

PLANNING & DEVELOPMENT CONTROL COMMITTEE
7 NOVEMBER 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, 7th November, 2012

PRESENT: David Wisinger (Chairman)

Councillors Chris Bithell, Derek Butler, David Cox, David Evans, Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, Patrick Heesom, Richard Jones, Richard Lloyd, Billy Mullin, Mike Peers, Neville Phillips and Gareth Roberts

SUBSTITUTIONS:

Councillors: Marion Bateman for Carol Ellis and Mike Lowe for Christine Jones

ALSO PRESENT:

Councillor Hilary McGuill attended as the applicant to speak on agenda item 6.1

APOLOGIES:

Councillors: Ian Dunbar, Ray Hughes and Owen Thomas

IN ATTENDANCE:

Head of Planning, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planner, Senior Minerals and Waste Officers, Principal Solicitor and Committee Officer

86. **DECLARATIONS OF INTEREST**

Councillor D. Butler declared a personal interest in the following application:-

Agenda item 6.8 – Full application – Erection of a conservatory to the rear of 19 Hawker Close, Broughton (050133)

87. **LATE OBSERVATIONS**

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

The Principal Solicitor advised Members that an amended version of the appendix to agenda item 6.9 had also been circulated as the appendix included within their agenda was incomplete.

88. **MINUTES**

The draft minutes of the meeting of the Committee held on 10 October, 2012 had been circulated to Members with the agenda.

RESOLVED:

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

89. **ITEMS TO BE DEFERRED**

The Head of Planning advised that none of the applications were recommended for deferral by officers.

90. **OUTLINE - SUB-DIVISION OF EXISTING DETACHED DWELLING INTO 2 NO. SEMI-DETACHED DWELLINGS AND ERECTION OF 5 NO. DETACHED DWELLINGS AT WYLFA HOUSE, 159 MOLD ROAD, MYNYDD ISA, MOLD (050088)**

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 5 November 2012. 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 all matters were reserved but that an indicative layout had been provided. The issues on the previous application related to drainage and access. For this application, the access had been moved down the road to a location outside of the settlement boundary; the officer advised that this was not a concern in planning policy terms. On the issue of drainage and flooding, Welsh Water had no objections to the application but had requested that a Grampian-style condition be included to prevent occupation of the dwellings until after April 2014 to allow improvements to the capacity of the existing Sewerage Treatment Works to be undertaken.

Mrs. S. Naybour spoke against the application on behalf of Wylfa Hill Preservation Society. She thanked Councillor R.C. Bithell for his interest and guidance on the application. She referred to a ditch, which ran along the gardens of the neighbouring properties and the existing dwelling at Wylfa House, which provided an essential drain off area; she was concerned that if it were culverted, the situation of flooding would become worse. Mrs. Naybour spoke of problems in the past with contamination by sewerage and remarked that drainage generally in Mynydd Isa was insufficient. A paper had been sent to Members from Wylfa Hill Preservation Society to highlight their concerns and to show pictures of the problems which had been experienced. She referred to page 5 of the document where it was noted that, if the application were approved, the Society would consider the Council to be liable for problems caused by sewerage. She was relieved that Wylfa House was to be retained as part of this application but was sorry that it was to be divided.

In response, the Principal Solicitor said that the granting of planning permission for the development would not make Flintshire County Council liable for any problems caused by sewerage. He advised Members to disregard the comment.

Councillor M. Jones from Argoed Community Council also spoke against the application. She said that the areas of Argoed, Mynydd Isa and Bryn-y-Baal had always experienced problems with flooding and added that even though work had been undertaken in the area it had not been done to the necessary standard to prevent flooding in the future. She said that the drainage system in the area

could not cope with the current number of houses and she felt that it needed to be replaced and renewed.

Councillor H.J. McGuill, having declared her interest in the application as the applicant, spoke in support of the application. She referred to paragraph 7.14 of the report and confirmed that only foul water discharges would be permitted to the public combined sewer located within Mold Road along the site frontage, as requested by Welsh Water. On the issue of flooding, she said that the existing flooding was upstream from her property, which was on the side of a hill, so this application should not create or worsen the problem. She would close the existing access to create a new access further down the road, but indicated that access into the wooded area of the site would still be required. Councillor McGuill felt that the house conversion would lead to two more affordable units being created rather than one larger dwelling. She said that the application for a site across the road from her property had been withdrawn which would mean that there would not be conflict between the access into the two sites. On the issue of the contaminated stream, she said that this had been caused by residents who had their downstairs toilets and laundry rooms plumbed into the surface water system. She added that she had no intention of culverting the stream. Councillor McGuill then left the meeting for the remainder of the discussion.

