

## **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**19 JUNE 2013**

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, 19th June, 2013

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

Councillors: Derek Butler, David Cox, Carol Ellis, David Evans, Jim Falshaw, Veronica Gay, Patrick Heesom, Ray Hughes, Christine Jones, Richard Jones, Mike Peers, Neville Phillips, Gareth Roberts, Carolyn Thomas and Owen Thomas

### **SUBSTITUTES:**

Councillors: Joe Johnson for Chris Bithell and Mike Lowe for Ian Dunbar

### **ALSO PRESENT:**

The following Councillors attended as observers:-  
Councillor Haydn Bateman and Marion Bateman

### **APOLOGIES:**

Councillors: Alison Halford and Billy Mullin

### **IN ATTENDANCE:**

Head of Planning, Development Manager, Interim Team Leader Policy, Senior Engineer - Highways Development Control, Team Leader Major Developments, Senior Planners, Planning Support Officer, Democracy & Governance Manager and Committee Officer

## 18. **DECLARATIONS OF INTEREST**

Councillor Mike Peers declared a personal and prejudicial interest in the following application due to him being the Chair of Governors at Mountain Lane Primary School:-

**Agenda item 6.8 - Full application – Erection of 10 no. houses, associated access and parking on land side of 53 Brunswick Road, Buckley (050804)**

Councillor Peers also indicated that he had not had any involvement in securing a payment for educational contribution for the school but he had been in early discussions with the Planning Officer prior to the school being identified.

Councillor David Evans declared a personal interest in the following application due to a relative living in the vicinity of the works being carried out:-

**Agenda item 6.9 – Full application – Engineering works to provide flood defence strengthening along 1.5 km of the River Dee embankment to include sheet piling to a maximum depth below ground of 12m and a minimum height of 7.2m AOD and a proposed temporary access route and site compound at RAF Sealand South Camp, Welsh Road, Sealand (050730)**

In line with the Planning Code of Practice:-

Councillor Patrick Heesom declared that he had been contacted on more than three occasions by the objector on the following application:-

**Agenda item 6.7 – Retrospective Application – Erection of a garden wall and fence at Cwm y Graig, Rhewl (050154)**

19. **LATE OBSERVATIONS**

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

20. **MINUTES**

The draft minutes of the meeting of the Committee held on 15 May 2013 had been circulated to Members with the agenda.

**RESOLVED:**

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

21. **ITEMS TO BE DEFERRED**

The Head of Planning advised that none of the items on the agenda were recommended for deferral by officers.

22. **FULL APPLICATION - PROPOSED HOUSE TYPE SUBSTITUTIONS AND AMENDMENTS TO PLOTS 62-99, 105-107, 110-118 AND ASSOCIATED WORKS AT CROES ATTI, CHESTER ROAD, OAKENHOLT (050258)**

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 the applicant was seeking to amend some of the house types to remove some three storey properties and replace them with two storey terraces and semi-detached houses.

Mr. J. Yorke spoke against the application. He felt that the application and the report were seriously deficient of information. He referred to the Design and Access Statement which defined the substitution of house types for others and said that it was the intention to change house types on 52 plots and create 58 plots with similar house types already approved. He highlighted paragraph 9 of Planning Policy Wales which advised that large developments should not be of a monotonous design and referred to this application which proposed to replace two and a half storey dwellings for two storey properties which would mean that all the properties would be of a similar height. Mr. Yorke said that the report did not include sufficient information about flooding and commented on the flooding

concerns on the A548. He said that if the application was permitted, 82 house types would have been substituted from the original application which he felt was unacceptable. He felt that the application fell short of accuracy and that it should be refused to obtain clarity.

Councillor David Cox proposed the recommendation for approval which was duly seconded. He noted that objections were again being raised on grounds of inaccuracies but felt that the development had been held up for long enough and it should now proceed. Councillor Christine Jones concurred and agreed with the wording in the report.

Councillor Patrick Heesom indicated that Councillor Rita Johnson had been due to attend the meeting to speak as local Member but she had been unable to do so and had apologised for not being able to speak to the Committee. Councillor Heesom referred to the large number of applications listed on pages 14 and 15 of the report and said that this application would result in additional dwellings on the site when the application was compared to the original number requested. He said that substitution of house types was market driven but would result in extra houses being built which did not have planning permission.

