

**PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**4 SEPTEMBER 2013**

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 4th September, 2013

**PRESENT: David Wisinger (Chairman)**

Councillors: David Cox, Ian Dunbar, David Evans, Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, Christine Jones, Richard Jones, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts, Carolyn Thomas and Owen Thomas

**SUBSTITUTES:**

Councillors: Paul Shotton for Chris Bithell, Mike Lowe for Derek Butler and Marion Bateman for Carol Ellis

**APOLOGY:**

Councillor Ray Hughes

**IN ATTENDANCE:**

Head of Planning, Development Manager, Interim Team Leader Policy, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Support Officers, Democracy & Governance Manager, and Committee Officer

54. **DECLARATIONS OF INTEREST**

Councillor Ian Dunbar declared a personal and prejudicial interest in the following application and explained that having taken advice from the Democracy & Governance Manager, he would leave the meeting during discussion of the application:-

**Agenda item 6.1 – Full application – Erection of 42 no. dwellings at land adjacent to Fair Oaks Drive, Connah's Quay (050800)**

Councillor Paul Shotton declared a personal and prejudicial interest in the following application and explained that having taken advice from the Democracy & Governance Manager, he would leave the meeting once he had spoken on the application for up to three minutes:-

**Agenda item 6.4 – Full application - Construction of a new modular building to provide Flying Start services at Linden Avenue, Connah's Quay (050870)**

Councillor Carolyn Thomas declared a personal interest in the following application as Chair of the Area of Outstanding Natural Beauty:-

**Agenda item 6.9 – Full application – Erection of an anemometer mast (up to 80m) for the temporary period of three years at land at Ffrith y Garregwen, Caerwys (050880)**

Councillor Neville Phillips declared a personal and prejudicial interest in the following application and explained that having taken advice from the Democracy & Governance Manager, he would leave the meeting during discussion of the application:-

**Agenda item 6.12 – Application for outline planning permission – for the demolition of Sunnyside and 66A Mold Road and the erection of 58 houses including details of access, appearance, layout and scale at land rear of 66A Mold Road, Mynydd Isa (048042)**

In line with the Planning Code of Practice:-

Councillor Billy Mullin declared that he and Councillors Derek Butler and Mike Lowe had been contacted on more than three occasions on the following application:-

**Agenda item 6.2 – Reserved Matters – Details of appearance, landscaping, layout and scale submitted in accordance with condition no. 1 attached to planning permission ref: 038189 at Broughton Park, Broughton (050796)**

The Democracy & Governance Manager confirmed he had advised Councillor Christine Jones she did not have an interest in agenda item 6.4.

55. **LATE OBSERVATIONS**

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

56. **MINUTES**

The draft minutes of the meeting of the Committee held on 24<sup>th</sup> July 2013 had been circulated to Members with the agenda.

Councillor Alison Halford referred to minute number 44 on page 11 and said that she had been emailed by the applicant who had serious concerns about the accuracy of the minutes. She felt that the minutes were not a true record of what had been said by Councillor Chris Bithell. Councillor Halford said that Councillor Bithell had said that Deer Lodge had already been extended and that the other buildings in the Ffynnon Farm complex had not been extended or significantly changed. The suggested amendment to the minute was duly seconded.

The Democracy & Governance Manager advised Members that officers were satisfied that the draft minutes were a correct record of the meeting.

Councillor Mike Peers said that on the site visit it had been pointed out that the adjacent building had been extended.

On being put to the vote, the amendment to the minute was CARRIED.

**RESOLVED:**

That subject to the suggested amendment, the minutes be approved as a correct record and signed by the Chairman.

57. **ITEMS TO BE DEFERRED**

The Head of Planning advised that deferment of the following applications was recommended:

**Agenda item 6.1 - Full application – Erection of 42 no. dwellings at land adjacent to Fairoaks Drive, Connah’s Quay (050800) – following a request to allow the applicant time to provide a revised viability assessment.**

On being put to the vote, the proposal to defer the application was CARRIED. Councillor Ian Dunbar left the room during consideration of this item.

**Agenda item 6.9 – Full application – Erection of an anemometer mast (up to 80m) for the temporary period of three years at land at Frith y Garregwen, Caerwys (050880)**

Councillor Jim Falshaw, the local Member, proposed that the application be dealt with at this meeting which was duly seconded.