Councillor H.G. Roberts proposed the recommendation for approval which was duly seconded. He welcomed the decision to retain the original property and the request for a Grampian-style condition to upgrade the works on the sewerage works in Mold. He also felt that the application gave the opportunity to improve the pavement to a width of 1.8m for the full length of the curtilage of the site.

Councillor R.C. Bithell spoke of the concerns which had been raised during consideration of the previous application in September 2011, in particular the impact on the drainage in the area. He felt that most of the concerns had been dealt with in the new application and the access had been repositioned. He asked for clarification on the comment by Councillor McGuill that the application on the site across the road had been withdrawn. He welcomed the fact that Wylfa House was to be retained but still raised concern about whether the application amounted to overdevelopment on the site. The drainage issue was still a concern and he asked that a condition be imposed that permitted development rights be removed so that the ditch could be protected. Councillor Bithell also welcomed the request for a Grampian-style condition and asked that a condition be included to survey all of the trees on the site so as to retain as many as possible, not just the tree which the Forestry Officer considered should be retained. He asked that the hedge be replaced on the edge of the pavement and queried whether this could be conditioned.

Councillor M.J. Peers raised concern about what would happen if the planned improvement works to the Waste Water Treatment Works were not completed by 31st March 2014. He felt that the application was an improvement on what had initially been put forward but was concerned about the impact on the character of Wylfa House; he asked that the work be undertaken sympathetically. He concurred that tree preservation orders should be sought for as many trees as possible on the site. Councillor D. Butler asked why the building had not been designated as a building of local importance. He felt that it could be turned into

four flats and added that, in his opinion, density was still an issue. He queried the need for a second access which had earlier been requested by Councillor McGuill. Councillor P.G. Heesom felt that a condition should be included to allow retention of the open aspect of the house and maintenance of the sight lines.

In response to the issues raised, the officer confirmed that Welsh Water did not have any objection to the application but were proposing that a Grampian-style condition be included; written confirmation would be required that the work to the treatment works had been undertaken. On the issue of the culvert, he said that this would be considered by the Environment Agency so he did not feel that it was advisable to include conditions which would replicate their work. He felt that a condition relating to removal of permitted development rights could be included. On the issue of the withdrawn application, he explained that the section 106 obligation on that application had not been progressed and the applicant had withdrawn the application. However, the existing consent remained in place. The external appearance of Wylfa House could be considered at the reserved matters stage and the wording of a condition on retaining the open aspect of the house could be considered at that time. The second access referred to by Councillor McGuill was an entrance into the wooded area of the site and was not a second entrance from the highway. Condition 7 had been included to allow the provision of a tree survey and a condition could also be included to require the planting of a replacement hedge behind the visibility splay.

In summing up, Councillor H.G. Roberts agreed with a condition to replace the hedgerow behind the visibility splay and to the removal of the permitted development rights. Members were also reminded about the additional condition reported in the late observations sheet.

RESOLVED:

That planning permission be granted subject to

- (i) the conditions detailed in the report of the Head of Planning;
- (ii) the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on site play provision;
- (iii) the imposition of a condition to replace the hedgerow behind the visibility splay;
- (iv) the removal of the permitted development rights for the whole site; and
- (v) the additional highways condition reported in the late observations sheet.

91. **CONSOLIDATION OF MINERAL EXTRACTION AND PROCESSING OPERATIONS, INCLUDING ANCILLARY DEVELOPMENT AT CEFN MAWR QUARRY, CASTLE CEMENT, CADOLE ROAD, GWERNAFFIELD (047536)**

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 Senior Minerals and Waste Officer detailed the background to the report which sought to consolidate all of the current mineral extraction and processing operations at Cefn Mawr Quarry, including all ancillary development associated with the quarry operations under a single, all-encompassing planning

permission to continue to permit limestone extraction until 21 February 2042. One of the key issues was the impact of the night time noise on neighbouring residents; the officer explained that the applicant had worked with the Planning Authority and residents to mitigate the effects of the proposal. The officer advised that there had been no objections from statutory consultees and added that the application was in line with MTAN1 on noise limits. The proposal also included a plan of phased restoration.

