on - site recreational provision. The community council would not be involved in this process as the agreement is between the council /applicant to secure the required monies</p> <p>No response has been received from the Community Town Council despite the Council being consulted in 2019.</p>	23/04/20	15.43	Support Officer decision, including 6 month clause												

Hession Patrick	24/04/20	11.19	<p>1) I am not sure that a principle of urgent need is made out</p> <p>2) The application for development at the Woodfield Av site (060006) in Flint raises questions both in that urgent needs context and also because the information available is inconsistent</p> <p>3) The Woodfield site is an additional site use from a previous proposal which is arguably in conflict with the traffic issues in that area and not satisfactorily dealt with in the report. In this context there was objection from previous members about the impact on a valuable local footpath and these concerns remain.</p> <p>a) Request further such information before determination The report to members confirms a shortage of parking spaces</p> <p>b) The report does not contain any satisfactory traffic assessment with particular concern overlooked about significant traffic management changes in the wider area of the site</p> <p>c) The report advises a dwelling density double what is policy for the area.</p> <p>d) The report fails to advise on constraints about the footpaths in the locality previously a conditions advice in the earlier applications on 2009</p> <p>e) The report fails to advise as to why a previous application (2008/9) which members were advised had failed to comply with conditions then allowed four dwellings on site gravely prejudicing any further development on site.</p> <p>f) Furthermore the time lag between the original site considerations and the current proposals requires explanation</p> <p>responses required</p>	<p>1)The applicant has provided sufficient evidence to address at least some of the criteria to prove its urgency for a decision. Please see attached table.</p> <p>2) In respect of 060006 – See 1 (above )For clarification the proposal is for a total of 19 No 1 &amp; 2 bed apartments</p> <p>3) The Site at Woodfield Avenue ( 060006 ) previously operated as a working mens' club and this was a factor considered by Highways in support of the application for redevelopment of the site in 2014 for residential purposes. Consideration of this application has been re-assessed from a highway perspective, and there is no objection from the Highway Development Control Manager subject to conditions. For information there is no impact on any adjacent footpaths as part of the application.</p> <p>a) The report does acknowledge a shortfall of 3 No spaces but supports the development having regard to its sustainable urban location.</p> <p>b) The impact on the existing highway network has been considered by the Highway Development Control Manager. The scale of the development and existing highway configuration did not require the submission of a Transport Assessment.</p> <p>c) Policy HSG8 sets a minimum density of 30dph on allocated sites within category A settlements, and the density of development it is acknowledged is nearly twice this figure. The acceptability of this scale of development has been judged not only in numerical terms, but taking into account its impact on existing character within this urban setting and separation distances relative to existing dwellings in proximity to the site.</p> <p>d) there is no impact as part of this application on any footpaths in proximity to the site</p> <p>e) the four dwellings on the site frontage have been constructed relative to the previous permission for 15 No dwellings in 2014. The impact / relationship to these existing units has been carefully assessed recognising the need to provide adequate separation distances to maintain the living conditions of existing /proposed occupiers</p> <p>f) the time lag is explained by the fact that site has been acquired by the current applicant since the previous permission was commenced. In light of market conditions it is proposed to develop the site in a different form to that previously permitted.</p>	27/04/20	16.35	<p>In the above I have received the Advice from you and in terms of the proposals I am not of the view that the recommendation is supportable</p> <p>In general terms all such applications merit a fair consideration in terms of the proportionate need and its relevance to the planning policies which apply</p> <p>In this case the proposals are complex. They are in one sense being argued as a continuation of a previously approved development but it is clear that that is not the case. Moreover the latest information makes it clear that there is in fact here a new developer and that to all intents and purposes this is new application to be judged on its separate merits</p> <p>In deed the first application in 2008 appears to have been subsequently part approved without a committee presentation. It appears that the new application would probably not have succeeded as it now stands.