

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
2 APRIL 2008

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 2 April 2008.

PRESENT: Councillor D.E. Wisinger (Vice-Chairman in the Chair)

Councillors: S.R. Baker, Mrs. D.S. Banks, J.G. Beard, R.C. Bithell, D. Butler, D.L. Cox, E.F. Evans, P.G. Heesom, W. Mullin, N. Phillips, K.W. Richardson, H.G. Roberts, C. Shone, N.R. Steele-Mortimer, W.O. Thomas and P.J. Walkden.

SUBSTITUTES:

Councillor: R.G. Hampson for J.F. Jones and N.M. Matthews for C.J. Dolphin.

ALSO PRESENT:

Councillor H.T. Isherwood attended as local Member to speak on agenda item 4(21). Councillor I.B. Roberts attended as local Member to speak on agenda item 4(22). The Chairman exercised his discretion to allow Councillor T. Renshaw to speak on agenda item 4(15).

APOLOGIES:

Councillors: F. Gillmore and E.E. Matthews.

IN ATTENDANCE:

Chief Planning Services Officer, Head of Planning Control, Head of Planning Policy, Head of Development Control (Highways), Assistant Director (Democratic Services), Principal Solicitor (for agenda item 3) and Committee Officer.

317. DECLARATIONS OF INTEREST

Councillor S.R. Baker declared an interest in the following application:-

Agenda item 15 – Highways improvements, street lighting and associated works, land at Croes Atti, Chester Road, Oakenholt (044035)

In line with the Planning Code of Practice:-

Councillor N.R. Steele-Mortimer declared that he had been contacted on more than three occasions by the applicant on the following application:-

Agenda item no. 20 – Amendment to Planning Approval 043263 by minor amendment to South and West elevations through addition of entrance vestibule at Haulfryn, Gwaenysgor, Rhyl (044405)

318. LATE OBSERVATIONS

The Vice-Chairman allowed Members an opportunity to read the late observations and a letter and response relating to Parry's Quarry Planning Application (042468) which had been circulated at the meeting.

319. MINUTES

18 FEBRUARY 2008

The Assistant Director (Democratic Services) advised that the minutes for the Special Planning meeting held on 18 February 2008 had been issued to Members under separate cover and the Chairman had decided to add them to the agenda as an urgent item.

RESOLVED:

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

5 MARCH 2008

The draft minutes of the meeting of the Committee held on 5 March, 2008 had been circulated to Members with the agenda.

A Member queried the accuracy of minute number 302 as he felt that his comments had not been included. The Assistant Director (Democratic Services) advised that the minutes did not include individual comments but summarised the debate and on that basis were correct. The Member also indicated that he had requested that it be noted that he had voted against the application, which had not been recorded. The Assistant Director (Democratic Services) advised that this would be checked and the minutes amended if appropriate.

RESOLVED:

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

Councillor P.G. Heesom indicated he wished it be recorded that he had voted against the approval of the minutes.

320. APPEAL BY T.M. HOLDINGS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONVERSION OF EXISTING BUILDING INTO SMALLER LIGHT INDUSTRIAL USAGE, DEMOLITION OF METAL CLAD HAY BARN AND REPLACEMENT WITH NEW BUILDING TO SAME SIZE AND CONVERSION OF BLOCK STABLES INTO 2 OFFICES AT THE OLD STABLES YARD, FFORDD LLANFYNYDD, TREUDDYN, MOLD (040642)

A Member endorsed the observations of the Inspector in paragraphs 6.03, 6.04 and 6.05 of the report. He asked if enforcement was in place and was advised by the Head of Planning Control that it was not, but was imminent.

