

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held by video conference on Wednesday, 10 March 2021 at 9.30 am.

### **PRESENT**

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

**Observers** – Councillors Meirick Davies and Glenn Swingler

### **ALSO PRESENT**

Team Leader – Places Team (TD); Development Control Manager (PM); Planning Officer (PG) and Committee Administrators (KEJ & RTJ)

#### **1 APOLOGIES**

There were no apologies.

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

Councillor Merfyn Parry declared a personal and prejudicial interest in agenda item 6 – Land Opposite Bryntirion Cottage, Bodfari because he owned the site and had submitted the application.

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

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Planning Committee held on 10 February 2021 were submitted.

***RESOLVED** that the minutes of the meeting held on 10 February 2020 be approved as a correct record.*

### **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 8) -**

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which contained additional information relating to those applications. In order to accommodate public speaking requests it was agreed to vary the agenda order of applications accordingly.

**5 APPLICATION NO. 03/2020/0909/PF - LAND AT (PART OF GARDEN) 15 MAES BACHE, LLANGOLLEN**

An application was submitted for the erection of 1 no. dwelling, construction of a new vehicular access and associated works at land at (part of garden) 15 Maes Bache, Llangollen. [The application had been deferred from the last meeting]

**Public Speaker –**

Bob Dewey (agent) (**For**) – advised the application met all standard requirements and was not a tandem/backland development but had its own independent access and highway frontage. He disputed that a precedent would be set citing previous planning consents for housing development on the same hillside which had been acceptable in AONB terms, and referred to reliance on an outdated planning appeal decision as inappropriate. The dwelling was small and well designed specifically tailored to the topography of the site and would not harm the beauty of the area. Llangollen Town Council and CADW had no objections with CADW confirming the proposal would not impact on the World Heritage Site. Concerns regarding privacy, lightspill and noise were also dismissed with neighbours supportive of the proposal.

**General Debate –** Councillor Melvyn Mile (Local Member) described the application site and its surroundings from various vantage points in the area. He referred to the siting of the concrete reservoir and high density housing development and impact on the landscape with no concerns raised in terms of the AONB. The proposed development would hardly be visible with its roofline below the rear fence of the property and trees behind it. He disagreed with the AONB Joint Committee's view and officer opinion that the proposal did not respect the character of development in the immediate vicinity or openness of the area. Having visited the application site and with regard to the scale and design of the proposal, Councillor Mile did not consider potential overlooking to be a concern, it had not been an issue at the planning appeal in 2007, and the trees and shrubbery (which had not been shown on the illustrations) obscured the premises. He also did not consider lightspill to be an issue given the size of the dwelling with two other properties above it which stood further out. At the appeal in 2007 the Planning Inspector raised concern over the rural lane access which had changed since then following other developments. Finally he highlighted the disparity between the views of the AONB JC, NRW and CADW in terms of the impact on visual amenity on the same application.

The Chair had received an email from Councillor Graham Timms (Local Member) who had been unable to attend the meeting. Councillor Timms disagreed with officer opinion that the development would cause unacceptable harm to the character and appearance of the landscape, believing the effect would not be noticed as it would fall naturally within the visual boundary created by Maes Bache. He also referred to the large number of houses nearby and supported the use of the land within the development boundary of Llangollen. Councillor Timms believed that using appropriate land within the boundary to benefit residents' access to services and shops in the town centre was preferable to using the surrounding green spaces to support housing demands.

Councillor Mark Young sought clarity with regard to the development boundary in relation to the application site and the position of properties above that site which had been granted planning permission despite having a greater visual impact. Councillor Brian Jones considered that Councillor Mile had made a compelling case to grant the application based on his local knowledge of the area.

The Planning Officer responded to the issues raised during debate as follows –

- confirmed that the application site was located within the development boundary with the boundary line drawn along the road
- advised that there were buildings to the south of the property which were at a higher elevation but the topography and screening of trees meant they did not stand out in the same way as the application site from across the valley
- acknowledged the different view of local members and parallels drawn with other developments but asked members to give full weight to the impact on the AONB, which was a national statutory designation, when making their decision
- clarified in terms of distances that the balcony and first floor lounge window would only be 4.5m at the closest point to the boundary which was less than the recommended 12m from a first floor lounge to prevent overlooking
- reiterated the basis of the officer recommendation given the previous appeal decision that the development of the site would have an unacceptable impact on the character of the AONB, comments of the AONB JC and NRW together with adopted guidance setting out standards of distances
- explained that the Development Management Manual was a Welsh Government guidance document dealing with and deciding planning proposals.

Councillor Melvyn Mile responded to references regarding the distance between the proposed balcony and the boundary, stressing that the boundary related to the garden next door but the property itself was a considerable distance away on a steep slope. He felt that any concerns regarding overlooking could be addressed by way of condition, such as obscure glass for the balcony. The Development Control Manager confirmed that if members were minded to grant the application a set of planning conditions would be drawn up to be agreed with the local member which could include a condition to address overlooking if appropriate. He accepted that some subjective issues had been discussed in terms of the impact on the character and openness of the area but reiterated the views of the AONB Joint Committee and NRW which had informed the recommendation to refuse consent.

**Proposal** – Councillor Melvyn Mile considered that the proposal respected the character of development in the immediate locality and openness of the area. On that basis he proposed, seconded by Councillor Mark Young, that the application be granted and that officers liaise with the local member with regard to planning conditions to be applied to any consent.

**VOTE:**

GRANT – 19

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED**, contrary to officer recommendation, on the grounds that the proposal respected the character of development in the immediate locality and openness of the area, and that officers liaise with the local member with regard to planning conditions to be applied to the consent.

