

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held in via VIDEO CONFERENCE on Wednesday, 13 January 2021 at 9.30 am.

### **PRESENT**

Councillors Mabon ap Gwynfor, Ellie Chard, Ann Davies, Alan James (Vice-Chair), Brian Jones, Tina Jones, Gwyneth Kensler, Christine Marston, Melvyn Mile, Bob Murray, Merfyn Parry, Paul Penlington, Pete Prendergast, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

### **ALSO PRESENT**

Development Control Manager (PM), Solicitor (TD), Planning Officer (EO) and Committee Administrator (RTJ).

Observer – Councillors Meirick Lloyd Davies.

#### **1 APOLOGIES**

Apologies received from Councillors Peter Scott and Peter Evans.

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

Councillor Christine Marston declared a personal interest in agenda item 8 as she was a member of the Stakeholder conference for Betsi Cadwaladr University Health Board (BCUHB), a family member also worked for BCUHB

Councillor Emrys Wynne declared a personal interest in agenda item 8 as he represented the Council on the Community Health board.

Councillor Gwyneth Kensler declared a personal interest in agenda item 5, as she knew the occupants of the house.

Councillors Mark Young and Ann Davies declared a personal interest in agenda item 8, as a family members worked in Ysbyty Glan Clwyd

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

No urgent matters.

#### **4 MINUTES**

The minutes of the Planning Committee held on 16 December 2020 were submitted.

Matter of accuracy -

- The translation for Application No. 02/2020/0724/Pf - Land at Glasdir, Ruthin, did not include the amount of votes.

***RESOLVED** that the minutes of the meeting held on 16 December 2020 be received and confirmed as a correct record.*

**5 APPLICATION NO. 01/2020/0832 - GLANRAFON, BROOKHOUSE ROAD, DENBIGH**

An application was submitted for the Extensions and alterations to existing dwelling (amended scheme) at Glanrafon Brookhouse Road Denbigh.

**Public Speakers –**

Rhys Davies (For) -

Both myself and my wife were raised locally near Denbigh, following a period of living away, we moved back to the area. We are since working at Glan Clwyd Hospital and our children Eben and Mared attend Ysgol Twm o'r Nant.

We purchased Glanrafon in February 2019 which had been vacant for several years due to the extensive structural repairs required rendering it at the time inhabitable and un-mortgageable. We were advised by a number of builders to consider demolishing due to the nature of the structural repairs and internal modification required, but were adamant from the start that this was not the path we wished to take. Together with our architect Osian Jones, Ruthin we proceeded with a planning application for a new extension, which would create our family home, and allow a previously empty property be brought back into residential use.

We fell in love with the property and location and strongly believe that to fully respect and give justice to the original house, that the extension should have a distinctly different feel while blending harmoniously into the surroundings. We strongly and passionately believe that using steel cladding instead of render, will achieve this and provide the distinction between old and new. We also included a glass panel separation design between the old and new parts of the building as per Denbighshire's Residential Development Guidance.

While appreciating that during the time of the original application that this product wasn't widely known within Denbighshire, further research shows that it is becoming more common with several recent successful planning requests within North Wales as we've included in the supplementary information provided.

It is manufactured in Shotton, used in both urban and rural homes, meets building regulation requirements and has several environmental benefits compared to traditional render. As well as high structural performance, steel is fully recyclable and allows the ability to include additional insulation within the wall construction to provide higher thermal performance than K-rend or similar products.

Throughout the project we have always tried to work with local tradesmen, businesses and suppliers to support our local economy and reduce our carbon

footprint, and there are professional fitters local to Denbigh who have vast experience in steel cladding residential properties within the area. Our neighbours have been fully supportive of our design, and we have had no objections following local consultation on each planning application or amendment.

Thank you all for your time in considering our application for Glanrafon, and I hope I've been able to demonstrate how the advantages of steel cladding will help achieve our vision for this project.

#### **General debate –**

Councillor Mark Young, local member, passed apologies from the other local member Rhys Thomas who could not be in attendance, they had both discussed the application. The application was modern and exciting, and he was supportive of the application, and felt that similar cladding had been used in other areas of North Wales.

