

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
12 NOVEMBER 2014

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 12 November 2014

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Chris Bithell, Derek Butler, David Cox, Ian Dunbar, Carol Ellis, David Evans, Alison Halford, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, David Roney and Owen Thomas

SUBSTITUTIONS:

Councillor: Haydn Bateman for Marion Bateman, Mike Lowe for Billy Mullin and Brian Lloyd for Carolyn Thomas

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Jim Falshaw - agenda item 6.2. Councillor Tim Newhouse - agenda item 6.9. Councillor Clive Carver - agenda item 6.13.

The Chairman exercised his discretion to allow the following Councillors to speak as local Members:

Councillor Ron Hampson – agenda item 6.6. Councillor Nancy Matthews – agenda item 6.11.

Councillor Glyn Banks attended as an observer for part of the meeting.

IN ATTENDANCE:

Chief Officer (Planning and Environment), Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Support Officers, Democracy & Governance Manager and Committee Officer

78. DECLARATIONS OF INTEREST

Councillor Richard Jones declared a personal and prejudicial interest in the following application because his wife had a florist shop in Buckley:-

Agenda item 6.1 – Full application – Demolition of the Potter’s Wheel Public House and Erection of 1 No. Foodstore (Use Class A1), associated car parking, access, servicing and landscaping at The Potter’s Wheel, The Precinct Way, Buckley (052590)

Councillor Christine Jones declared a personal and prejudicial interest in the following application because a family member was an Undertaker. She explained that she had a dispensation from the Standards Committee to speak and vote on the application:-

Agenda item 6.16 – General Matters – Construction of a new crematorium, associated car park, access road and ancillary

works, landscaping, gardens of remembrance and area for natural burials at land at Kelsterton Lane/Oakenholt Lane, Near Northop (052334)

Councillor Clive Carver declared a personal interest in the following application as he lived on Overlea Drive:-

Agenda item 6.13 – Removal of Condition No. 6 attached to planning permission Ref: 048032 as amended by planning permission ref: 050805 at Overlea Drive, Hawarden (052429)

In line with the Planning Code of Practice, the following Councillors declared that they had been contacted on more than three occasions on agenda items 6.1 and 6.5:-

Councillors: Haydn Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, Carol Ellis, David Evans, Alison Halford, Ray Hughes, Christine Jones, Richard Jones, Brian Lloyd, Richard Lloyd, Mike Lowe, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, Owen Thomas and David Wisinger

Agenda item 6.1 – Full application – Demolition of The Potter's Wheel Public House and erection of 1 no. foodstore (Use Class A1), associated car parking, access, servicing and landscaping at The Potter's Wheel, The Precinct Way, Buckley (052590)

Agenda item 6.5 – Full application for a foodstore (Use Class A1) and 5 three bedroom affordable houses (Use Class C3) with associated car parking, access, servicing and landscaping at Broughton Shopping Park, Broughton (052369)

79. LATE OBSERVATIONS

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

80. MINUTES

The draft minutes of the meeting of the Committee held on 8 October 2014 had been circulated to Members with the agenda.

RESOLVED:

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

81. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers.

82. FULL APPLICATION – DEMOLITION OF THE POTTER’S WHEEL PUBLIC HOUSE AND ERECTION OF 1 NO. FOODSTORE (USE CLASS A1), ASSOCIATED CAR PARKING, ACCESS, SERVICING AND LANDSCAPING AT THE POTTER’S WHEEL, THE PRECINCT WAY, BUCKLEY (052590)

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 proposal complied with policy and was acceptable in highways terms. He detailed the Section 106 obligation which included a contribution of £50,000 for use in facilitating the implementation of public realm enhancements upon Precinct Way. He referred Members to paragraph 7.22 where the figure for this had been incorrectly reported as £500,000. He was aware of the information that had been submitted by the applicant to Members which implied that there was a link between this site and the application later on the agenda for a site in Broughton. He reminded Members that the proposals were not linked and should be considered separately.

Mr. G. Brown spoke in support of the application. He said that the proposal would improve and regenerate the area and would complement other retail facilities. He commented on the overwhelming support for the proposal at the public consultation event held earlier in the year which highlighted that the community felt that a new supermarket was needed to allow residents to shop locally. The proposal would create 40 new jobs, which would be full and part time, and if approved would bring £5m of investment into Buckley. Mr. Brown spoke of the apprenticeship and graduate schemes which were undertaken by Aldi. The proposal would include an enclosed delivery area to reduce any noise impact on the area. He referred to the application later on the agenda for the site in Broughton and said that it was also proposed that Aldi would provide a third store in Connah’s Quay.

Councillor Richard Jones indicated that as he had declared a personal and prejudicial interest in the application, he would speak for up to three minutes and then leave the chamber. He welcomed the proposal for a new supermarket in Buckley as he felt that appropriate infrastructure was not currently in place for the more than 15,000 residents of Buckley. He felt that the proposal would allow the residents to have a choice to shop locally rather than having to travel to other towns. Councillor Jones, having earlier declared an interest in the application, left the meeting prior to its discussion.

Councillor Carol Ellis proposed the recommendation for approval which was duly seconded. She welcomed the application and said that the Section 106 obligation would enhance the precinct area. There were no highway

issues and the application complied with national and local policy. She urged the Committee to approve the proposal.

Councillor Chris Bithell was pleased to second the application which was in the core retail area and within the settlement boundary and added that the development was urgently needed in Buckley. Councillor Mike Peers also welcomed the proposal and spoke of a Town and Community Council meeting where concerns about issues of shopping in Buckley had been raised. The proposal complied with policy and would provide competition to other retailers in the area and was fully supported by local residents. He urged the applicant to deliver on the promise to open a store in Buckley. Councillor Owen Thomas sought clarification on whether there would be a time restriction on parking in the Aldi car park as there was at the Mold store. Councillor Derek Butler said that the officer had indicated that this application and the application in Broughton were not linked but the applicant had indicated otherwise. He queried whether Aldi had purchased the site in Buckley.