Mr. I. Coles spoke against the application, explaining that he lived opposite the site. The noise was at times very loud at night and he disagreed with the comment that the trucks were lined with rubber to reduce the noise. He added that the noise barriers around the silos had also not been put in place and asked that conditions be included to ensure that the company did what it said it would do to resolve the issue of noise. Mr. Coles referred to the cement operation on the site and said that recently the kiln had been switched off for long periods of time, so he questioned whether there was a need for 24 hour a day operation.

Councillor A.M. Halford proposed the recommendation for approval which was duly seconded, and thanked the officer for an exemplary report. She felt that, whilst appropriate noise conditions should be imposed, it was impossible to ignore the importance of the site.

Councillor R.C. Bithell referred to the comments of Gwernaffield Community Council about the Cefn Mawr Liaison Committee meetings and said that it was important that these meetings took place so that local concerns could be dealt with in an appropriate way. He raised concern about the water seeping into the Milwr tunnel and asked what action was being taken to ensure it did not get into the water system. He also highlighted paragraph 7.103 and asked for assurances that any fossils of interest were properly looked at by geologists. Councillor P.G. Heesom spoke of the depth in the quarry of 178 metres and raised concern at the accumulation of water at that depth; he asked for assurance that safeguards were regularly monitored. In respect of noise, Councillor R.B. Jones asked whether work could be undertaken with the owner about setting maximum noise limits instead of using average limits.

In response to the comments made, the officer said that, based on the information received from the quarry operator and the haulage contractor, all of the trucks were rubber-lined to reduce the noise levels. The noise limits at night on the existing consent were 45 decibels; it was recommended by officers that the level be reduced to 42 decibels to bring it in line with national guidance. The operator had undertaken a number of mitigation measures and one of the conditions included was for the noise monitoring to be reviewed annually. The officer advised that although the proposal was to allow permission until 2042, this would be reviewed every 15 years. There was a need for 24 hour operation of the kiln but this had not been possible recently due to operational problems with it. The officer confirmed that meetings of the Liaison Committee took place every six months but had not been attended recently by a representative from Gwernaffield Community Council. This had now been addressed. Proposed condition 18 was intended to prevent extraction below 200 metres until a scheme regarding dewatering had been approved. Finally, the officer confirmed that the owner worked with North East Wales Regionally Important Geodiversity Sites (NEWRIGS) on fossil and geological features.

In summing up, Councillor Halford asked for tighter conditions relating to noise. In response, the officer said that night-time noise was a concern but she felt that conditions 9 to 12 were robust enough.

RESOLVED:

That planning permission be granted subject to

- (i) The applicant entering into a legal agreement under the terms of the Town & Country Planning Act 1990 (as amended) Section 106 to:-
 - a) revoke the existing Section 106 agreement completed on 19 January 1999 which governed existing operations
 - b) revoke the existing Section 52 agreement under the Town & Country Planning Act 1971 completed on 13 November 1973
 - c) provide that the Site of Special Scientific Interest and the Special Area of Conservation be managed in accordance with the Management Plan appended to the legal agreement and the plan to be reviewed and updated at five-yearly intervals; and
- (ii) subject to the conditions detailed in the report of the Head of Planning.

92. **FULL APPLICATION - EXTENSION TO EXISTING RETAIL UNIT TOGETHER WITH ADDITIONAL CAR PARKING PROVISION, LANDSCAPING AND ANCILLARY FACILITIES AT PRECINCT WAY, BUCKLEY (049304)**

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 there had been no objections from statutory consultees. The current store and car park were within the town centre boundary of Buckley but the car park proposed in this application would be outside the boundary of the town centre. He referred to the Buckley Masterplan and said that the proposed layout and arrangement of the scheme represented the appropriate response to the aim of the Masterplan in this location. The current car park provided 90 spaces whilst the new car park would provide 210 spaces. It was intended that it would be dual use for the store and the town centre to allow the development of the car park on the opposite side of Precinct Way; when the store was closed, the car park would be gated. He drew Members' attention to the proposed Section 106 obligation/unilateral undertaking for a contribution of £200,000 to facilitate the implementation of public realm enhancements on Precinct Way. The officer referred to a late observation which had been received, asking for deferment of the application due to an application which was to be submitted for land to the west of the site, for a similar proposal; he had advised that there were no planning grounds to defer this application.

