

**PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**22<sup>ND</sup> FEBRUARY 2017**

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, 22nd February, 2017

**PRESENT: Councillor David Wisinger (Chairman)**

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

**IN ATTENDANCE:**

Chief Officer (Planning and Environment); Development Manager; Senior Engineer - Development Control; Senior Planners; Planning Officer, Senior Solicitor and Team Leader – Democratic Services.

**132. DECLARATIONS OF INTEREST**

Councillor Marion Bateman declared a personal and prejudicial interest in agenda item number 6.1 – Full Application – Erection of 43 No. Dwellings and Associated Works at Ffordd Eldon, Soughton (054548).

Councillors Carol Ellis, Mike Peers and Neville Phillips declared personal and prejudicial interests in agenda item number 6.2 – Renewal of Outline Planning Permission Ref: 046545 for Residential Development at Hillcrest, Mount Pleasant Road, Buckley (055936).

Councillor Derek Butler declared a personal interest in agenda item number 6.4 – Full Application – Swap Out and Relocation of the Existing 10m High Monopole for a 12.0m High Alpha Monopole, Installation of 3 No. Equipment Cabinets and Associated Development at Land Opposite Fair Haven, Ruthin Road, Gwernymynydd (056287).

The Solicitor advised that the officer taking the minutes would be replaced with another officer for agenda item number 6.3 – Full Application – Erection of Single Storey Extension to Provide Children's Nursery Facilities at 10 Aughton Way, Broughton (056279) as she was a friend of the applicant.

**133. LATE OBSERVATIONS**

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

**134. MINUTES**

The draft minutes of the meeting held on 18<sup>th</sup> January 2017 were submitted. Councillor Mike Peers referred to the number of members of the public which were recorded in attendance at the meeting and said this was misleading as the majority of the public left after it was resolved that agenda item number 6.1 – Full Application – Erection of 43 no. Dwellings and Associated

Works at Ffordd Eldon, Soughton would be deferred. It was agreed that the minutes would be amended to reflect that.

**RESOLVED:**

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

**135. ITEMS TO BE DEFERRED**

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

Having earlier declared a personal and prejudicial interest in the application, Councillor Marion Bateman left the meeting prior to the discussion.

**Agenda item number 6.1 – Full Application – Erection of 43 no. Dwellings and Associated Works at Ffordd Eldon, Soughton.** He explained that it had become apparent that not all of the interested parties who had made representations to the Authority had received details of the item being considered at the Committee today. He felt that it was prejudicial to those people and it was not safe for the Committee to determine the application on that basis and apologised for the administrative error.

Councillor Bithell moved deferment of the application and was seconded by Councillor Wisinger.

Councillor Richard Jones commented on the large number of people that were in attendance for that item and said it was unfortunate that they had not been informed of the deferral. The Chief Officer explained that a Member decision could not be pre-judged and until deferral was voted on, the item was still for determination. He acknowledged the point made by Councillor Jones and suggested that it could be a matter for discussion at a future Planning Strategy Group meeting.

On being put to the vote, deferral of the application was carried.

**RESOLVED:**

That agenda item number 6.1 – Full Application – Erection of 43. no Dwellings and Associated Works at Ffordd Eldon, Soughton (054548), be deferred.

After the vote had been taken, Councillor Marion Bateman returned to the meeting and was advised of the decision. At this point a number of the members of public left the meeting.

**136. RENEWAL OF OUTLINE PLANNING PERMISSION REF: 046545 FOR RESIDENTIAL DEVELOPMENT AT HILLCREST, MOUNT PLEASANT ROAD, BUCKLEY (055936)**

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. Councillors Ellis, Peers and Phillips, having earlier declared personal and prejudicial interests in the application, left the meeting prior to its discussion.

The officer explained that this was a renewal of outline planning permission for residential development to the rear of Hillcrest, Mount Pleasant Road/Drury Lane, Buckley. It needed to be established whether there were any new material considerations since the previous grant of planning permission with the main considerations being the impact of the development on the adjacent Deeside and Buckley Newt Special Area of Conservation (SAC) and the mining history of the site.

