

Public Document Pack



To: Members of the Planning Committee Date: 13 July 2023

Direct Dial: 01824 712589

e-mail: democratic@denbighshire.gov.uk

Dear

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 19 JULY 2023** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

Yours sincerely

G. Williams
Monitoring Officer

AGENDA

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

MEMBERSHIP

Ellie Chard
Karen Edwards
Gwyneth Ellis
James Elson
Chris Evans
Jon Harland
Huw Hilditch-Roberts
Alan James
Delyth Jones
Julie Matthews
Terry Mendies

Raj Metri
Win Mullen-James
Merfyn Parry
Arwel Roberts
Gareth Sandilands
Peter Scott
Andrea Tomlin
Cheryl Williams
Elfed Williams
Mark Young

COPIES TO:

All s for information
Press and Libraries
Town and Community Councils

This page is intentionally left blank

PLANNING COMMITTEE

Date – 19th JULY 2023

ADDENDUM REPORT BY HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

AGENDA ORDER, LATE INFORMATION AND AMENDMENTS TO PLANNING COMMITTEE REPORTS

The following sheets are an addendum to the main agenda for the Committee. They set out the order in which items will be taken, subject to the discretion of the Chair. They provide a summary of information received since the completion of the reports, and matters of relevance to individual items which should be taken into account prior to their consideration.

Where requests for public speaking on individual planning applications have been made, those applications will normally be dealt with at the start of that part of the meeting.

AGENDA FOR THE MEETING

1. APOLOGIES
2. DECLARATIONS OF INTEREST
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 7 - 10)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Items 5 - 8)

ORDER OF APPLICATIONS

PART 1

	Application no.	Location	Page
Public Speaker items			
7	01/2023/0231	Pen Ddwy Accar, Lawnt, Denbigh	83
6	18/2021/1243	Kinmel Arms Inn, Llandyrnog, Denbigh	41
5	18/2023/0237	Cwm Hyfryd, Llandyrnog, Denbigh	13
Non Speaker items			
8	45/2023/0122	39, Wellington Road, Rhyl	117

PUBLIC SPEAKER ITEMS

Item No.7 – Page 83

Code No: 01/2023/0231

Location: Pen Ddwy Accar, Lawnt, Denbigh

Proposal: Change of use of land by the siting of 2 no. timber cabins for holiday let purposes, installation of septic tanks, landscaping, vehicular access, parking and associated works

LOCAL MEMBER(S): Cllr Pauline Edwards
 Cllr Delyth Jones (c)
 Cllr Geraint Lloyd -Williams

OFFICER RECOMMENDATION IS TO **DEFER (see Officer note below)**.

PUBLIC SPEAKER FOR – Martin Shutt (Agent)

PUBLIC SPEAKER AGAINST- None.

Addendum Report

The application was subject to a Site Inspection Panel meeting at 10.50am on Friday 14/07/2023

In attendance were:

CHAIR – Councillor Mark Young (noted that Cllr Young had to depart early and handed control of the meeting to Councillor Merfyn Parry to close the meeting).

VICE CHAIR – Apologies sent.

LOCAL MEMBER – Councillor’s Delyth Jones, Pauline Edwards and Geraint Lloyd-Williams

GROUP MEMBERS –

Green Group – No representative, apologies sent

Independent Group – Councillor Merfyn Parry

Labour group – represented by Councillor Alan James

Plaid Cymru Group – represented by Councillor Delyth Jones

COMMUNITY COUNCIL – Councillor Alan Ashworth

The Officers present were Paul Griffin and Luci Mayall (Development Management).

The reason for calling the site panel was to allow opportunity to view the site and to appreciate material planning issues raised by the neighbours.

At the Site Inspection panel meeting, Members considered the following matters:

1. The basis of the application for the siting of two timber cabins for holiday let purposes, installation of septic tanks, landscaping, vehicular access and parking.
2. The proposed layout, size and scale of the units and relationship with nearby properties.
3. Representations received and other issues arising in relation to the application.

In relation to the matters outlined:

1. Members viewed the site from the farm to the north and walked across the fields to the application site. Officers outlined the application proposals which involved the siting of two small

scale, 1 bed, chalet type units within the trees, including the vehicular access, parking area and landscaping arrangements.