RESOLVED:

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

321. **APPEAL BY T.M. HOLDINGS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF DOG TRAINING SCHOOL AT THE OLD STABLES YARD, FFORDD LLANFYNYDD, TREUDDYN, MOLD (040652)**

RESOLVED:

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

322. **APPEAL BY MR. B. WILLIAMS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE TO ISSUE A LAWFUL DEVELOPMENT CERTIFICATE FOR THE USE OF LAND AT 7 SALTNEY TERRACE, SALTNEY AS A CAR DISMANTLERS AND STORAGE OF SCRAP CARS (041748)**

RESOLVED:

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

323. **APPEAL – APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 5 NO. DWELLINGS ON LAND SIDE OF CRANFIELD, RHYDYGALED, MOLD (042983)**

RESOLVED:

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

324. **APPEAL BY MR. J. ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE RETROSPECTIVE PLANNING PERMISSION FOR THE ERECTION OF AN AGRICULTURAL IMPLEMENT SHED AT CHWYLFA FARM, BRYN Y GARREG, FLINT MOUNTAIN, FLINT (043100)**

RESOLVED:

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

325. **APPEAL BY MR. & MRS. W. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF A TWO STOREY EXTENSION AND EXTENSION OF ADDITIONAL STOREY OVER EXISTING KITCHEN AT BRYN ERYN FARM, RHOSMOR ROAD, HALKYN (043398)**

RESOLVED:

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

326. **APPEAL BY HSBC BANK PLC AGAINST THE REFUSAL OF LISTED BUILDING CONSENT FOR THE INSTALLATION OF AN AUTOMATED TELLER MACHINE (ATM) AT 17 HIGH STREET, HOLYWELL (043666)**

RESOLVED:

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

327. **APPEAL BY HSBC BANK PLC AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE INSTALLATION OF AN AUTOMATED TELLER MACHINE (ATM) AT 17 HIGH STREET, HOLYWELL (043670)**

RESOLVED:

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

328. **GENERAL MATTERS – FULL APPLICATION – ERECTION OF A TWO STOREY APARTMENT BLOCK CONSISTING OF 38 NO. APARTMENTS AT FORMER SNOOKER HALL, SEALAND AVENUE, GARDEN CITY, DEESIDE (043436)**

The Committee considered the report of the Chief Planning Services Officer in respect of this application. The Head of Planning Control advised that at the Committee meeting on 5 March 2008, it had been resolved to grant permission subject to a Section 106 Agreement in respect of play provision and a scheme for the provision and safeguarding of the affordability of 11 units. The applicant had been approached by a Registered Social Landlord with a request to take ownership of all of the 2 bedroom units within the scheme, totalling 16, and make them affordable units via a scheme of 50% shared equity. It was therefore recommended that the Section 106 Agreement be amended accordingly.

RESOLVED:

That the Section 106 Agreement referred to in the previous report to Committee (and subsequently minuted) be amended to relate to the provision of 16 No. two bedroomed units for affordable housing in place of the 11 No. one bedroomed units previously agreed at the Committee of the 5 March 2008.

Councillor P.G. Heesom indicated he wished it be recorded in the minutes that he had voted against the granting of permission.

329. ERECTION OF A DETACHED DWELLING AT 16 CROSSWAYS, CAERGWRLE (041397)

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

The Head of Planning Control detailed the background to the report and explained that notice had been served by the applicant on Flintshire County Council as part of the site lay within the ownership of the authority. In response to a question regarding whether the developer could proceed if the Council were unwilling to sell the land, the Head of Planning Control advised that the developer had to have consent of the owner before proceeding but this was not a consideration when determining the application.

Concerns were raised regarding the issue of backland development and the possibility of the developer having permission on land which was not in his ownership. The Assistant Director (Democratic Services) reiterated that the land ownership was not material to the determination of this application and the Head of Planning Control advised that the issue of backland development was addressed in the report.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Planning Services Officer.

330. ERECTION OF 3 NO. DETACHED DWELLINGS WITH PARKING AND NEW ACCESS AT FORMER CENTRE POINT GARAGE, DENBIGH ROAD, AFONWEN, NEAR MOLD (042017)

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

A Member requested an explanation regarding how the decision of approval had been reached as paragraph 10.07 indicated that there were initially highway concerns and the Chief Highways and Transportation Engineer had originally recommended refusal. The Head of Development Control (Highways) explained that the fact that it was previously developed land had had an impact on the decision and he detailed the improvements to the access arrangements proposed by the applicant. The Officer explained that he had asked for the imposition of two conditions relating to the access into the site and to the provision of parking and turning within the site.

Members referred to brownfield land and raised concerns regarding possible contamination of the land as it had been a former garage. The Head

of Planning Control confirmed that not all brownfield land was suitable for development but he was satisfied that the nature of this land rendered it "brownfield" and explained that proper ground investigation work would take place before the development commenced. Negotiations had been ongoing regarding the use of materials to match the listed building across the road.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Planning Services Officer.