In order to try to bring development forward on the site, a 2 year outline permission was proposed with a 12 month time limit to submit the reserved matters. Issues relating to land contamination could be dealt with by condition. Details of the required bat mitigation needed to be provided at reserved matters stage and could also be secured by a condition. The impact on the SAC would be met through the mitigation land secured through the S106 agreement.

The officer added that condition 5 in the report should read 'Mount Pleasant Road' and not Lower Mountain Road.

Councillor Richard Jones moved the officer recommendation for approval which was duly seconded. He commented that it was an application for renewal with a 2 year permission which he supported.

In response to comments from Councillors Bithell and Butler, the officer explained that the permission was outline at this stage and the total number of dwellings would be detailed in the application for reserved matters when submitted. The numbers shown in this report were indicative only with all matters reserved.

**RESOLVED:**

That planning permission be granted subject to the following:

Prior completion of a S106 agreement to provide for:

- Open space provision - £1,100 per dwelling to enhance toddler play provision at the existing children's play area on Mount Pleasant Road, Buckley
- Education provision - £12,257 per primary school pupil generated towards Mountain Lane Primary School
- Mitigation land to overcome indirect impacts on SAC through provision of informal recreational space and provision of ecological mitigation including long term management for both areas

And subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) which included an amendment to paragraph 4.0 of the report as detailed in the late observations.

After the vote had been taken, Councillors Ellis, Peers and Phillips returned to the meeting and were advised of the decision.

**137. FULL APPLICATION – ERECTION OF A SINGLE STOREY EXTENSION TO PROVIDE CHILDREN’S NURSERY FACILITIES AT 10 AUGHTON WAY, BROUGHTON (056279)**

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. 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 gave an overview of the application and explained that the proposals were for the extension and alteration of the existing garage to provide accommodation to run a children’s day nursery. She outlined the reasons for recommending approval, subject to conditions controlling the scale of the development and making it personal to the applicant.

Mr. S. Sutton spoke against the application on the following grounds: the detrimental impact of increased levels of traffic in a quiet residential area; increased noise levels for residents; limited access to the property; the lack of available parking at the property; concerns around flooding near the property which occurred during prolonged periods of bad weather which could worsen with the proposed extension.

Councillor Mullin proposed refusal of the application on the grounds of parking concerns and impact on residential amenity, against officer recommendation, which was duly seconded. Councillor Mullin reiterated the concerns raised by Mr. S. Sutton and commented that no assurances had been given by the applicant that children would be picked up and returned to their homes at the end of the day.

Councillor Butler commented that the property was in an area that was prone to flooding and raised concerns around the proposed parking at the property which he felt was unsuitable.

Councillor Richard Jones questioned the brief comment made by the Highways Department and raised concerns around the proposed increased number of vehicles which would undermine safety in a cul-de sac.

Councillor Peers said that he had attended the site visit and shared the concerns of Councillor Mullin. He questioned whether 5 vehicles would fit onto the proposed parking area and raised concern with the increased number of vehicles for neighbouring residents and the impact on the amenity with the increased noise levels. He also commented on the report, which outlined that if the use of the extension ceased, the building could be used as a residential

annex or other ancillary accommodation, and asked if this would require further planning permission.

Councillor Thomas commented on the demand for nursery facilities and spoke in support of the application on the grounds that the proposal was for a small scale extension. He also said that he did not envisage all parents arriving to pick up their children or drop off their children at the same time. Councillors Bithell and Roberts also spoke in support of the application and said that there were no planning grounds for refusing the application.

The officers responded to the concerns raised and explained that the parking standards set out a maximum parking provision and the application met that standard. Any residential property could run a child-minding business from the property without requiring planning permission provided they care for no more than 6 children without the authority having control over the opening hours and parking provision. Therefore, the only material change was 2 additional children.

The Development Manager advised the Committee that the reasons given for refusal on parking concerns and the impact on residential amenity were technical matters. Officers had explained that the highway/parking reason met the requirements set out in the SPG guidance and there had been no adverse comments from the Public Protection Manager on increased noise levels, and therefore there was no technical evidence on the impact of noise.

On being put to the vote, the proposal to refuse planning permission against officer recommendation, was carried.

**RESOLVED:**

That the application be refused on the grounds of insufficient parking and impact on residential amenity.

