

PLANNING & DEVELOPMENT CONTROL COMMITTEE
7 SEPTEMBER 2016

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 7th September, 2016

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Ian Dunbar (Vice-Chairman), Carol Ellis, Christine Jones, Richard Jones, Richard Lloyd, Mike Lowe, Nancy Matthews, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts, David Roney and Owen Thomas

SUBSTITUTIONS:

Councillors: Jim Falshaw for Alison Halford and Brian Lloyd for Ray Hughes

APOLOGY:

Councillor Derek Butler.

ALSO PRESENT:

The following Councillor attended as an observer:

Councillor: Haydn Bateman

IN ATTENDANCE:

Chief Officer (Planning and Environment); Planning Strategy Manager; Senior Engineer - Highways Development Control; Minerals Team Leader; Senior Planners; Planning Support Officer, Housing & Planning Solicitor and Team Manager – Committee Services

56. DECLARATIONS OF INTEREST

None were received.

The Chief Officer (Planning and Environment) welcomed the newly appointed Development, Manager Mandy Lewis, who was observing the meeting. He paid tribute to Glyn Jones for all of his work undertaken during his time working at Flintshire County Council. Members gave a round of applause to Glyn Jones and welcomed Mandy Lewis to the Authority.

57. LATE OBSERVATIONS

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

58. MINUTES

The draft minutes of the meeting of the Committee held on 20 July 2016 had been circulated to Members with the agenda.

RESOLVED:

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

59. **ITEMS TO BE DEFERRED**

The Chief Officer (Planning and Environment) advised that deferment of the following application was recommended:

Agenda item 6.5 – Full Application – Erection of 24 No. Dwellings with Associated Garages, Parking, Garden Areas and Open Spaces with Demolition of Existing Service Station and Outbuildings at Argoed Service Station, Main Road, New Brighton – Deferred due to further information on the need for affordable housing being required for presentation to Members. The Solicitor concurred with the advice of the Chief Officer on the reason for deferral and advised that the item be deferred for this reason.

Councillor Peers queried the reason and said in 2010 a report on this site was presented to Members which stated that there was no further need for affordable housing with it being resolved that affordable housing would be part of the development secured by a commuted sum.

Councillor Richard Jones requested clarity on the reasons for deferral. The Solicitor confirmed that the information on the need for affordable housing needed to be included in the report to Committee.

On being put to the vote, the application was deferred.

RESOLVED:

That application 053310 be deferred until October 2016.

60. **APPLICATION FOR THE VARIATION OF CONDITION NO. 9 FOLLOWING GRANT OF PLANNING PERMISSION 054135 TO ALLOW HOURS OF OPERATION FOR SITE PREPARATORY WORKS BETWEEN 06:00 TO 18:00 MONDAYS TO FRIDAYS AND 06:00 TO 13:00 ON SATURDAYS AT PARRY'S QUARRY, PINFOLD LAND, ALLTAMI (055280)**

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 provided details of the hours of operation which were controlled by condition 9 which was attached to the planning consent.

Parry's Quarry secured planning consent to construct and operate a solid waste landfill on appeal in 2009 with conditions being imposed by the Inspector following a public inquiry.

There were a number of sensitive receptors located around the quarry, the closest of which were Parry's Cottages. The Applicant had submitted noise assessments in support of the application and following concerns raised by Officers regarding noise, their original application to vary the operating time from 06:00 Monday to Saturdays was revised and they requested that the Local Planning Authority consider allowing the commencement of site preparatory

works from 07:00 Mondays to Saturdays. Other users within the vicinity of the site operated from 0700 with the officer citing Ewloe Barns Industrial Estate as an example.

Councillor Bithell proposed the recommendation for approval which was duly seconded.

The Local Member, Councillor Carol Ellis, said her preference would be for the hours to remain as originally granted but should the application be approved, she asked if a condition could be imposed that if there were any future requests to change the operation time of the Quarry that it be brought back to Committee. She added that she was aware that a number of the Cottages had been bought by the owner of the Quarry and should they all be purchased at any point then such a condition to bring back any changes to Committee would provide a safeguard for other properties in the area. She also raised concern about the earlier time on a Saturday morning.