In response to the comments made and questions raised, the officer said that the parking would be restricted to 1.5 hours at the proposed site. He confirmed that the proposal was not linked to any others on the agenda and that each application should be considered on its own merits. He advised that it had been indicated that Aldi did not own the site. The Democracy & Governance Manager reiterated the comment that the applications were not linked.

RESOLVED:

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

1. The payment of a contribution of £50,000 to the Council for use in facilitating the implementation of public realm enhancements upon Precinct Way. Such sum to be paid to the Council upon commencement of the development.
2. The payment of £4000 towards the review of existing Traffic Regulation Orders and the implementation of amended orders.

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

After the vote had been taken, Councillor Richard Jones returned to the meeting and the Chairman informed him of the decision.

83. PART CHANGE OF USE TO SMALL SCALE ARTISAN PRODUCTION OF SAUCES AND CONDIMENTS INCLUDING BOTTLING AND

DISTRIBUTION AT PWLL GWYN HOTEL, DENBIGH ROAD, AFONWEN (052414)

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 10 November 2014. 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 31 letters of objection and one representation of support had been received.

Mr. E. Gomer spoke against the application and raised concern at the loss of the Pwll Gwyn Hotel as a community hub. He said that no timescale had been given for the re-opening of the pub which had been bought as a going concern and details had not been provided of how the community centre would be replaced. Mr. Gomer said that 12 month marketing of the pub had not been undertaken and an application for an amendment to the listed building had not been submitted. He also highlighted section 327A of the Town and Country Planning Act and referred to the ownership of the building and an incorrect ownership certificate.

In response, the Democracy and Governance Manager said that ownership issues did not prevent the Committee from determining the application.

The applicant, Mr. J. Adedeji, said that the Pwll Gwyn was purchased as a property and not as a going concern and it was proposed to only use the existing kitchen for the production of the sauces. It was also intended to let out bedrooms and open the restaurant in the future. He spoke about the changes to appliances which had been made since purchasing the property which included the purchase of a new cooker which significantly reduced the omissions and odours. Mr. Adedeji explained that initially he and his wife were to work in the business but it was hoped that the business, which had the support of Flintshire Tourism Association, could be expanded to allow them to employ more staff.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. She felt that there were no grounds to refuse the application and that the ongoing survival of the pub was not for consideration by the Committee. Councillor Chris Bithell said that the proposals only dealt with the outbuildings and not the pub itself and added that diversification should be encouraged. It was the intention of the owner to reopen the facility in the future and continue to provide a pub/restaurant. He concurred that there was no reason to refuse the application as it complied with policy.

The Local Member, Councillor Jim Falshaw, spoke against the application. He felt that it did not comply with the Unitary Development Plan or Planning Policy Wales guidance and that it had not been marketed for 12 months to establish whether there was a need for the pub. He spoke of the previous pub which had employed 12 to 15 staff and said that businesses in

Afonwen had been affected by the closure of the Pwll Gwyn. The pub was a Grade II listed building and no application to amend this had been submitted. He felt that it was important to establish a facility in the village for residents to meet and sought more information on the plans for letting out some of the rooms and on a timetable of what the applicant intended to do with the property.

Councillor Derek Butler welcomed the application and said that the proposal was a natural progression which could lead to the re-opening of the pub/restaurant and added that this application was only for the re-opening of the kitchen. Councillor Mike Peers queried whether the property had been marketed for 12 months to establish need and said that this would have given sufficient time to prospective tenants/landlords to re-establish the pub. Councillor Owen Thomas felt that the kitchen was an integral part of the public house. He therefore felt that policy S12 should be considered and the application refused. Councillor Richard Jones raised concern at the closure of the Pwll Gwyn but said that this application was only for the use of the kitchen and outbuildings. He concurred that the kitchen was an integral part of the pub and queried whether approval of the application would affect the future re-opening of the pub/hotel.

The officer confirmed that the application only referred to the kitchen area and not a change of use for the pub/hotel, and therefore the 12 month marketing test did not apply. If the pub did re-open, the kitchen could become a dual use area for both the sauce production and the pub. He confirmed that there had been an issue about the appropriate ownership certificate but this had since been resolved. In response to comments made, the Planning Strategy Manager said that as there were no changes to the fabric of the building, a Listed Building consent application was not required.

In summing up, Councillor Halford said that concerns had been raised about the closure of the pub but this application was not for change of use of the pub. She welcomed the application.

RESOLVED:

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

84. FULL APPLICATION – CHANGE OF USE OF EXISTING PUBLIC HOUSE INTO A SINGLE DWELLING AT BLACK LION INN, VILLAGE ROAD, NORTHOP HALL (052486)

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 10 November 2014. 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 12 objections had been received to the proposal.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He explained that the loss of the public house had been deemed acceptable as there were two other pubs in the area. There would be no material change to the exterior of the property and the applicant had submitted a revised plan substituting the reference to 'meeting room' for 'store room/hall'.

Councillor Richard Jones raised concern that the retrospective application did not allow for the need for the public house to be proved which included marketing the property for 12 months. The Planning Strategy Manager responded that Policy S11 - Retention of Local Facilities had two criteria and if the first test of whether there were similar facilities in the area was satisfied, which it was in this case, then the second criteria to market the property for 12 months did not apply.

RESOLVED:

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

85. FULL APPLICATION – ERECTION OF A DWELLING AT LAND ADJACENT TO 21 MARNEL DRIVE, PENTRE (051742)

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 10 November 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report which had been deferred from the 8 October 2014 meeting of the Committee to allow a site visit to take place. Concern had been raised by the Local Members and five letters of objection had been received.