**138. FULL APPLICATION – SWAP OUT AND RELOCATION OF THE EXISTING 10M HIGH MONOPOLE FOR A 12.0M HIGH ALPHA MONOPOLE, INSTALLATION OF 3 NO. EQUIPMENT CABINETS AND ASSOCIATED DEVELOPMENT AT LAND OPPOSITE FAIR HAVEN, RUTHIN ROAD, GWERNYMYNYDD (056287)**

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

The officer explained that this was a full application for the replacement and relocation of the existing 10m high monopole with a 12.0m high alpha monopole, installation of 3 no. equipment cabinets and associated development. The proposal was to improve the level of coverage in the vicinity.

Due to the increased height and design of the new mast it would be more prominent than the one it replaced. However the additional impact was such that the development would not have a significantly greater or detrimental impact upon the street scene and surrounding townscape. Views of the mast were

largely obscured by buildings and mature vegetation. Dwellings to the north of the site were over 35 metres away and the dwelling to the south was 75 metres away from the site.

Some concerns had been raised on potential public health concerns which were detailed in the report.

Mr K. Hughes spoke against the application on behalf of Gwernymynydd Community Council on the following grounds: siting of the mast; economic benefit should not outweigh health concerns of the community; radiation splay at the same level as the bedrooms of the dwelling opposite; non-ionising radiation; height of the mast; inconclusive evidence on health issues from the effect of mobile phone masts but there was evidence of cancer clusters that had been found around phone masts; and other health problems.

Councillor Wisinger moved the officer recommendation for approval which was duly seconded. He commented on the health concerns that had been raised and said there was no proof of any health hazards. He also commented on the benefit to the local community that the monopole would bring.

Councillors Bithell and Butler also said there was no medical evidence on the health concerns raised, as was outlined in the report. At the site visit, Councillor Butler noted there were a large number of street lights in close proximity and therefore felt the monopole would not be out of keeping in the area.

Councillor Matthews said she had looked at monopoles throughout the country and they were not usually so close to dwellings. On non-ionising radiation, she said the radiation from a monopole was constant so she felt there would be damage to human cells. The radiation emitted would be level with the first floor of the property adjacent to the monopole.

She said the International Commission on Non-Ionising Radiation Protection issued guidelines which were adhered to by applications for any monopole but that the most recent published research was from 2008. It claimed the radiation diminished in strength as the distances increased but she felt this was a flawed view. There had been no further published papers as there was not enough evidence due to the significant use of mobile phones only being over the last 10 years. She referred to a recent French telecommunications company who had been required to remove a mast completely and some other countries now exercising caution in the siting of new masts. The World Health Organisation also recommended caution. Public Health Wales adhered to the International Commission on Non-Ionising Radiation Protection and said the evidence was inconclusive. In conclusion, she said the residents of Gwernymynydd recognised the need for a monopole but requested that an alternative site be found. This was an opportunity for the Planning Committee to express concerns on the siting of monopoles with possible health effects of non-ionising radiation.

Councillor Thomas expressed his concerns on public health and felt an alternative site should be found.

Councillor Richard Jones felt if the evidence was inconclusive on the health effects then the Committee should proceed with caution. He also said the

perception of local people needed to be considered and felt an alternative site for the monopole should be found.

Councillor Roberts said the visual impact would not be effected due to the mature vegetation and buildings in the locality. He said that if the application was refused and the applicant went to appeal, Inspectors took notice of evidence based information which was not available in this instance. He referred to a similar application in Devon where an appeal had been lost.

Councillor Bateman asked how far back the monopole would need to be before it reached the nearby dwellings.

The officer explained that the Flintshire County Council Unitary Development Plan (UDP) cited that any new telecommunication facilities in areas such as the A.O.N.B were subject to a feasibility study which would assess if suitable alternatives were available. As this was an upgrade to an existing site that policy did not apply and it was considered the most appropriate place for the monopole.

On health concerns, Technical Advice Note (TAN) 19 set out what Welsh Government (WG) considered to be material and non-material. TAN 19 stated that where transmissions from a proposed base station met the ICNRP guidelines it was unnecessary for a Local Planning Authority to consider further the health concerns when considering such an application. There was no demonstrable harm to public health arising from the development.

