

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in via VIDEO CONFERENCE on Wednesday, 14 July 2021 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Ellie Chard, Ann Davies, 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 Alan James, Brian Blakeley, Cheryl Williams, Bobby Feeley, Huw Hilditch-Roberts, Graham Timms and Meirick Lloyd Davies

ALSO PRESENT

Team Leader – Places Team (TD), Development Control Manager (PM), Planning Officer (PG), Democratic Services Manager (SP), Zoom Host and Webcast (SJ), and Committee Administrator (SLW)

Public Speakers - Robert Jones (Item 5 and 6), Jo Powell (Item 5), Hayley Knight (Item 7), Tim Carty (Item 8), Paul Pattison (Item 9)

1 APOLOGIES

Apologies for absence were received from Councillors Alan Hughes

2 DECLARATIONS OF INTEREST

Councillor Peter Scott declared a personal interest in item 8

3 URGENT MATTERS AS AGREED BY THE CHAIR

Elwy Solar Energy Farm – Development of National Significance.

Approval to submit a Local Impact Report and Formal Representations to the Planning Inspectorate.

The Council was required to submit a Local Impact Report to the Planning Inspectorate. The Local Impact Report and any representations must be submitted to the Planning Inspectorate by 27 July 2021.

PROPOSED by Councillor Mark Young and SECONDED by Councillor Peter Scott to agree to submit the Local Impact Report and Formal Representations to the Planning Inspectorate.

A vote took place and it was unanimously agreed by all members present.

RESOLVED:

- *Delegate approval of the final Local Impact Report to Officers, in consultation with the affected Ward Councillors*
- *Submit representations to the Planning Inspectorate to raise no objection to the proposed Elwy Solar Farm, subject to the imposition of conditions set out in the Local Impact Report.*

4 MINUTES

The minutes of the meeting held on 16 June 2021 were submitted.

RESOLVED that the minutes of the meeting held on 16 June 2021 be approved as a correct record.

5 APPLICATION NO. 02/2021/0179/PF - THE NOOK, BRYN GOODMAN, RUTHIN

An application was submitted for demolition of existing dwelling and erection of 4 no. residential apartments with associated parking and rear access at the Nook, Bryn Goodman, Ruthin.

At this juncture, the Chair, Councillor Joe Welch, explained the public speaker had provided a written statement against the application. The written statement was read out by Ward Member, Councillor Bobby Feeley.

Written statement provided by Jo Powell (**against**) –

I live in the bungalow immediately next door and below the Nook on the hill of Bryn Goodman. I and many residents of the road have objected to this development for several reasons.

For us at Bryn Eryl, because of the difference in heights of the two sites, the existing bungalow is the equivalent of a two-storey house when viewed from the back of our property. The gable end of a two-storey apartment block would therefore be the equivalent of a three-storey building for us. Also, it would overshadow us all the more as it will be closer to us.

We would also be severely affected by the noise and pollution caused by up to eleven cars accessing the four parking spaces to the front of the apartment building, the four to the rear and the three allocated to the permitted four-bedroom house at the rear of the plot, not to mention them all trying to manoeuvre in a cramped space. Access to all the rear spaces would also be sited alongside the shared boundary and at head height for us which, would be a further nuisance.

The re-siting of this application of four of the parking spaces for the apartments, from the front to the rear of the building, would make them very close to the house to the rear of the plot. Indeed, the two applications would appear to overlap and the proposed rear parking spaces for the flats in the current application appear to be sited in the same location as the three parking spaces for the house.

Part of the Town Council's objection to this application is that the development would cause an increase in traffic on the road, which is un-made-up and used by many pedestrians, including school children from Brynhyfryd and Ruthin Schools.

Another concern raised by residents is the fact of its being out of character with the road. Indeed, this same objection was raised by Ruthin Town Council and also the Local Planning Authority in their statement to the Appeal to the previous application (02/2020/0282) which is, excepting the re-siting of the parking spaces, identical to the current one. Indeed, if the previous application had run its course, Denbighshire LPA would have recommended refusal, one of their reasons being that it would constitute an over intense form of development.

In conclusion, a developer will naturally seek to squeeze as many dwellings onto a plot as they are allowed, but I think what the general public look for in these situations is for the planning process as a whole to temper the excesses of developers. I would, therefore, urge the Committee to uphold the objections of the Town Council, Denbighshire County Council LPA and the many local residents and refuse permission.

Public Speaker – Robert Jones (for) – Agent for the applicant and local to the area acting on behalf of Roberts Homes Ltd. Mr Jones is a qualified Architect with over 15 years' experience. In February 2021, an application was submitted to the Local Planning Authority (LPA) for the demolition of the existing dwelling and erection of 4 residential apartments with associated parking and rear access. The submission of this application followed refusal at appeal in November 2020. The Inspectorate's views were detailed in the Planning Officers report. In summary they state the design of the apartments which was identical to the application submitted today did not harm the character and appearance of the surrounding area. However, the proposed location and construction of hard surfaces would be a considerable threat to the protected oak on the front boundary. Between the conclusion of the Appeals process and the resubmission of the application under consideration today work has taken place with local specialists to develop a revised layout which satisfies the requirement of BS5837 to those affected by the proposed development of brown field land. This has resulted in a significant reduction of hardstanding relocation of residents parking spaces to the rear and a comprehensive methodology detailing construction of all permeable surfaces and the protection of all trees affected by both the design and the construction. These amendments and the accompanying information have been endorsed by the LPA tree officer and are reflected in the planning officers' recommendations for approval. The Inspectorates observations had been carefully considered and the revised design presented before you today supported by the Planning Officer had overcome the technical challenges and was in keeping with the character of the immediate area. We hope you can support the application.