Mr. C. Ellis spoke against the development. He raised three main points which included the proposal being tandem development, the scale and height of the building and the overlooking of his garden from the property. He referred to the guidance from Welsh Government and the Local Planning Authority on tandem development and said that the proposed dwelling would be three foot higher than his property. He felt that the proposal would lead to severe overlooking of the property and garden which would breach his human rights.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. She welcomed the visit to the site and said that the proposal seemed acceptable. Councillor Chris Bithell said that the visit had demonstrated that the application could be accommodated on the site. He felt that the view from the new dwelling would be of the driveway and that it would not overlook the adjacent property.

In response to a query from Councillors Richard Lloyd and Richard Jones about the comments in paragraph 7.07, the officer explained that even though Welsh Water had withdrawn the objection to the proposal, in planning terms properties should be connected to the sewer in sewered areas, hence the proposed condition 4 had been included to allow this aspect to be subject to further approval.

RESOLVED:

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

86. FULL APPLICATION – FULL APPLICATION FOR A FOODSTORE (USE CLASS A1) AND 5 THREE BEDROOM AFFORDABLE HOUSES (USE CLASS C3) WITH ASSOCIATED CAR PARKING, ACCESS, SERVICING AND LANDSCAPING AT BROUGHTON SHOPPING PARK (052369)

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 10 November 2014. 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 and explained that the full application which included five affordable homes related to a site within the settlement boundary. This was the former compound site and had been allocated in the Unitary Development (UDP) for housing and the adjacent site had an outline planning permission for up to 24 dwellings. It was proposed that the five affordable homes would be operated by a Registered Social Landlord and access to these properties would be through the car park of the supermarket. She spoke of the large number of letters of support and objection to the proposal. A development brief for the site had been adopted and the application on the other part of the site was in accordance with this brief. The officer referred to Technical Advice Note 1: Joint Housing Land Availability Studies and stated that as at April 2013, the Council only had a 4.1 year land supply which was below the required five year supply. She referred to another application for a petrol filling station in Connah's Quay, on land which was allocated for housing in the UDP where the Inspector on appeal had dismissed the proposal because of the Council's lack of land supply. The officer highlighted paragraphs 7.20 to 7.26 of the report in relation to the retail development, which included a Planning Statement and Retail Assessment. Paragraph 7.29 referred to the issue of noise and indicated that a Noise Assessment had been submitted with the application. She reiterated that the main issue for consideration was the principle of the development in view of the fact that it proposed commercial development on land allocated for housing in the UDP.

Mrs. J. Richards spoke against the application. She said that the applicant had made a speculative purchase of land which was allocated for

housing. She felt that the site should remain empty until developed for housing if there was future need in Broughton. The site was surrounded by housing and there was no visual barrier from the deciduous trees and this development would reduce the quality of life of neighbouring residents because of the long opening hours of the store and operation of delivery lorries. Residents had purchased their properties on the understanding that the site would be used for housing and the proposal would therefore have a negative impact on residents. It had been implied on the earlier application in Buckley that Aldi would only build that store if this application was also approved but Mrs. Richards felt that the applications should be considered separately.

Ms. J. Gabrilatsou, the agent for the applicant, spoke in support of the application. She said that the sole reason for refusal of the application was because the land was allocated for housing but the application allowed for the delivery of five affordable houses and she referred to the growth for Broughton of 15%. Ms. Gabrilatsou said that the Aldi store would provide an essential service for local residents and would bring £6m of investment to the area and would provide 40 jobs. She referred to the significant support which the proposal had attracted which indicated that local people wanted the store instead of more housing.

Councillor Mike Lowe proposed approval of the application, against officer recommendation, which was duly seconded by Councillor Richard Lloyd. He referred to the large number of emails that the Committee Members had received with the vast majority being in support of the store, which would provide quality food at affordable prices. It would bring jobs to the area and would be competition for other stores. He said that Broughton did not need any additional housing as this would increase the problems of current residents not being able to access the local doctors' surgeries. The proposal would also mean that residents would not have to travel to Mold or Chester to visit an Aldi store. Councillor Richard Lloyd felt that the Aldi store would not be out of place in the proposed location and he queried whether Broughton needed more housing.

Councillor Chris Bithell felt that the application should be refused as it did not comply with planning policy as the site had been designated for a residential allocation in the UDP. The residents who had purchased properties next to the site were expecting the site to be used for housing and the store being open until 11pm and movement of delivery vehicles would be a disamenity to residents. He could understand the support for the store in Broughton but there were other commercial sites which would be more suitable. He referred to the lack of five year land supply which would mean that any proposals other than housing on the site would be challenged. He also referred to the appeals at the end of the report and the challenge in Hawarden on the same principle. He concluded that the need for Aldi could be accommodated elsewhere.

In referring to the earlier comments, Councillor Derek Butler expressed his disappointment at the emotional blackmail exerted by Aldi in relation to the

implication that the stores in Buckley and Broughton were linked and the comment that the Buckley store may not be delivered if this application was refused. He commented on the large amount that Aldi had paid for the site and three and a half years it had taken the company to come up with a retail impact assessment. He also deplored the number of calls which the Company had made with regard to their proposals. Nevertheless, he believed that the lack of five year housing supply was a myth and he highlighted the 11 years of planning permissions which had been approved but not developed which exceeded the five year land supply that was required. He felt that there was an overprovision of housing in Broughton which had a growth figure of 19.9% and that the application should therefore be approved. Councillor Carol Ellis concurred that there was overdevelopment of housing in Broughton and referred to the difficulties local residents were facing about getting appointments at the doctors. She also agreed with Councillor Butler about the land supply in the county.