**6 APPLICATION NO. 22/2020/1022/PF - LAND ADJACENT TO BRYN TEG, GELLIFOR, RUTHIN**

An application was submitted for the erection of 2 no. dwellings, construction of a new vehicular access and associated works (resubmission) at land adjacent to Bryn Teg, Gellifor, Ruthin.

**Public Speaker –**

Robert Jones (agent) (**For**) – provided some background to the resubmission of the application which was subsequently being revised when the original application was determined and the refusal notice issued. Referred to the reasons for refusal based on scale, design, form, massing and material and provided an overview of how those concerns had since been addressed and the work undertaken in that regard.

**General Debate** – The Chair drew members' attention to the additional information on the supplementary papers (blue sheets) and officer recommendation for an additional condition (no.10) in the interest of residential amenity.

**Proposal** – Councillor Merfyn Parry proposed the officer recommendation to grant the application, seconded by Councillor Ann Davies.

**VOTE:**

GRANT – 20

REFUSE – 0

ABSTAIN – 0

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

**7 APPLICATION NO. 28/2020/1024/PF - MOUNT VIEW, BRYN Y GARN ROAD, HENLLAN, DENBIGH**

An application was submitted for demolition of an existing dwelling and erection of a replacement dwelling, detached garage, amendments to existing access, landscaping and associated works at Mount View, Bryn y Garn Road, Henllan.

**Public Speakers –**

Mrs Pritchard (**Against**) – objected to the proposed development in terms of its size and scale being significantly larger than the current dwelling which would have an adverse impact on neighbouring property and street scene. Argued that the proposed dwelling would be overbearing and its protrusion would cause an unsightly view, casting shadows and restricting light on her adjacent bungalow. It also compromised the local green agenda and there was potential contamination

from landfill. Raised concerns over noise, dust, vibration, disturbance etc. arising from the development and possibility the property was built on rock further exacerbating those issues and potential damage.

Mr Arwyn Jones (**For**) – explained his family circumstances and reasoning behind the application to provide a home large enough for his family within the locality. There was no intention to cause upset and he reported upon the hard work to minimise concerns and compromises made in that regard such as moving windows to respect privacy and lowering the house. The property was not excessive and was in character with the existing property and the current footprint would not increase dramatically. All concerns raised by Henllan Community Council had been resolved and all necessary requirements satisfied to build the family home.

**General Debate** – Members carefully considered the report together with the cases put forward by the two speakers on this application and sought further clarification on a number of issues raised, in particular with regard to the ground conditions including potential contamination and land composition which might affect the development together with residential amenity concerns such as overbearing, overshadowing and loss of light. Councillor Merfyn Parry noted the actions of the applicant to address the issues raised and being familiar with the location he considered it unlikely that there would be contamination from the former landfill site. He proposed that the application be granted, seconded by Councillor Peter Evans.

The Development Control Manager responded to questions/comments as follows –

- clarified that there was an existing property on the site which was in the development boundary and the application was for a replacement dwelling
- relevant building regulations would need to be followed to carry out the development and checks made on ground conditions as part of that process
- an additional condition had been proposed (detailed in the supplementary papers) requiring a Construction Method Statement outlining how the development would proceed which would help address some of the concerns raised around the control of noise, dust and disturbance etc. during construction
- an additional condition (detailed in the supplementary papers) had also been proposed to ensure the risks associated with previously unsuspected contamination at the site were dealt with as appropriate
- officers did not consider the proposals would have an unacceptable impact on visual or residential amenity and all other relevant planning considerations were being addressed and relevant planning conditions imposed where necessary
- the proposal needed to be assessed as it was submitted and it would not be possible to impose a condition to move the dwelling to set it back in line with the adjacent bungalow as a means of addressing concerns in terms of overbearing
- reiterated that officers had assessed the impact on neighbouring properties of the dwelling in relation to light, including reference to the 45 degree guide as detailed in the Residential Development Supplementary Planning Guidance, and did not consider there to be a negative impact
- confirmed that the street scene sketch image included in the documentation was not a typical representation of the true colour scheme of the dwelling
- in response to a subsequent question regarding the legality or otherwise of the Construction Method Statement (CMS) it was confirmed that an additional

condition had been proposed for the submission of a CMS which was a legally binding document on the planning consent and officers would look to enforce the terms of it once it had been agreed in the event of any breaches.

Councillor Glenn Swingler (Local Member) had spoken to both public speakers regarding the proposal. The applicant had made significant changes to his plans to address concerns and Councillor Swingler had no objection to the application given the conditions proposed and hoped there would be an amicable way forward.

**Proposal** – Councillor Merfyn Parry proposed that the application be granted, seconded by Councillor Peter Evans.

**VOTE:**

GRANT – 20

REFUSE – 0

ABSTAIN – 0

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

[Councillor Merfyn Parry left the meeting at this point.]

**8 APPLICATION NO. 18/2020/1050/PF - LAND OPPOSITE BRYNTIRION COTTAGE, BODFARI, DENBIGH**

An application was submitted for construction of a new vehicular access and erection of a replacement shed at land opposite Bryntirion Cottage, Bodfari.

The application had been submitted by a County Councillor (Councillor Merfyn Parry) and therefore required determination by the committee. The officer recommendation was to grant the application.

**Proposal** – Councillor Gwyneth Kensler proposed the officer recommendation to grant the application, seconded by Councillor Ann Davies.

**VOTE:**

GRANT – 19

REFUSE – 0

ABSTAIN – 0

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

The meeting concluded at 10.50 a.m.