**Proposal –** Councillor Mark Young proposed the application be granted contrary to officer recommendations as the application would not impact on the character and appearance of the original dwelling and did not pose an issue for the neighbours, as no concerns had been raised. Seconded by Councillor Merfyn Parry.

Members queried with officers when Planning Policy RD3 was written, as the application was using local and recyclable materials, it was suggested that new ideas were needed.

Officers clarified that the policy was adopted alongside the current LDP in June 2013, members were reminded that the current LDP was being worked upon and if they required certain policies to be amended this should be done through the SPG meetings.

#### **Vote –**

Grant – 16

Abstain – 1

Refuse - 0

**RESOLVED** that permission be **GRANTED** contrary with officer recommendations as detailed within the report and supplementary papers.

#### **6 APPLICATION NO. 31/2020/0338 - LAND ADJOINING MARLLWYN, GROESFFORDD MARLI**

An application was submitted for the Erection of 3 affordable dwellings and 1 open market dwelling a detached double garage. Formation of 2 vehicular accesses and visibility splays, Provision of associated car parking, landscaping and the Installation of 2 package treatment Plants, a ground source heat pump and rainwater harvesting system at Land Adjoining Marllwyn, Groesffordd Marli Abergele.

#### **Public Speaker –**

Gordon Kenyon (For) - I represent the applicants Mr and Mrs Salt in this matter.

Mr & Mrs Salt have lived at Marllwyn, Groesffordd Marli for more 25 years and have raised their family there. They are now in their sixties and looking towards retirement. They wish to stay in Groesffordd Marli and to downsize to a smaller energy efficient dwelling more suited to their retirement needs. Their proposed new home would be constructed on land which they own adjoining Marllwyn. The dwelling has been designed with mature living and energy efficiency in mind. It incorporates energy saving measures and a ground floor bedroom.

As result of their large ownership, Mr & Mrs Salt are also able to offer to construct 3 affordable houses for people in local need. They would themselves construct the affordable units and their own new dwelling. Their existing house would be used to secure finance for construction of all 4 units. The affordable units would then be rented at discounted affordable rent, or disposed of at discounted price, to people in local need. Their existing house would then be sold to clear the finance.

The applicants are happy to enter into a legal agreement securing the affordable housing provision for local affordable need in perpetuity. Occupants will be required to have a strong local connection to a specified local area or community council area or areas. They are also happy to be bound to have the affordable units ready for occupation prior to occupation of their own new dwelling.

The site was within the area of search for affordable housing provision within the hamlet as defined in Policy BSC6. The development proposed would be within overall growth levels set for the hamlet in that policy. Provision of the affordable housing would clearly be in accord with the spirit of that policy. The proposal would also help secure vitality of the local community and local services, including the local primary school. The dwellings would be sited adjacent to the existing cluster of development and would represent no more than rounding off or logical extension of the existing hamlet.

There was clear unmet need for affordable housing locally, with registered interest for family housing on both the affordable and social housing registers for Cefn Meiradog, Trefnant and Bodelwyddan. There will also be additional families in need who are not on the register. It was widely acknowledged that there was significant need for affordable housing throughout Denbighshire at present time and also a very significant shortfall in housing land availability generally within the County. The Local Housing Market Assessment 2019 identified a need for 775 additional affordable homes for the period 2018 to 2023, equating to a need of 155 units a year. These are not being provided and 57% of newly emerging households are unable to rent or buy on the open market. It was however widely acknowledged and accepted that, notwithstanding the provisions of Policy BSC6, affordable housing in the hamlets was unlikely to materialise in the absence of market housing provision which can cross-fund such provision.

With all that in mind, this application was surely a no-brainer. At a time of acknowledged and demonstrated need for both affordable and market housing, this opportunity was surely too good to miss. The applicants propose provision of 3

affordable units cross-funded effectively by provision of a single open market unit. Under usual affordable housing policy provisions, many more open market dwellings would be required to cross-fund provision of just 1 affordable unit. In recommending refusal of this application, officers seem to largely ignore considerations of weight which clearly suggest that planning permission should be granted. They suggest that the application was somehow speculative. However, this was not a site that was so remote and isolated that no one in need would wish to live there - it was a site that was actually situated in a relatively sustainable location close to other settlements. The risk of these properties having to revert to open market dwellings was virtually non-existent.