The Head of Planning explained that the applicant had requested deferment to allow them to consider revising the height of the mast from 80m to 60m and to reduce the temporary period from three years to two years and for re-consultation to take place.

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

Following a query from Councillor Richard Jones about whether the Committee Members could be advised in advance of the meeting that applications were to be deferred so that interested parties could be informed to prevent them having to attending meetings to hear the debate if the applications were not to be considered, the Democracy & Governance Manager advised that once the application had been included on a published agenda, requests for deferment had to be dealt with at the meeting.

**RESOLVED:**

That agenda item 6.1 (Full application – Erection of 42 no. dwellings at land adjacent to Fairoaks Drive, Connah’s Quay) (050800) be deferred.

58. **RESERVED MATTERS - DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE SUBMITTED IN ACCORDANCE WITH CONDITION NO. 1 ATTACHED TO PLANNING PERMISSION REF: 038189 AT BROUGHTON PARK, BROUGHTON (050796)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 2<sup>nd</sup> September 2013.

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

The officer detailed the background to the report explaining that the site was granted outline planning permission in September 2012.

Mr. T. Astle, the agent for the applicant, spoke in support of the application. He referred to the officer's report and the well thought out layout for the site and said that there had been no objections from statutory consultees. He referred to the comments of Broughton & Bretton Community Council but the applicant felt that their views had changed following the inclusion of condition 7 on the application for a future footpath link from the site into the adjacent Town Council Park. The applicant intended to create a high quality development which included affordable housing, public open space and a landscape buffer to separate the development from the existing residential properties.

Councillor S. Stevens from Broughton & Bretton Community Council spoke against the application. She referred to the Town Council Park which had been made into an enclosed unlit area to encourage natural habitats. She said that a thoroughfare through the middle of the park was not wanted by the Community Council and she was surprised about the construction of a path alongside the A55 which it was felt would not be beneficial to residents. Councillor Stevens said that the application site would not be unique in not having access to the village and that the most obvious solution would be to create a tarmac path, which could be lit, on the opposite side of the houses to cause less disturbance and not divide the park.

Councillor Mike Lowe proposed deferment of the application to allow further discussions about what had been proposed by the Broughton & Bretton Community Council and also on the possible interchange, which was duly seconded. Councillor Billy Mullin said that the concerns had been raised at the public inquiry and that discussions had taken place with the developer about access from the site into the village. He concurred that it was more appropriate to put the path at the edge of the Council Park and referred to the dangers of having a footpath close to the A55. Councillor Mullin reminded Members that discussions had been undertaken with Welsh Government about the requirement for an interchange in principle. He concurred that the application should be deferred so that the areas of concern that had been raised could be addressed.

Councillor Mike Peers felt that the application needed to be amended if it was to be deferred and brought back to the Committee as there did not seem to be adequate space for an interchange. He suggested that a plan be shown which included a potential sliproad and he urged the applicant to reflect this in his application.

The Development Manager reminded Members that none of the recent planning permissions in the area had required the construction of an interchange. However, he confirmed that land which was outside the application site was sufficient for the construction of an interchange if it was required at some point in the future and nothing within this application would prejudice this. He explained that the direct access to the park was required to allow the residents of the new

houses the use of this facility. He queried the reason for deferment on the basis that if members did not agree that this access was required they could vote to remove Condition 7. Councillor Lowe said again that access into the park was not needed as the new residents could walk round to the existing access. Councillor Lowe reiterated that deferment was to allow for further discussions on the footpath link and the interchange.

**RESOLVED:**

That the application be deferred to allow for further discussions on the footpath link and the interchange.

59. **VARIATION OF CONDITION NOS 6, 8, 9, 13, 15, 16 & 18 IMPOSED ON PLANNING PERMISSION REF: 048780 TO ALLOW FOR A PHASED APPROACH FOR THE UNDERTAKING OF (A) A SCHEME FOR FACILITIES FOR THE PARKING, TURNING AND UNLOADING OF VEHICLES (B) EXTENDED LIGHTING (C) A SCHEME FOR THE COMPREHENSIVE DRAINAGE OF THE SITE (D) A SCHEME OF ECOLOGICAL MITIGATION (E) THE PROVISION OF TREE/HEDGEROW PROTECTION (F) THE INTRODUCTION OF REPLACEMENT WINDOWS/DOORS AND (G) VENTILATION EQUIPMENT RATHER THAN THE REQUIREMENT FOR ALL DETAILS TO BE PROVIDED BEFORE THE USE OF ANY PART OF THE SITE COMMENCES AS CURRENTLY PERMITTED AT "BANK FARM", LOWER MOUNTAIN ROAD, PENYFFORDD, NEAR CHESTER (050921)**

The Committee considered the report of the Head of Planning 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 Head of Planning introduced Mr. Rhys Davies, a consultant, who would present the report on the application.