331. FULL APPLICATION – DEMOLITION OF UNIT 1 AND ERECTION OF NEW UNITS TOGETHER WITH REMODELLING OF EXISTING UNITS TO INCLUDE PART CHANGE OF USE TO INCLUDE ANCILLARY TRADE COUNTER TO EACH UNIT AT UNITS 1, 2, 5, 6 & 7, STEPHEN GRAY ROAD, BROMFIELD, MOLD (042717)

The Committee considered the report of the Chief Planning Services Officer 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 Head of Planning Control explained that the proposed smaller units reflected different demands for the business community. Members welcomed the implementation of the landscaping scheme and said that the application reflected the ongoing demand in employment.

RESOLVED:

That planning permission be granted subject to the additional conditions detailed in the late observations and to the conditions detailed in the report of the Chief Planning Services Officer.

332. ERECTION OF 2 NO. APARTMENT BLOCKS, BLOCK A TOTALLING 8 APARTMENTS AND BLOCK B TOTALLING 30 APARTMENTS AT GATEWAY TO WALES HOTEL, WELSH ROAD, GARDEN CITY, DEESIDE (043434)

The Committee considered the report of the Chief Planning Services Officer 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 Head of Planning Control explained that the application was deferred at the Committee meeting on 6 February 2008 to allow amendments to the scheme in the form of reductions to the height of Block A to a 2 storey block to be sought and to allow further publicity and consultation on these amendments. He indicated that a number of 2 bedroomed units within the

scheme were to be made affordable in conjunction with a Registered Social Landlord through a 50% equity scheme.

Members queried whether the application would impact on the existing bus stop and the Head of Development Control (Highways) confirmed that it would not.

RESOLVED:

That planning permission be granted subject to the completion of a Section 106 Agreement or Unilateral Undertaking requiring the payment of £27854 in lieu of on site play provision or earlier payment of this amount and the securing of the proposed affordable units and to the conditions detailed in the report of the Chief Planning Services Officer.

333. RELOCATION OF EXISTING MARGDEN HEATING LIMITED OFFICE AND NURSERY AND CONSTRUCTION OF 4 NO. DWELLINGS ON PLOTS 1 – 5, THE CROFT, ALLTAMI ROAD, BUCKLEY (043470)

The Committee considered the report of the Chief Planning Services Officer in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. The Head of Planning Control referred to the location of the site in relation to the protected area of wildlife interest and designation, which required mitigation.

RESOLVED:

That planning permission be granted subject to the satisfactory completion of an agreement under Section 106 of the Town and Country Planning Act or a unilateral undertaking or the earlier payment of £7,500 for ecological mitigation, and to the conditions detailed in the report of the Chief Planning Services Officer.

334. HIGHWAYS IMPROVEMENTS, STREET LIGHTING AND ASSOCIATED WORKS, LAND AT CROES ATTI, CHESTER ROAD, OAKENHOLT (044035)

The Committee considered the report of the Chief Planning Services Officer 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. Councillor S.R. Baker, having earlier declared an interest, left the chamber during the consideration of this application.

The Head of Planning Control explained that this full application proposed highway improvements, street lighting and all associated works on land in connection with the application for outline planning permission (ref 035575) issued on 11 July 2006. The Assistant Director (Democratic Services) indicated that extra conditions recommended by the Chief Highways and Transportation Engineer were included in the late observations.

A Member moved deferment of the application, which was duly seconded, and stated that the reasons for the request was prematurity in relation to the special development in that area and issues relating to highways. It was also suggested that a site visit be undertaken.

The local Member said that he did not feel that the scheme was premature as it had been considered by the Committee in 1999, 2004 and 2006. In response the Member who had suggested deferment said that he was referring to the prematurity of the application and not the scheme.

On being put to the vote, the proposal to defer the item was LOST.