2. The site panel was informed of the relevant material planning concerns raised by neighbours. Objections to the development had been received on the grounds of the impact to residential amenity by reason of noise and overlooking, visual amenity concerns and highways impacts.
3. Members observed the entire site and noted the locations of mature trees as shown on the plans.
4. Members viewed the proposed location of both cabin units within the site in relation to the existing mature trees. They also noted the separation distance of the proposed cabin units from Pen Ddwy Accar and other nearby properties. Members also noted the intended location for additional hedgerow planting along with the location of the vehicular access and parking arrangements.
5. Members queried the location of the proposed septic tanks and associated soakaway's as shown on the submitted plans.
6. Members viewed the potential impacts of the development on the side elevation window of Pen Ddwy Accar which is close to the application site boundary. Members noted the location of the limited proposed windows on the cabins and their relationship to the nearby dwelling.
7. Members discussed the potential for relocating Cabin A over to the north out of the line of sight from the window of Pen Ddwy Accar. Members also noted the overhead cable above the site. Officers described the location of the proposed new hedgerow separating the cabins and the other intended landscaping arrangements on the site. Members queried the type and maturity of the hedge to be planted and Officers advised that a detailed landscaping condition is included with the Officer's recommendation.

Late representations -

NATURAL RESOURCES WALES-

"We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage, pollution prevention and European Protected Species. If this information is not provided, we would object to this planning application."

Additional Information –

Officer Note –

On the basis of the above Late Representation received from NRW, Officers now consider it necessary to request that the application is **DEFERRED** until a later planning committee date.

Additional/amended condition – N/A

Location: Kinmel Arms Inn, Llandyrnog, Denbigh

Proposal: Erection of 5 Rotunda Roundhouses for holiday let purposes, erection of associated storage shed, alterations and extension to existing access, formation of parking, landscaping and associated works.

LOCAL MEMBER(S): Cllr Merfyn Parry (c)

OFFICER RECOMMENDATION IS TO: **GRANT**

PUBLIC SPEAKER FOR – Zac Addison (Agent)

PUBLIC SPEAKER AGAINST- Victoria Conry (objector)

Addendum Report –

The application was subject to a Site Inspection Panel meeting at 10.00am on Friday 14/7/23.

In attendance were:

CHAIR – Councillor Mark Young

VICE CHAIR – Peter Scott

LOCAL MEMBER – Cllr Merfyn Parry

GROUP MEMBERS –

Green Group – apologies sent

Independent Group – represented by Cllr Pauline Edwards

Labour group – represented by Cllr Alan James

Plaid Cymru Group – represented by Cllr Delyth Jones

COMMUNITY COUNCIL – Emyr Morris

The Officers present were Luci Mayall and Paul Griffin (Development Management)

The reason for calling the site panel was to allow Members opportunity to view the application site in relation to the surrounding area and neighbouring properties.

At the Site Inspection panel meeting, Members considered the following matters:

1. The basis of the application for the erection of 5 roundhouses for tourist accommodation.
2. Representations on the application made by neighbouring properties and the Community Council and the planning policies of relevance to the application.
3. The detailing of the proposal, location of parking, amount of parking, size of the roundhouses, opportunities for landscaping.

In relation to the matters outlined:

1. The Officers outlined the application proposals which involve the creation of a new parking area, access track, storage building and erection of 5 roundhouses. Members walked through the site to view the relevant elements of the proposal. At the Site Panel Officers also outlined the potential for the Kinmel Arms public house to be reopened and advised members that the

applicants have submitted a 'Phasing Plan' which indicated that phase one of the project is to re-open the public house. Adherence to the phasing plan could be conditioned.

2. Officers outlined the nature of responses received from local residents as well as the technical responses from statutory consultees. The Community Council representative detailed the objections of the Community Council (these are reported below). The Officers explained the key policy relevant to the principle of the proposal was Policy PSE5. Officers confirmed that due to the building style of the roundhouses they were not classed as static caravans.
3. A distance of 11 metres (the diameter of the roundhouses) was measured out on the ground, so that members could better appreciate the size of each. Members asked how many bedrooms would be in the roundhouse. Officers advised that only one bedroom was shown on the plans, but that there was the potential for more informal sleeping accommodation in each roundhouse (i.e. sofa beds). Members considered the location and amount of parking for the proposal. They viewed the site boundaries considering what impacts additional landscaping might have on the proposals.