In conclusion, there was clear and acknowledged evidence of significant demand for affordable housing in the local area which was not being addressed and which was only likely to increase in coming months and years. This was a proposal offering significant community benefit which, quite simply, was too good to miss. I would very much hope, for sake of the local community and all those in affordable housing need, that your decision today will reflect that view! With regard to issues of design and materials of the dwellings proposed, I can again confirm that the applicants would be more than willing to consider revised proposals if considered necessary. I trust therefore that you will recognise the clear and obvious merit in the scheme and feel able to support the applicant's generous proposals.

#### **General debate –**

Planning officers reminded members of the additional information presented within the late representation papers (blue sheets).

Meirick Lloyd Davies (local member) –thanked the committee for being allowed to speak, however wanted to highlight some corrections within the report, the community council should be Cefn Meiriadog and not Trefnant. It was outlined that there was a need for affordable housing in rural areas, this would allow people to stay and support their local areas.

Officers raised the speculative nature of the 3 affordable dwellings without an established need for them in the area, poses a greater risk that they may become market dwellings in the future. The LDP aims to control development in the open countryside and Officers consider the risk of speculative affordable housing becoming market housing outside of development boundaries was too high in this instance.

Members queried the issues with Dwr Cymru on the site, and whether these had been rectified, they also sought clarity if this development was permitted could more houses be developed in the area. Members also queried with officers if it was likely that traffic could occur in the area during peak times.

**Proposal** – Gwyneth Kensler proposed we grant the application contrary to officer recommendation seconded by Councillor Mabon ap Gwynfor.

Officers informed the committee that the issue with the application was that it included affordable housing however, there was no current evidence of need for

affordable housing in the area. The applicants had not justified the proposal against the relevant policies in the LDP. There was no evidence that this development would impact upon highway safety even with regard to peak time traffic at the nearby school. With regards to Dwr Cymru, there was a water main running underneath the site, if the application was granted this would need to be looked at further.

Officers queried with Councillor Gwyneth Kenlser and Mabon Ap Gwynfor, for reasoning behind proposing to grant the application contrary to officer recommendations.

Members clarified they believed the matter would not have an impact on visual amenities in the area, and that the need for affordable housing outweighed the loss of grade 2 agricultural land.

Prior to going to the vote officer read out the Local Housing Strategy Officer Comments on the development –

“The Tai Teg Register shows there was demand for 2 x 3 bedroom houses in the neighbouring hamlet of Cefn Meiriadog as intermediate rental, which is in the same ward, but there were no applicants for Groesfordd Marli itself. There was no one on the social housing list at all who had asked for Cefn Meiriadog/Groesfordd Marli as a first choice area. This indicates that demand for the hamlet was very low.

The hamlets policy was quite clear that speculative building in the area was not allowed by the policy (market housing in hamlets is not permitted at all) and developers have to establish there is an identified need for affordable housing. Our policy was explicit in stating that ‘Applicants will be required to provide evidence in support of the proposed occupant’s local connection, accommodation need and financial eligibility’. Although the applicant’s state there is a need in the hamlet, they have provided no evidence to support it. Details of the proposed occupants are required under the policy.

Registered Social Landlords would not be interested in taking on these properties without the provision of grant, as they feel demand is too low and the risk of occupancy voids which would cost them money to be too great.

Without the details of the proposed occupants for the affordable dwellings Strategic

Housing & Planning could not support the application as it essentially a speculative build, which under the hamlets policy is not permitted. Building in hamlets is for an identified need to ensure the sustainability of the community, this has not been proven in their proposal, a speculative build of 3 affordable houses for the area does run the risk of defaulting to market housing if the proposed occupants are not clearly identified and satisfy income and housing need criteria.

**Vote –**

Grant - 4

Abstain - 1

Refuse – 13

**RESOLVED** that permission be **REFUSED** in accordance with officer recommendations as detailed within the report.

**7 APPLICATION NO. 40/2020/0813 GLAN CLWYD HOSPITAL, RHUDDLAN ROAD, BODELWYDDAN**

An application was submitted for Development of 2.8ha of land by the erection of a Use Class C2 hospital building (mental health unit to replace the existing Ablett Unit) with associated landscaping, car parking and site vehicular access; and the erection of a multi-storey car park with associated works (outline application - all matters reserved) at Glan Clwyd Hospital, Rhuddlan Road Bodelwyddan Rhyl LL18 5UJ

**Public Speakers –**

Mr Llwyd (against) - Good morning, everyone. Hope you're all well and you and your families are keeping safe in these uncertain times. Thank you for the opportunity to speak today. I truly hope that what I have to say will get across to the committee clearly.