Councillor Richard Jones raised concern about substitution of house types which resulted in a net gain for the developer. He asked for clarification on whether the number of dwellings on the site had increased and Councillor Mike Peers queried whether the additional properties had planning permission. Councillor Gareth Roberts commented that changes in house types were acceptable if they complied with guidance and said that there was nothing in the report to suggest that the application should be refused.

In response, the officer said that he understood that there was no increase in the number of dwellings proposed on the site but that there may be a reduction of one property. Councillor Heesom said that the number of dwellings had increased from 189 to 197 on this part of the site. The officer indicated that this part of the site had permission for 189 properties and that the type of dwelling had changed for 50 of the properties but that the total was still 189.

### **RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the additional condition detailed in the late observations and subject to the applicant entering into a section 106 obligation/Unilateral Undertaking to re-impose all of the requirements of the original legal agreement attached to the outline planning permission i.e.:-

- Scheme to be in general conformity with the Revised Development Brief
- Construct or to reimburse the Council for the reasonable cost of a footpath/cycleway linking the site with Leadbrook Drive
- Phasing/occupation of housing
- Setting aside of 1.5 hectares of land and its transfer for a school site and an extension to the school site of not less than 1.0 hectare
- Setting aside of land for a shop site
- Setting aside of a site of 0.45 hectares for a health centre

- Setting aside of a site of 0.25 hectares for a community centre and its transfer
- Provision of 4.5 hectares of open space including an enclosed equipped children's play area, a landscape strategy, a management strategy for open space areas including establishment of a management company
- Provide for a maximum of 10% of number of dwellings for affordable use

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

23. **FULL APPLICATION - DEMOLITION OF PUBLIC HOUSE AND ERECTION OF UP TO 9 NO. DWELLINGS AND ASSOCIATED WORKS AT CALCOT ARMS, MILWR ROAD, HOLYWELL (050634)**

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 in referring to the late observations explained that amended plans had been submitted showing the ridge line of proposed apartment Block B reduced in height to approximately 0.2m above the height of the existing Calcot Arms building. He detailed the areas for consideration and explained that it was considered that the development was acceptable in planning policy terms.

Mr. P. Jones spoke against the application. He said that Block A was 30 foot high and was invasive and would have a detrimental impact on the neighbouring properties. An application for the demolition of the building and replacement with 9 apartments had been refused in July 2011 and Mr. Jones said that what had been unacceptable for that application was the same for this application. He said that page 7 of the Design and Access Statement referred to 12 parking spaces but the remaining pages identified 11 spaces. He queried this and said that the size of the spaces was below a standard size. Mr. Jones said that the Highways Department had accepted the application without question and added that the development would create additional highway problems due to the lack of a pavement in the area. Holywell Town Council had objected to the application and Mr. Jones asked the Committee not to accept the application just to clear up the site.

Mr. R. Lomas, the agent for the applicant, spoke in support of the application. He said that the application had been designed to respect the privacy of neighbouring residents. The key issue was whether there was a material change to the application which had allowed an application for eight dwellings on the site following an appeal and whether the inclusion of an additional apartment was contrary to policy; the officer was satisfied that the proposal was acceptable. Following discussions with the local Member and officers, the applicant had agreed to reduce the height of Block B and amended plans had been submitted to reflect this.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He spoke of the dwellings nearby (1 & 3 Stamford Way and Ness View) which would be affected by the development. He explained that an application for eight apartments had been refused by Committee in June 2006 but had been allowed on appeal in December 2006. He said that there had been a concern about development adversely affecting the amenity of the bungalows in Stamford Way. He felt the amended application preserved their amenity and that of Ness View. The residents of 3 Stamford Way were satisfied with the proposals and had not objected to the application and the residents of Ness View had withdrawn their objection to the proposals. Councillor Roberts raised concern at what could be permitted on the site if this application was refused by the Committee and added that if it was refused, it could be overturned on appeal and that an alternative proposal may cause more problems for the residents. He paid tribute to the applicant and agent for submitting a design which was acceptable to the residents and he thanked them for the discussions which had taken place.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the reduction in the ridge line of the proposed apartment Block B to approximately 0.2m above the height of the existing Calcot Arms building and subject to the applicants entering into a Section 106 Agreement, providing a unilateral undertaking, or otherwise making payment in respect of:-

- The sum of £733 per dwelling in lieu of on site open space towards the upgrading of existing play facilities within the locality
- The sum of £24,514 for the additional capacity at Perth y Terfyn Infants School.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

24. **FULL APPLICATION - CONVERSION OF WEST WING INTO 11 NO. SELF CONTAINED APARTMENTS AT WESTBURY CASTLE, ABBEY DRIVE, UPPER GRONANT (PARTLY RETROSPECTIVE) (050264)**

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 17 June 2013. 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 the full application which was partly retrospective proposed the conversion of the west wing of Westbury Castle. Vehicular access to serve the development was proposed from Abbey Drive and a section of private driveway from the junction with Llanasa Road, Upper Gronant.