Late representations -

In objection

Victoria Conry, Rectory Cottage, Llandyrnog
Viviane Allinson, Hen Dyr Esgob, Llandyrnog
Philip Knight, Argoed, Llandyrnog
C J Porter and Margaret Porter, Coed Coppi Fancer, Llandyrnog
Glyn Roberts, Kinmel Farm, Llandyrnog
David Taylor and Jackie Le Fevre, Greenfield, Llandyrnog
Wendy Charles- Warner, Cross Keys, Llandyrnog

Summary of responses made in objection:

Principle

The development is on unallocated land outside the development boundary defined by the LDP
The opening of the pub should not form part of the application
No legal guarantees the pub will reopen
Not farm diversification
Site is disconnected from the Kinmel Arms
The roundhouses will have limited financial benefits for the pub
Business case lacking detail to demonstrate how the pub can only survive with the addition of the roundhouses
Only one job created as a result of the development
No local suppliers to benefit from the development
No local amenities nearby
PSE12 not relevant
Set a precedence for further development in the future

Loss of high grade agricultural land

Loss of Grade 2 agricultural land which is against National Policy
Actual development area lost to agriculture is 1.2ha, not 0.05ha as indicated
Loss of part of second field to track and access
In appropriate development at a time when there is a drive towards National Food Security

Highways

Highways safety a concern

Cars entering site multiple times per day on dangerous bend with heavy agricultural machinery and other traffic.

Unclear parking arrangement associated with the pub.

Access is on a blind bend leading to a busy roundabout

A footpath should be constructed from the pub to the roundabout

Parking is inadequate for staff, customers, visitors and deliveries

Visual amenity and impact on the AONB

Size of roundhouses larger than the average UK home

Not appropriate in scale and nature to location

No screening or wooded areas so highly visible from the road

The central sky lights will impact the darks skies initiative of the AONB

Set a precedence, more developments like this, so close to the AONB could impact negatively

Highly visible from main road and public footpath including Offa's Dyke.

Light pollution

Residential amenity

Concerns that no site manager will be living on site and no staff after business hours to control noise or any health and safety issues.

Noise impacts to nearby properties

Clarification required on number of occupiers

Increase noise and light pollution

Overlooking concerns and loss of privacy

Drainage

Welsh Water have not confirmed connection is available to the foul sewer

SAB approval will be required

Ecology

No protected species surveys submitted

Loss of protected species habitat

Loss of habitat for wildlife

In Support

Keith Evans, Tyddyn Bach, Llandyrnog

Zoe Owen, Nant Lewis Alyn Farm, Llandyrnog

Summary of responses in support:

The establishment of the glamping site will help make the pub/restaurant financially viable in the long term

Benefits to the community to keep the pub open

Additional employment opportunities

LLANDYRNOG COMMUNITY COUNCIL

'This application was considered originally July 2022 by the community council and considered again at their meeting held 12th July 2023 where there were members of the public present

It should be made clear to Members at the outset that this application has nothing to do with re opening of the Kinmel Arms – the public house has been shut for a number of years and there is nothing to stop the applicant from opening the kinmel as a viable business immediately – some of the letters of support want to see the pub open again – which is fine – but their enthusiasm should be aimed at the owners to ask them why this has not happened and this is not a planning matter

- *Although a business case has been submitted it is pure rhetoric and does not contain any evidence that the income from the development will ensure the opening or subsequent success*

of the business – members should read this document to form their own opinion – the community council felt it is not credible or detailed enough to allow the Planning Committee to make an informed decision as to whether this development is required to sustain the business or allow the kinmel to open again as a viable proposition – the applicant needs to show more credible evidence