Back in August, our world was turned upside down. Emotions of disbelief, fear, and sadness rippled through the estate on hearing the news. All this has consumed much of our lives ever since, trying to reason with the planners and the health board why a unit of this size shouldn't be built at the proposed site, so incredibly close to our properties. Should a redevelopment go ahead to improve mental health care? Of course, but please don't locate this building right behind our garden fences.

So many of us here have young children – I want the best for my 4 year old and 2 year old – and not just that – us parents and adults want to continue to live in peace in our homes. We are fighting here for something that could either mean a happy, safe and secure home for our families, or a life without that comfort and security.

We are desperate for you to see things from our perspective. The planners and the contractors will move on to the next project, a lot of the patients would come and go, but we residents would live day and night with this building, and all the issues that would come with it. Incidents do happen despite best efforts – tragic events have happened in the past, and we would always be afraid of what could happen. The risk would be increased for us residents, and our kitchens, living rooms, bedrooms, and gardens would not be private anymore.

October last year, I produced an 11-page document explaining in detail the many reasons we wanted this building to be located elsewhere – outlined in sub-headings: loss of privacy, light pollution, noise disturbances, trees & wildlife, and safety. I hope you still remember those points and understand our reasoning. We had a solicitor involved, and we reached out to the local MP, who also fully understands our concerns.

With panic and desperation setting in recently, I have provided photos and videos from my children's bedrooms, drawing attention to the bare branches of the dead trees behind our property, and demonstrating how seriously close and exposed we would be to this giant facility.

We were eagerly hoping that the planners would consider another location where there would be no such impact on family homes. We realise logistical matters need to be considered depending on site location, but if the unit was located elsewhere, at the North West corner of the hospital, although there would be other 'short term hurdles' to overcome, the new building would be fully operational, safely away from nearby properties. If the unit was built behind our garden fences, it would undoubtedly create serious issues - issues that could harm our mental health too.

To sum up, families would not feel safe in their own homes; safety concerns and loss of privacy would result in real anxiety and worry, day and night. It would have a detrimental effect on our quality of life, and it would break our hearts if plans went ahead unamended. We are pleading to the council – please don't spoil what we have here. We implore you to show empathy and relocate the development.

Peter Campell (For) –I am the agent for the application and will be speaking in support of the proposals.

We welcome the officer's positive recommendation and would like to take this opportunity to highlight the critical need for the proposed new mental health facility and how a design which is sensitive to its surrounds has been presented. The new Ablett Unit facility would principally provide specialist mental health inpatient wards, alongside supporting treatment and rehabilitation facilities within a greatly improved environment. The unit would vitally increase mental health care capacity and support the delivery of care for residents within Denbighshire, Conwy and Flintshire.

The existing Ablett Unit building is now considered to be beyond its viable lifespan as a care facility, with it not capable of continuing to provide for the high-levels of specialist care required by the Hospital Board.

The site for the proposed new unit is specifically allocated within the Local Development Plan to support new 'Community Facilities', which includes planning for the healthcare needs of the community. The site has therefore long been established in planning policy to accommodate new development at the hospital campus.

The applicant's team consulted the local community on the proposals prior to the submission of the planning application, with overall strong levels of support received. We have also engaged directly with the neighbouring residents to understand and to respond to their concerns.

The proposals are presented in Outline and therefore design details will be presented to the Council for consideration at reserved matters stage. However, detailed parameters including in respect to scale and height have been set out to

establish that the building will have a suitable relationship with neighbouring properties.

A part-3 storey and part 2 storey building is presented, designed to step down to 2-storeys on its southern side which would be sited closest to the neighbouring residential properties.

The proposals wholly comply with the Council's supplementary guidance in respect to protecting privacy and overlooking of neighbouring residential properties. The guidance states that a separating distance of 21m should be retained between directly facing windows. This distance can be reduced to 18m where direct overlooking would be avoided.