The plan showed a 19.6m exclusion zone around the mast. The closet property was 35m away and therefore well outside of the exclusion zone.

The Development Manager added that when the Guidelines were drawn up, they were done so with a precautionary approach given that mobile phones had not been in use for a relatively high number of years. Members could therefore be assured that the guidance was already given on a precautionary basis to protect residents, schools etc.

In summing up, Councillor Wisinger said the current equipment had been in situ for 10 years and no evidence had been provided on any health problems. The only difference was a height increase of 2 metres.

**RESOLVED:**

That Planning Permission be granted subject to the conditions outlined in the report of Chief Officer (Planning and Environment).

**139. FULL APPLICATION – ERECTION OF EXTENSION TO DWELLING AND FORMATION OF NEW ACCESS AT COED ISSA COTTAGE, LLANFYNYDD (056109)**

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

The application was for a single storey extension to the existing two storey dwelling and the formation of a new vehicular access with parking and turning area at Coed Issa Cottage, Llanfynydd.

Mrs A. Beesom spoke against the application on the following grounds: inaccurate plans that did not display Coed Issa Farm and Coed Issa Cottage were linked together; proposed rear door egressed into Coed Issa Farm utility building, not an open area; internal door served as rear door to Farm; rear door used as thoroughfare for the two properties when it was under single ownership but had not been used in many years; the septic tank was located 1 metre into her boundary and there was no current arrangement for dispersal of overflow water; no mention of sewage disposal in the report; retaining wall of the outbuilding should remain untouched as if removed it would undermine her land; the road was 40mph, not 30mph as stated in the report; there were two natural water courses that flowed through the site which fed the farm outbuildings.

Councillor Wisinger proposed the officer recommendation for approval which was duly seconded. He commented that it was clear from the site visit that the current dwelling would benefit from the proposed extension.

Councillor Thomas said the application was within the policy guidelines of a 50% guide for approving an extension.

Councillor Richard Jones queried whether the application should be deferred pending clarification on the speed limit of the road which he felt was a key factor to the application.

Councillor Butler commented that the report did not include any information on access and egress, overflow of water or a septic tank and queried whether they would be dealt with via conditions.

Councillor Roberts said there was a highway gain if the application was approved as there would be a provision for off road parking.

The officer explained that the application was for an extension to the right hand side of the dwelling which met the requirements of the relevant policy. All other issues would be dealt with by conditions. He clarified it was for an extra bedroom and bathroom facility.

The highways officer explained that visibility splays did not meet the guidance set for a 30mph limit and did not meet them for a 40mph limit either. However, the highways authority was keen to encourage parking within the site and was satisfied that an access could be created which was sufficient to protect the safety of highway users.

In summing up, Councillor Wisinger concurred that any parking on the site as opposed to the highway could only be of benefit.



**RESOLVED:**

That Planning Permission be granted subject to the conditions outlined in the report of Chief Officer (Planning and Environment).

**140. FULL APPLICATION – ERECTION OF WASTE TRANSFER BUILDING AND STORAGE BAYS, FORMATION OF ADDITIONAL HARD STANDING AND RETENTION OF BOUNDARY FENCING AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE (055411)**

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. 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, which included the conditions also detailed in the late observations.

The proposal was for the erection of a waste transfer building on an existing waste management site within an established industrial estate. The proposal would comprise the erection of a waste transfer building, construction of concrete push walls and the retention of fencing. The proposal would not result in any change to the nature and tonnage of waste types which could be managed at the site.

The proposal would see significant improvements to the operation of the site, reducing the impact of the current operation on local amenity by bringing the management of residual household black bag waste within a fully enclosed building.

The site was located well away from residential properties and whilst distant views of the site would be possible from residential properties along Liverpool Road and Smithy Lane, any impact was not considered sufficient to cause significant harm to residential amenity and the proposed hours of operation would help to minimise the impact of the proposed development on residential amenity.

The use of the building to accommodate the processing of waste and using machinery would help minimise noise from activities within the site.

The activities undertaken at the site had the potential to generate odour and dust and the management of wastes within the proposed building would help the operator control dust and minimise odour. The building itself would also act as a barrier to dust leaving the site.