Councillor Mike Peers queried whether there was 4.1 or 4.5 years of land supply at April 2013 as both figures were reported. He commented on the allocation for the overall site and the lower than guidance density which resulted in fewer properties being produced on the site. He felt that the loss of dwellings on this site if it was not used for housing could be recovered through windfall schemes which would increase the Council's land supply. He referred to Chapter 11 of the UDP and said that due to the overwhelming demand for a food store in the area, the application should be permitted. Councillor Owen Thomas felt that the application would provide the opportunity for jobs to be created in Flintshire and that the five affordable homes being offered were a bonus.

Councillor Gareth Roberts said that this site went beyond the retail park and that it should be refused to allow commercial projects to remain within the retail park. He felt that if the application was approved, which he did not feel was the correct decision, it would be considered as a major departure from policy by officers. Councillor Alison Halford spoke against the application. She felt that building more houses was not the right solution for Broughton but neither was putting a commercial store so close to residential properties. She commented on the issue of noise, particularly from delivery vehicles, which would be a problem if the proposal was approved and she raised concern at the traffic that would be generated.

The Planning Strategy Manager confirmed that the land supply figure at April 2013 was 4.1 years with 4.5 years being the figure for April 2012 so there was a worsening land supply. The number of properties that would be required to fill the gap between 4.1 years and 5 year land supply was over 800 units. The land supply calculation was the most material factor when considering the application and this was planned through the UDP process, giving certainty to the residents. If Members were now to take a different view this should be reviewed through the LDP process. What Members considered about the accuracy of the five year supply figures was immaterial as the residual method of calculating the 4.1 year supply was the basis for decisions, which was the reason this site needed to be retained for housing. He stated

that we were faced with a number of proposals on greenfield land and Committee had given a strong steer in relation to these as had the Inspector in relation to the Connah's Quay site, which was not even envisaged as coming forward within the five years. He referred to the forthcoming public inquiry in relation to the 45 dwellings in Ewloe, where again Committee had given a clear steer, but if we were not seen as being prepared to defend the UDP allocations he questioned the message that this was giving out to developers who would be targetting greenfield sites to address this 800 dwelling shortfall. .

A recorded vote was requested and was supported by the requisite five other Members. On being put to the vote, planning permission was approved by 15 votes to 6 with the voting being as follows:-

FOR – GRANTING PLANNING PERMISSION

Councillors: Haydn Bateman, Derek Butler, Ian Dunbar, Carol Ellis, David Evans, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Lowe, Mike Peers, Neville Phillips, Brian Lloyd, Owen Thomas and David Wisinger

AGAINST – GRANTING PLANNING PERMISSION

Councillors: Chris Bithell, David Cox, Alison Halford, Mike Reece, Gareth Roberts and David Roney

The Chief Officer (Planning and Environment) indicated that the decision would need to be referred back to Committee as there was no detail in the report about conditions and a Section 106 Agreement for educational contributions and affordable housing. He also said that he would be seeking the decision of the Democracy and Governance Manager as to whether approval of this application represented a significant departure from the Council's policies and because of this, permission would not be issued until this had been decided. The Democracy and Governance Manager said that this was following the procedure which had been agreed by Members and that he would invite representations from the proposer and seconder of the motion, and the Chief Officer (Planning and Environment). He added that if he agreed that the decision did represent a significant departure then it would be referred back to Committee in line with the procedure.

RESOLVED:

That planning permission be granted but that a decision be sought from the Democracy and Governance Manager about whether this represented a significant departure from policy and needed to be referred back to Committee to be reconsidered as well as a report on the required conditions and Section 106 Obligations.

87. FULL APPLICATION – ERECTION OF 6 NO. 2 STOREY DWELLINGS, NEW ACCESSES BOTH VEHICULAR AND PEDESTRIAN AND

**ASSOCIATED WORKS AT RISBORO, NANT MAWR ROAD, BUCKLEY
(052513)**

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 10 November 2014. 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 former dwelling on the site had been demolished. There was an extant permission for 10 apartments on the site following an appeal in January 2013. It was reported that adequate space around dwellings had been provided and a condition had been included to remove permitted development rights for extensions and alterations to the roof. All of the concerns relating to highways had been considered and part of the Section 106 agreement would include the safeguarding in perpetuity of pedestrian visibility splays where they crossed third party land.

Mr. M.E. McLaughlin spoke against the application. He quoted from the guidance note on space around dwellings that it should be ensured that space provided would protect privacy and he referred to the minimum distances; he did not feel that these issues had been complied with. He said that due to the site elevation, the distance should be 24 metres and added that dwellings five and six had a shortfall of 6.5 metres separation distance. Mr. McLaughlin considered this to be a case for refusal and said that the application was contrary to local and national policy.

Councillor Neville Phillips, one of the Local Members, proposed refusal of the application, against officer recommendation, which was duly seconded. He was not against development on the site but he did not agree with the current proposal. He concurred that there were insufficient separation distances on the site and said that the access and egress was also a concern as the entrance to the site was near to the junction on Nant Mawr Road. The proposal did not meet with what the local residents wanted and properties five and six looked onto the bungalows on Dawn Close.

Councillor Carol Ellis felt that the space around dwellings policy was not always adhered to and she raised concern about the properties overlooking into Dawn Close. She concurred that the access was a problem and that Nant Mawr Road was busy.

The other Local Member, Council Ron Hampson, said that the site had previously been occupied by one house and added that this proposal would overlook other properties and was an overdevelopment of the small site. He referred to issues with the turning area and the large number of traffic movements in the area. The access to the site had been moved in this application and there were also drainage problems in the area. He concurred

that the application should be refused as it did not comply with policy due to the reduced space around dwellings distances.

