

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 24 May 2023 at 9.30 am.

PRESENT

Councillors Ellie Chard, Karen Edwards, James Elson, Chris Evans, Jon Harland, Huw Hilditch-Roberts, Alan James, Delyth Jones, Julie Matthews, Terry Mendies, Merfyn Parry, Arwel Roberts, Gareth Sandilands, Peter Scott, Andrea Tomlin, Cheryl Williams and Mark Young

ALSO PRESENT

Legal Officer (CL); Development Control Manager (PM); Principal Planning Officer (PG); Senior Engineer, Development Control (MP); Senior Planning Officer (LG); Planning Officer (LM); Zoom Host (SJ) and Committee Administrator (SLW)

Observer – Councillor Pauline Edwards

Public Speakers –

Helen Williams (Aberwheeler Community Council Clerk, Applicant) – Agenda Item 7

Eva Walters (Applicant) – Agenda Item 10

1 APOLOGIES

Apologies for absence were received from Councillors Gwyneth Ellis, Win Mullen-James and Elfed Williams

2 DECLARATIONS OF INTEREST

Councillor Andrea Tomlin declared a personal interest in Item 9 (30 Bedford Street, Rhyl) as the applicant was known to Councillor Tomlin.

3 APPOINTMENT OF CHAIR

Nominations were sought for the position of Chair of the Planning Committee for the 2023/2024 municipal year.

Councillor Delyth Jones proposed Councillor Mark Young to be appointed as Chair for the 2023/2024 municipal year, seconded by Councillor Merfyn Parry.

There being no further nominations, it was –

RESOLVED that Councillor Mark Young be appointed Chair of the Planning Committee for the 2023/2024 municipal year.

4 APPOINTMENT OF VICE CHAIR

Nominations were sought for the position of Vice-Chair of the Planning Committee for the 2023/2024 municipal year.

Councillor Terry Mendies proposed Councillor Peter Scott be appointed Vice-Chair of the Planning Committee for the 2023/2024 municipal year, seconded by Councillor Karen Edwards.

There being no further nominations, it was –

***RESOLVED** that Councillor Peter Scott be appointed Vice-Chair of the Planning Committee for the 2023/2024 municipal year.*

5 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters.

6 MINUTES

The minutes of the Planning Committee held on 19 April 2023 were submitted

Councillor Terry Mendies had been noted as not in attendance but he had attended the meeting.

***RESOLVED** that, subject to the above, the minutes of the meeting held on 19 April 2023 be approved as a correct record.*

7 APPLICATION NO. 09/2022/1080/PF - LAND OPPOSITE PORTH Y WAEN, ABERWHEELER, DENBIGH

An application was submitted for the change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works at land opposite Porth y Waen, Aberwheeler, Denbigh (previously circulated).

Public Speaker –

Helen Williams (Aberwheeler Community Council Clerk (For) – the land had not been utilised for agriculture since 2016. The Community Council were in charge of the land which was to be used as a green area and have a green car park. Part of the hedge will be lost and a few more metres would be added on the west side. The area was busy due to being close to the Offa's Dyke path. The present entrance on brow of the hill which is in a dangerous position. The change of use of the land would provide a community facility which would be advantageous to the local community.

General Debate –

During discussions the following points were raised –

- (i) It was confirmed by a number of Members that the entrance to the land was in a dangerous place as vehicles tended to speed up the hill and agreed to the change of location to the entrance.
- (ii) The land had not been farmed for a number of years and the application would be a good resource for the community.
- (iii) The application stated six car park spaces. It was confirmed that there would be an overflow area for additional parking if required.
- (iv) An ecological appraisal was available. Green paths were to be cut through to the play area for pedestrian use only.

Councillor Merfyn Parry proposed the application be **GRANTED** against officer recommendation as the application would make a much better community facility for the area, seconded by Councillor Peter Scott.

It was discussed and agreed that Planning Officers would confirm the additional conditions with the local member and the conditions would be submitted to the next Planning Committee on 21 June, 2023, for ratification.