A Member commented on the increase in vehicles on Coed Onn Road and also on the use of the road to Northop as an alternative route. The Head of Development Control (Highways) said that the site was too large for only one point of access and added that Coed Onn Road currently took over 3500 vehicles per day and the development would generate an additional 685 movements per day. The capacity of the road was 2000 per hour in both directions so there was more than enough spare capacity. With regard to Starkey Lane, his personal observation was that the road was narrow and was not a viable option as it would take longer for traffic to use this route. The Head of Development Control (Highways) referred to the plan which had been circulated with the late observations showing the suggested spine road.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Planning Services Officer and in the late observations.

335. ERECTION OF 5 NO. NEW EXECUTIVE HOUSES AND DETACHED GARAGES ON LAND AT FRIARS GAP, GROOMSDALE LANE, HAWARDEN (044083)

The Committee considered the report of the Chief Planning Services Officer 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 local Member moved deferment of the application, which was duly seconded. She raised concerns regarding the position of the property on plot 5 and explained that the properties were three storey, not two and overlooked neighbouring dwellings. Another Member spoke on behalf of the other local Member who also wished the item to be deferred due to inadequate consultation. The Head of Planning Control said that he was surprised at the requests for deferment as both local Members had responded to consultation.

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

RESOLVED:

That the application be deferred to allow for further consultation with the local Members.

336. APPLICATION FOR OUTLINE PLANNING PERMISSION - REGENERATION OF FFORDD LLANARTH LOCAL CENTRE COMPRISING A SUPERMARKET, RETAIL UNITS, RETENTION OF EXISTING PUBLIC HOUSE, 342 CAR PARKING SPACES AND ACCESS FROM FFORDD LLANARTH AT NEIGHBOURHOOD CENTRE, FFORDD LLANARTH, CONNAH'S QUAY, DEESIDE (044380)

The Committee considered the report of the Chief Planning Services Officer 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. These contained a request by another developer for the consideration of this application to be deferred. This was addressed by the Head of Planning Control, who outlined the differences between the two proposals.

When a Member queried that the report did not include any mention of parking, it was pointed out that the heading showed that the application included 342 car parking spaces. The Head of Development Control (Highways) advised that detailed discussions had taken place regarding transport/highway issues including the provision of a turning area for buses.

A Member spoke on behalf of one of the local Members who was in support of the application.

The Head of Planning Control reiterated that this was an application for outline permission and was purely seeking to establish the principle of the development at this stage.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Planning Services Officer.

337. DEMOLITION OF EXISTING MECHANICS GARAGE, CHANGE OF USE OF SITE TO PROVIDE NEW BUILDING FOR OFFICE, WC, STORE AND DRIVE THROUGH MANUAL CAR WASH AT ELF SERVICE STATION, FFYNNONGROYW, TANLAN, HOLYWELL (044425)

The Committee considered the report of the Chief Planning Services Officer in respect of this application which had been the subject of a site visit on 31 March 2008. 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 Head of Planning Control advised that the application had originally included a dog wash facility but this had now been omitted.

The local Member raised concerns relating to the amount of traffic which used the road particularly during the summer, the noise generated by the traffic and the water from the waterfall which already affected the bungalows across the road from the site. Members felt that the site visit had been useful and that the one way system recommended in the late observations would provide improvements. It was commented that concerns regarding the noise were not a good enough reason for refusal.

The Head of Planning Control said that a response from Welsh Water was still awaited but conditions detailed in their reply would be included.

RESOLVED:

That planning permission be granted subject to recommended conditions in the late observations, the inclusion of any conditions required by Welsh Water's response to consultation and the conditions detailed in the report of the Chief Planning Services Officer.

338. RETROSPECTIVE APPLICATION – ERECTION OF TWO PORTAKABINS FOR USE AS OFFICES FOR A TEMPORARY PERIOD OF TWO YEARS AT THE LONG BARN, WAEN FARM, NERCWYS (044434)

The Committee considered the report of the Chief Planning Services Officer in respect of this application which had been the subject of a site visit on 31 March 2008. 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 local Member moved refusal of the application which was duly seconded. She raised two issues regarding the application which was reported to be retrospective and the site which was not within the settlement boundary. She was concerned that if the application was allowed to go ahead, it would set a precedent.

The late observations explained that any reference to the application being retrospective was incorrect. Members commented that this was only a temporary situation as the company were in negotiations to move into a new building on the Mold Business Park and it was requested that a condition be applied that the permission, if granted, be for no more than 12 months. The local Member asked when the 12 month timescale would start from and was advised by the Head of Planning Control that it would be from the date the application was determined.