In response to the comments made, the officer highlighted policy HSG8 and said that he had applied policy and all other material considerations in his recommendation of the application. He advised that the access was onto Princess Avenue not Nant Mawr Road and that even though it had been moved from the previous application, it did comply with policy and there was no reason to refuse on highway safety grounds. On the issue of space around dwellings, he said that properties five and six were 1.3 to 1.5 metres lower than dwellings in Dawn Close and a separation distance of 18.5 metres from the proposed rear elevation of the dwellings to the bungalows had been applied. This was lower than the 21 metres advised in the guidance note but due to the difference in levels between the sites and hedging which would obscure the properties, it was felt that this mitigated the shortfall. Dwr Cymru/Welsh Water had been consulted on issues of drainage and had not objected subject to the inclusion of a condition for a scheme of surface, foul and land water drainage to be submitted and agreed prior to commencement.

In summing up, Councillor Neville Phillips said that the application should be refused due to overdevelopment and insufficient space around dwellings.

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

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded and on being put to the vote was CARRIED.

RESOLVED:

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

- a. Ensure the payment of a contribution of £6,600 in lieu of on-site recreation provision. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved.
- b. Ensure that pedestrian visibility splays at the proposed point of access are safeguarded in perpetuity where they cross third party land.

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

88. FULL APPLICATION – REPLACEMENT OF EXISTING BUILDINGS WITH 1 NO. ECO DWELLING AT MARSH FARM, CHESTER ROAD, OAKENHOLT (052504)

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

The officer detailed the background to the report and explained that the site was outside the settlement boundary and was in open countryside. The proposal did not warrant going against the strong policy presumption against development and was therefore recommended for refusal. It was reported that two letters of objection and 11 letters of support had been received.

Ms. A. Jones, on behalf of the applicant, spoke in support of the application. She understood that the property was not in the settlement boundary but the family was passionate about the proposal and the design of the new building reflected the agricultural buildings and the property was smaller than the buildings it was replacing. She spoke of the support that they had received from neighbours and she added that they wanted to build an appropriate dwelling which it was aimed would be carbon neutral. Ms. Jones felt that there was a gap in the policy and that the proposal was not detrimental to the area and would not set a precedent if the application was approved.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He said that the site was in the open countryside and he felt that there was no reason to allow the application. He said that the proposal would be welcome in another location but as it did not comply with national and local policy, it should be refused. Councillor Derek Butler concurred and highlighted paragraph 7.03 where reference was made to policies in the Unitary Development Plan (UDP) and Planning Policy Wales (PPW) being out of date when compared with the National Planning Policy Frameworks in England in terms of brownfield sites and facilitating self-build. He said that the UDP and PPW policies should apply and added that the site was not a brownfield site.

Councillor Owen Thomas felt that there were many redundant farm building sites across the county which could be converted to alleviate the housing shortage problem and suggested that policy should be changed to reflect such developments. Councillor Carol Ellis spoke in support of the application and said that the building was not as big as what was currently in place and was only 15 metres from the settlement boundary. She said that other applications had been permitted for new dwellings as original properties were not big enough and added that the two letters of objection were on the grounds of the use of the unofficial layby on the access lane.

Councillor Gareth Roberts said that it was important to adhere to policy and that this application for a new build in the countryside should be refused. He highlighted paragraph 7.07 where it was reported that there was no

existing residential use and therefore the proposed scheme could not be considered as a replacement dwelling. He felt that to approve the scheme would set a precedent and that the correct decision was to refuse the application.

The officer confirmed that the building was not considered worthy of retention in terms of a separate policy and that the property was 100 metres from Chester Road and was therefore not 'just' outside the settlement boundary.

The Planning Strategy Manager said that comments about the view and the applicant being passionate about the proposal were not material planning considerations and approval of the application would set a precedent. There was not a single policy which supported this proposal. National policy was very clear about proposals in an open countryside location and one additional dwelling would not make a difference to the lack of five year land supply as it would have to be repeated 831 times to address the shortfall. He referred to an application in a greenfield location for 120 units and asked how Members would be able to refuse such an application if they permitted this one dwelling in a similar location.

Councillor Halford referred to the earlier comment of Councillor Thomas about the gap in policy for replacement of redundant agricultural buildings with dwellings. The Planning Strategy Manager said that there was not a gap in policy as we could allow the reuse of buildings with architectural merit .

In summing up, Councillor Bithell said that a precedent would be set if the application was approved and that the buildings of architectural merit could be converted. This building was not worthy of retention and whether WG changed their policy to reflect National Planning Policy Frameworks in England was not something which could be considered for this application.

RESOLVED:

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

89. FULL APPLICATION – RESIDENTIAL DEVELOPMENT TO PROVIDE 10 NO. TWO BEDROOM APARTMENTS AND 4 NO. ONE BEDROOM APARTMENTS AND ASSOCIATED PARKING AT NEW INN, STATION ROAD, SANDYCROFT (052570)

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 said that the application involved the demolition of the public house. The site was in the settlement boundary of Sandycroft in a predominantly residential area. The objections and letters of support were reported in paragraph 4.00. The site which was in the Category B settlement, with growth of 2%, had been on the market for over 12 months. A flood consequences assessment had been undertaken and a minimum finished floor level was proposed, which was detailed in the report. There would be no living accommodation on the ground floor and concerns had been raised about the three storey nature of the buildings and the impact in terms of overlooking on residential amenity. The height of the buildings was similar to the existing properties and the proposal was therefore not considered to be out of keeping with the surrounding area. On the issue of space around dwellings, which had been raised as a concern by residents, the officer was satisfied that it would not have a detrimental impact on the area. She detailed the contributions which would be provided by the Section 106 agreement. The officer confirmed that a letter had been handed to her by the Chair of the Committee about concerns from residents.

Ms. S. Stevens spoke against the application which she felt did not comply with Local Planning Guidance Note 2 on Space Around Dwellings. The guideline of 22 metres had not been complied with between the development and 50 Phillip Street and she added that the guidance did not cover three storey dwellings. The difference in levels would result in the neighbouring properties being overlooked and if the guidance for properties on a slope was applied, then the distance should be 27 metres. Ms. Stevens felt that the living rooms at first and second floor level in the development would have a view into 50 and 46 Phillip Street and would compromise the privacy of the garden in these properties. She raised concern about foul drainage and felt that this issue should be detailed in the report. She said that the issue of overlooking was unacceptable and raised concern about parking issues. In summary she felt that a three storey development was out of keeping and that two storeys would be more acceptable and would reduce the impact on neighbouring properties.

