

To: Chair and Members of the Planning Committee

Date: 10 January 2023

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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 AM** on **WEDNESDAY, 11 JANUARY 2023** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

Yours sincerely

G Williams
Monitoring Officer

AGENDA

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 7) – Late Reps

MEMBERSHIP

Councillors

Councillor Mark Young (Chair)

Councillor Peter Scott (Vice-Chair)

Ellie Chard
Karen Edwards
Gwyneth Ellis
James Elson
Chris Evans
Jon Harland
Huw Hilditch-Roberts
Alan James
Delyth Jones

Julie Matthews
Terry Mendies
Raj Metri
Win Mullen-James
Merfyn Parry
Pete Prendergast
Gareth Sandilands
Andrea Tomlin
Elfed Williams

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PLANNING COMMITTEE

Date – 11th JANUARY 2023

ADDENDUM REPORT BY HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

AGENDA ORDER, LATE INFORMATION AND AMENDMENTS TO PLANNING COMMITTEE REPORTS

The following sheets are an addendum to the main agenda for the Committee. They set out the order in which items will be taken, subject to the discretion of the Chair. They provide a summary of information received since the completion of the reports, and matters of relevance to individual items which should be taken into account prior to their consideration.

Where requests for public speaking on individual planning applications have been made, those applications will normally be dealt with at the start of that part of the meeting.

AGENDA FOR THE MEETING

1. APOLOGIES
2. DECLARATIONS OF INTEREST
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 7 - 12)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Item numbers 5 – 7)

ORDER OF APPLICATIONS

PART 1

	Application no.	Location	Page
Public Speaker items			
5	01/2022/0982/PS	Land Adjacent Ysgol Pendref, Gwaenynog Road, Denbigh	13
Other items			
6	23/2022/0344/PF	Land at Llwyn Afon, Llanrhaeadr, Denbigh	59
7	45/2022/0730/PF	188 Rhyl Coast Road, Rhyl	99

PUBLIC SPEAKER ITEMS

Item No. 5 – Page 13

Code No: 01/2022/0982/PS

Location: Land Adjacent Ysgol Pendref, Gwaenynog Road, Denbigh

Proposal: Variation to conditions 2, 6 and 8 of planning permission 01/2022/0690 to allow amended layout, landscape management plan and ecological mitigation, compensation and enhancement measures.

LOCAL MEMBERS: Cllr Pauline Edwards
Cllr Delyth Jones (c)
Cllr Geraint Lloyd-Williams

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker Against – Heidi Ridder- Jones
Public Speaker For – Mr Stuart Andrew (applicant)

Late representations received –

Highways Officer-

No objection. Previous comments still stand.

Ecological Compliance Officer (formerly County Tree Officer)-

'I have discussed this with Joel and we both agree that the developer should retain 'G2 Elm, Holly' in line with the original planning proposals i.e. crown lift etc. Retaining this group of trees coupled with the proposed tree planting across the development will result in a net benefit for biodiversity'.

Strategic Planning and Housing Officer-

Housing Need in Denbigh

The Affordable Housing dwellings will in the case of the social housing units be allocated via the SARTH process; the intermediate rentals will be made available via Tai Teg register.

Social housing stock in Denbigh wards (as of May 2022)

Area	General Needs				Over 55/Sheltered	
	1 Bed	2 Bed	3 Bed	4+ Bed	1 Bed	2 Bed
Denbigh	51	257	235	5	79	86
Henllan (part of Denbigh Caledfryn ward)		26	20		2	2

SARTH Social Housing list

Area Choice	Property Type	Bedrooms	Applicants
Denbigh	Bedsit	1	46
	Bungalow	1	36
		2	22
		3	9
	Flat	1	71
		2	10
		3	10
	House	2	80
		3	46
		4	32
		5	8
		6	3
	Sheltered	1	72
		2	16
		3	2

Tai Teg Register Applicants

Area	1 Bed Appt	2 Bed Appt	2 Bed House	3 Bed House	4 Bed House	2 Bed Bungalow	3 Bed Bungalow
Denbigh	2	2	32	39	3	1	
Henllan (part of Denbigh Caledfryn ward)			2	1			

Funding arrangements

The RSL ADRA who will be delivering the site with Castle Green, will be developing the site with private finance and the Welsh Government funding stream Social Housing Grant . Denbighshire County Council strategically manage the grant funding on behalf of Welsh Government. Applications for funding need to be fully received and completed by Welsh Government by February each year, so that money can be drawn down and allocated before the end of the financial year. Due to the tight deadlines, to ensure that funding could be provisionally reserved in this financial year, DCC have had discussions with Welsh Government, who are happy to approve the funding application should this application be approved by Members.