Mr. A.J. Worrall spoke against the application. He indicated that he represented residents who were affected by the development with their main concerns being about security, noise and light pollution. He referred to a hedgerow which had been in place for over 40 years which would be lost as a

result of this proposal. He felt that it would act as a barrier and that if it were be retained, then residents would have little or no objections to the application. He spoke of a letter which he had sent to the Co-operative Group about the loss of the hedgerow in reply to a letter from them in which they spoke of their intention to support the retention of hedgerows.

The local Member, Councillor R.B. Jones, proposed the recommendation for approval which was duly seconded. He asked whether the proposal could be amended to retain the hedgerow and thanked the officer for the exceptional report. Councillor R.G. Hampson spoke in support of the application which he felt met the requirements of the Masterplan. He welcomed the inclusion of the Section 106 obligation and the inclusion of the additional car parking spaces. He also thanked the officer for his report. Councillor M.J. Peers welcomed the proposal and congratulated the officer for the work he had undertaken. He also felt that the hedgerow should be retained and queried whether the word 'houses' in condition 5 should read 'units'. In referring to condition 14, he asked if the wording could be changed so that the car park could be used when a special event was held by the Town Council. He felt that the design of the building would be a welcome addition to Buckley and asked whether there was a time period on the use of the £200,000 for public realm enhancements.

In response to the queries raised, the officer felt that condition 14 did not preclude the Town Council from speaking to the Co-operative Group to discuss whether his suggestion for the use of the car park could be pursued. The reclaiming of the monies for a commuted sum was a standard element of Section 106 agreements but he said that he could consult with the local Members on a realistic timeframe. On the issue of the hedgerow, the proposals for the boundary of the site involved an element of landscaping to ensure security of the site and to ensure that it did not have an adverse impact on the amenity of the area. Discussions could take place with the Co-operative Group to establish whether something could be put in place to safeguard security, amenity and the hedgerow.

On the issue of the section 106 obligation, the Principal Solicitor said that it was entirely appropriate that it be refunded if it was not spent in a reasonable amount of time. He explained about the guidance on the time period for play provision (5 years) and educational provision (10 years) payments. It would be a matter for discussion with the Co-operative Group in consultation with the local Members.

In summing up, Councillor Jones agreed that the timeframe for returning the commuted sum should be in line with the Masterplan and asked that a condition be included to retain the hedgerow where possible.

RESOLVED:

- (i) That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to ensure the payment of a contribution to the Council for use in facilitating the implementation of public realm enhancements on Precinct Way. Such sum to be paid to the Council upon commencement of the development.

- (ii) It was also requested that the hedgerow on the border of the car park be retained if possible and that consultation be undertaken with the local Members about the time period for spending the Section 106 monies.

93. **FULL APPLICATION - RETENTION AND EXPANSION OF FACILITIES AT EXISTING STREETSCENE DEPOT AT LAND AT ALLTAMI DEPOT, MOLD ROAD, ALLTAMI (049845)**

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 which was for an application for the continued use of this site in connection with the range of services encompassed within the Council's Streetscene operations. He highlighted the Proposed Development section of the report and drew Members' attention to paragraph 7.08 where it was reported that this facility would provide for the collection of food waste into skips, the skips then being transferred to the Buckley Standard site for sorting and recycling. There was no need for an additional access to be created and the proposals would result in 317 parking spaces being provided on the site. The proposals were accompanied by a site landscaping plan which sought to reinforce the existing landscaped frontage of the site through the planting of an extension to the existing indigenous hedgerow towards the western edges of the site, planting of trees and shrubbery and visual enhancement through the removal of unsightly planters in the frontage area. The proposal would also involve improvements to the current drainage system.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded. Councillor P.G. Heesom raised concern about the application and said that he felt that there were a number of major policy issues to be considered. He referred to the two major landfill sites in the area and said that Members were yet to be advised of the waste strategy outcomes. He felt that there were fundamental planning considerations beneath the surface and he had strong reservations about the development. He said that he would like to see more information regarding the background policy issues. Councillor M.J. Peers said that he was not against the application in principle but asked for clarification on the use of the skips reported in paragraph 7.08 as he said that the Director of Environment had given a commitment that the food waste operation would cease completely at the Buckley Standard site. Councillor N. Phillips queried what route the vehicles would take on their journey from Alltami to the Buckley Standard site and asked whether this would have to be raised with Streetscene officers.