In response to the comments made, the officer confirmed that whilst Parry's Cottages were the closest to the site boundary, all nearby receptors had received a noise assessment, all of which were below the recommended level. She assured Councillor Ellis that the protection to Parry's Cottages would continue in place as long as they remained as residential properties with any conditions being retained.

On the earlier time on a Saturday morning, the officer confirmed that the noise assessment undertaken took into account background noise and after 07:00 the noise levels would not exceed the recommended level during Monday to Saturday. Environmental Health officers had been consulted on the application and had not submitted any objections.

Councillor Richard Jones felt that the original condition on operation time should not be changed as it was the only protection the nearby residents had against noise. He added that he also did not consider because other nearby sites had an operation time from 07:00 that this should result in this application receiving the same condition.

The officer explained that the assessment was undertaken on a cumulative impact with other nearby sites. In addition, each application was considered on its own merits.

On being put to the vote permission was granted with the Chair using his casting vote.

RESOLVED:

That Planning Permission be granted subject to a Supplementary S106 agreement to attach the obligations contained in the S106 agreement dated 16 December 2008 in relation to planning permission 042468 to the permission arising out of this application, and subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

61. **VARIATION OF CONDITION NO. 4 ATTACHED TO PLANNING PERMISSION REF: 053393 TO ALLOW INCREASE OF THE DURATION OF EXISTING PERMISSION AT PORT OF MOSTYN, COAST ROAD, MOSTYN (055805)**

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 application and explained that on 4 August 2015 planning permission 053393 was granted for the installation and operation of a mobile advanced thermal treatment plant (ATT) and associated operations in existing buildings comprising a 1MW pyrolysis unit and associated gas engine. Condition 4 of the permission required the development to cease 5 years from commencement. The Section 73 planning application was to amend the condition to require that the development shall cease 15 years from commencement. The fundamental reason was cited as the government had altered the funding and subsidy schemes applicable to a range of renewable energy schemes, and the private investment funding sources who would finance the development would require a return and repayment on the investment over a longer time period than the currently consented 5 year period.

The applicant, Mr D. Levis spoke in support of the application. He reiterated the reason for the extension to the time for the repayment of the investment. He confirmed that, following comments at the meeting on 22 June 2016, the plant was not experimental, unproven or for the testing of component parts. It was for demonstrating a commercially working plant on a small scale to potential funders. Since the original application the plant had received an environmental permit which demonstrated that there was no danger to human health or the environment. The equipment would be fully compliant with emissions regulations and the plant would be continually monitored to ensure ongoing compliance. The lease required the site to be left in the same condition as it originally existed or better.

The Local Member, Councillor David Roney, proposed the recommendation for approval which was duly seconded. He said his concerns at the last meeting had been addressed in full in the report before Members today.

Councillor Mike Peers said at the site visit in July 2016 and in the original Committee report Members were advised that the payback period would be over 5 years. He felt that it was a flaw in the business case of the applicant and was not a material condition for Members to consider the variation of condition. Councillor Richard Jones expressed similar concerns, commenting that the finances of a company were not for consideration by Members.

The officer explained that the original timeframe of 5 years was not imposed based on any technical or environmental reasons. If the applicant had applied for a longer payback term in July 2016 then the recommendation for approval would have been the same.

The Planning Strategy Manager added that a similar application had been approved by Members in March 2016 on the payback time for two Solar Farms being changed.

In summing up, Councillor Roney said the reason for the time extension was sound and he was in full support of the application which would also see a small number of jobs created in Mostyn.

RESOLVED:

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

62. CREATION OF OVERBURDEN STORAGE BUND AT PANT Y PWLL DWR QUARRY, PENTRE HALKYN (055218)

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 permission was sought to remove 210,000m³ of clay overburden which was overlaying the remaining permitted limestone reserves within Pant y Pwll Dwr Quarry, and use the material to form a north westerly extension to the existing overburden storage facility, which lay to the north of the west of the quarry void. The proposal would also involve the permanent diversion of a private access road, the diversion of existing public rights of way and the creation of a new permissive path.

Councillor Bithell proposed the recommendation for approval which was duly seconded.

Councillor Bithell queried whether the Halkyn Graziers and Commoners Association legal rights referred to in the report were a legal matter rather than a matter for the committee. The Solicitor explained that it was not a material consideration for Members in considering the application.