Members of the Public-

In objection:

Helga Viswanathan, 63 Bryn Garth, Denbigh
Yvonne Lloyd, Bron Haul, Henllan Place, Denbigh
Susan Hewitt, 36 Pen y Graig, Denbigh
Clwyd Roberts, 64 Bryn Garth, Denbigh
Mair Jones, Gwenallt, Denbigh
Heidi Ridder- Jones, 63 Bryn Garth, Denbigh

Summary of planning based reasons for objection:

Ecology, environment and trees

Impacts to wildlife by the removal of copse of trees
Impacts to wildlife through the removal of a large section of hedgerow
Impacts to nesting birds through loss of hedgerow
Barn owls present at the site but not accounted for.
Biodiversity net gain cannot be achieved on the site, no green spaces.
The bat and bird boxes are token gestures and do not provide ecological mitigation to compensate for the loss of green space
The trees proposed as part of the landscaping will take years to fully mature and provide benefit
Dwellings are not eco -friendly as they are run on fossil fuels, won't have solar panels or a ground source heat pump.
CO2 emissions from the construction of the development
Development not in line with the Council's constitutional promise to take climate change into account.

Affordable Housing

20% was a condition of the sale of the land under s106 agreement and was stated to be legally binding at the committee meeting. The now reduced figure of 10% secured by s106.

Visual amenity

Properties highly visible in the landscape of Denbigh and will be intrusive

Residential amenity

Overlooking concerns and loss of privacy to neighbouring properties

Highways

Object to the placement of the island in the junction preventing vehicles from turning directly into the farm
Wagons would have to travel an additional 2 miles to turn around in the industrial estate to gain access to the farm which increases emissions and congestion to roads.
Impacts to local farmers by the pedestrian island forcing wagons to turn at the industrial estate
Increase in traffic by additional vehicles generated by the development
Junction is already dangerous and will be more dangerous especially for pedestrians

Local services

Impacts on services, schools, doctors which are already at capacity and cannot support a development of this size

Principle

The LDP is out of date and should not be regarded to

Loss of high grade agricultural land

The field is prime agricultural land and should be protected

Need to protect food security

Welsh Language

Impacts to the Welsh Language

Communications

The developer has failed to properly notify property owners of the development works as indicated in their communications protocol

Officer Note – Officers consider that the concerns raised in the late representations are adequately dealt within the main Officers report and reflect concerns previously raised.

Regarding the lack of eco-credentials raised as an objection, the Developers have confirmed that solar PV panels and air source heat pumps will be installed to 70 of the dwellings. This specification meets the UK Government's 'Future Homes Standard' and models what will likely become the standard Building Regulations Part L requirements when this changes again, to prohibit the use of gas and fossil fuels generally in new build dwellings in 2025. This is being applied to this site as additional Welsh Government grant funding enables the additional construction costs involved for properties that also meet Welsh Government's 'Beautiful Homes and Spaces', formerly Development Quality Requirements (DQR) standards.

Additional information received -

Arboricultural Impact Assessment Rev G (Ascerta, Dated 05/01/23) updated in accordance with new landscaping layout.

Officer Note –

The previously approved planning application 01/2022/0690 had a number of pre commencement conditions attached to it. These included conditions 7 (drainage in relation to diversion of Welsh Water's strategic water main), 9 (external lighting), 12 (highways works), 15 (Local Employment Strategy), 16 (details of boundary hoarding) and 20 (open space management company details).

Members are advised that these conditions have now been discharged under planning reference numbers 01/2022/0989 and 01/2022/0990 dated 21/12/2022 and 6/12/2022 respectively.

These pre commencement conditions have been reattached to this variation of condition planning application for the avoidance of doubt.

Trees

Concerns have been raised by the public and Local Councillor's regarding the loss of a copse of trees within the hedgerow comprising a number of elms and a holly tree. The trees are described as G2 in the updated arboricultural impact assessment report. However, the report proposes these trees are to be felled to make way for the development.

The Council's Tree Inspector and County Ecologist have assessed the trees in question and have advised that the trees should be retained in line with the original planning proposals involving crown lift works, rather than felling. They have advised that retaining this group of trees coupled with the proposed tree planting across the development will result in a net benefit for biodiversity.

Regarding concerns that additional hedgerow is being removed, Officer's can confirm that the same amount of hedgerow to that which was approved under the reference 01/2022/0690 is being removed. This is identified in the Arboricultural Report as being a section of hedge. 'H4', and is to be removed to allow the creation of the access.

Having regard to concerns raised, Officers are of the opinion that the trees in G2 should ideally be retained where possible. To this end it suggested that a planning condition which prevents work to, or felling of trees in G2 without the prior written agreement of the LPA. Any application for permission to lop, top or fell trees should justify the need for the work, and detail a scheme of suitable replanting.