Mr N. Foxhall spoke in support of the application on the following grounds: the company had operated the facility for a number of years and improved and enlarged the site to process waste; fully enclosed building with roller shutter doors; delivery via existing access and no increase to waste delivered to site; improvement to current facility based on enclosed building which would reduce noise, dust and vermin and a hard standing concrete area which would reduce debris from the site; and no objections from statutory consultees.

Councillor Butler proposed the officer recommendation for approval which was duly seconded. He commented on the conditions outlined in the report, particularly in relation to the wheel washing. Those were also outlined in the comments received from Welsh Government (WG) as outlined in the late observations which he welcomed.

Councillor Wisinger added the proposal would benefit the site as it would be undercover and a good barrier against noise and smell.

Councillor Ellis explained that the complaints about the site had been well documented. She commented in particular on the mud on the roads, which had been particularly bad over recent weeks, and welcomed the condition on wheel washing for the safety of all road users. There had also been issues with seagulls and litter escaping from the site and also light pollution; Councillor Ellis suggested that a condition on light pollution could be included. On odour, she understood Natural Resources Wales (NRW) were responsible for controlling it and she had reported a problem to them the previous day. She was advised that deodorising equipment should be in operation on site at the moment and asked that this be addressed. She asked for clarification on hours of operation.

Councillor Peers said the site visit had been beneficial as it demonstrated the odour problem at the site. On proposed condition number 14 and the provision of wheel wash facilities, he asked when they would be installed as it was clear there was a problem at the moment.

The officer explained that part of the site that was not concreted generated mud in poor weather conditions which was then tracked out by vehicles. There were current wheel wash facilities on site and that was contained in the current conditions relating to the site in that it should be used by all vehicles leaving the site. She believed they were not necessarily in the right place on the site at the moment and the operator was contacted on each occasion when a complaint was received and those complaints were acted upon. It was her view that the best option for this site was to secure a hard standing concrete area. A condition on wheel washing would be attached to this application should it be approved.

On seagulls and litter, complaints were received in relation to both and this application was the proposed solution to deal with those issues. It was currently an open building and not fit for purpose in that it did not keep the black bag waste inside hence attracting seagulls and litter escaping. There was a proposed lighting condition which was outlined in the report as was also the case with proposed hours of operation. The extended hours of operation which had been secured for the site through application 054536, which was granted on appeal, allowed working between the hours of 06:00 and 19:00 Monday to Saturdays and 10:00 and 17:00 on Sundays for a period of 6 months. Irrespective of the outcome of the appeal, because the application before Members had been submitted and assessed on the basis of the proposed hours of operation of 07:00 – 18:00 Monday to Saturday with no working Sundays or Christmas Day, except for repair, maintenance and testing which would be carried out between 09:00 – 17:00, it was being recommended that those hours be conditioned.

On the odour experienced at the site visit, the officer explained that she had contacted the applicant and had been advised that the operation on that day had not been a usual operating scenario as the outlet for black bag waste had been unavailable resulting in waste being stored for longer than usual, as well as it being a particularly warm day. There was an odour condition as outlined in the late observations.

In response to a question from Councillor Thomas, the officer clarified that the wheel wash facilities would be moved to near the exit. The current wheel wash facility was out of the sight of Members on the site visit.

In summing up, Councillor Butler said this was an opportunity to make improvements on the site and to ensure hard standing concrete on the site and improved wheel washing facilities by re-siting them to overcome current problems on the highway.

**RESOLVED:**

That Planning Permission be granted subject to the conditions outlined in the report of Chief Officer (Planning and Environment) including those detailed in the late observations.

**141. DEVELOPMENT OF AN INTEGRATED WASTE MANAGEMENT FACILITY COMPRISING A MIXED WASTE TREATMENT FACILITY, A CONSTRUCTION WASTE MATERIALS RECYCLING FACILITY, AND A CONTAMINATED SOILS TREATMENT FACILITY AT STONEYBEACH QUARRY, PINFOLD LAND, ALLTAMI (052364)**

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 following deferral at the last meeting. 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 proposed Integrated Waste Management Facility (IWMF) comprised: a commercial and industrial waste materials recycling facility, a construction waste recycling facility, and a contaminated soils treatment facility.