Mr. R. Davies detailed the background to the report and referred Members to the late observations. He advised Members of the comments from the adjoining ward Member, Councillor Cindy Hinds, which included that she felt that the Community Council and residents were continually having their views disregarded and that the latest application wanted to drastically alter the application for light industrial use by removing the majority of the critical safeguards and conditions of the original application. Mr. Davies provided full details of the conditions which the application was seeking to vary and explained that the current wording required details to be submitted and implemented in full before any development on the site. If the application was approved, the conditions would still require the details to be submitted prior to commencement but the development could be carried out in phases. Consideration had to be given as to whether conditions applied met the tests set out in Welsh Government (WG) Circular 35/95 which included the tests of necessity and reasonableness. The applicant felt that the conditions as currently set out failed those tests as they required implementation of a number of matters in full prior to the occupation of any part of the development. As a result of the conditions the applicant had been unable to secure development funding and it was reported

that the conditions in their current form could fail the tests of necessity and reasonableness.

A member of the public asked a question and was advised by the Chairman that he was not able to speak.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded. He highlighted paragraph 7.11 and said that there was a need to move forward. Councillor Mike Peers concurred and said that he had no hesitation in supporting the application.

The member of the public spoke again and was advised by the Democracy & Governance Manager of the procedure under paragraph 20.1 of the procedural rules that he would be removed from the Chamber if he continued to interrupt the meeting.

Councillor Carolyn Thomas raised concern about the number of changes to the conditions and queried why so many conditions had been included on the application. She said the application had permission with conditions for light industrial use and that to remove the conditions would have an impact on the area. Councillor Thomas also queried why the application for housing on the site was not shown in the site history.

Councillor Ron Hampson said that it made sense to develop it bit by bit. He added that the conditions were still stringent. Councillor Richard Jones said that the current conditions did not pass the tests in the WG 35/95 circular and that they were put in place when it was proposed that the site would be for a single user but that was now not the case.

Mr. Davies concurred with the comments of Councillor Jones. He added that Planning Policy Wales (PPW) had also been changed in line with broader economic developments since the application was approved in January 2012 and to retain the conditions would be contrary to PPW guidance. The safeguards were still in place and would ensure that each element of the site could work in isolation and not impact on the biodiversity of the site. Mr. Davies also referred Councillor Thomas to the site history where the application for housing which had been withdrawn was included.

**RESOLVED:**

That the conditions be varied as detailed in the report of the Head of Planning.

60. **FULL APPLICATION - CONSTRUCTION OF A NEW MODULAR BUILDING TO PROVIDE 'FLYING START' SERVICES AT LINDEN AVENUE, CONNAH'S QUAY (050870)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the site was 1.5 hectares with the new building being constructed on 0.3 hectares.

The car park area was also to be re-sited to the rear of the existing school. It was felt that there would be no adverse impact on Linden Avenue. It was reported that the proposal would involve the siting of the building and associated external play areas on land which was initially established as a nature area for use in connection with the school to the rear of properties at Linden Court.

Ms. G. Bolt spoke against the application. She said that she was not against the Flying Start building but was concerned about the security of her property, her lack of privacy and the extra traffic that would be created. The application proposed the provision of a 1.8m high close boarded fence to the rear of the existing properties and Ms. Bolt queried whether this could continue along the side of her dwelling.

Councillor Paul Shotton welcomed the construction of the building for the Flying Start service but raised concern about the loss of privacy and amenity for existing residents. He felt that the concerns could be addressed by the continuation of the fence. He had been advised that key trees would be retained and that the planting of additional trees would be undertaken. He also raised concern about possible conflict between pedestrians and vehicles using the access to the site due to the increased amount of traffic. Councillor Shotton, having earlier declared an interest in the application, left the meeting prior to the debate.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He welcomed the application and the provision of the Flying Start service for pre-school children and sought assurance that the conditions would be met. Councillor Christine Jones said that it was a fantastic scheme which had been funded by Welsh Government. Councillor Richard Jones said that it was important to protect the privacy of existing residents and proposed an amendment to condition 14 to include the boarded fence to the rear and side of the existing properties. The amendment was duly seconded.

