

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 11 January 2023 at 9.30 am.

### **PRESENT**

Councillors Ellie Chard, Karen Edwards, Gwyneth Ellis, James Elson, Jon Harland, Huw Hilditch-Roberts, Alan James, Delyth Jones, Julie Matthews, Terry Mendies, Win Mullen-James, Merfyn Parry, Pete Prendergast, Gareth Sandilands, Peter Scott (Vice-Chair), Andrea Tomlin, Elfed Williams and Mark Young (Chair)

Local Members – Councillor Pauline Edwards

Observer – Councillor Rhys Thomas

### **ALSO PRESENT**

Legal Officer (CL), Principal Planning Officer (PG); Senior Engineer (Development Control) (MP); Planning Officer - Career Grade (LM); Zoom Hosts (SLW and NPH); Committee Administrator (RTJ).

Public Speakers –  
Heidi Ridder-Jones (Agenda item 5)  
Stuart Andrews (Agenda item 5)

#### **1 APOLOGIES**

No apologies were received.

#### **2 DECLARATIONS OF INTEREST**

There were no declarations raised.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

There were no urgent matters.

#### **4 MINUTES**

The minutes of the Planning Committee held on 14 December 2022 were submitted.

Matters of Accuracy – None

Matters Arising – The chair confirmed that the matter involving social media was being worked upon by the chair and the newly appointed legal officer.

***RESOLVED*** that subject to the above, the minutes of the meeting held on 14 December 2022 be approved as a correct record.

**5 APPLICATION NO. 01/2022/0982/PS - LAND ADJACENT YSGOL PENDREF, GWAENYNOG ROAD, DENBIGH**

An application was submitted for 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 at land adjacent to Ysgol Pendref, Gwaenynog Road, Denbigh (previously circulated)

**Public Speakers –**

**Heidi Ridder-Jones (against)** – stated that at the Planning Meeting in November 2022, the legal officer stated that the twenty percent of affordable housing with the development on the site was legally binding. The Public speaker continued by informing the committee that the point was highlighted on multiple occasions during the Planning Committee meeting in November and felt that the matter swayed the committee's decision to approve. However, the public speaker stated that the new application was at ten percent affordable housing in line with the Welsh Government guidance; it's detailed that the ten percent could not be changed if that was the case; why wasn't that stated before the application was granted in November 2022. Mrs Ridder-Jones sought the guidance of a chartered surveyor on the matter and felt those who opposed the application were well within their rights to be concerned with the change in percentage for affordable housing.

The new application would manipulate the original agreement to reduce the percentage from 20% to 10% of affordable housing. Firstly a section 106 deed of variation should not change the amount percentage of the affordable housing which was at the core of the decision taken at the previous planning committee meeting. The deed of variation of the S106 should have been submitted at the same time as the section 73 application, together with the contract with Adra and a revised affordable housing assessment showing how the change would align with Denbighshire's housing need statistics. The committee would need confirmation that the dwellings would remain as affordable in perpetuity.

The public speaker felt that the November meeting was biased in granting the application. Denbighshire's ecological strategy should be at the front of each decision; however, lip service was taken into the situation, the ecological's officers' comments have been disregarded, and that only trees should be maintained where possible. This would allow applicants to remove the trees where they wished. There was a wealth of ecology within trees at the site, and allowing the application Councillors would be going against Planning Policy Wales section 6.4 that development should not cause an effect on habitat or biodiversity.

**Mr Stuart Andrews (for)** – thanked the committee for being allowed to speak Mr Andrews reminded the committee that he was the Design and planning manager from Castle Green Homes; he was speaking to the committee regarding amendments to replace the Planning permission to one with an increase in affordable homes.

Mr Andrews highlighted how the site was an allocated housing site, which was purchased in 2022; in November, planning permission was secured to build 110 homes with twenty percent provision of affordable houses at the site, and all pre-commencement planning conditions were discharged concerning that scheme, and it could have started already. Mr Andrews stated during the last meeting, he spoke to Council officers regarding progress on the contract, which would have delivered the whole site through ADRA. This application was discussed today. The new application would still construct the 110 houses at the site. However, seventy-three percent of the houses would be affordable, and the remaining would be available for market rent. The financial contributions on the site of over £63k intended to fund new play areas at Cae Hywel Park and the footpath surrounding the area would not be affected by the newly proposed application and still would be delivered.

In addition, 70 of the houses would be built to enhanced building specifications with air source pump heating systems and solar panels to be in line with upcoming 2025 building regulations, this would be achieved through the Welsh Government grant, and the remaining buildings would be built to standards higher than the typical UK home. Obtaining an affordable housing grant through the usual Section 106 agreement was usually unobtainable. The reduction from 20% to 10% was to minimise the number of houses which wouldn't be achievable through the grant. However, 73% of affordable homes and market-rented properties at the site will have their houses tenures identified by a delivery statement which would be included in the approved planning permission documents. Mr Andrews stated that this would mean that there could be no concerns about the affordable houses proposals not being secured by the council; if the development would not meet the tenure, they could be enforced through the planning conditions.

There were no objections from Council officers or specialist consultees; a positive decision would increase the number of affordable houses delivered at the site. If the committee voted to refuse, the application would revert to the decision at the November meeting.