Mr. E. Roberts, the agent for the applicant spoke in support of the application. He commended the officer's report and said that the proposal met all relevant policies and guidance. There had been no objection from statutory consultees and it met the standards set for highways. He said that the Council had not demonstrated a 5 year land supply and there was a specific need for housing in Sandycroft particularly for one and two bedroom apartments. The proposal exceeded space around dwellings guidelines and did not overshadow or overlook other properties.

Councillor Alison Halford proposed refusal of the application against officer recommendation, which was duly seconded. The objector had challenged the content of the report on space around dwellings and policy guidelines and Councillor Halford felt that the application should be deferred or refused. In response, the Democracy & Governance Manager said that it was not unusual for objectors and officers to have a different view but reminded the Committee that the view of the officer was unbiased. He

suggested that the application could be deferred to allow a site visit to take place. Councillor Halford proposed deferral for a site visit which was duly seconded.

RESOLVED:

That the application be deferred for a planning site visit.

90. FULL APPLICATION – RETROSPECTIVE APPLICATION TO RETAIN TIMBER STABLES AND STORAGE, ADDITIONAL STOREROOM AND HARDSTANDING AT 25 RHYDDYN HILL, CAERGWRLE (052432)

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 said that five letters of objection had been received which were detailed in the report.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. She referred to the cancellation of the site visit at short notice. The Development Manager apologised to Councillor Newhouse and the Committee for this. Councillor Owen Thomas said that there was no reason not to approve the application but said that there was a need for a turning area on the site.

The Local Member, Councillor Tim Newhouse, explained that he had met with the applicant in 2011 and had indicated that he had no objection to the application as long as no hardstanding was laid and that natural screening was put in place by the applicant in a straight line back from the boundary between numbers 25 and 27 and that the area be re-grassed. On the strength of the assurances from the speaker for the applicant at the December 2011 Planning Committee meeting that the site would be properly maintained and that screening would be provided, the application had been approved by the Committee. In April 2012 hardcore was dumped on the site which was contrary to the permission that had been granted and since then, the applicant had submitted and withdrawn numerous planning applications to prevent her having to restore the site. A site visit had taken place in May 2014. Councillor Newhouse felt that any hardstanding on the site should be grasscrete and should not extend beyond the boundary between numbers 25 and 27 in a straight line. He felt that any outcome other than refusal of the application would set a precedent to allow applicants to not undertake permissions in line with conditions imposed.

Councillor Ray Hughes concurred with the comments of Councillor Newhouse and said that the hardstanding area had destroyed the field. Councillor Derek Butler raised concern that the applicant could be granted permission and then fail to comply with what had been approved. He felt that the matter should be referred to the Enforcement Team. Councillors Richard

Lloyd and Richard Jones referred to the application which had been submitted and refused in May 2014 which was now the subject of an appeal.

In response, the Development Manager said that the appeal submission was not relevant to this application as what was in place was unauthorised and this application was to seek a solution. It was proposed that the area of hardstanding would be reduced to an area which was deemed to be the minimum required for turning vehicles using the site and this was equivalent to the area referred to by Councillor Newhouse. In order to reduce the visual impact, a condition had been added for a hedge to be planted along the eastern fence line of the hardstanding. A condition for the removal or grassing over of the hardstanding outside the application site was also recommended and if Committee considered that this should involve the removal of the hardcore then the condition could reflect this. The Development Manager added that if the applicant did not comply with the conditions then the issue would be referred to enforcement.

Councillor Richard Jones queried whether the decision was premature as the appeal had not yet been heard and asked why officers were more confident that the conditions could be enforced. The Development Manager said that the permission and conditions recommended to Members provided a firm basis for enforcement if the conditions were not complied with. The amount of hardstanding which would remain was considered by officers to be a reasonable compromise. Councillor Jones also asked whether an area of hardstanding had been included in the approval granted in 2011 and added that if what was agreed in 2011 had not been complied with, then it should be referred to enforcement.

In summing up, Councillor Halford said that this proposal was deemed acceptable by officers and that she was satisfied that the applicant would do what was required of her or face enforcement action. She queried whether condition one needed to be strengthened. The Development Manager suggested that it be worded to allow a period of six months to undertake the works required by the conditions.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) with condition 1 amended to require the works to be carried out within 6 months and condition 8 to require the removal of the hardstanding outside the defined area, before grassing the site

91. **FULL APPLICATION – CHANGE OF USE OF AN EXISTING BUILDING TO 16 NO. RESIDENTIAL APARTMENTS WITH ASSOCIATED CAR PARKING AT GROUND FLOOR LEVEL AT EXECUTIVE HOUSE, 1-3 PIERCE STREET, QUEENSFERRY (052122)**

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 main issues for consideration were the impact of the proposal on the highway and on the adjacent residential amenity. The application would provide five parking spaces but the guidelines for the Council's maximum car parking standards indicated that 24 were required. However as the site was in a town centre location, was near to a public car park, had access to public transport services and there were on street parking facilities on Pierce Street, the proposal for five spaces was deemed acceptable. The officer provided details of the Section 106 obligation. The site was in a C1 flood risk area but Natural Resources Wales were satisfied that as the proposal did not include any living accommodation at ground floor level, this was not an issue and NRW had therefore not raised any objection to the application. The applicant had proposed to reduce the number of windows which currently looked onto and over existing dwellings to six and these would have obscure glazing.