Councillor T. Chilton from Llanasa Community Council spoke against the application but thanked Members for visiting the site. He said that the vast majority of residents would like to see the Abbey being refurbished and maintained for future generations but they felt strongly about the inadequate access to the property. Abbey Drive was very narrow and part of the road did not have a pedestrian footpath and it was at maximum capacity for the movement of vehicles. It was felt that additional vehicles would create pollution and problems for the existing residents and Abbey Drive led onto an unadopted track which was also a bridleway and public footpath. Councillor Chilton added that the property was sited in a Conservation Area. He reiterated his earlier comments that residents were not opposed to an upgrade of the building but asked that sympathetic consideration be given for an alternative vehicular access to the site.

Councillor Patrick Heesom proposed refusal of the application against officer recommendation which was duly seconded. He said that the building was in a remarkable location and had unique features. He raised concern about the access to the site and said that there were options to improve the access but these had not been forthcoming. He asked that either the application be deferred to allow alternative options to be explored or refused to allow the applicant to change the proposals. Following a discussion, Councillor Heesom withdrew his proposal to refuse the application and Councillor Derek Butler proposed deferment of the application to allow discussions to take place with the applicant about the site access. He felt that the access needed careful consideration and that a holistic plan was required for the conversion of the building and the access to the site. He said that there was a direct route from Llanasa and suggested that this and other options be considered. Councillor Mike Peers concurred with the proposal to defer the application due to the number of objections received about the access to the site.

Councillor Richard Jones referred to paragraph 7.15 where it was reported that the Head of Assets and Transportation supported the access from Abbey Drive to serve the development. The Senior Engineer - Highways Development Control confirmed that there was no technical reason to justify refusal of the application on highway grounds. However, she added that Highways did have objections to the option which had been suggested to access the site from the coast road.

In summing up, Councillor Butler said that there could be a direct route from Llanasa but reiterated his request for a more holistic plan for the whole site.

**RESOLVED:**

That the application be deferred to allow discussions to take place with the applicant about options for the site access.

25. **LISTED BUILDING APPLICATION - CONVERSION OF WEST WING INTO 11 NO. APARTMENTS AT WESTBURY CASTLE, ABBEY DRIVE, GRONANT (050265)**

Following deferment of the previous application at the same site, it was agreed that this application also be deferred.

**RESOLVED:**

That application 050265 be deferred.

26. **FULL APPLICATION - CHANGE OF USE OF UPPER PARTS OF VACANT RETAIL UNIT TO CREATE 6 NO. SELF CONTAINED FLATS (2 X STUDIO, 3 X 1 BED 1 X 2 BED) AT 57 CHESTER ROAD WEST, SHOTTON, DEESIDE, FLINTSHIRE (050508)**

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 17 June 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report.

Councillor Christine Jones 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 and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum of £733 per flat towards the improvement of existing recreational facilities in the Community.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

27. **FULL APPLICATION - CHANGE OF USE FROM SHOP TO A DWELLING INCLUDING MINOR ALTERATIONS AT 98 CHESTER ROAD WEST, SHOTTON, DEESIDE, FLINTSHIRE (050698)**

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 17 June 2013. 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 referred Members to the late observations report which included a response from the Head of Assets and Transportation to advise that he had no objection to the proposal and did not intend to make a recommendation on highway grounds. Corrections to paragraphs 3.01 and 7.04 were also reported. The officer detailed the consultation responses which were included in the report and explained that the site lay approximately 50 metres from the western edge of the town centre core retail area and therefore in planning policy terms there was no need to retain this unit for retail purposes.

Mrs. V. Hammond, the applicant, spoke in support of the application. She explained that the intention had been to use the ground floor as commercial space but following advice from local letting agents about the difficulties of letting commercial premises in the current financial climate, it had been decided to change the use to a dwelling. It was proposed that a domestic appearance would be created to blend in with the next door property and Mrs. Hammond explained that the property was originally a house. The proposals in the application would put the property back into use without any detrimental effect on the area.