In response to the comments made, the officer said that the formation of the new pedestrian link would alleviate the conflict between vehicles and pedestrians. He said that the proposal was only for fencing to the rear of the existing properties but that if Members felt that this was a fundamental point, then the condition could be changed to take account of the amendment.

In summing up, Councillor Dunbar said that the traffic would increase due to the establishment of the Flying Start service and that this would have an effect on the privacy of the residents. He felt that it was important that the suggested amendment to condition 14 be included.

On being put to the vote, the proposal to amend condition 14 for the provision of the 1.8m close boarded fence to the rear and side of the existing properties was CARRIED. This then became the substantive motion and on being put to the vote was also CARRIED.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning including the amendment to condition 14 for the

1.8m high close boarded fence to be erected at the rear and side of the existing properties.

61. **FULL APPLICATION - CHANGE OF USE FROM CHAPEL TO DWELLING AT FFORDD Y LLAN, TREUDDYN (050729)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 2<sup>nd</sup> September 2013. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report explaining that the main issues were the use of the building for residential use, the creation of a new vehicular access on to the A5104 Corwen Road and the provision of parking facilities. On the provision of the residential re-use of the building, the site was in the settlement boundary of Treuddyn which was a Category B settlement. Policy HSG3 permitted the change of use of non residential buildings to dwellings provided that it would not cumulatively result in more than 15% growth since 2000 and the development was justified on the grounds of housing need. She added that Treuddyn was in excess of its 15% growth but that there were also other elements to consider. There was already a significant element of affordable housing provision and it would be difficult to secure an appropriate economic re-use of the building, which in itself was worthy of being retained and it was therefore considered that a residential use was the best option for the re-use of the building. On the issue of access and highways issues, the officer explained that a new access to the site was to be created which had been the subject of lengthy discussions with Highways officers who were satisfied that it was suitable. An additional condition from the Head of Assets and Transportation was reported in the late observations.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He said that the building was worthy of retention in the community. Councillor Owen Thomas commented on the structural survey which had been undertaken and spoke of the number of cracks in the walls which were bowing.

The local Member, Councillor Carolyn Thomas, said that a lot of concerns had been addressed by the conditions which had been attached to the recommendation but that there were concerns about the gabion walls. She also queried whether it was possible to put a completion date on the application and sought assurance about the width of the access and the visibility splays.

Councillor Alison Halford asked whether a retaining wall would be erected. Councillor Mike Peers raised concern about the closeness of the site to the road but said that he had been advised that the application met requirements. He felt that condition 6 about parking facilities should be more robust and he queried whether a turning area was to be provided. Councillor Peers sought clarity on the exceptions to the policy on local housing need and commented upon an application in Ewloe. Councillor Richard Jones commented on policy HSG3 and asked whether permitted development rights could be removed if permission was granted.



In response to the comments made, the officer said that a structural survey had been submitted and had been considered by the Council's Structural Engineer. The gabion wall was the subject of a condition which required further details and the officer explained that the retaining wall could also be included in this. On the issue of parking, she explained that the additional condition included in the late observations was for adequate parking to be provided and retained within the site for the parking and turning of three vehicles. In response to Councillor Peers' comment about local housing need, the officer explained that this was for a conversion and the application in Ewloe had been for a new build. She went on to provide further detail.

Councillor Richard Jones proposed an amendment for the removal of permitted development rights and this was duly seconded. On being put to the vote, the amendment was CARRIED.

The Senior Engineer - Highways Development Control advised that there were no objections from Highways and that the plan proposed the access as far from the junction as was possible and that it would provide turning and parking for three vehicles on the site. She added that the application complied with TAN 18 visibility requirements.

**RESOLVED:**

That planning permission be granted subject to the amendment to condition 7 as reported in the late observations, the additional condition to remove permitted development rights and subject to the conditions detailed in the report of the Head of Planning.