### **General Debate –**

Councillor Pauline Edwards (local member) thanked the chair for allowing her to speak; firstly, she apologised to local residents, who warned her regarding the impacts of the proposal on biodiversity on the site. She raised concern about the trees being referenced as poor within the arboricultural report. The trees were in good condition and were beneficial towards the biodiversity in the area; supplementary planning guidance also highlights the importance of biodiversity, the application should highlight this importance, and all efforts should be taken to protect the trees at the site.

Councillor Delyth Jones (local member) – agreed with the statements of Councillor Edwards; she supported the more significant percentage of affordable housing with the development. However, questioned what could the committee do to protect the affordable housing on the development site. It was also raised how the planning team could continue to monitor the development throughout to ensure they were conforming to the planning conditions imposed.

Planning officers responded that the trees on the site were of concern. However, conditions were in place that no work would be carried out until an agreed plan with the trees could be completed with consultation with local members and Denbighshire's Tree and Biodiversity officer.

Councillor Merfyn Parry proposed an additional condition that the work on the entrance to the site is completed before any further development.

The committee queried if there were any further changes to the site, such as affordable housing to the development, and could they be brought back to the committee to agree or disagree with any of the changes; officers confirmed that if there were any substantial changes to the agreed development, it would come back to Planning committee for deliberation.

Members were concerned that within the original section 106 agreement, the development would have twenty percent affordable housing; however, under the newly proposed application, only ten percent would be affordable, and the other sixty-three percent would be tied to the registered landlord ADRA. The committee sought assurance that the houses would remain affordable in perpetuity. Officers responded that the registered landlord would receive grant funding from Welsh Government to develop the affordable homes, therefore the properties would remain affordable as they were tied directly to the grant. The officers also confirmed that the 'deliverability statement' which set out the units to be affordable, would be the subject of a planning condition and that the development would have to be carried out in accordance with that condition. If the applicants wished to vary that statement, they would need to apply to the LPA to do so.

Councillor Delyth Jones proposed the application be granted with the additional condition included by Councillor Merfyn Parry, seconded by Councillor Terry Mendies.

**VOTE:**

FOR – 18

AGAINST – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as detailed within their report.

**6 APPLICATION NO. 23/2022/0344/PF - LAND AT LLWYN AFON, LLANRHAADR, DENBIGH**

An application was submitted for the erection of 3 dwellings including the installation of a package treatment plant, formation of vehicular accesses and associated works at land at Llwyn Afon, Llanrhaadr, Denbigh (previously circulated).

**General Debate –**

Councillor Elfed Williams (Local member) – thanked the chair for the opportunity to speak; he disagreed with the officer's statement that the site was in the open countryside as there were houses on each side of the proposed area, and the site was a brownfield site. In closing, Councillor Williams stated that the development was needed for the local area and would benefit the village of Llanrhaeadr.

Councillor Merfyn Parry proposed the application be granted contrary to officer recommendations seconded by Councillor Elfed Williams.

Officers clarified that the development was stated as being in open countryside as it lay outside of the development boundary of the village. Therefore it was deemed in open countryside. The officers were guided to their recommendation following the LDP Policy BSC 9 (Local connections affordable housing within small groups or clusters); the application only highlighted that one of the three dwellings would be affordable. The officer noted that there is an extant outline permission that requires reserved matters to be agreed upon by March 2023. Officers also clarified that if the application were granted, it would be required to have a section 106 agreement regarding the affordable dwelling and a possible commuted sum for open space.

The committee queried whether renewable energy sources would be a part of the site's development, such as ground source heating and solar panels. Officers responded as the site was a private development, it would need to comply with planning but would not require to conform to Welsh Government legislation. The committee raised the public feeling for the application locally; the local member confirmed that the community Council supported the application.

**VOTE:**

FOR – 16

AGAINST – 1

ABSTAIN – 1

**RESOLVED** that permission be **GRANTED** contrary to officer recommendations as detailed within their report.

**7 APPLICATION NO. 45/2022/0730/PF - 188 COAST ROAD, RHYL**

An application was submitted for the erection of extension and formation of new roof to provide additional accommodation at first floor level (resubmission) at 188 Coast Road, Rhyl (previously circulated).

**General Debate –**

The chair called upon those who had attended the site visit to share their views on the application. The consensus with all those who visited the site was that the building was set back from the road. There was a variation of larger buildings surrounding the area, which would mitigate any overlooking concerns officers had raised. Members also raised that the Golf Club would be rebuilt into a two-story building once the flood defence work was completed.

Councillor Alan James proposed the application be granted contrary to officer recommendations, seconded by Councillor Peter Scott for the reasons stated above.

Planning officers reminded members that the previous planning refusal on the site was appealed by the applicants and dismissed by a Planning Inspector. However, the new application was of a smaller scale than previously applied for and Officers advised members that it was for them to individually consider whether the reduction in the size of the extension was sufficient enough to overcome the previous refusal. Officers reiterated that in their opinion it was not, but accepted it was an on balance decision.

**VOTE:**

FOR – **18**

AGAINST – **0**

ABSTAIN – **0**

***RESOLVED*** that permission be ***GRANTED*** contrary to officer recommendations as detailed within their report.