Councillor Joe Johnson proposed the recommendation for approval which was duly seconded.

Councillor Richard Jones raised concern at the comments of the Head of Regeneration. He said that it was important that Members were aware of where the core retail area was in this type of application to ensure that retail areas were not lost completely. Councillor Derek Butler felt that due to market forces and instead of having empty shops, in some cases conversions to residential properties should be encouraged.

The Interim Team Leader Policy confirmed that the site was 50 metres outside the core retail area. The focus of the planning policy was to maintain core town and district areas and that an officer monitored this issue closely. In outlying areas, market forces were having an effect but he added that it was important to concentrate on key areas.

Councillor David Evans said the Travel Agency that used to operate from the property had been unable to compete with the Travel Agency located in a nearby supermarket. He felt that there was a need to learn from the effect that granting permission for supermarkets or out of town retail areas was having on small retail areas and town centres.

**RESOLVED:**

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

28. **RETROSPECTIVE APPLICATION - ERECTION OF A GARDEN WALL AND FENCE AT "CWM Y GRAIG", RHEWL, HOLYWELL (050154)**

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 17 June 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The Development Manager detailed the background to the report explaining that the main issue was the site's structural integrity. Information had been submitted with the application and an assessment had been undertaken by the Council's structural engineer of the excavations and structures on site. He had confirmed that the gabions and fences were sufficient for the purpose intended and therefore the application did not warrant refusal. Consultation had also taken place with Drainage Engineers and they had not made any objections to the application. It was reported that planning permission had been granted for



the erection of the dwelling under reference 038572 before the Unitary Development Plan boundary was changed and the gabion wall and fencing were within the plot. The Development Manager explained that the site had been the subject of coal mining in the past but any problems for the site relating to this would have been encountered at the time the dwelling was erected. He added that as the land comprised in the application lay within the residential plot and was effectively garden area, any ecological impact was minimal, despite the application being partly retrospective.

Mr. E. Newell spoke against the application. He explained that he was the resident of the adjacent property and that part of the site was not owned by the applicant and had encroached onto Mr. Newell's land, which had been confirmed. He said that on the issue of the site's structural integrity he did not understand how gabion walls were suitable for part of the site with fencing being put in place for the remainder of the bank. On the issue of coal mining he said that a report had been provided by a mining engineer which indicated that there was one shaft in the bank and a further six or seven on the land. Mr. Newell said that no assessments had been carried out on the ecological damage to the site which included the removal of bluebells. He said that the applicant had claimed that there was no water course within 20 metres of the site when in fact it was only three metres away. He concluded that he had sought the protection of the land through its removal from the Unitary Development Plan boundary.

Mr. F. Taylor, the applicant, spoke in support of the application. He welcomed the report and the recommendation by the officer for approval of the application. He said that he had not been aware of the concerns raised by Mostyn Town Council until he had seen the report and said that he was disappointed that this was based on a single objection and they had acted in a non-democratic way and had not sought to obtain the facts. He said that the report addressed all of the concerns raised by the objector. He said that prior to the site visit the objectors had trimmed the bank which they had not done in the past and queried why they were now maintaining it.

Councillor Patrick Heesom proposed refusal of the application against officer recommendation which was duly seconded. He raised concern about the slope of the land and the integrity of the slope. He said that the coal mining report indicated that there were seven mine workings in the bank and that it did not provide assurance of the integrity of the bank. He recognised that the issue of land ownership was not a planning consideration but he raised concern about this being a retrospective application. Councillor Heesom said that the main issues were the nature of the slope and the integrity of the bank and that even though some earth had been dug away it had not dealt with the whole slope which was still more than 25%. He said that PPG (Planning Policy Guidance Note) 14 was relevant in Wales but was not referred to in the report which he was concerned about. He felt that the gabion wall was not effective and that the bank was not supported by trees and was therefore not stable. He said that the application could not be deferred as it was retrospective and therefore he felt that for the reasons specified earlier, the application should be refused.

On the issue of there not being a retaining wall, Councillor Carolyn Thomas said that she was aware of a similar site where an inspector at an appeal had indicated that a retaining wall should be put in place. Councillor Derek Butler

raised concern about the tree roots hanging out of the bank and said that the gabion wall should be extended and built up as he felt that it was currently a health and safety issue.