62. **FULL APPLICATION - LANDSCAPING WORKS TO PRACTICE AREA AND ERECTION OF PRACTICE NETS (IN RETROSPECTIVE) AT OLD PADESWOOD GOLF CLUB, STATION LANE, PADESWOOD, BUCKLEY (050836)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 2<sup>nd</sup> September 2013. 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 Development Manager detailed the background to the report and explained that the works which were the subject of this application included the creation of an earth mound, approximately 1m in height, and the installation of practice nets measuring 6m wide by 3m deep and 3m in height. The area was already used as part of the golf club as a practice area and only the operational works of changing the site levels through the importation of material and the erection of practice nets was to be considered under this application. Officers had prepared a plan which was displayed for the Committee which clarified the relationship of the various parts of the development and the impact on nearby dwellings including Hawthorn Cottage. The Development Manager explained that mention had also been made of a gateway onto Station Lane but no additional use of this access was proposed in this application and its purpose appeared to be to allow access onto the area for maintenance vehicles.

Mr. B. Ezra spoke against the application and raised concern about the comments in the report about the harm to the residential amenity of the occupants of Hawthorn Cottage. He said that they had to put up with an increasing amount of bad language and players being within paces of their fence and unsupervised children creating noise, all of which Mr. Ezra found unacceptable. He said that his property had been in place before the golf course and asked the Committee to consider the removal and re-siting of the bunker to reduce the permanent impact on the residential amenity for himself and his family.

Mr. R. Lydon, the greenkeeper at the Golf Club, spoke in support of the application. He said that the area had previously been used as a putting green and the nets which were proposed in this application would be sited in the same place as those which were previously in place; the chipping green was also located in the same area as before. He had spoken to Mr. Ezra about his concerns and had placed all of the elements that he could out of line from Hawthorn Cottage. The golf club offered first class conditions and Mr. Lydon explained that in the past, members had left the golf club because of the lack of facilities. The proposals in the application would enhance the facilities and would allow a part of the site which could not be used from October to April because of its poor condition and drainage to be brought into use. Mr. Lydon said that the club had strict rules on conduct and said that he was unaware of the issue of bad language being used in the vicinity of Mr. Ezra's property. He added that Mr. Ezra had removed a hedge which opened up his property onto views of the golf course.

Councillor Richard Jones proposed the recommendation for approval which was duly seconded. He said that the land had already been in use and queried why the application had been submitted to the Committee.

Councillor Gareth Roberts said that had the fairway been sited closer to the property then the balls flying into the gardens could be a problem but he could not see what extra dangers siting the bunker, greens and nets as shown in the proposal would cause. Councillor Owen Thomas said that work had been carried out without consultation and said that the bunker was sited very close to Hawthorn Cottage. He asked if a restriction could be put on the hours of use. Councillor Ron Hampson said that the mound was very intrusive and suggested that it could have been sited elsewhere. He said that the owner of Hawthorn Cottage had asked for negotiations to take place but his request had been ignored.

The Development Manager said that the proposal replaced a green which was already on the area and consisted of the creation of a mound and the installation of netting. In planning terms, the proposal was not an over-intensification of the site and advised Members against using this as a reason to refuse the application. The bunker was 15 metres from the garden and the impact that this would cause was not sufficient to warrant refusal. He reminded Members that it was not for them to consider if the mound and the nets could be sited elsewhere within the golf club.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

63. **FULL APPLICATION - CHANGE OF USE FROM A1 TO A3 (CHINESE TAKEAWAY) AT 12 HIGH STREET, HOLYWELL (050976)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the local Member had raised concern about another fast food outlet being proposed for Holywell. It was reported that Holywell Town Council had also objected to the application. The application complied with Policy S7 as the site had been marketed for retail use, either for sale or let as a going concern, for a period of more than 12 months.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He welcomed the proposal and said that it was preferable to see a property occupied rather than being left empty. He spoke of the approval of the application for a Tesco store in Holywell and said that he felt that the high street had become an area for food outlets and charity shops.

Councillor Richard Jones said that it had been difficult for traders in the last two years and suggested that the application be refused to see if an A1 use for the site would be forthcoming. He also queried the opening hours for the proposed fast food outlet.