VOTE –

For (against officer recommendation) – 16

Against – 0

Abstain – 0

RESOLVED that the planning application be **GRANTED** against officer recommendation with additional conditions to be agreed with local member and submitted to the next Planning Committee on 21 June 2023 for ratification.

8 APPLICATION NO. 47/2023/0179 - BODLONFA LODGE, RHUALLT, ST. ASAPH

An application was submitted for the erection of extension and alterations to dwelling at Bodlonfa Lodge, Rhualt, St. Asaph.

Public Speaker –

Eva Walters (**For**) – the application was first brought to Planning Committee in July 2022 when it was recommended for approval with a larger set of clear glazed French doors and Juliette balcony in the rear bedroom. The decision was delayed following a request by Councillor Chris Evans to hold a site visit. As a result of being outside the timeline for a decision the application was referred to Welsh Government. In August 2022 the neighbours installed a patio which became the sole reason for Welsh Government to refuse the application on the grounds that the French doors and the Juliette balcony were too large and impacted the neighbours' new patio. These are also the reason for the restrictions in the current report. The fact around the application are as follows – the neighbours property directly borders a quarter mile deadend lane which services 8 other properties and 25+ residents as well as a further two farms accessing the fields beyond. The boundary wall between the house and the lane is low and interior of the house, garden and patio are easily looked into from the lane by foot and vehicle traffic as well as from the large clear windows on the east side of my property. The proposal to restrict the rear window with obscure glazing and no opening treats the patio with the same

privacy as a habitable room which it is not. It is not even used in the colder months. The previous application has already been modified to accommodate the privacy of the patio with a much smaller clear glazed window rather than the French doors to reduce the field of view to the rear already limited as the houses diverge away from each other and my property is sat further back. The back of my property is heavily bordered by 15 metre plus oak trees protected by tree preservation order resulting in little light penetration to the west side of the house at any time of the day at any time of the year. Obscure glazing to the window to the rear would further reduce the light penetration to the bedroom, therefore reducing the energy efficiency. The application has been deemed in line with all planning distances and requirements several times. The proposed to the rear window are excessive as they seek to preserve a privacy which has never existed at Little Lodge at the expense of my year round wellbeing. They are also not compliant with the Authority's Supplementary Planning Guidance nor proposed for other similar developments. I have had several major surgeries in recent years requiring extensive recovery in bed and I can testify to the benefits of good amounts of natural light in the bedroom to support mental health and wellbeing and the healing process. I am happy with the obscure glazing to the east window which increased the priority of my neighbours' habitable rooms but I object to the restrictions on the rear window.

At this juncture, the applicant requested that a vote on the application took place without the restrictions to the rear window.

A site visit had taken place on 19 May 2023.

Planning Officers confirmed they had taken the lead and given significant weight to what the previous Planning Inspector commented and directed members to page 119 of the agenda pack, paragraph 9, which summarised that a window in that location if it was able to be opened or not obscure glazed would have an unacceptable impact on the amenity of the neighbouring garden. The proposed condition reflected that summary.

In response to the applicant suggesting the obscured window would go against the supplementary planning guidance, which suggested obscure glazing should not be used in habitable rooms, in this instance within the mentioned bedroom there were two sets of windows on two elevations. Therefore, the window being recommended to be obscure glazed would be a secondary window, the other window would not be obscure glazed.

Councillor Chris Evans proposed the application be **GRANTED** as the resident had worked with officers to amend the plans, seconded by Councillor Peter Scott.

VOTE –

For – 16

Against – 0

Abstain – 0

RESOLVED that the planning application be **GRANTED** in accordance with officer recommendation.

9 APPLICATION NO. 40/2023/0148/PF - PLOT C2A FFORDD WILLIAM MORGAN, ST. ASAPH BUSINESS PARK, ST. ASAPH

An application was submitted for the erection of bus depot (sui generis use) including associated structures, formation of access and hardstanding, landscaping and associated works at Plot C2A Ffordd William Morgan, St. Asaph Business Park, St. Asaph.