In response to the comments made, the Development Manager agreed that the main issue was the integrity of the bank behind the site and whether the works that had been carried out were sufficient. He referred to Policy EWP15 of the Unitary Development Plan which set out that the responsibility for establishing stability lies with the developer who should submit the relevant information with the application. This information had been received and had been assessed by the Council's Structural Engineer who had indicated that the gabion walls were sufficient. It was the applicant's intention to backfill in the area behind the gabion walls and soil could then be placed on top and planted up to soften the impact, but he had stopped work when he had been asked to do so due to it requiring planning permission. In cases such as this expert advice had to be relied upon and the Council's Structural Engineer was confirming that what had been done was fit for purpose He advised Members that if they were considering refusing the application on the grounds of instability in the face of this evidence it would be difficult to defend this if the applicant appealed the decision.

Councillor Heesom felt that the policies in the UDP were inadequate and disagreed with being advised of the possibility of costs being awarded against the Council. He felt that what was in place was inadequate and insufficient and that a retaining wall of some substance should be put in place. He said that the response of the structural engineer did not provide assurance of the stability of the bank and he felt that Members were being asked to accept something which was inappropriate. He confirmed his proposal to refuse the application.

The Democracy & Governance Manager said that the stability of the bank had been assessed by an impartial engineer who had indicated that it was sufficient for the purpose. If the Committee refused the application on that basis, he said that the Council could be liable for costs. He quoted from the circular about costs in particular where Members took a decision without adequate evidence.

On being put to the vote, the proposal to refuse the application against officer recommendation was CARRIED.

**RESOLVED:**

That planning permission be refused due to the proposal not satisfactorily addressing concerns over stability/integrity of the slope to the south of the site.

29. **FULL APPLICATION - ERECTION OF 10 NO. HOUSES, ASSOCIATED ACCESS AND PARKING ON LAND SIDE OF 53 BRUNSWICK ROAD, BUCKLEY (050804)**

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 which was a resubmission following the withdrawal of a previous application 050497 on 15 May 2013 for the erection of 12 dwellings at this location. This followed particular concerns by officers, Members and the Town Council that the scale/form of development being proposed was out of character with the site/surroundings and represented overdevelopment of the site at this location.

Councillor Mike Peers, the local Member said that the applicant had listened to the concerns raised and had amended the application to take account of those issues. The main issue had been about parking near to the entrance to the development but the amended plans had repositioned a number of parking spaces to serve the dwellings in proximity to the site entrance and this was now acceptable. Another area of concern had been about the existing boundary but condition 12 had been included to alleviate those concerns. A 1.8m high close boarded fence along the length of the common boundary with existing properties at Pemba Drive was also to be introduced as part of the proposal. Councillor Peers, having earlier declared an interest in the application, left the meeting prior to the debate.

Councillor Neville Phillips proposed the recommendation for approval which was duly seconded. Councillor Phillips referred to paragraph 7.16 about the development increasing pressure on Mountain Lane Primary School. He felt that Westwood School was closer to the development than Mountain Lane School and added that Westwood School had spaces available. In response, the officer said that discussions had taken place with colleagues in the Education Department and that the distances from the development to the schools had been measured and Mountain Lane School was the closest. The Development Manager added that this had been the finding based on a formula used to calculate the distances and that Westwood School had been approximately 10 metres further from the development than Mountain Lane School.

Councillor Richard Jones felt that it was unfair to charge the developer £25,000 for 10 metres when Westwood School had capacity. He felt that parents from the development would choose to send their children to Westwood School because it had spaces. The Head of Planning said that the charge was imposed based on which school was the closest to the development not on the school that parents would choose to send their children to. He emphasised that Mountain Lane School was the closest to the development.

Councillor Derek Butler suggested that the monies be split between the two schools. Councillor Carol Ellis felt that parents should be encouraged to walk their children to school and asked whether the calculations were based on a journey by car or on foot. The officer said that he understood that it was based on the journey on foot.

