

PLANNING & DEVELOPMENT CONTROL COMMITTEE

18 APRIL 2012

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, 18th April, 2012

PRESENT: Alison Halford (Chairman)

Councillors Haydn Bateman, Chris Bithell, Jim Falshaw, Veronica Gay, Patrick Heesom, Ray Hughes, Christine Jones, Dave Mackie, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts, Carolyn Thomas, Owen Thomas and David Wisinger

APOLOGIES:

Councillor Bernie Attridge, David Cox, Fred Gillmore, Grenville James and Richard Jones.

ALSO PRESENT:

Councillor Rita Johnson

IN ATTENDANCE:

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Housing Strategy Manager, Manager (Minerals and Waste), Democracy & Governance Manager and Committee Officer

249. **ANNOUNCEMENT BY THE CHAIR**

At the start of the meeting the Chair reminded Members that this was the last meeting before the election and thanked members for their Contribution to the Planning and Development Committee meetings.

The Vice-Chairman extended thanks to the Chair for the way she had taken on the role and he also gave thanks to the officers.

250. **DECLARATIONS OF INTEREST**

Councillor P.G. Heesom declared a personal interest in the following application:-

Agenda item 5.2 - Application for removal or variation of condition following grant of planning permission ref. 1240/90 to allow for storage up to 8 metres higher than base datum point at Old Quarry Yard, Gwespyr (049395)

251. **MINUTES**

The draft minutes of the meeting of the Committee held on 14 March 2012 had been circulated to Members with the agenda.

RESOLVED:

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

252. **ITEMS TO BE DEFERRED**

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

Agenda item 5.3 - Full application - Proposed construction of a vehicular access onto Bryn Road, removal of part of the hedgerow and erection of double wooden gates at 9 Hill View, Bryn y Baal (049371) - to seek a further view from the Policy Section on the impact on 'green space' and from the Ramblers on impact on the public right of way

The Chair explained that she had met with the Vice Chairman and Councillor M.J. Peers and following their meeting, they were requesting that the following application be deferred:-

Agenda item 5.1 - Variation of Condition No. 3 attached to outline planning permission ref. 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted at land at Croes Atti, Chester Road, Oakenholt (049426) - as application 049154 was the subject of an appeal which was due to be heard in June 2012. She felt that it was appropriate to defer the application without debate so as not to prejudice the appeal.

Deferment of the application was proposed by Councillor C.A. Thomas and was duly seconded.

The Democracy & Governance Manager reminded Members that they should confine any debate to whether the application should be deferred or not.

Councillor R.C. Bithell referred to paragraph 1.03 which reported that this was an identical application to that determined at the 14 March 2012 meeting. The Democracy & Governance Manager reminded Members that the decision that they took at the last meeting was on the stance to take at the appeal.

The Chair said that following the meeting with herself, the Vice Chairman and Councillor M.J. Peers, they believed that a full debate now would not be helpful as some of the Authority's policies could be compromised.

The Development Manager explained to Members that the proposed variation sought more time for the submission of reserved matters applications in the context of the extant outline planning permission. He referred to the identical application reported to the previous committee saying that the recommendation here reflected the comment from the Director of Lifelong Learning regarding the payment of a commuted sum, which was detailed in the late observations sheet. He advised that this would be forwarded as part of the case on the appeal, which was currently being held in abeyance pending determination of this application. In view of the previous resolution he advised that there was no reason to defer the determination of this application.

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

RESOLVED:

That application numbers 049426 and 049371 be deferred.

253. **APPLICATION FOR REMOVAL OR VAIATION OF CONDITION FOLLOWING GRANT OF PLANNING PERMISSION REF. 1240/90 TO ALLOW FOR STORAGE UP TO 8 METRES HIGHER THAN BASE DATUM POINT AT OLD QUARRY YARD, GWESPYR (049395)**

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

The Manager (Minerals and Waste) explained that this was a re-submission of application 048496 which had been refused at the Planning Committee meeting held on 7 December 2011 contrary to officer recommendation. A report then went to the Planning Committee meeting on 11 January 2012 to seek guidance regarding the reasons for refusal and the outcome was to refuse solely on the grounds of visual impact. Since the issue of the refusal notice, the applicant had engaged with officers and the local Member with the purpose of resolving the issues of visual impact. A new belt of planting was proposed to be undertaken to the south of the site which would mitigate the visual impact from the main road. Parking spaces had also been created on site to address previous concerns raised by Members. Highway issues would be controlled by way of condition including facilities for turning and parking of vehicles and the maintenance of a hard paved area for loading, parking and turning within the site.