General Debate – Ward Members, Councillors Emrys Wynne (Committee Member), Bobby Feeley and Huw Hilditch-Roberts all expressed concerns regard the over-development of the site, excess use of the unadopted road by additional cars and the proposed development would be out of character with the surrounding area.

Officers confirmed issues had already been considered by the Planning Inspectorate and they made decision that they were not an issue. The only concern had been the tree and that had been dealt with in the amended application. Members were informed that to go against the Inspectorate decision could mean costs were incurred by the LPA.

Proposal - Councillor Emrys Wynne proposed the application be refused against officer recommendation, **seconded** by Councillor Ann Davies. The reason for refusal being over-development of the site.

Vote –

For – 14

Against – 4

Abstain – 0

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

6 APPLICATION NO. 44/2021/0163/PO - LAND AT (PART GARDEN OF) THE RISE, RHYL ROAD, RHUDDLAN

An application was submitted for the development of 0.21 ha of land by the erection of 4 no. dwelling and construction of access road (outline application including access, appearance, layout and scale) at land at (part garden of) The Rise, Rhyl Road, Rhuddlan.

Public Speaker – Robert Jones (for) – Agent for Mr C Roberts and Mrs J Goodrick. In 2021 outline application was submitted to the LPA for development of 0.21 ha of land by the erection of 4 dormer style properties together with the construction of access. The submission of this application followed a refusal at Appeal in November 2020. The Inspectorates views were detailed in the Planning Officers report. In summary, they state the previous design of a 2-storey nature was considered uncharacteristic of the immediate area by reason of size and scale. Between the conclusion of the Appeal process and the re-submission under consideration today, we have worked hard to prepare a proposal that addresses these concerns which was reflected by the officers' recommendation for approval. In addition to the amendments made prior to the submission, other areas of redesign raised through consultation had been incorporated during the application process. Careful consideration had been given to the design of the dwellings in respect of the siting, layout, scale and aspect. In principle, the properties had been resized from 2-storey, 3 and 4 bedroom dwellings to dormer style 3 bedroom properties. As a result, the footprint of the properties had been scaled back significantly and now fall slightly below the average of the surrounding dwellings directly adjoining the site. Similarly, the scale of the proposed properties fall below the corresponding ridgelines of the dwellings directly adjacent to the south of the site and sit comfortably within the local typography and immediate context. Interface distances had been respected to all adjoining properties to ensure that the proposal did not unacceptably affect the amenity of local residents. We are confident that the Inspectorates observations had been carefully considered and that the revised design presented before you today supported by the Planning

Officer is in keeping with the character of the area. I hope you can support this application.

General debate - Local Member, Councillor Ann Davies raised concerns including impact on adjoining properties as they would have loss of light and privacy. Concern as very little space on site for vehicles to manoeuvre and access from the service road. Also to enable the development of the site to take place, a number of mature trees would be felled.

A number of members who had attended a site visit on 9 July 2021 raised similar issues as the local member.

Officers reiterated a previous application had been refused and gone to appeal and there had been a determination on the access which the Inspectorate had deemed to be suitable for the development. It was confirmed by the Legal Officer that there would be a risk of costs as the access issue on the previous application had been determined on appeal.

Also on the previous application, one of the reasons for refusal was the height of the properties which was 7.5 metres and for the current application it had been reduced but a number of members were not in agreement to the amended height of the proposed buildings.

Proposal – Councillor Ann Davies proposed the application be refused against officer recommendation due to over intensification of the site which was out of character with the area and highway and access safety, seconded by Councillor Paul Penlington.

Vote –
For – 2
Abstain – 1
Against – 15

RESOLVED that permission be **REFUSED** against officer recommendation for the reasons in the proposal above.

**At this juncture (10.55 a.m.) there was a 5 minute break.
The meeting reconvened at 11.00 a.m.**

7 APPLICATION NO. 45/2018/1215/PF - LAND AT RHYL SOUTH EAST BETWEEN BRO DEG AND DYSERTH ROAD, RHYL

An application was submitted for the erection of 109 dwellings and associated works (Phase 5) at land at Rhyl South East between Bro Deg and Dyserth Road, Rhyl.