Mrs. S. Barnes spoke in support of the application. She commented on the damage which had taken place on the site and an issue of a water tank which had flooded her family's property next door. She also commented on the mobile phone mast which was on top of the building.

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

In response to a query from Councillor Mike Peers about whether the comment from the Police that the proposals should be Secured by Design should be conditioned, the Development Manager said that it was not appropriate to condition this.

Councillor Richard Jones spoke of the comments that the number of parking spaces had been reduced because the site was near to a public car park which the residents could use and raised concern as he felt that it had been assumed that the spaces would be available. The officer responded that the Parking Management Officer had indicated that there was adequate capacity in the nearby public car park, which was owned by Flintshire County Council. Councillor Richard Lloyd asked whether the mobile phone mast would remain on the building. The officer said that the applicant and the phone operator would need to discuss this issue.

RESOLVED:

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

- a. Ensure the payment of a contribution of £11,728 in lieu of on-site recreation provision. The contribution shall be paid upon 50% occupation or sale of the apartments hereby approved.
- b. Ensure the payment of a contribution of £3,000 towards the cost of amending existing Traffic Regulation Order to amended existing street parking bays and provide 'H markings' across the site access. Such sum to be paid prior to the commencement of the development hereby approved.

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

92. FULL APPLICATION – ERECTION OF 3 NO. TWO STOREY TERRACED DWELLINGS AND ASSOCIATED WORKS ON LAND ADJ. PENDOWER, FFORDD Y PENTRE, NERCWYS (051954)

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 10 November 2014. 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 for consideration included housing need, highway implications and the effects on the amenity of adjoining residents.

Mr. R. Jones, the applicant, spoke in support of the application. He spoke of his strong attachment to the village and of the 34 four and five bedroom properties which had been built in the village and which sold for £360,000 to £440,000. The last time a terraced property had been built in Nercwys was in 1918 and the village had no shop or pub. He referred to the Section 106 agreement which he disagreed with as he did not feel that it was his responsibility to provide affordable housing for those on the Council's affordable housing register. He also said that the plot would be sold if the application was refused.

Councillor Owen Thomas proposed approval of the application, against officer recommendation, which was duly seconded. He felt that Nercwys was a growing village and that there was a need for affordable housing. Paragraph 7.14 indicated that the applicant had provided the budget/ costs for the proposal and Councillor Thomas felt that there was a need for affordable properties in Nercwys which the application would provide.

The Local Member, Councillor Nancy Matthews, spoke in support of the application. In referring to paragraphs 11.46 to 11.49 of planning guidance, she queried the interpretation of policy HSG3 and said that the

applicant wanted to provide affordable housing to people who did not want to be on the affordable housing register. She asked that the application be approved without the need for a section 106 agreement.

Councillor Gareth Roberts felt that a precedent would be set if the application was approved. Councillor Derek Butler sought clarification as he felt that paragraphs 2.01 and 7.13 were not providing the same information. In response, the officer said that the housing need had been identified through the Housing Strategy Manager. Councillor Mike Peers felt that there was a need for the houses if there were no suitable properties currently available in Nercwys.

The Planning Strategy Manager advised Members that the application was for refusal due to insufficient evidence that the dwellings would meet the identified affordable housing need in the area. If Members felt that the policy should be reviewed, it should be undertaken as part of a development plan review, not just for one application. He spoke of the mechanisms of the housing need register and the Section 106 agreement which would secure affordability and without which the affordability could not be judged. He referred to the appeal at agenda item 6.18 on this agenda where the Inspector had determined that because the applicant had not signed a Section 106 agreement to confirm that the property could be justified on the grounds of local housing need, the appeal should be dismissed. The Planning Strategy Manager indicated that the appeal upheld Policy HSG3.

In summing up, Councillor Owen Thomas felt that refusal of the application would be a missed opportunity for affordable properties for young families in Nercwys and that there was a need for such properties.

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

RESOLVED:

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

93. FULL APPLICATION – DEMOLITION OF A DISUSED SUB-STATION AND PROPOSED NEW BUILDING EXTENSION TO THE EXISTING FARMERS BOY FACILITY WHILST RETAINING THE EXISTING SITE ACCESS AT UNITS 105-106 TENTH AVENUE, DEESIDE (052360)

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 10 November 2014. 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 main issue was the potential for the proposed development to further detrimentally impact upon the highway situation which presently existed at the

site. It was reported that the proposals would reduce the total turnaround time by 1 hour and 35 minutes. The applicant had agreed to the condition for a Delivery Vehicle Traffic Management Plan to be submitted. The officer explained that the proposal would not result in an increase in staff numbers and the proposal complied with planning policy.

Councillor Christine Jones proposed the recommendation for approval which was duly seconded. She felt that the application would alleviate the problems which were currently being experienced in the area in relation to highways but raised concern about the fast food van that operated in the area. Councillor Jones asked whether a letter could be sent to Welsh Government about legislation for where this type of facility could be sited. The Chief Officer (Planning and Environment) confirmed that he would send a letter on behalf of the Committee.

RESOLVED:

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

94. REMOVAL OF CONDITION NO. 6 ATTACHED TO PLANNING PERMISSION REF: 048032 AS AMENDED BY PLANNING PERMISSION REF: 050805 AT OVERLEA DRIVE, HAWARDEN (052429)

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 it was requested that condition 6 be removed as the developer had agreed to the scheme but Welsh Water had now decided to deliver the works alongside another scheme of works which would be completed by 31 March 2015. Welsh Water had no objections to the scheme as the reason to object no longer existed.

Councillor Alison Halford proposed refusal of the application, against officer recommendation, which was duly seconded. She raised concern at the request to remove the condition and queried whether the problem had now been resolved. Councillor David Evans concurred and said that if the works had not been undertaken, then the condition should remain in place.