In response, the officer said that the fleet of vehicles would collect the food waste from properties in Flintshire and would load it into small skips at the Alltami depot. These skips would then be taken to the Buckley Standard site where the waste would be sorted and recycled before being transferred to a site in Ludlow. On the issue of the route to be taken, he said that this would be an operational issue for Streetscene.

The Head of Planning suggested that the item be deferred so that an officer from Streetscene could be asked to attend the Committee to answer queries raised. Councillor P.G. Heesom proposed deferment of the application to a future meeting, which was duly seconded.

On being put to the vote, the proposal to defer the application to seek further information from Streetscene on the operational aspect of the proposal was CARRIED. The Principal Solicitor suggested that an officer from Streetscene be asked to attend the next meeting to address Members' concerns.

RESOLVED:

- (a) That the application be deferred to obtain further information from the Streetscene Service on the operational aspect of the proposal; and
- (b) That an officer from the Streetscene Service be asked to attend the next meeting to address Members' concerns.

94. **FULL APPLICATION - ERECTION OF 1 X 15 M SMALL SCALE TURBINE AT CAE MARCH FARM, NEW BRIGHTON ROAD, SYCHDYN (050175)**

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 explained that Northop Community Council had not responded as they were not due to meet until 12 November 2012.

Councillor M. Bateman proposed the recommendation for approval which was duly seconded. She said that the visual impact was negligible and added that she had not heard of any objections from Northop Community Council.

RESOLVED:

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

95. **RETENTION OF THE USE OF LAND FOR THE RECEPTION AND PROCESSING OF CONSTRUCTION AND DEMOLITION WASTE TOGETHER WITH THE RAISING OF LAND LEVELS USING FILL MATERIAL ARISING FROM THE PROCESSING OPERATION AT FORMER TITANIUM WORKS, WEIGHBRIDGE ROAD, CONNAH'S QUAY (049908)**

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 highlighted the sections on visual and landscape impact, highways and drainage and water supply. She explained that the proposals would be regulated by the Environment Agency and would require a permit.

Councillor R.C. Bithell 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 Head of Planning.

96. **GENERAL MATTERS - TREE PRESERVATION ORDER NO. 304 (2012) LAND AT THE GORSEY, LLYS BEN, NORTHOP HALL (304/2012)**

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 Planning Strategy Manager detailed the background to the report and explained that in view of comments received from the landowner that the decay in the tree posed a risk to the public, the Forestry Officer had assessed its condition and had concluded that, in his opinion, it had the potential to live for many years and contribute to local amenity.

Councillor R.B. Jones proposed the recommendation to confirm the Tree Preservation Order without modification which was duly seconded.

RESOLVED:

That the Tree Preservation Order No. 304 (2012) land at the Gorse, Llys Ben, Northop Hall, be confirmed without modification.

97. **FULL APPLICATION - ERECTION OF A CONSERVATORY TO THE REAR OF 19 HAWKER CLOSE, BROUGHTON (050133)**

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. Councillor D. Butler, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and explained that the application was before Committee due to the applicant being a Councillor.

Councillor W. Mullin 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 Head of Planning.

98. **GENERAL MATTERS - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF APARTMENT BLOCK COMPRISING 9 NO. APARTMENTS (3 NO. ONE BEDROOM AND 6 NO. TWO BEDROOM) ON UPPER FLOORS WITH LOWER/BASEMENT LEVEL CAR PARKING AND SURFACE LEVEL PARKING TO REAR AT THE DAIRY, 2 MOLD ROAD, CONNAH'S QUAY (045726)**

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 Head of Planning detailed the background to the report and explained that the application had been approved by Committee on 29 April 2009, subject to the applicant entering into a Section 106 Agreement or offering a unilateral undertaking or making advance payment in lieu of on site play provision. Because there had been no progress from the applicant to resolve the outstanding issues relating to the payment of the commuted sum, despite correspondence between the Head of Legal and Democratic Services and the applicant, it was now recommended that the application be refused.

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

RESOLVED:

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

99. **VARIATION IN ORDER OF BUSINESS**

The Chairman indicated that there would be a change in the order of business to bring forward the appeal decisions (agenda items 6.11 to 6.14). This was because he would have to vacate the chair for agenda item 6.10 due to his place of work being in the vicinity of the application site.