The details presented establish that the hospital building would provide for a minimum separating distance ranging from in excess of 23m up to 47m from the closest neighbouring properties, thus exceeding the guidance requirements.

Improvements to the significant band of existing trees and green landscaping on the southern boundary can further support the protection of privacy at properties to the south.

This is reflected in the Officer's report which concludes that the proposals are acceptable in respect to residential amenity.

The facility will be managed by experienced mental health care professionals and will incorporate modern security interventions to aid security for patients, staff and local residents alike. Both internal and external security interventions would be incorporated, including security-controlled access doors and appropriate boundary fencing measures.

The proposed multi-storey car park will significantly increase parking capacity at the hospital, helping to address existing parking issues.

To conclude, the application is wholly compliant with planning policies and presents a carefully considered outline design. The applicant has actively sought to understand the concerns of neighbouring residents and to ensure that the outline design presented will not unduly impact upon neighbouring residents in line with the Council's established requirements.

The proposals are vital to support the delivery of improved mental healthcare provision, enabling patients to continue to receive the care they require locally.

### **General Debate –**

Councillor Ann Davies highlighted that there was a need for mental health facilities within hospitals, however was confused as the reason why the North Wales Hospital was closed in Denbigh was that the preferred option was for smaller settings for caring for those suffering with mental health.

Councillor Paul Penlington seconded what was raised by Councillor Davies, and raised concern with the multi-storey car park which would be developed in close proximity to residential dwellings, especially as the plans indicated it would be 10 meters high.

**Proposal** – Councillor Paul Penlington proposed refusal for the application contrary to officer recommendation, seconded by Councillor Emrys Wynne.

Officers clarified to the committee that the multi-storey car park would not be developed near the residential properties, the mental health unit building would be at highest 3 stories, but would be lowered to 2 stories when nearest to the dwellings.

Members queried with officers whether there any further comments by Dŵr Cymru on the development alongside comments from any other external bodies, as there was a flood risk to the site.

Responding officers clarified the issues raised with SUDS there would need to be an approval required and a drainage scheme would need to be submitted. There would be a highway agreement in place. Although the comments raised about the North Wales hospital were not considered as a planning consideration.

Members raised the local community council had not responded with any remarks to the site they saw this as a shame as the committee regarded comments by the local councils as important.

The chair requested for further clarity for the reasons for refusal from Councillor Paul Penlington. Responding the reasons were that the development was too large and would have a negative impact on surrounding residential dwellings. There would be noise pollution from the site with the coming and going, and there would be a need for future generations act to be considered with the application.

**Vote –**

Grant - 6

Abstain - 0

Refuse – 11

**RESOLVED** that permission be **REFUSED** contrary with officer recommendations as detailed within the report and supplementary papers.

**8 APPLICATION NO. 01/2020/0808 - 47 ERW SALUSBURY, DENBIGH**

An application was submitted for the Erection of a single storey flat roof extension to rear of dwelling at 47 Erw Salusbury Denbigh.

The chair informed the committee of an additional condition which was proposed for the application which was as followed – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or door openings shall be inserted at any time in the south-west side elevation of the

extension hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Councillor Mark Young (local member) gone through the report and looked at the concerns raised, however as the extension was for flat roof, and therefore tried to alleviate the concerns which were raised.

**Proposal** – Councillor Mark Young proposed the application be granted with the additional condition raised, seconded by Councillor Bob Murray.

**Vote –**

Grant - 14

Abstain - 1

Refuse – 0

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

## **9 APPLICATION NO. 45/2020/0897 - LAND AT REAR OF 2 ELM GROVE, RHYL**

An application was submitted for the erection of 1 no. dwelling, detached garage, means of access and associated works at Land at rear of 2 Elm Grove Rhyl LL18 3PE.

The chair informed the committee that officers requested a deferral as the applicant wished to amend the proposal plans and require a short 14 day re consultation exercise.

Proposal – Councillor Bob Murray proposed the application be deferred, seconded by Councillor Julian Thompson-Hill.

Vote –

For - 16

Abstain - 0

Against – 0

**RESOLVED** that the application for Land at rear of 2 Elm Grove Rhyl be deferred to a future meeting.

**Meeting concluded at 11:45am**