It was reported that no change of use was proposed as the only purpose of this application was to increase the height of the storage areas of the scrap material from 4.6 to 8 metres. This application would regularise the planning status of the site to retain the existing stockpiles at a height of up to 8 metres. No complaints about the site such as noise or visual impact had been received. The Manager (Minerals and Waste) drew Members' attention to conditions 4, 7, 9, 11 and 14. He highlighted paragraph 7.09 which reported on amenity and nuisances but said that the proposed conditions would address the concerns.

Councillor D.I. Mackie proposed the recommendation for approval which was duly seconded. He read out a statement by the local Member, Councillor F. Gillmore, who was unable to attend this meeting, which indicated that he had spoken with the applicant and with officers and he had now received the assurances that he required to address his concerns; he was now satisfied that the application could be approved.

Councillor M.J. Peers sought clarification on the increase in the height of the stockpiles and asked at what height the material would be level with the surrounding land. He proposed an amendment that the application be approved with a two year temporary permission. He said that concerns had been raised on the site visit held on 5 December 2011 and that there was still uncertainty surrounding the site. He felt that a two year permission would allow for checks to

be undertaken of how the site was progressing. The amendment was duly seconded.

Councillor R.C. Bithell raised concern about the height and said that there was no indication that it would diminish. He highlighted paragraph 7.09 where the visual impact due to the increased height had been raised as a concern. He concurred with the proposal for a two year temporary permission.

In response to the comments made, the Manager (Minerals and Waste) said that the site was set within a quarry and all of the stockpiles at the proposed height were below the line of the quarry. He confirmed that on the issue of ecology, advice would be sought from the county ecologist. The reason for the height of the stockpiles was because it was difficult for scrap yards to move metal on due to the difficult economic downturn. On the issue of the temporary permission, he said that it might be unacceptable to put additional planting in for two years.

Councillor P.G. Heesom said that he supported the application and said that the vast majority of people in the area had not complained about the site; however he concurred with the two year temporary permission.

On being put to the vote, the amendment for a two year temporary permission was CARRIED. This became the substantive motion and on being put to the vote, the recommendation to approve the application for a two year temporary permission was CARRIED.

RESOLVED:

That condition 1 be varied to allow waste to be stored to a height of 8 metres for a temporary period of two years, and to the other conditions contained within the recommendation.

254. **GENERAL MATTERS - ERECTION OF 44 NO. TWO STOREY AND THREE STOREY DWELLINGS INCLUDING ASSOCIATED PARKING, OPEN SPACE AND FORMATION OF NEW ACCESS AT BRIGNANT, HALKYN ROAD, HOLYWELL (048264)**

The Committee considered the report of the Head of Planning in respect of this application.

The Development Manager explained that the report was to seek an amendment to the resolution with regard to the need for a section 106 obligation relating to the provision of the visibility splay on the southern side of Halkyn Road.

The local Member, Councillor H.G. Roberts, proposed the recommendation as detailed in the report which was duly seconded. He said that it was essential that the condition was met before commencement of work at the site.

RESOLVED:

That the resolution to permit application ref. 48264 subject to the completion of a Section 106 Obligation (and conditions) taken at the Committee meeting on 14

March 2012, is amended to delete the reference to “maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into).”

255. **APPEAL BY MR. R. HETHERINGTON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE RESIDENTIAL DEVELOPMENT OF LAND AT 29/31 WEPRE PARK, CONNAH’S QUAY (047641)**

RESOLVED:

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

256. **APPEAL BY MR. W. HUGHES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE ROOF ALTERATIONS TO PROVIDE EN-SUITES TOGETHER WITH ADDITIONAL BEDROOM FLOORSPACE AND ERECTION OF A DETACHED SINGLE GARAGE AT 3 GARTHORPE AVENUE, CONNAH’S QUAY. (049065)**

RESOLVED:

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

257. **DURATION OF MEETING**

The meeting commenced at 1.00 p.m. and ended at 1.45 p.m.

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

There were 8 members of the public and one member of the press in attendance.

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Chair