100. **APPEAL BY DEVELOPMENT SECURITIES PLC AGAINST THE NON DETERMINATION OF OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT AND FORMATION OF NEW ACCESS AT LAND AT BROUGHTON PARK, BROUGHTON (038189)**

RESOLVED:

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

101. **APPEAL BY MR. & MRS D. WARING AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 4 NO. DETACHED DWELLINGS INCLUDING NEW ACCESS TO BRYN EITHIN AND AMENDED BOUNDARIES TO 19 BRYN EITHIN ON LAND TO THE REAR OF HALKYN HALL, BRYN EITHIN, PENTRE HALKYN (049056)**

RESOLVED:

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

102. **APPEAL BY ANWYL HOMES LTD AGAINST THE NON DETERMINATION OF PLANNING APPLICATION REF. 049154 TO ALLOW CONDITION 3 (I) OF THE OUTLINE PLANNING PERMISSION TO BE EXTENDED IN TIME AT CROES ATTI, CHESTER ROAD, OAKENHOLT (049154)**

The Head of Planning drew Members' attention to the late observations where an amendment to paragraph 3.06 was reported.

In response to a query from Councillor R.C. Bithell, the Head of Planning said that the appeal against the Council's decision to require the provision of barriers on Prince of Wales Avenue was still pending. The amount of the costs to be paid by the Council had not yet been determined.

Councillor P.G. Heesom said that the decision on costs was nothing to do with third parties but was due to the Council's inability to make a decision within the timeframe. He said that the decision remained a concern and referred to Section 51 of the Planning and Compulsory Purchase Act 2004, which amended Section 73 of the Town and Country Planning Act 1990, and questioned why Welsh Government had not made it effective in Wales. The Principal Solicitor advised that the provision had been brought into force in England but not in Wales, and that was entirely a matter for Welsh Government. The amendment made to Section 73 of the 1990 Act did not therefore apply in Wales, so the Committee's consideration of the application, albeit by the time it was the subject of a non-determination appeal, had been entirely in accordance with the law.

In response to a query from Councillor R.B. Jones, the Head of Planning drew Members' attention to paragraphs 6.04 and 6.05.

RESOLVED:

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

103. **APPEAL BY ROADAWAY LIMITED AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM STORAGE TO STORAGE AND DISTRIBUTION OF CARAVANS AND CARS INCLUDING TEMPORARY SITING OF A CARAVAN FOR USE AS AN OFFICE AT FORMER COAL YARD, MIN Y DON, MOSTYN ROAD, LLANERCH-Y-MOR, HOLYWELL (049337)**

Councillor H.G. Roberts raised concern at the comments of the inspector in paragraph 6.02 about the appearance of the site when comparing it with what

was currently in place compared to how it would look if the application was permitted. In response, the Principal Solicitor referred to the powers of the Council under Section 215 of the Town and Country Planning Act 1990 in respect of land whose condition adversely affected the amenity of an area. Councillor P.G. Heesom also raised concern about highway issues as the site was on a dangerous bend.

RESOLVED:

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

104. **APPOINTMENT OF CHAIR FOR THE REMAINDER OF THE MEETING**

Following the vacation of the chair by the Chairman and in the absence of the Vice-Chairman, the Principal Solicitor sought nominations for a Chairman for the remainder of the meeting. Councillor A.M. Halford proposed Councillor P.G. Heesom which was duly seconded. There were no other nominations. On being put to the vote, this was carried and Councillor Heesom took the chair for the remainder of the meeting.

105. **FULLL APPLICATION - PROPOSED CHANGE OF USE OF LAND TO EXTEND GARDEN AT 32 HIGH STREET, SALTNEY (049989)**

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 5 November 2012. 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.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded. The local Member, Councillor R. Lloyd, queried the need for the application to be submitted to Committee as he felt that it was unnecessary. He said that the one letter of objection which had been received was from a landlord who owned a property which was not affected by the application. He said that the access was one metre wide, the application would improve the area and would not affect access. Other Members concurred that the pedestrian route was still achievable.

In response to a question from Councillor A.M. Halford about why the Vice-Chairman had requested a site visit when the local Member had said one was not necessary, the Head of Planning advised that, as the Chairman had declared an interest, the Vice-Chairman had requested a site visit and asked that it be determined by the Committee.

RESOLVED:

That the retention of the use be allowed subject to the conditions detailed in the report of the Head of Planning.

106. **DURATION OF MEETING**

The meeting commenced at 1.00 p.m. and ended at 3.45 p.m.

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

There were 15 members of the public and one member of the press in attendance.

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Chairman