**RESOLVED:**

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 or advance payment of:-

- (a) £1,100 per dwelling in lieu of on-site play provision and

- (b) an educational contribution of £24,514 towards the provision of primary school places at Mountain Lane Primary School.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

30. **FULL APPLICATION - ENGINEERING WORKS TO PROVIDE FLOOD DEFENCE STRENGTHENING ALONG 1.5 KM OF THE RIVER DEE EMBANKMENT TO INCLUDE SHEET PILING TO A MAXIMUM DEPTH BELOW GROUND OF 12M AND A MINIMUM HEIGHT OF 7.2M AOD AND A PROPOSED TEMPORARY ACCESS ROUTE AND SITE COMPOUND AT RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND, DEESIDE (050730)**

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 the work was required to protect the existing settlement of Garden City from any breaching of the existing River Dee embankment and also to facilitate the wider development of the Northern Gateway sites and the Deeside Enterprise Zone. A Grampian style condition was in place on the permitted Northern Gateway application which meant that work could not commence on that site until the flood defence works in this application were undertaken. The main impacts of the works were the noise and vibrations generated by the piling method on the residential properties on Claremont Avenue and migratory fish using the River Dee. Consultation had taken place with Natural Resources Wales about the impact on the migratory fish and they had indicated that the impacts could be mitigated. On the issue of noise on nearby properties, the impacts could also be mitigated and would require the submission of detailed noise and vibration plans. The works would also require the closure of the footpath and cycleway and the officer was in discussion with the applicant, Welsh Government (WG) about an alternative route.

Councillor Christine Jones proposed the recommendation for approval which was duly seconded. She said that the conditions reported alleviated the concerns which had been raised and she concurred that this work had to be undertaken before the Northern Gateway site could commence. It was hoped that the Northern Gateway site could commence in January 2014 so Councillor Jones asked Members to support the application.

Councillor Patrick Heesom raised concern at the lack of assurance that the works would reduce the high risk of flooding in the area. He also felt that an Environmental Impact Assessment should have been undertaken. The Chairman explained that the area had not flooded for over 100 years.

Councillor David Evans said that he had raised concerns with the officer and he thanked the officer for the information that she had forwarded to him. He

referred to the closure of the cycleway during the period of the works and said that an alternative route was yet to be determined. He felt that the application was being rushed to allow works on the Northern Gateway site to commence. He highlighted the final sentence in paragraph 3.04 where it was reported that other possible alternatives for the cycleway were existing public footpaths on the opposite side of the River Dee but these would need upgrading for cycle usage. Councillor Evans suggested that a condition be imposed that the alternative route be made permanent as it would benefit the local residents in the area. In referring to the impact of the works on the migrating salmon, he suggested that a condition could be imposed that the works not commence before October. He also commented on the vibration impact of the works on the residents of Claremont Avenue.

Councillor Richard Jones proposed an amendment which was seconded that condition 6 be amended to exclude use of impact driving percussive piling and that condition 8 be changed to include the requirement for the submission of a noise control scheme prior to commencement of the work.

In response to the comments made, the officer said that the works were required to ensure the structural integrity of the defence over a 100 year period. She added that a report was submitted on the impacts to the environment but explained that an Environmental Impact Assessment was not required. On the issue of the public right of way she explained that the route suggested in the application was third party land so its use could not be guaranteed. She also referred to the suggested amendment to condition 6 by Councillor Jones and said that the use of impact driving and percussive piling was already excluded. In response to a further comment from Councillor Jones about the wording in paragraph 7.26 about the proposed options for sheet piling, the officer said that her understanding was that vibration driving was different to percussive piling.

Councillor Carolyn Thomas asked whether consultation had been undertaken with the Coastal unit about events due to take place along the footpath during the period of the proposed works.

The Head of Planning said that the authority was aware of the cycleway closure and that options for an alternative route would be discussed. He did not feel that it was appropriate to defer the works due to the impact on the fish as there had been no objections to the scheme and there was therefore no reason to delay it.

In summing up, Councillor Christine Jones said that she had taken the concerns raised into account but that she had also considered the report of the officer which indicated that the impact on the fish would be low. She said that Sealand was on a flood plain and that discussions on works on the flood plain had been in place long before the application for the Northern Gateway had been submitted. The proposals in this application had been put forward because of the Northern Gateway development and particularly the amount of housing that would be created on the site. She welcomed the changes to the conditions but did not agree with delaying the works.

On being put to the vote, the amendment to approve the application with the suggested amendments to conditions 6 and 8 was CARRIED. This then became the substantive motion.

On being put to the vote, the substantive motion to approve the application was CARRIED.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning with condition 6 being amended to exclude the use of impact driving percussive piling and condition 8 being changed to require submission of a noise control scheme prior to the start of the work.

Councillor Patrick Heesom indicated that he wished it to be recorded in the minutes that he had abstained from voting.