</p> <p>It is accordingly arguably necessary that the changed circumstances for this development require a fresh judgement about its planning merits and its conformity to policy</p> <p>In this regard it is clear that these proposals for the development is of and for a more considerable impact for this catchment area. It significantly breaches density requirements and not misleadingly, nearly so as claimed, but over twice the policy advice, and given that this is now shaped into three blocks, the visual and appearance impact is wholly not in keeping with the catchment area. Moreover in this context the provision of adequate traffic infrastructure is ill conceived. There is clearly insufficient parking provision and poor provision for vehicle access to the occupants and their entries and doorways and dustbins uses</p> <p>In this regard the information provided with the applications lacks clarification over the floor plans for the blocks</p> <p>Some thoughts also have to be about the presentation to committee under the use of its urgency. FCC has under current WG guidance invoked special arrangements for dealing with applications but in this case this site has been under consideration for over ten years and WG has been clear that urgency on the grounds of non de termination does not apply. Commercial interests of speculators is not relevant</p> <p>In this context also I think members should see the details of the pre application engagement and copies of the file notes to be assured that this matter is in line with emergency policies. Noting also that the previous members representations were deeply concerned about local Rights of Way pathways through this site and these do not appear to have been addressed</p> <p>I accordingly do not feel able to support the recommendation and reserve the right to take the concerns further</p>												
Hughes Dave																			
Hughes Kevin	22/04/20	11.14	Consideration to be given to include a bin store in the conditions should you feel it appropriate	There is no objection from an officer perspective to the imposition of a condition requiring bin store details to be submitted /approved as suggested. This wld be included in any planning permission.	26/04/20	11	I would vote with officer's recommendations												
Jones Christine	22/04/20	16.28			27/04/20	10.48	I will vote with officer recommendations												
Jones Richard	21/04/20	18.22	What is the economic impact that is so great that a decision is required through these emergency powers	The decision has already been made that it need to be considered under the urgent process and we are now just consulting planning committee members about the merits of the applications themselves rather than the decision to deal with them on the urgent basis, the applicant has provided	27/04/20	16.45	I am minded to vote in favour												
Lloyd Richard					24/04/20	20.09	vote in favour of application 060006 under option a) the officers recommendation												
Mullin Billy	22/04/20	11.44			22/04/20	11.44	Approve												
Peers Mike	24/04/20	14.34	<p>It would be useful if floor plans were provided with the application (and future applications presented to committee).</p> <p>Referring to this application on the Council's website, floor plans are shown under reference "Amended 03.02.2020 Floor Plans ..." and by clicking on the link the only floor plans that I can see are for only 15 apartments (not 19). (See attached Sheets)</p> <p>The representations from the developer, dated 17th April 2020, advises (in Paragraph 2) that "Flint is in dire need of 1 / 2 bed affordable apartments ....". Notwithstanding the floor plans only showing 15 apartments I see no 1 bed room apartments proposed in this application, that the developer is so concerned about.</p> <p>Perhaps the developer can be contacted and requested if he would be minded to propose a further amendment to include some 1 bed apartments (in lieu of some of the 2 or 3 bed apartments) based on the developers own concerns, and beneficial to the local community.</p>	<p>The case officer acknowledges and takes responsibility for not updating the relevant plans on the website. This issue is now being addressed and members will be able to view the amended plans on the website. It is confirmed that the proposal is for a total of 19 No apartments distributed as follows:</p> <table border="1"> <tr> <td>Block A</td> <td>Block B</td> <td>Block C</td> </tr> <tr> <td>4 No 2 bedroom units</td> <td>4 No 2 bedroom units</td> <td>7 No 2 bedroom units 2</td> </tr> <tr> <td>No 1 bedroom units</td> <td>2 No 1 bedroom units</td> <td>No 1 bedroom units</td> </tr> <tr> <td>TOTAL: 6 No apartments</td> <td>TOTAL 6 No apartments</td> <td>TOTAL 7 No apartments</td> </tr> </table> <p>The site has been promoted as a General Market Affordable Housing Scheme for a mix of 1 / 2 bedroom units for first time buyers</p>	Block A	Block B	Block C	4 No 2 bedroom units	4 No 2 bedroom units	7 No 2 bedroom units 2	No 1 bedroom units	2 No 1 bedroom units	No 1 bedroom units	TOTAL: 6 No apartments	TOTAL 6 No apartments	TOTAL 7 No apartments	27/04/20	15.16	For Application 060006 I vote in favour of the Officers recommendation
Block A	Block B	Block C																	
4 No 2 bedroom units	4 No 2 bedroom units	7 No 2 bedroom units 2																	
No 1 bedroom units	2 No 1 bedroom units	No 1 bedroom units																	
TOTAL: 6 No apartments	TOTAL 6 No apartments	TOTAL 7 No apartments																	
Phillips Neville	22/04/20	14.25			27/04/20	11.32	I am minded to VOTE in FAVOUR of the Officers recommendation(without comments)												
Thomas Owen	23/04/20	13.04			27/04/20	14.22	I vote in favour of the officers recommendations on application 060006.												