All of the issues raised at the last meeting which formed the basis of a deferral were addressed in the report. The officer made particular comments on the concerns that had been raised on the impact of the development on the Public Right of Way (PROW) by the Ramblers Association at the last meeting. The PROW ran along the private estate road which would serve the development, and which also served a number of different industrial uses including Pinfold Lane Quarry which was owned by the applicant. The road was already used by Heavy Goods Vehicles (HGVs) and would have accommodated quarry traffic in addition to industrial traffic whilst Stoneybeach quarry was operational. The Public Rights of Way (PROW) officer had not objected to the proposal on the basis of the impact of the PROW and advised, in particular, that it was common for a PROW to be used by vehicles where a right to do so existed. Due to the width of the road it was considered that the development would have

no greater impact on users of the PROW than existing users. The applicant proposed to install a weighbridge and office facilities along the private road which could impact on the PROW and may necessitate a temporary closure whilst construction works were being undertaken.

Mr H. White spoke against the application on the following grounds: public rights of way (PROW) users would be affected by the quantity of lorry traffic; applicant failed to consider the issue in the environmental statement originally submitted and was not proposing any mitigating actions; impact of lorry traffic was unacceptable on the path; up to 12 lorries per hour on the path; modern policies supported PROW; 400m access track was recorded as a public path which was the width of former track and been progressively widened over time; constructive meeting with officers on site and clarified site history, definitive path line and how it had altered over the years by the developer. Also he had drafted a condition should Members wish to have sight of it.

Councillor Butler proposed the officer recommendation for approval which was duly seconded. He said whilst he supported the application he did have some concerns on the weighbridge and agreed with the mitigation measures as outlined in the report.

Councillor Ellis also agreed with the areas of mitigation in relation to the weighbridge and suggested a barrier to protect to the public from vehicles turning. On the highway improvement works which would be undertaken at Parry's Quarry, there was concern from residents on air quality in the area and said there were no monitoring devices nearby. They also felt the source of the waste should be local and had concerns on contaminated waste; residents wanted to know what it was contaminated with. She also asked whether there was a need for another facility which would also produce noise, dust and light pollution. On restriction of vehicle movements, the CMRIF facility would operate seven days a week and there was a fear this would generate more noise. It was reported that the majority of the work would take place inside and she queried how that would be policed. On the ecology report, a recommendation of an addendum to the report was advised. There was also reference in the report to the harm to the great crested newts.

Councillor Peers commented on the 24 hours of operation which would take place within the building saying at some time during that 24 hour period there would be a need to open those doors and he agreed with Councillor Ellis that it would be difficult to monitor the operation. He also commented on potential noise from vehicles reversing with the audible beeping sound. A discussion took place on the site visit on the integration of the footpath with the moving vehicles and he felt a physical segregation was needed between the highway and the footpath and asked if that could be a condition.

Councillor Richard Jones felt the need had not been proven for the proposed development. He commented on the close proximity of Ewloe Barns and Parry's Quarry adjacent to the site who were undertaking the same processes. Also, the Inspector initially said the landfill was not necessary.

Councillor Thomas commented that the footpath was dangerous with the number of vehicles on the track. On the wheel wash, he said it would not work

when the access to the site was a hard core access as it created white dirt and he suggested tarmac or concrete instead. On noise and pollution complaints, he said it was clear it was not being policed and questioned whether this would continue if approved. He concurred with the view of Councillors Ellis and Richard Jones on whether there was a need for another facility in the area.

Councillor Bithell supported the comments made on the PROW. On the hours of operation, he felt it was confusing as some were 7am-7pm with other operations being 24 hours. He felt it should all be 7am-7pm with no operations taking place on a Sunday. The rules for the three different facilities in close proximity were different on each one. He suggested that it should be 7am-7pm for 12 months with an application for an extension if no complaints had been received during that period.

Councillor Lloyd asked if a condition could be put on the application to ensure that the weighbridge was not a public one.

The officer explained that a condition was recommended, following discussions with the PROW officer, to require the marking out of the PROW along the private road and to secure extra signage which would encourage walkers to use the area identified for the different usage. Signage would also help to reduce conflict of use. However, this was a road that was already used for a number of industrial uses and there had been no evidence of any problems. That use would continue irrespective of whether planning permission was granted or not. The industrial use access was on the left hand side of the road with the other side being an active quarry; therefore a physical barrier between the vehicles and the PROW was not feasible. She confirmed that PROW guidance highlighted was a material consideration and was properly considered in that way.