Councillor Richard Jones asked if a compensatory area was to be provided to the Graziers and who was responsible for the maintenance of the Rights of Way.

The officer explained to compensate the Graziers for the loss of grazing land during the construction and restoration of the bund, the quarry could move some existing fencing around their existing bunds. On rights of way, the officer provided background information to explain that the proposal would involve the temporary closure and subsequent diversion of public and private rights of way. An additional permissive footpath had been proposed which would lead to the summit of the bund to provide a look out over the Common and the quarry. On maintenance, she clarified that the private right of way was the responsibility of

the land owner and the Public Right of Way being the responsibility of the Local Authority.

Councillor Chris Bithell queried why the Public Right of Way could not be restored as opposed to being permanently diverted. The officer explained that the suggested permanent diversion was based on the appreciation of the land with the diversion providing a flatter route. Rights of Way officers and the Ramblers' Association had not submitted any objections to the proposal.

RESOLVED:

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

63. APPLICATION FOR A LATERAL EXTENSION TO EXISTING QUARRY, EXTENSION OF TIME TO 2023 AND THE ERECTION OF STATIC SCREENING PLANT IN THE QUARRY VOID AT MAES MYNAN QUARRY, AFONWEN (054707)

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 application involved a lateral extension in an easterly direction, an extension of time from 2018 to 2023, and the continuation of use of static plant on site. The application also proposed a continuation of the importation of inert materials to achieve the permitted and proposed restoration profile. The progressive restoration proposed for the site would return the site to meadow grassland with areas of woodland edge and tree planting, shrub vegetation, and marginal aquatic species located around a waterbody with wetland scrapes for nature conservation purposes and amphibian mitigation.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He sought information on the access and recreation opportunities for the site whilst providing linkages with the existing public footpath network. The officer explained that two routes had been suggested but unfortunately due to land ownership and conflict with the proposed European protected species mitigation and the proposed nature conservation area, there did not appear to be any viable options for providing opportunities for recreational uses on the site as the linkages would cross over land not within the ownership of the applicant and through the amphibian nature conservation area.

Councillor Jim Falshaw commented on the importance of the Quarry and provided information on the access. He said the surrounding areas and local community should be involved in the restoration of the site.

RESOLVED:

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

64. GENERAL MATTERS – ERECTION OF 56 NO. DWELLINGS WITH ASSOCIATED ACCESS, OPEN SPACE AND INFRASTRUCTURE AT KINNERTON LANE, HIGHER KINNERTON (054770)

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 explaining that at the meeting on 20 July 2016 Members resolved to refuse the application for two reasons. The report sought agreement of the wording of the reason which related to flooding and drainage concerns and also sought agreement from Members to withdraw the reason for refusal in respect of agricultural land quality, on the basis as was laid out in the report. The applicant had also provided confirmation that the land was not Best and Most Versatile (BMV) quality.

He commented on the concerns raised at the last meeting on the site springs and proposed storage of water within the confines of the site in underground storage tanks. A summary report had been produced by Betts Hydro which advised that there were no springs arising within the site boundaries. The boggy nature of the ground suggested that the site was crossed by spring lines. The report advised that the proposed surface water drainage system was designed to accommodate flows to cater for the 1:100 flood event and allowed an additional 30% storage capacity to allow for climate change. He further added that an appeal had been submitted on this application based on non-determination; the expiration of the four week period in which the Local Authority had to issue a decision ceased on 15 September 2016.

Councillor Richard Jones moved approval of the wording in paragraph 6.04 of the report of the Chief Officer (Planning and Environment) for the reason for refusal of the planning permission which was duly seconded.

Councillor Bithell said he had concerns on the storage capacity of the underground storage tanks, citing examples of problems that had occurred on other developments. The officer explained that the information before Members was the best evidence available and that was based on no springs within the site boundary, storage capacity of the water tanks and climate change.