Additional condition –

Notwithstanding the hereby approved plans and documents, no trees/hedgerow in G2 described within the Arboricultural Impact Assessment Rev G (Ascerta, Dated 05/01/23) shall be lopped, topped or felled until a scheme of landscaping and replanting has been agreed in writing with the Local Planning Authority. The scheme shall show which trees are to be retained and provide justification for those to be removed. The scheme shall also include details of the size, species, location and timing of planting of any replacement trees. The scheme shall proceed strictly in accordance with the submitted details.

Reason: In the interest of visual amenity and biodiversity.

OTHER ITEMS

Item No.6 – Page 59

Code No: 23/2022/0344/PF

Location: Land at Llwyn Afon, Llanrhaeadr, Denbigh

Proposal: Erection of 3 dwellings including the installation of a package treatment plant, formation of vehicular accesses and associated works.

LOCAL MEMBER(S): Cllr Elfed Williams (c)

OFFICER RECOMMENDATION IS TO **REFUSE**

Late representations received – None.

Additional Information – An amended floor plan for House Type C has been submitted that amends the layout to provide three bedrooms instead of two bedrooms.

Officer Note – The amended floor plan means that the one affordable unit would meet the identified local need for three bedroom dwellings for the area. The Strategic Housing Policy Officer confirmed that the amended layout is acceptable to meet the ‘*Welsh Development Quality Requirements 2021 Creating Beautiful Homes and Places*’ standards. On this basis, Officers consider that the affordable dwelling now meets the local affordable need. Notwithstanding this, the principle of the development assessed against BSC9 would still not be acceptable as the policy seeks 100% affordable housing developments of one or two units.

Amended recommendation –

The amended recommendation omits the part which states ‘*nor to take into account the specific affordable housing needs in the area*’

1. The application site is in an open countryside location outside any settlement identified in the Denbighshire Local Development Plan, where new housing development is only considered appropriate if it can be justified for an essential worker in connection with a rural enterprise, or in particular circumstances as an exception to policy where it is for local connections affordable housing and meets specific policy criteria in the Denbighshire Local Development Plan. In the opinion of the Local Planning Authority, the proposal is in clear conflict with the premise and key tests of Policy BSC9 of the Development Plan, in that it involves the development of more than one or two dwellings, with two of the three dwellings proposed as open market units not as affordable dwellings for local need, and the dwellings are not designed to meet the housing needs set out in the Local Housing Market Assessment 2019 ~~nor to take into account the specific affordable housing needs in the area~~; all conflicts which are not outweighed by other material considerations. In these circumstances, the erection of three dwellings would represent an unacceptable sporadic development in open countryside, contrary to basic planning policy and guidance.

The list of plans is also amended to read ‘(xiii) House Type C - Proposed Floor Plan - Received 10 January 2023’.

Item No.7 – Page 99

Code No: 45/2022/0730/ PF

Location: 188 Rhyl Coast Road, Rhyl

Proposal: Erection of extension and formation of new roof to provide additional accommodation at first floor level (resubmission)

LOCAL MEMBER(S): Cllr Justine Evans

Cllr Barry Mellor

OFFICER RECOMMENDATION IS TO **REFUSE**

Addendum report – The application was subject to a Site Inspection Panel meeting at 09:30 on Friday 6th January 2023

In attendance were:

CHAIR – Cllr Mark Young

VICE CHAIR – Cllr Peter Scott

LOCAL MEMBER – Cllr Barry Mellor and Cllr Justine Evans

GROUP MEMBERS –

Conservative Group – represented by Cllr Peter Scott

Green Group – no representative

Independent Group – no representative

Labour group – Cllr Alan James

Plaid Cymru Group – Cllr Elfed Williams

Rhyl TOWN COUNCIL – No representative

The Officer present was Emer O'Connor (Development Management)

The reason for calling the site panel was to allow opportunity to view the site and its context to appreciate issues relating the impact on the character of the existing dwelling and the area.

At the Site Inspection panel meeting, Members considered the following:

1. The basis of the application for the erection of an extension to 188 Coast Road.
2. The site and surroundings in particular the size of the plot and the character of the area.
3. The relationship of the proposed extension to the surrounding properties.

In relation to the matters outlined:

1. The details of the proposed extension were outlined by the Planning Officer.
 2. Cllr Mellor, as local Member, explained the reason for calling the site panel meeting was to consider the setting of the site in the context of the surrounding area.
 3. Members viewed the application site from the front (east) and along the access road. The site panel noted that the site is set behind the Coast Road frontage, and there was a mix of dwellings in the wider locality including two storey dwellings and dormer bungalows.
 4. There was discussion about other developments in the area, and future plans for the adjacent Golf Club. However it was agreed that these were and would be assessed under a difference policy context to the current application for householder development.
 5. Members considered the distance between the proposed extension and the boundaries and observed that the plot was relatively. The relationship of the proposed extensions to surrounding properties was observed.
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Late representations received – None

Additional Information – None

Officer Note – None

Amended conditions – None

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