- *Loss of grade two agricultural land – the community council referred to this in their original objections and although a statement of justification has been provided the total area of the site is 1.203ha but the statement refers to .05ha lost – the percentage is irrelevant the fact is that the ‘ green ‘ areas will not be available for farming.*
- *The community council had concerns about the size of these round house being 95sq much larger than your average house which will be between 75 and 85sq m – however no attempt has been made to reduce the footprint of the structures however a crude attempt made to show that they are not permanent by virtue of being secured by ground anchors rather than a foundation*
- *Proximity to nearby properties – previous concerns have been partly met simply by handing the properties from one side of the site to another and the amenity and privacy of adjoining properties will be severely affected and unacceptable*
- *Unless something has changed this application will be considered against policy PSE 12 – the community council would urge members to familiarise themselves with this Policy prior to making a decision – it clearly states that this sort of development will not be permitted in open countryside and therefore any inclination to approve this scheme would be totally contrary to DCC Policy and would be the thin end of a very big wedge making it difficult if not impossible to refuse any similar application for a stand alone camping site – the community council would at this point again like to remind members that application has nothing to do with the public house – there is no evidence to substantiate that this is vital to the re opening of the Kinmel Arms*
- *The community council requested that a traffic impact assessment be provided however this has not been provided.*
- *The very nature of these units being connected to the main sewer makes them permanent and not temporary structures*
- *According to local residents who are vehemently against this application by virtue of it flying in the face of any policy - there is more badger movement on the fields than the ecologist seems to imply and a more detailed survey including night time cameras and a report by the Clwyd Badger Group would be required to ascertain the exact locations of the badger set and the impact of this development on the local badger population*

To conclude the Community Council are unable to support this application’.

NATURAL RESOURCES WALES

No objection now the proposals intend to connect to the mains sewer. The development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

DWR CYMRU/WELSH WATER

‘We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development’.

The development requires SAB approval by the SuDS Approval Body.

‘Additional condition suggested requiring no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network, to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment’.

Additional Information –

The applicant has submitted protected species surveys, and offered a Unilateral Undertaking (a legal document linked to the proposed development) to tie the proposed tourist use to the opening and running of the Kinmel Arms Public House.

Officer Note –

Protected species surveys were submitted with the proposal but kept confidential (as required by Protected species legislation) in order to prevent risks of persecution to any protected species on the site. The reports were assessed by the Council’s Ecology Officer and NRW. No objections were raised but conditions were recommended to be attached as detailed on the committee report.

The applicant has agreed, in principle, to offer a Unilateral Undertaking which would enable the re-opening and running of the currently vacant Kinmel Arms Public House in conjunction with the operation of the proposed new tourist facility.

Officers consider that the Unilateral Undertaking adds additional weight to the recommendation to grant planning permission as it affords greater certainty to the reopening of the public house and the potential economic benefits that it could bring to the locality. It is considered that the greater degree of certainty that the public house will reopen, and remain open as part of the proposed business, further offsets and justifies the partial loss of Grade 2 agricultural land.

Officers therefore suggest that the recommendation is amended to include reference to a Unilateral Undertaking being signed prior to the permission being released.

Revised recommendation

GRANT planning permission subject to:

1. Completion and submission of a Unilateral Undertaking to secure the reopening of the Kinmel Arms Public House, and to ensure that the public house remains open for the benefit of the community.

The precise wording of the Unilateral Undertaking would be a matter for the legal officer to ratify. In the event of failure to complete a satisfactory Unilateral Undertaking within 6 months of the date of the resolution of the planning committee, the application would be reported back to the Committee for determination against the relevant policies and guidance at that time.

Members are advised that the Unilateral Undertaking to secure the reopening (minimum hours/days per week to be controlled in the Unilateral Undertaking) of the Kinmel Arms Public House is required because the partial loss of Grade 2 agricultural land has been, in part, justified on the basis of securing the reopening of a community facility.

Additional conditions

1. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

2. No development shall take place until a fully detailed scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the first Rotunda Roundhouse is brought into use. The scheme shall be implemented in full and retained for the lifetime of the development.

Reason: to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Amended/ additional conditions:

Amended Condition 9:

Within three months of the commencement of development, a detailed scheme of hard and soft landscaping for the site shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include details of:

- i. proposed materials including finish and colour to be used on the paths, patio areas and other hard surfaced areas;
- ii. proposed positions, design, materials and type of all boundary treatments including all fences and gates
- iii. proposed earthworks, grading and mounding of land including bunds (*height, width, composition etc*) and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform.
- iv. native species hedgerow planting to all bunds including a species mix of at least 7 species, maturity, timing of implementation
- v. details of the bin and recycling storage including materials, finish and colour
- vi. full details of all proposed tree (including recommended fruit trees) and shrub planting including species, maturity and timing of implementation and locations shown on plans
- vii. details of wildflower areas including species mix and management
- viii. details of the future management of all trees, hedgerows, plants and biodiversity enhancement measures installed on the site over a 25 year period

Amended condition 7:

Notwithstanding the provisions of Class B of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the site to which this permission relates shall not be used for camping unless as approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

Additional condition:

Notwithstanding the provisions of Part 5 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the site to which this permission relates shall not be used as a caravan site unless as approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

Location: Cwm Hyfryd, Llandyrnog, Denbigh

Proposal: Erection of an agricultural building for the storage of fodder/implements including sheep pens, two stables, formation of access track and associated works.