In response the officer explained that Policy S7 allowed for change of use from A1 to A3 if the criteria had been met, which it had, and the proposed change would bring a vacant shop into use. He confirmed that the hours of operation would be controlled, particularly if noise became a nuisance. The Development Manager confirmed that the requirements of the policy had been met and that it was a choice between retaining an empty shop or allowing the site to be occupied which would bring vibrancy into the town centre.

In summing up, Councillor Roberts said that the application could not be refused as it complied with Policy.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

64. **APPLICATION FOR OUTLINE PLANNING PERMISSION - ERECTION OF A SINGLE STOREY BUNGALOW AT LAND REAR OF NOS 8 & 6 WEPRE LANE, CONNAH'S QUAY (050647)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 2<sup>nd</sup> September 2013.

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 before Committee at the request of the local Member. The proposal was not out of character with the buildings in the area and was therefore recommended for approval.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He said that he had spoken to officers about his concerns in connection with a brick rendered dwarf wall with wooden fence which did not have planning permission but this had been addressed by a reduction in the height of the wall and fence to provide visibility at the access. Councillor Paul Shotton concurred that the proposals were in keeping with other properties in the area.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

65. **FULL APPLICATION - ERECTION OF AN ANEMOMETER MAST (UP TO 80M) FOR THE TEMPORARY PERIOD OF THREE YEARS AT LAND AT FFRITH Y GARREGWEN, CAERWYS (050880)**

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

The officer detailed the background to the report explaining that the main issues were the highway implications, the effects upon the visual appearance and character of the landscape together with the effects upon the nearby Scheduled Ancient Monument of Ffrith y Garregwen Round Barrow and the effects upon badgers. He explained that the site was located near to the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and due to the proposal's height and elevated site and the open nature of this part of the landscape, it was considered that the mast could be viewed from a number of public viewpoints. It was also reported that the proposals would detrimentally affect the setting of the Scheduled Ancient Monument and the application was therefore recommended for refusal.

Mr. S. Salt, the applicant, spoke in support of the application. He said that the application would assist in developing renewable energy resources and added that he had hoped that the application would be deferred following their formal request in writing. He was surprised at the recommendation of refusal given the need to harness alternative energy sources and facilities for the testing of renewable energy resources and referred to Welsh Government policies on the issue. Mr. Salt indicated that the application was not for a wind farm development and that in his view, the siting of the mast for a temporary period would not have a detrimental impact on the Clwydian Range. He suggested that

the applicants would reduce the temporary period to two years and reduce the height of the mast from 80m to 60m.

Councillor Jim Falshaw proposed the recommendation for refusal which was duly seconded. He detailed his reasons for agreeing with the officer recommendation which included that the mast would be visible from several viewpoints; the adverse visual impact on the locality, the proposed structure would not enhance the area of the Clwydian Range and due to its height and design it would adversely impact on the AONB.

Councillor Richard Jones also spoke against the application and that only one of the grounds for refusal had been addressed by the applicant in his request for deferral. He believed it should be refused on three grounds which were height, nature and location of the proposal due to its effect on the AONB and the Scheduled Ancient Monument. He said that it was contrary to seven Council policies and several statutory consultees had objected to the application. Councillor Alison Halford referred to a letter which had been sent by the applicant to the Members of the Committee which detailed the proposals but she felt that the mast in this location was not appropriate. Councillor Mike Peers felt that deferment undermined what was in the letter and said that the testing of wind resources on this site seemed to be a pre-cursor for a wind farm development. Councillor Carolyn Thomas said that the application should be looked at in the wider context and that the site was one of the best views in the AONB.

In summing up, Councillor Falshaw said that the application should be refused due to its adverse impact on the landscape and the quality of the landscape.

**RESOLVED:**

That planning permission be refused for the reasons detailed in the report of the Head of Planning.

66. **FULL APPLICATION - ERECTION OF A DETACHED SINGLE GARAGE AT TY GWYN, 2 PADDOCKS WAY, GWERNYMYNYDD (051047)**

The Committee considered the report of the Head of Planning 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 was before Committee as the applicant was a member of the Environment Directorate.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. In response to a query from Councillor Owen Thomas, the officer confirmed that access from the garage would not be onto the main road.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

67. **FULL APPLICATION - ERECTION OF A SIDE/FRONT EXTENSION AT CHERRY COTTAGE, UPPER BRYN COCH, MOLD (051101)**

The Committee considered the report of the Head of Planning 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 advised that the applicant was a member of the Environment Directorate. An objection had been received from Mold Town Council but it was felt that the proposals would not have a detrimental impact upon the character of the area nor on the amenities of the adjacent residential properties. Two additional conditions were reported in the late observations.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded.