Wainger Dave																			

Planning Application 060782 - Full Application - Regrading of Existing Agricultural Land at Nant-Y-Gro, Gronant								
NAME	DATE	TIME	CLARIFICATIONS SOUGHT BU COUNCILLORS	RESPONSE FROM CASE OFFICER	DATE	TIME	RESPONSE FROM COUNCILLOR	
Allport Mike	21/04/20	16.32	Subject to issues of contaminated land on site being satisfactorily resolved	Conditions are recommended to be imposed on any permission to address land contamination concerns	21/04/20	16.32	I support approval subject to issues of contaminated land on	
Attridge Bernie	22/04/20	15.27			22/04/20	17.04	I have no objections or questions to raise on either application and would vote in favour	
Bateman Marion	22/04/20	17.04	Reason how particular application reached business criteria to be deemed urgent for future applications	Both applications require committee determination as they exceed the density / site area thresholds within the council's delegation scheme of 15 No units / 2ha respectively. The applicant has provided sufficient evidence to address at least some of the criteria to prove its urgency for a decision. Please see attached table.				
Bithell Chris	21/04/20	18.2			27/04/20	14.12	Vote in favour of the officer's recommendation of the other application. No 060782 for the regrading of the land in Nant y Gro, Gronant.	
Butler Derek	22/04/20	14.15			22/04/20	14.15	Approves	
Cox Dave								
Davies-Cook Adele	22/04/20	14.02			24/04/20	23.25	I vote in favour of the officers recommendations.	
Dunbar Ian	22/04/20	17.38			27/04/20	10.56	Just to confirm I go along with the decision of the Officers for Approval	
Evans David	22/04/20	16.11			22/04/20	16.11	No objection	
Gay Veronica	23/04/20	15.43	I feel that if the necessary testing was done as a prior condition with the results found to be of an acceptable standard I believe this application can be granted and would be beneficial to the community	For confirmation the officer recommendation is to support the application subject to conditions.	27/04/20	17	In light of the concerns re the second planning application as my view has changed and I would not support the Officers recommendation to refuse as I feel the application should be approved	
Heesom Patrick	23/04/20 24/04/20	16.57 11.19	I am not sure that a principle of urgent need is made out	Both applications require committee determination as they exceed the density / site area thresholds within the council's delegation scheme of 15 No units / 2ha respectively. The applicant has provided sufficient evidence to address at least some of the criteria to prove its urgency for a decision. Please see attached table.				
Hughes Dave								
Hughes Kevin	22/04/20	11.14	7.08 the Council's Contaminated Land Officer raises concerns that we need to ensure material deposited is inert material. Should we perhaps include a condition that clearly states only material from the adjoining site is to be deposited at this particular site?	The land contamination officer has suggested the imposed condition relating to inert material. A further condition could be imposed to state "only material from the adjoining site can be deposited"	26/04/20	11	I would vote with officer's recommendations	
Jones Christine	22/04/20	16.28			27/04/20	10.48	I will vote with officer recommendations	
Jones Richard	21/04/20	18.22	What is the economic impact that is so great that a decision is required through these emergency powers	The decision has already been made that it need to be considered under the urgent process and we are now just consulting planning committee members about the merits of the applications themselves rather than the decision to deal with them on the urgent basis.  Both applications require committee determination as they exceed the density / site area thresholds within the council's delegation scheme of 15 No units / 2ha respectively. The applicant has provided sufficient evidence to address at least some of the criteria to prove its urgency for a decision. Please see attached table.	27/04/20	16.45	I am minded to vote in favour	

Lloyd Richard						24/04/20	20.09	Vote in favour of application 060782 under option c) the officers recommendation with the added condition if possible that only material from the adjoining site can be deposited on the land as suggested by Councillor Kevin Hughes
Mullin Billy						22/04/20	11.44	Approves

Peers Mike	23/04/20	14.34	a) Please complete the reason for the Emergency Decision (the paragraph appears unfinished).	a) Noted to be amended	27/04/20	15.16	For Application 060782 I vote in favour of the Officers recommendation
			b) The "Economic Impact to the developer" is quoted as one of the reasons. Wates Construction Ltd is a recognised business partner working with Flintshire County Council. Is a declaration of interest necessary, and is this working relationship a factor in determining that this application should be considered for urgent consideration by the planning committee?	b) This application falls to be determined in accord with established planning policies as Wates are the partners working in conjunction with FCC to assist in progression of SHARP housing programme. It is not considered that a declaration of interest is required in these circumstances. The urgency in determination of the application is based on economic considerations primarily the need to secure the provision of the affordable units within specific timeframes to avoid loss of Welsh Government funding.			