LOCAL MEMBER(S): Cllr Merfyn Parry (c)

OFFICER RECOMMENDATION IS TO **GRANT**

PUBLIC SPEAKER FOR – Fiona Jones (applicant)

PUBLIC SPEAKER AGAINST- None.

Addendum Report –

The application was subject to a Site Inspection Panel meeting at 9.30am on Friday 14/07/2023

In attendance were:

CHAIR – Councillor Mark Young

VICE CHAIR – Councillor Peter Scott

LOCAL MEMBER – Councillor Merfyn Parry

GROUP MEMBERS –

Green Group – No representative, apologies sent

Independent Group – Councillor Pauline Edwards

Labour group – represented by Councillor Alan James

Plaid Cymru Group – represented by Councillor Delyth Jones

COMMUNITY COUNCIL – Councillor Emyr Morris

The Officers present were (Development Management) Paul Griffin and Luci Mayall

The reason for calling the site panel was to allow Member opportunity to view the site and to appreciate issues raised by the Community Council and neighbours.

At the Site Inspection panel meeting, Members considered the following matters:

1. The basis of the application for the erection of an agricultural building for the storage of fodder/implements including sheep pens, two stables, formation of access track.
2. The proposed layout, size and scale and its relationship with surrounding properties.
3. Issues arising in relation to the application.

In relation to the matters outlined:

1. The Case Officer outlined the proposals which involved the erection and use of an agricultural building as shown on the final submitted plan.

2. The site panel viewed the proposed siting of the building and assessed the scale of the proposal. They observed the distance to surrounding properties and considered the existing site boundaries/landscaping. Members queried details of the fencing and landscaping around the building and hardstanding areas. Officers advised that an additional condition could be attached to include this detail.
3. Members were advised of the justification for the building in connection with the dwelling Cwm Hyfryd. Councillor Parry advised that the applicant had an agricultural holding number. The size and height of the building were discussed and Officers explained that the applicants had reduced the size and height of the building. Concerns were raised regarding the visual impact of the building from views from the north and Officers explained a landscaping scheme was included as a condition to ensure the building can be assimilated into the landscape and screened well within the site.

Members asked for clarification on the drainage scheme and Officers advised that SAB Approval will be required from the SuDS Approval Body due to the size of the construction area of the building and hardstanding being over 100sqm.

Members queried manure management at the site and Officers advised that the manure is proposed to be stored in a midden which is on a hard-standing adjacent to the building. Officers advised that NRW were satisfied with these arrangements.

Late representations - None received.

Additional Information – None.

Officer Note –

There is a mature tree located within the hedgerow to the rear of the proposed building. It is important that the tree is protected from the development and it is suggested the following additional condition is attached to the final decision:

Additional/amended condition -

Amended condition 4:

4. Prior to the commencement of development, a detailed scheme of landscaping for the site, designed to deliver a net benefit for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting.
 - (c) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform.
 - (d) proposed locations, design, materials and type of boundary treatment/fencing/gates around the building, hardstanding areas and site entrance
 - (e) the timing of the implementation of the planting and landscaping scheme.
 - (f) finished floor levels of the proposed building in relation to the surrounding ground levels.

Reason: In the interests of visual amenity, biodiversity enhancement and highway safety and to ensure a satisfactory standard of landscaping in conjunction with the development.

NON-SPEAKER ITEMS

Item No.8 – Page 117

Code No: 45/2023/0122

Location: 39 Wellington Road, Rhyl

Proposal: Change of use of shop (Use Class A1) to form Gallery and Music Bar (Use Class A3) and associated works.

LOCAL MEMBER(S): Cllr Joan Butterfield
 Cllr Alan James (c)

OFFICER RECOMMENDATION IS TO **GRANT**

Addendum report – None.

Late representation received – None.

Additional Information – None.

Officer Note – None

Additional/amended condition – None