Councillor Alison Halford referred to paragraph 7.07 and queried why the application was recommended for approval with an increase of floor area of approximately 84% when the guideline was 50% and other applications had been refused when the floor area had increased by a lesser amount. Councillor Gareth Roberts said that the difference with this site was that it was in the settlement boundary.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and the two additional conditions reported in the late observations.

68. **GENERAL MATTERS - APPLICATION FOR OUTLINE PLANNING PERMISSION - FOR THE DEMOLITION OF 'SUNNYSIDE' AND 66A MOLD ROAD AND THE ERECTION OF 58 HOUSES INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE AT LAND REAR OF 66A MOLD ROAD, MYNYDD ISA (048042)**

The Committee considered the report of the Head of Planning in respect of this application. Additional comments received since the preparation of the report were circulated at the meeting. Councillor Neville Phillips, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report explaining that at the Planning and Development Control Committee meeting on 24 July 2013, Members had resolved to refuse the application on the grounds of:-

- lack of affordable housing

- unsatisfactory access proposals
- inadequate ecological mitigation
- inadequate play and open space provision
- flood and drainage issues
- under provision of car parking
- soil contamination

As the application had been refused against officer recommendation, it was the role of officers to draft the precise terms of that decision. This report addressed each of the items contained within the resolution and the officer provided detail of each one in turn. The report explained that officers were recommending that the reasons for refusal be on the grounds of lack of affordable housing, unsatisfactory access proposals and inadequate play & open space provision but not on the grounds of inadequate ecological mitigation, flood and drainage issues under provision of car parking and soil contamination as they would be difficult to sustain at any subsequent appeal. The officer provided full details of the recommended reasons for refusal and why the other reasons resolved by Members were not included.

Councillor Alison Halford proposed the officer recommendation for the reasons for refusal which was duly seconded.

Councillor Mike Peers proposed an amendment that the under provision of car parking should be included as a reason for refusal which was duly seconded. He felt that the shortfall in parking spaces had resulted in more buildings and that if the developer should provide a certain level of parking then this should be upheld.

The Senior Engineer - Highways Development Control said that the guidance related to maximum parking standards and that the development had given adequate mitigation as to why he had not provided the maximum car parking spaces. A travel plan had also been provided by the applicant's travel consultants in order to encourage sustainable travel to and from the site via the use of walking, cycling, public transport and car sharing thereby reducing the parking demand generated by the development and support the reduced parking provision within the site.

The Democracy & Governance Manager reminded Members that the guidelines in the policy related to the maximum not minimum standards for car parking.

Councillor Peers said that the shortfall was recognised in the officer's report and added that the travel plan did not make up for the shortfall in car parking spaces.

Councillor Richard Jones said that it was not beneficial to put forward reasons for refusal if the requirement was in line with the Council's policies. He said that the travel plan would be seen as a benefit by an inspector and that there would be no grounds to defend it at an appeal. He said that the three reasons reported were defensible and that the additional reason of car parking was not defensible and should not be included. Councillor Gareth Roberts said that the maximum standard was for 150 car parking spaces and that the developer was

providing 116 spaces. He said that the travel plan should mean that more parking spaces would be required. He concurred that it should be included as a reason for refusal.

The Democracy & Governance Manager reminded Members about paragraph 8 in the Circular on the award of Costs against Councils and advised that as the amount of car parking spaces to be provided was less than the maximum, then it complied with the Council's policies and that an award of costs against the Council could be applied on an appeal.

Councillor Jones requested a recorded vote but was not supported by the requisite number of Members.

On being put to the vote, the proposal to amend the recommendation to include a fourth reason for refusal about under provision of car parking was CARRIED. This became the substantive motion and on being put to the vote, was also CARRIED.

In response to a query, the Head of Planning advised that it was reported that he would draft the additional reason for refusal if Members proposed reasons in addition to those specified at paragraph 7.01 (1).