			c) Section 5.1 of the officer report under Site History, advises a previous application (on this site) is 058304. Reading the report section 1.01 it implies that application 058304 relates to an adjacent site not the land subject to regrading in this application (060782). Please clarify if the site proposed to be regraded in this application is part of the site that was granted permission in august 2018, or not.	c) The land to be regraded is adjacent to but does not form part of that forming the site for the residential development permitted under 058304			
			d) Is the regrading of the land simply not a convenience to "get rid" of the waste from the existing construction site?. Is there any other reason to regrade the existing agricultural land other than use it to conveniently dispose of the waste from a Council partner?	d) The finished floor levels of the adjacent approved housing need to be carefully managed to protect the living conditions of existing and future occupiers. The intention to use the adjacent field which is in Council ownership has always been a consideration. It is a far more sustainable approach to distribute the soil on the adjacent site rather than extract the soil require it to be transported through the village for use elsewhere. Material only becomes waste when it is discarded. When material can be used within an overall scheme for which there is a planning permission, which including adjoining land and it is needed for those overall agreed levels, it is not a waste. In addition, this will significantly reduce vehicle traffic movement through the surrounding residential area, minimising the impact on the environment and local residents.			
e) Please indicate why it is considered acceptable under policy (and which policy) under section 7.05.	e) A number of relevant policies to determination of this application are generically referenced in paragraph 6.01 of the report but the key site specific Unitary Development Plan Policies taken into account to support the application ( subject to conditions )from a policy perspective are STR 10 - the development makes the best use of resources by minimising the production, transport and disposal of resources and waste based around the waste management hierarchy, this includes using the proximity principle, GEN1 - the development harmonises with the site and surroundings and L1 - the development maintains the character and appearance of the landscape.						
f) I concur with the concerns of the Council's contamination Land officer under section 7.08. Rather than a planning condition, members should seek assurance of the impact of depositing the "waste" on the existing agricultural land before permission is granted.	f) Whilst noting the response from the Council's Contaminated Land Officer the suggested condition has been agreed with same Contamination Officer who has agreed it would still provide the mechanism whereby deposit of the material is carefully controlled /managed.						
Phillips Neville	22/04/20	14.24			27/04/20	11.32	I am minded to VOTE in FAVOUR of the Officers recommendation
Thomas Owen	23/04/20	13.04	1) I see that the site is classified as improved grassland this doesn't tell us what grade it is now and how it was improved? 2) When soil is removed from a building site a percentage will be clay and this will not improve the land, will it be graded. 3) Is there a demand for this soil to be recycled and used to reinstate other sites or areas, these are questions that should be asked. If the question can be answered or there are policy that cover the removal of soil I will go with the officers recommendations.	1) There is no formal reference to the Agricultural Land Classification in the submitted documentation although it is understood that fertilisation has been undertaken to improve its quality over time. The proposal is to maintain this existing agricultural land value 2) Material from the construction site will include both topsoil and clay. Stripping of topsoil will also occur on the grassland site. Officers have been advised that the contractor will ensure that reinstatement of the site is undertaken in a rational manner so that the replaced clay arisings are covered with replaced topsoil. This is to be secured by a suggested planning condition as covered in the committee report 3) Officers have been advised that there is no demand or requirement for the topsoil to be recycled on other sites.	27/04/20	14.22	I vote in favour of the officers recommendations on application 060782 with the conditions The soil is screened before it is moved on to land
Wisinger Dave							