

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in on Wednesday, 2 September 2020 at 9.30 am.

PRESENT

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

ALSO PRESENT

Observers – Councillors Barry Mellor, Meirick Lloyd Davies

Development Control Manager (PM), Planning Officer (PG), Solicitor (AS), Democratic Services Manager (SP) and Committee Administrator (RTJ)

1 APOLOGIES

There were no apologies.

2 DECLARATIONS OF INTEREST

Councillor Ellie Chard declared a personal interest in Agenda item 7 (Penisa'r Mynydd Caravan Park) as she had family who lived in the area nearby to the development.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee held on 15 July 2020 were submitted.

Accuracy –

- It was highlighted that with agenda item 8 on page 37 the seconder for the proposal was not recorded.
- Councillor Meirick Lloyd Davies highlighted that he was observing the meeting, however his presence had not been noted.

RESOLVED that, subject to the above, the minutes of the meeting held on 15 July 2020 be received and confirmed as a correct record

5 APPLICATION NO. 45/2020/0327 - 18/20 VALE ROAD, RHYL

An application was submitted for the variation of condition number 2 of planning permission reference APP/R68301 A/04/1170834 to extend opening hours to 07.00 to 20.00 Monday to Saturday and 09.00 to 17.00 on Sunday at Units 2A & 2B 18/20 Vale Road Rhyl.

At this juncture, the Development Control Manager clarified that public speakers were still not currently able to participate in these remote meetings but a written statement had been provided in favour of the application by Rhodri Williams. Work was underway to enable public speakers to participate at future meetings.

Written statement provided by Rhodri Williams (for):

Good Morning Chair and Councillors

My name was Rhodri Williams, I work for Mango Planning and we were the planning agents for Toolstation. This variation of opening hours application was on behalf of Toolstation. Toolstation units were usually seen within industrial estates and trade parks. However to meet the growing demand by private customers and small businesses for its goods, Toolstation has designed a new retail format for light side building supplies. If approved, it would be the first such store in Wales. Toolstation has confirmed that it would employ 8 full time equivalent staff at the unit. The majority of these jobs would be recruited locally.

The units were currently vacant despite numerous marketing campaigns by the landlord over the last 3 years. Following the Carphone Warehouse closure at the site during March of this year, the park was now 50% vacant. This has equated to the loss of a number of jobs in Rhyl where there was already an increasing rate of retail casualties and a significant number of vacant retail outlets. The recent Covid-19 outbreak has only amplified this.

Given the increasing number of vacancies in the park and the lack of onsite activity, this has led to numerous cases of fly tipping on site alongside antisocial behaviour. The vacant site now attracted rubbish and people dumping their waste on a regular basis. Allowing this application would therefore bring these vacant units back into beneficial use.

There were currently no opening hours restrictions for Unit 2A, the unit can open all day, every day. The opening hours for Unit 2B was restricted to 09:00 to 23:00 on any day. This application proposal offers an opportunity for the Council to reduce the daily and weekly operating hours at this unit.

There were currently no delivery restrictions for any of the retail units within the park, this application proposal offers an opportunity for the Council to regularise the delivery hours and arrangements via the submitted Management and Operational Plan.

The Management and Operational Plan has been prepared with input from Council officers. This plan was a further mechanism of protecting residential amenity, the Toolstation workers and any 3rd party logistic operators would be bound by this

plan. It was proposed to be continually enforced, monitored and reviewed by Toolstation throughout its tenancy.

In terms of customer vehicles, Toolstation only sell 'light side' building supplies which includes Power Tools, Screws, Electrical, Plumbing, Hardware, Fixings and Hand tools. There were no 'bulk' or 'heavy side' building supplies which would require an increased loading time or staff assistance to load customer vehicles. Customers only have access to the Sales Counter area. There were no alternative collection points for customers, all purchased goods were able to be transported, by the customer, through the customer entrance doors that face onto Marsh Road, where the majority of customers would park, especially in the mornings.

The officers have assessed the potential noise and residential amenity issue very carefully during this application process. The potential noise impact of this proposal has been assessed thoroughly and found acceptable by all professional officers and consultants. The planning conditions agreed between the applicant and the local authority would control all aspects of the use.

Particularly given the impact of Covid-19, I'm sure you can appreciate that the retail market was challenging in the current climate. Anything Councillors can do to help support the recovery of the market, such as supporting minor planning applications, would be of huge help. In turn, this would provide job opportunities and inward investment into the Rhyl community.

Give the marketing history of the site, if this application was not supported, Unit 2A and 2B would remain vacant for the foreseeable future.

We respectfully request that the application be supported in line with the officer advice. Diolch yn fawr.

General Discussion –

Councillor Christine Marston queried with officers why the opening times, which were proposed for Sunday seemed longer than the usual, and whether the laws had been relaxed due to COVID 19. The officers responded that there could have been a mistake with the wording of the report, however if the application was accepted the applicant would have to conform to the Welsh trading laws.

Councillor Alan James stated that he would support the application as it would bring employment to the area, and bring unused units back into use.

Proposal Councillor Alan James proposed the application be granted in accordance with officer recommendations, seconded by Councillor Ann Davies.