On being put to the vote, the proposal to refuse the application was LOST. It was agreed that officers would phrase the wording of the condition to limit the permission to a maximum of 12 months.

RESOLVED:

That planning permission be granted subject to a condition limiting the permission to a maximum of 12 months and to the conditions detailed in the report of the Chief Planning Services Officer.

339. AMENDMENT TO PLANNING APPROVAL 043263 BY MINOR AMENDMENT TO SOUTH AND WEST ELEVATIONS THROUGH ADDITION OF ENTRANCE VESTIBULE AT HAULFRYN, GWAENYSGOR, RHYL (044405)

The Committee considered the report of the Chief Planning Services Officer in respect of this application which had been the subject of a site visit on 31 March 2008. 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 local Member spoke in support of the application and explained that the reason for the vestibule was to allow movement from the garage to the property without going outside and added that the applicant was clear about the use of traditional materials. The response reported in the late observations from the AONB Joint Advisory Committee (JAC) was an officer response and not from the whole Committee. The JAC were due to meet later in the week and it was proposed that the application be deferred to allow the AONB JAC to respond, which was duly seconded.

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

RESOLVED:

That the application be deferred to allow the AONB JAC to respond.

340. APPLICATION FOR OUTLINE PLANNING PERMISSION – ERECTION OF A DWELLING ON LAND SIDE OF FAIR ACRE, LLANFYNYDD, WREXHAM (044441)

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

It was proposed that the application be approved, which was duly seconded. The local Member spoke in support of the application and said that development had been allowed on the neighbouring plot. She commented that the site was within the Alyn & Deeside Local Plan Settlement Boundary but was outside of the Emerging UDP Boundary. She spoke of the safe access and egress and asked Members to be consistent in their decision.

Members spoke about the UDP and in response to a question, the Head of Planning Policy said that the applicant had made objections to the exclusion of the site and as the objection had not been withdrawn, the authority had presented written evidence to the Inspector. The officer urged Members to support the UDP in this case and recommended that the Committee follow officer recommendation.

A Member queried whether it was appropriate for the application to be deferred pending the decision from the Inspector and in response, the Head of Planning Policy advised that the UDP inspector had taken this into account when reaching his decision and the officer felt that there was no reason to defer.

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

RESOLVED:

That planning permission be refused for the reasons detailed in the report of the Chief Planning Services Officer.

341. MODIFICATION OF CONDITIONS 5 AND 7 OF APPLICATION NO. 040592 (ALLOWED AT APPEAL) AT FLINT CHAPEL, CHESTER ROAD, FLINT (044454)

The Committee considered the report of the Chief Planning Services Officer 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.

It was proposed that the application be approved, which was duly seconded. Members commented on the petition which had been forwarded to them by the applicant and the demonstration which had taken place outside the building prior to the start of the meeting. The Members who had proposed approval spoke in support of the application. Other Members spoke against the application and felt that the decision should be made on planning policies and not as a result of the demonstration.

The local Member commented that the site was a small chapel with no curtilage and referred to the issue of the movement of vehicles in and out of the site for the funeral directors business on the site. Two conditions had been imposed by the Inspector, one of which was that the whole of the site be in the control of the applicant, which it was not. Members also felt that the site was a dangerous area and was not suitable for children.

The Head of Planning Control said that this was a difficult and complex case and having looked carefully at the Inspector's decision it was felt that a personal permission was not appropriate. It was to be noted that there existed planning permission for the development granted by the Inspector with

conditions. It was the officer recommendation that the development should not go ahead without complying with those conditions.

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

RESOLVED:

That planning permission be refused for the reasons detailed in the report of the Chief Planning Services Officer.

342. DURATION OF MEETING

The meeting commenced at 2.00 p.m. and ended at 4.51 p.m.

343. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 15 members of the public or press in attendance.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

PLANNING AND DEVELOPMENT CONTROL COMMITTEE	DATE: 2 APRIL 2008
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MEMBER	ITEM	MIN. NO. REFERS
Councillor S.R. Baker	Highways improvements, street lighting and associated works, land at Croes Atti, Chester Road, Oakenholt (044035)	334