Public Speaker – Hayley Knight (Agent) (**for**) – The scheme before you is seeking permission for 109 newhomes on the final phase of Aberkinsey Park to the south east of Rhyl. The site is allocated for a future residential use in the Council's adopted Local Development Plan, therefore, as set out in your offers report the

principle of developing the site is established and the main planning issue is the scheme design. The applicant team have worked hard with your planning and technical officers to ensure that the proposals are appropriate for this site. As a result, the scheme comprises of a mix of 1, 2, 3 and 4 bedroom homes designed to meet local housing need both on the open market and affordable tenures. 11 of the proposed homes will be made available on affordable tenures and these comprise of 1, 2 and 3 bed homes.

3600 metres of open space will be included which includes an equipped area for children and overall, our approach to landscaping the site has been supported by the Area of Outstanding Natural Beauty Joint Committee.

In order to accommodate the development, there is a need to divert public rights of way. We have worked with your officers and Ramblers Association to ensure that the diversion routes are located to minimise disruption and are surrounded by soft landscaping where possible. This approach is considered to be acceptable by both parties and a diversion order will be made shortly.

The scheme is supported by a suite of technical reports which have addressed all the queries and concerns of your consultees. This includes highways and ecology reports and to reiterate, the Council officers have no highway concerns.

As a deliverable area of the schemes remain the same throughout the scheme submitted the ecology surveys and reports are wholly relevant to the scheme before you. Furthermore, this site is covered by an existing great crested newt licence which also relates to the wider Aberkinsey Park Development. Considering this together with the biodiversity enhancement measures proposed which include bat and bird boxes, mammal friendly boundary treatments and native planting, this scheme is considered to be suitable in respect of ecological impacts.

In conclusion, the scheme will see the completion of the council's allocation to the south east of Rhyl in accordance with the adopted LDP ensuring to boost the Borough's housing land supply and provide much needed homes for local people. Should you be minded to approve the scheme today, the applicant will also enter into a legal agreement with the Council to provide 10% affordable homes, £465,000 towards new school spaces and over £36,000 for off-site open space enhancements. Given that the scheme is compliant with the Policy, and will provide many benefits for the local community, and I respectfully ask that you grant permission today.

General Debate – Local Member, Councillor Brian Jones raised the issue of an access to and from the site to be located on the road known as Dyserth Bends which was an extremely dangerous road. Concerns were also raised by both Councillor Brian Blakeley and Cheryl Williams who were also Ward Members for the area regarding Dyserth Bends.

Officers confirmed Highways Department had not raised any concerns.

The issues of drainage problems and flooding was raised and officers confirmed an appropriate drainage scheme would be provided.

Due to the number of properties built on the whole of development, concerns were again raised regarding the infrastructure to accommodate the additional homes.

Proposed by Councillor Brian Jones to grant the application in accordance with officer recommendations, seconded by Councillor Ellie Chard.

VOTE –

For – 18

Abstain – 0

Against – 0

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

8 APPLICATION NO. 45/2020/0844/PF - SANDY LODGE, 83 DYSEARTH ROAD, RHYL

An application was submitted for alteration and adaptation of existing Nursing Home to include extension of two additional bedrooms on the first floor, two fire escape stair enclosures and entrance canopy at Sandy Lodge, 83 Dyserth Road, Rhyl.

Councillor Brian Jones proposed the application be deferred until a site visit took place to a local resident's property who had contacted Councillor Jones informing him he was unaware of the works taking place at Sandy Lodge. Officers confirmed notification had been sent out to the resident concerned. Councillor Jones requested a site visit to the resident's property and neighbouring properties to ascertain the impact of the adaptation works at Sandy Lodge.

The Legal Officer informed members if the application were to be deferred for the fourth time, there could be a challenge for non-determination and costs could be involved.

Vote -

For deferment – 12

Abstain – 0

Against – 6

RESOLVED that the application for the alteration and adaptation of existing Nursing Home at Sandy Lodge, Rhyl be deferred to a future meeting for the reasons set out by Councillor Brian Jones above.

9 APPLICATION NO. 47/2021/0257/PF - 2 BRYN IBOD, WAEN, ST. ASAPH

An application was submitted for the erection of a rear two-storey extension with adjoining single-storey extension at 2 Bryn Ibod, Waen, St. Asaph.

Public Speaker – Paul Pattison (for) – We are a growing family of four and have recently had a baby. We want extra space in our house which is quite a small 3 bed semi-detached with small bedrooms. We would like to make the master bedroom big enough to fit in a wardrobe, bring the kitchen out a little with patio doors into the garden, and a little playroom for the children.

The reason it has been brought to Committee is the objections from the neighbour. There have been two site visits one by planning officers and one by planning officers and Committee members.

One point raised was over-development of the site and it was noted by a Planning Officer that the development would cover 25% of the land so no being overdeveloped.

An issue regarding drainage was raised. There is public drainage for four houses which run in to a septic tank but our proposed works would not be near or affect that. Our own private drain will be built over but that is separate to planning.

The two-storey part of the extension will be in the middle of the property and land so as far away as possible from the neighbours. It will be built with them in mind so as not to be overbearing to them.

Upstairs windows will be no more overlooking than before.

Proposed by Councillor Christine Marston that the application be granted in accordance with officers recommendation, seconded by Councillor Peter Scott.

Vote –

For – 18

Abstain – 0

Against – 0

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

The meeting concluded at 11.55 a.m.