General Debate –

- (i) Members were in support of the application as the applicant was a local family owned bus company.
- (ii) It was confirmed that the additional larger vehicles would not impact on the existing highway network.
- (iii) Condition 4 related to the retention and protection of the trees and hedges during site clearance, construction and operation in accordance with the measures set out in the approved Tree Survey. Concern was raised that during construction the trees and hedges would be trimmed and an additional condition was proposed. The condition would stipulate no lopping, topping, felling, trimming of trees and hedges which were to be retained without the written consent of the local Planning Authority. The condition may be limited to during the construction phase but officers were hopeful the additional condition eased members' concerns.

Councillor Merfyn Parry proposed the application be **GRANTED** to include the additional planning condition, seconded by Councillor Huw Hilditch-Roberts.

VOTE –

For – 16

Against – 0

Abstain – 0

RESOLVED that the planning application be **GRANTED** to include the additional planning condition.

10 APPLICATION NO. 45/2022/0644/PF - 30 BEDFORD STREET, RHYL

An application was submitted for change of use of offices to form a dwelling at 30 Bedford Street, Rhyl.

General Debate –

- (i) Concerns were raised regarding the officer recommendation to refuse the application which was due to the NRW objection to the proposed development due to the consequence of flooding in the area. This concern was not a criticism of the Planning officers. The building had not been utilised for some time and the area was in need of family homes. Millions of pounds were being spent on flood defence schemes currently being undertaken which would alleviate the concerns of flooding for the area.
- (ii) It was queried whether the property would become social housing and flood mitigation. It was confirmed that planning conditions would be required to

cover this and Planning officers would liaise with the local member and bring the conditions back to Planning Committee for ratification.

- (iii) It was agreed that the Planning Authority would work with NRW and other agencies regarding the proposed application.

Councillor Alan James proposed the application be **GRANTED** against officer recommendation as housing was needed in the area which was one of the most deprived areas in Wales. Also Flood Defence Schemes were currently being undertaken which would alleviate the risk of flooding in the area. Additional conditions to be discussed with the local member and brought back to Planning Committee for ratification, seconded by Councillor Andrea Tomlin.

VOTE –

For (against officer recommendation) – 16

Against – 0

Abstain – 0

***RESOLVED** that the planning application be **GRANTED** against officer recommendation and to include additional planning conditions to be agreed with local member and submitted to the next Planning Committee on 21 June 2023 for ratification.*

**AT THIS JUNCTURE (10:50 A.M.) THERE WAS A 10 MINUTE BREAK
THE MEETING RECONVENED AT 11.00 A.M.**

**11 WELSH GOVERNMENT CONSULTATION ON TARGETED CHANGES TO
CHAPTER 6 OF PLANNING POLICY WALES (EDITION 11)**

The Senior Planning Officer, introduced the Welsh Government Consultation which would seek views on the draft policy changes to the Planning Policy Wales (PPW) regarding net benefit for biodiversity and ecosystems and resilience.

Responses to the consultation were required by 31 May 2023.

The proposed changes were listed fully in the report. The proposed changes to the PPW would support the Council's Corporate Priority "A Greener Denbighshire" and the provisions contained in the "Climate and Ecological Change Strategy" (2021)

Consultation documents, including a draft consultation response form, were subject to a comprehensive discussion at the Strategic Planning Group meeting on 26 April 2023. Members supported Officers' principal view of the policy change were welcomed but concerns had been raised with the available resources to implement and enforce the additional provisions.

Following discussion, it was unanimously

***RESOLVED** to approve the submission of the Council's consultation response form to Welsh Government by 31 May 2023.*

12 INFORMATION REPORT - PLANNING APPEALS UPDATE

Information Report providing members with information on recent planning appeal decisions received from Planning and Environment Decisions Wales (PEDW) on cases within the County. The report covered a 12 month period from 1 May 2022 to 30 April 2023.

RESOLVED to note the *Information Report – Planning Appeals Update*.

THE MEETING CONCLUDED AT 11.25 A.M.