RESOLVED:

That the reason for refusal be “The Local Planning Authority considers that insufficient information has been provided in respect of the proposed drainage system to demonstrate that the development of this site would not result in an increased risk of flooding arising elsewhere further downstream. Accordingly the Local Planning Authority considers that the proposals are contrary to the

provisions of policies STR1, GEN1, GEN3, HSG4 and EWP17 of the Flintshire Unitary Development Plan and fail to satisfy the requirements of Technical Advice Note 15: Development and Flood Risk, and fails to satisfy Paragraph 6.2 of Technical Advice Note 1 – Joint Housing Land Availability Studies.

65. APPEAL BY MEMORIA LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF A NEW CREMATORIUM, ASSOCIATED CAR PARK, ACCESS ROAD AND ANCILLARY WORKS, LANDSCAPING AND GARDENS OF REMEMBRANCE AT KELSTERTON LANE/OAKENHOLT LANE, NEAR NORTHOP - ALLOWED (052334)

The Chief Officer (Planning and Environment) advised that an additional application had been received for another crematorium in the County.

RESOLVED:

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

66. APPEAL BY LYONS HOLIDAY PARKS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR USE OF LAND FOR SITING OF 1 NO. STATIC CARAVAN AS ANCILLARY MANAGERS ACCOMMODATION AT ST. MARYS CARAVAN CAMP, MOSTYN ROAD, GRONANT - DISMISSED (052381)

RESOLVED:

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

67. APPEAL BY PHB(NW) LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR SITING OF AN ADDITIONAL 4 TOURING CARAVAN PITCHES WITH HARDSTANDING AND PROVISION OF AN ACCESS (RETROSPECTIVE) AT MISTY WATERS CARAVAN PARK, LLOC - ALLOWED (053202)

The Chief Officer (Planning and Environment) advised that costs had been awarded against the authority and stressed the importance of the attendance of the local Member at a hearing which could help with costs against the authority being avoided.

RESOLVED:

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

68. APPEAL BY PHB (NW) LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGES TO THE LAYOUT OF 25 NO. TOURING CARAVAN PITCHES (PREVIOUSLY APPROVED UNDER PLANNING PERMISSION REF: 049102) AND TEMPORARY RETENTION OF 2 NO. 'PORTA-CABINS' FOR USE AS A TEMPORARY TOILET/AMENITY BLOCK TO SERVE THE TOURING CARAVAN SITE (RETROSPECTIVE) AT MISTY WATERS CARAVAN PARK, LLOC - ALLOWED (053731)

The Chief Officer (Planning and Environment) advised that costs had been awarded against the authority and stressed the importance of the attendance of the local Member at a hearing which could help with costs against the authority being avoided.

RESOLVED:

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

69. **APPEAL BY MR. MARTIN ROONEY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A PROPOSED NEW VEHICULAR ACCESS TO SERVE PLOT 5 ONLY OF PREVIOUSLY CONSENTED GYPSY SITE AT EWLOE BARN WOOD, MAGAZINE LANE, EWLOE - ALLOWED (054095)**

RESOLVED:

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

70. **APPEAL BY MR. ROBERT NIXON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR ERECTION OF AN EXTENSION TO PROVIDE ADDITIONAL ACCOMMODATION AT FIRST FLOOR LEVEL AT ARDEN LEA, WHITFORD ROAD, WHITFORD - DISMISSED (054328)**

RESOLVED:

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

71. **APPEAL BY MR. GLYN ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR AN OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED DWELLING AT LOW NOOK, CORWEN ROAD, TREUDDYN - DISMISSED (054540)**

RESOLVED:

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

72. **APPEAL BY MR. & MRS. J. WILKINSON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO GRANT OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DWELLING AT BRYN Y GWYNT, BABELL ROAD, PANTASAPH - DISMISSED (054592)**

RESOLVED:

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

73. **APPEAL BY MR. & MRS. GLYN GRIFFITHS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 4 NO. DWELLINGS (STARTER HOMES) AT RHYDDYN FARM, BRIDGE END, CAERGWRLE - DISMISSED (054615)**

RESOLVED:

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

74. **APPEAL BY MR. & MRS. S. PARKER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A REPLACEMENT DWELLING AND ANCILLARY WORKS AT GELLI FARM, GELLI ROAD, PEN YR ALLT, TRELOGAN - ALLOWED (054757)**

RESOLVED:

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

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

There were 17 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00pm and ended at 3.00pm)

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Chairman