31. **FULL APPLICATION - REALIGNMENT OF PART OF THE INTERNAL ESTATE ROAD TO ALLOW FOR AMENDMENT TO THE LOCATION AND SITING OF ON-SITE PUBLIC OPEN SPACE ON LAND AT (RES. DEV. - ALLTAMI HEATH), FIELD FARM LANE, BUCKLEY (050661)**

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 explaining that the proposal was for the re-alignment of part of the internal estate road within the Field Farm Lane development to allow for amendments to the location and siting of the on-site public open space. The change to the road would impact on the approved site layout and the officer explained that any changes to this would require the submission of a further application.

Ms. L. Hawley spoke in support of the application. She said that work on the wider development was well under way and that the road realignment was necessary to allow for the resiting of the public open space. Discussions had taken place with the Public Open Space Manager who had indicated that the resiting would offer improvement. The applicants had considered the realignment at great length and were aware that further applications would need to be submitted if any changes to the outline permission were proposed.

Councillor Carol Ellis proposed refusal of the application against officer recommendation which was duly seconded. She said that the officer was recommending approval but that the report suggested refusal of the application. She highlighted paragraph 7.04 where the impacts of the realignment were reported which included the loss of some previously approved dwellings and an indication that some plots could not be developed in accordance with the previously approved layout. The residents of the existing properties at Silverdale and Hafod Las did not know what impact the proposed changes would have on their properties as the road realignment would result in amendments to some of the dwellings granted in the outline and subsequent applications but an application detailing these changes had not been submitted. Councillor Ellis said

that other applications which had not been reported had also been withdrawn. She asked that this application be refused and that it be submitted with an application to identify what impact the proposed road layout would have on the site layout.

Councillor Richard Jones raised concern about the reduction in the size of the open space provision and sought assurance that the number of dwellings on the development would not increase as a result of any future requests for substitution of house types due to the changes to the road layout. Councillor Mike Peers said that the numbers of affordable housing on a site was determined on the original application. He felt that if house types were changed which resulted in a net gain for the developer then the number of affordable dwellings would be below the guidelines set by the Council.

In response, the officer said that he had raised the issues about the remainder of the development with the developer. A safeguard was in place that if at stage 2 of the process a layout was suggested that would reduce the amenity of the properties at Hafod Las and Silverdale then that application would be refused.

In summing up, Councillor Ellis said that there was a lack of information about the impact of the application on the existing properties and on the remainder of the development. She reiterated her earlier comment that this application should be refused and submitted with an application to identify what impact the proposed road layout would have on the site layout.

On being put to the vote, the proposal to refuse the application against officer recommendation was CARRIED.

**RESOLVED:**

That planning permission be refused due to the unknown implications of the changes on the approved scheme and on existing properties in the vicinity and due to the reduction of the public open space.

32. **FULL APPLICATION - ERECTION OF A 3 BEDROOM DETACHED DWELLING WITH GARAGE (FOR DISABLED PERSON) ON LAND ADJ. 45 BROUGHTON HALL ROAD, BROUGHTON, CHESTER (050545)**

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 the application was before Committee due to the requirement for a section 106 agreement. It was reported that Broughton was a Category B settlement within the Flintshire Unitary Development Plan and that the growth within the plan period for Broughton was 17%. Since the cumulative growth was already above 15%, any new dwellings in Broughton would need to be for local housing need. The proposal met the requirements of Policy HSG3 and complied with space around dwellings criteria. The officer also confirmed that no objections had been received to the application.

Councillor Derek Butler proposed refusal of the application against officer recommendation which was duly seconded. He queried why the existing bungalow could not be extended and altered to suit the needs of the disabled person. He felt that the application was for backland development and queried whether a needs statement had been submitted. Councillor Mike Peers spoke about a recent appeal decision to modify an existing dwelling for the needs of a disabled person which had been approved by the Inspector. He felt that this option should be explored for the existing bungalow on this site.

In response to the comments made, the officer explained that information about need had been submitted with the application which stated that 24 hour live-in care was required that could not be provided in the existing bungalow.

In summing up, Councillor Butler felt that this was a misuse of policy HSG3 and was backland development. He also reiterated his earlier comment about altering the existing bungalow for the needs of the disabled person.

On being put to the vote, the proposal to refuse the application against officer recommendation was CARRIED.

**RESOLVED:**

That planning permission be refused due to the failure to provide satisfactory information to warrant local need under Policy HSG3.

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

There were 20 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.35 pm)

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**Chairman**