**RESOLVED:**

- (a) That the wording of the draft reasons for refusal relating to lack of affordable housing, unsatisfactory access proposals and inadequate play and open space provision in relation to application 048042 are confirmed by Members; and
- (b) That an additional reason for refusal on the grounds of under provision of car parking be included and the wording delegated to the Head of Planning.

69. **GENERAL MATTERS - APPLICATION FOR OUTLINE PLANNING PERMISSION - DEMOLITION OF EXISTING PUBLIC HOUSE, BETTING OFFICE AND DWELLING AND ERECTION OF 8 NO. APARTMENTS AT 11 HIGH STREET & 'BAGILLT ARMS' HIGH STREET, BAGILLT (047389)**

The Committee considered the report of the Head of Planning in respect of this application. Additional comments received since the preparation of the report were circulated at the meeting.

The officer explained that the application had been considered by the Planning and Development Control Committee on 13 July 2011 and that it was resolved that conditional planning permission be granted subject to the applicants entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum of £733 per unit in lieu of on site open space provision. The late observations provided clarification that permission was also subject to the completion of a legal obligation to ensure the occupiers of the proposed units met local housing needs. It was reported that a significant amount of correspondence had been exchanged with the applicant but that it had



not been possible to complete the necessary legal obligation. The application was therefore recommended for refusal.

Councillor Richard Jones proposed the recommendation for refusal which was duly seconded.

**RESOLVED:**

That planning permission be refused as the proposed development does not make provision for the completion of a Section 106 Obligation/Unilateral Undertaking for:-

- (a) the payment of a commuted sum of £733 per unit in lieu of on site open space provision
- (b) ensuring that the dwellings meet local housing needs.

70. **GENERAL MATTERS - FLINTSHIRE COUNTY COUNCIL'S NORTHERN GATEWAY MASTERPLAN FRAMEWORK**

The Committee considered the report of the Head of Planning in respect of this application. 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 Northern Gateway site was a major mixed use development site allocated in the adopted Unitary Development Plan (UDP) under Policy HSG2A. The site was in two ownerships and the owners were pursuing development on their own land holdings via separate planning applications. The Masterplan Framework drew together Flintshire County Council's strategic requirements for the development of the site. Consultation had been undertaken with both landowners and the Masterplan had been considered by Planning Strategy Group at its meeting on 26 July 2013. Comments from Pochin/Goodman were reported in the late observations particularly about specific timescales for the provision of an integral highway link. The officer explained that negotiations were still ongoing about highways and it was therefore not appropriate to include timescales for the link.

Councillor Christine Jones proposed the recommendation for approval which was duly seconded. Councillor Jones and Councillor Alison Halford congratulated the officer for her report and her work on the Masterplan.

Councillor David Evans queried whether it would hold up the development of the site if the details for the provision of the link road were not included.

Councillor Mike Peers welcomed the report and spoke of the discussions at Planning Strategy Group about the potential for using the River Dee to move goods. He said that he would like to see how its use could link up with the railway station and asked whether the provision of an interchange could also be considered.

In response to the comment from Councillor Evans, the officer explained that it was difficult to specify what the threshold of the development would be for

the requirement of a road as negotiations were still ongoing. However, its provision could be controlled on any reserved matters applications by conditions and a section 106 obligation.

**RESOLVED:**

That the content of the Framework Masterplan document be approved.

71. **APPEAL BY BROCK PLC AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION AND OPERATION OF AN INTEGRATED WASTE MANAGEMENT FACILITY AT PINFOLD LANE QUARRY, ALLTAMI - DISMISSED (043948)**

**RESOLVED:**

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

72. **APPEAL BY MR. STEWART RUMNEY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL BUILDING TO B2 IN PART (50%) WITH REMAINING 50% TO REMAIN AGRICULTURAL AT BANDEL DAIRY FARM, BANDEL LANE, PENYMYNYDD - DISMISSED (048595)**

**RESOLVED:**

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

73. **APPEAL BY MR. PAUL SCHLEISING AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A BALCONY TO REAR OF DWELLING OFF SUNROOM AT 11 MANOR PARK, SYCHDYN - DISMISSED (050184)**

**RESOLVED:**

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

74. **APPEAL BY MR. ANDREW ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DOUBLE GARAGE AT SEA VIEW, MAIN ROAD, FFYNNONGROYW - DISMISSED (050334)**

**RESOLVED:**

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

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

There were 27 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.55 pm)

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**Chairman**