The Local Member, Councillor Clive Carver, indicated that he had been in discussions with the Chief Officer (Governance) who had advised that his previous personal and prejudicial interest in the application no longer existed. However, he still felt that he had a personal interest and declared this at the meeting. He referred to the comments of a Civil Engineer with experience of drainage who had spoken at the Public Inquiry on the application and said that he gave particular weight to Condition 6. It stated that no development should commence until a scheme of improvement to the off-site drainage in Mancot Lane had been submitted and approved in writing by the Local Planning

Authority. The applicant had sought to amend the condition 6 in July 2014 and now wanted to remove the condition from the application. He felt that the request to remove the condition was premature and he spoke of a letter from Welsh Water on management of flows and in reiterating his concern, felt that it was inappropriate to remove the condition.

Councillor Derek Butler said Welsh Water was the statutory authority and they had indicated that condition 6 was no longer required. Councillor Richard Jones highlighted the comments in the report that the flood mitigation scheme was to be undertaken by 31 March 2015. He felt that the condition should still apply to prevent flooding. Councillor Gareth Roberts queried whether the works would be completed by that date. Councillor Mike Peers suggested that Welsh Water notify the Council when the work had been completed and that the condition could be lifted at that stage.

In response, the officer explained that it was anticipated that the works would be completed in advance of 31 March 2015 and that Welsh Water had advised that the condition was no longer required as the flows from the development could be managed. If the application was refused and the applicant appealed, there would be no defensible evidence against what had been notified by Welsh Water. The Chief Officer (Planning and Environment) suggested that removal of the condition could be deferred to allow officers to contact Welsh Water about the management of the risks. Councillor Richard Jones proposed deferment of the application and this was duly seconded. The Planning Strategy Manager felt that the letter to Welsh Water should also ask what would happen if the works were not completed by 31 March 2015.

In summing up, Councillor Halford disagreed with the comments in paragraph 7.06 and sought clarification on the proof that the flows could be adequately managed.

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

RESOLVED:

That removal of the condition be deferred to await a response to a letter to be sent to Welsh Water about how they intended to manage the risks and what would happen if the works were not completed by 31 March 2015.

95. **FULL APPLICATION RE-PLAN TO 3 NO. PLOTS (325-327) WITHIN NORTHERN PARCEL OF FORMER BUCKLEY BRICKWORKS IN CONJUNCTION WITH PREVIOUS PERMISSIONS GRANTED UNDER CODE NOS 050333 & 050874 AT FORMER LANE END BRICKWORKS, DRURY LANE, BUCKLEY (052589)**

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. In response to a request for clarification from Councillor Mike Peers, the officer confirmed that the substitution of three house types did not impact on the affordable housing requirement on the site.

Councillor Mike Peers 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) including the amendment to Condition 4 referred to in the late observations, and subject to the applicant entering into a supplemental planning obligation, re-enforcing the provisions of the Section 106 Obligation entered into under Code Nos 050333 and 050874 in respect of highway, ecological, affordable housing and open space requirements.

96. FULL APPLICATION – PROPOSED SIDE EXTENSION AND REPOSITIONING OF EXISTING CONSERVATORY FROM SIDE OF HOUSE TO REAR AT LLWYN FARM, FFYNNONGROYW (052586)

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 Glyn Banks left the Chamber prior to discussion of the application.

The Development Manager detailed the background to the report and explained that it was only before the Committee as the Local Member was the applicant.

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).

97. GENERAL MATTERS – CONSTRUCTION OF A NEW CREMATORIUM, ASSOCIATED CAR PARK, ACCESS ROAD AND ANCILLARY WORKS, LANDSCAPING, GARDENS OF REMEMBRANCE AND AREA FOR NATURAL BURIALS AT LAND AT KELSTERTON LANE/OAKENHOLT LANE, NEAR NORTHOP (052334)

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

Councillor David Evans proposed the recommendation for a Special Planning and Development Control Committee to be convened as soon as possible to determine planning application 052334 which was duly seconded.

RESOLVED:

That a Special Planning and Development Control Committee be convened as soon as possible to determine planning application 052334.

98. **APPEAL BY EDWARDS HOMES LTD AGAINST A FAILURE OF FLINTSHIRE COUNTY COUNCIL TO GIVE NOTICE WITHIN THE PRESCRIBED PERIOD OF A DECISION ON AN APPLICATION FOR THE ERECTION OF 13 NO. DWELLINGS ON LAND TO THE REAR OF ROCK BANK, MAIN ROAD, NEW BRIGHTON (051424)**

The Chief Officer (Planning and Environment) said that the Inspector had agreed with the stance of the Council in respect of educational contributions and that the appeal had been allowed subject to conditions and the terms of the Unilateral Undertaking presented at the appeal. Costs had been requested but the Inspector decided that the request was not justified.

RESOLVED:

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

99. **APPEAL BY MR. CHARLES & MRS. GAIL SHAW AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A FOUR BEDROOM DETACHED DWELLING AND DETACHED DOUBLE GARAGE AT 37 WOOD LANE, HAWARDEN (051234)**

The Chief Officer (Planning and Environment) indicated that the appeal had been dismissed as even though the applicant had demonstrated local need, he had not signed a Section 106 agreement.

RESOLVED:

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

100. **APPEAL BY ANWYL CONSTRUCTION CO LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE REMOVAL OF CONDITION NO. 14 OF PREVIOUSLY APPROVED PLANNING PERMISSION REF: 047624 TO ALLOW FOR THE DEVELOPMENT OF THE WHOLE SITE AT DOVEDALE, ALLTAMI ROAD, BUCKLEY (051481)**

The Chief Officer (Planning and Environment) explained that the appeal had been allowed. The Inspector had indicated that as there was no evidence before her to suggest that the land was unstable within the site, it

was not appropriate to impose condition 14 on the applicant and it was therefore removed.

RESOLVED:

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

101. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 73 members of the public and 3 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 5.50 pm)

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Chairman