On air quality, a condition was proposed to be included that would secure monitoring of dust from the site. The applicant had been clear on the source of the waste; it was not intended to serve just Flintshire but a much wider area. On contaminated waste, a condition was imposed to ensure material was transported to the site within enclosed vehicles to carry the contaminated soils. The need for a facility was detailed in full in the report which the officer felt had been demonstrated, reiterating that it was not just a facility for Flintshire alone but the wider area and the facilities were not available anywhere else nearby. The Inspector had also detailed the benefits that would be provided by the facility.

Conditions were also recommended to cover dust, noise and lighting concerns with appropriate monitoring.

On 24 hour work and the policing of it, the way in which the condition was written allowed for 24 hour work within the building but in general it did not allow activities to take place outside. There were exceptions such as in an emergency. Noise monitoring would take place and work in parallel with the hours of operation which would pick up any issues and ensure that usual operations were not taking place outside of the usual hours of operation which was 7am-7pm, with any complaints being investigated. On reversing beepers, there was a condition to ensure HGV's did not access the site outside of the hours of 7am-7pm.

The Ecologist had asked for information as an update but the information was not forthcoming. However, she felt she had sufficient information on which to form a decision. On great crested newts, a suitable condition was recommended.

The condition on the weighbridge would restrict the use so it was not available to the public. Improvements to the private road could be secured to address issues of dirt on the road.

Councillor Richard Jones asked a question on Parry's Quarry which had permission for commercial and demolition material but the report said this was not considered. On need, he said Parry's Quarry also had a contaminated soil site. The officer explained that there was a permission at Parry's Quarry to develop as a landfill site and that was in the process of being implemented. If that continued then capacity for construction and demolition waste would not be available. On such waste, a lot of it was due to the availability of space at a particular point in time. On contaminated soils, it was based on permitted facilities which had a permit from NRW. There was no harm in having two sites in close proximity.

In summing up, Councillor Butler asked if the Committee could hear Mr White's proposed condition in respect of the PROW. The Senior Solicitor advised that this was not appropriate as it had not been seen by officers or Members prior to the meeting and full details of the proposed condition had been provided by the officer on mitigating the issues raised in respect of impacts on the PROW. Councillor Butler said he still had some concerns on the PROW but officers confirmed that the PROW would be marked and provision for maintenance would be included in the condition in order to overcome the concerns outlined and to protect walkers in that area.

**RESOLVED:**

That Planning Permission be granted subject to the legal agreement and the conditions outlined in the report of Chief Officer (Planning and Environment), including as detailed in the late observations.

**142. APPEAL BY MR P. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DWELLING AS PART OF A SMALL HOLDING DEVELOPMENT AT PENYCEFN ISAF, PEN Y CEFN, CAERWYS - DISMISSED (054929)**

Councillor Roberts referred to the reasons for dismissal by the Inspector in that they considered that the proposal would intensify built development in the open countryside to the detriment of its character, regardless of its visibility. He felt this reason could be used to the benefit of the Authority at any future appeals.

The Development Manager responded to say the decision embraced the Authority's policy position.

**RESOLVED:**

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

143. **APPEAL BY MR R. HILL AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE OF VACANT POLICE HOUSE (FORMERLY A DWELLING) INTO A 9 BEDROOM HMO AND ASSOCIATED ACCESS IMPROVEMENTS AT 63 HIGH STREET, SALTNEY – ALLOWED (054929)**

Councillor Lloyd expressed his disappointment at the decision of the Inspector to allow this appeal and said his concerns on car parking remained.

**RESOLVED:**

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

144. **APPEAL BY MRS M. GARDNER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE SITING OF A CARAVAN FOR HOLIDAY LET USE AT THE REAR OF 2 TYN Y MORFA COTTAGES TYN Y MORFA, GWESPYR, HOLYWELL – DISMISSED (055553)**

**RESOLVED:**

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

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

There were 32 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 4.16 pm)

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**Chairman**