Councillor Mark Young agreed with Councillor Alan James in terms of the positivity of bringing employment to the area. However, he suggested that a condition be included within the application that the operational hours on Sundays were from 10am to 4pm.

Officers responded to the proposed condition, the members were reminded the applicant would have to conform to the Welsh trading laws. The legal officer informed the committee that if the applicant did not conform to the laws they could be prosecuted, however he clarified that the application which was proposed and the opening hours were two separate matters and would be dealt with separately.

Members wanted to ensure that the applicant would conform to the trading laws.

Officers suggested an information note could be included on the decision notice, to emphasise the need to conform to the trading laws.

Vote –

Grant – 16

Abstain – 2

Refuse – 0

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

6 APPLICATION NO. 47/2020/0237 - FARMERS ARMS, WAEN, ST ASAPH

An application was submitted for the Operational development required in association with use of land as a caravan and motorhome club certified location/exempted caravan site comprising formation of a vehicular access, internal access tracks and hardstanding areas, drinking water tap, electricity hook up points, chemical toilet waste disposal facility with rinsing tap, wildlife pond and landscaping (partly retrospective) at Land Adjacent to Farmers Arms, Waen, Llanelwy.

Written statement provided by Mr Peacock (Against) –

My wife and I have lived at Bwthyn Arthur, Waen Goleугоed, since 2013 and our home was directly adjacent to the development site.

The main attraction in purchasing our home was the rural location with our home surrounded by agricultural land.

The proposed site had never been anything other than a small field; it had never been a garden/beer garden or picnic/dining area and it was outside the curtilage of the Farmers Arms itself.

Over the years we have lived here, the site had occasionally been cropped but generally left in a natural state.

Both national and local planning policies dictate that development in open countryside must be strictly controlled. This had been upheld by the planning inspectorate many times.

The applicants have not provided any evidence that the works carried out were justified or required.

The documents submitted by the applicants confirm that the proposed certificated location does not require the hardstanding track and pitches, embankments and electrical hook-up points, only a fresh water supply and facilities for waste.

The application and correspondence confirms the applicants have chosen to ignore the requirements of NRW who specifically state “Wastewater from chemical toilets must not be discharged to the environment or into private treatment systems.” with this being in bold and underlined.

The applicants claim that they will tell visitors to use biodegradable products but NRW’s response does not state “The applicants can make a judgement as to what visitors have in their chemical toilets”.

Putting such chemicals into a private treatment system will kill the bacteria, which clean the waste, resulting in untreated sewage entering the environment. I would question how the applicants, with their history of running cafes, propose to test the chemicals held in the toilets of any visiting vehicles?

Having had only two requirements, water and waste, the applicants have chosen to disregard the legislation for one of them.

The additional works carried out at the site have made the former paddock unrecognisable; not the low impact site for which the Caravan and Motorhome Club were able to grant a certificate.

Approximately 400 square meters (20% of the site) of land was dug out, filled with hard core and overlaid with road placings (recycled road surface, tarmacadam) which were then rolled/compacted.

Some of this area had subsequently been turned over, meaning that recycled road plantings have effectively been buried on the site. Other areas have been banked, and planted with non-native trees, shrubs and some flower beds.

The layout of the site now means that three of the five pitches, on which caravans may be parked, were within approximately twenty feet of our garden and thus the development works to which the retrospective planning application relates will have a direct impact on both the visual amenity and residential amenity of our property.

The application contains many incorrect statements and omissions: The site was not on the B5429 (which was over a mile from the site, Rhualt to Tremeirchion) but the C52 which was a narrow minor road with no centre white line

Vehicles entering and leaving the site will dangerously be on the wrong side of the road between two bends

The visibility splays stated were not achievable, particularly towards the A55, again dangerous

The required SuDs report had not been carried out. There have been no ecological, environmental or protected species surveys.

Fourteen local households were against the application, representing sixteen properties, being over half the properties in Waen Goleuoged as were the Community Council.

Whilst the applicants will no doubt claim that they have spent considerable sums on the development, Councillors were respectfully reminded that the applicants chose to develop the site without planning permission and chose to conclude development after receiving an enforcement warning notice. I would therefore ask you to reject the application and have the field restored to its former state in line with national and local planning policies.

Please don't let the countryside be lost one field at a time.

Written statement provided by Elaine and Peter Malloy (For) –

Good morning Ladies and Gentlemen.

No doubt you will have already reviewed all the correspondence relating to our application that was available on the planning portal.

You will also be aware that we have always sought, and complied with, expert advice and opinions, whilst preparing our application. We have endeavoured to, implement fully, the recommendations of the relevant, professional authorities. With that in mind we do not intend to dwell upon such technicalities.

We do however, welcome this opportunity to speak about our sympathetic developments of The Farmers Arms and our passion for this historic and striking building within our community and the surrounding landscape.

We bought the Farmers Arms almost 3 years ago believing it was possible to regenerate a business that had failed to make a profit for some years. We spent 18 months renovating and remodelling the property, aiming to retain the original vista and character of the building and grounds.

The reality was the world had changed substantially from when the 18th Century Inn was built. Quite rightly, people no longer drive to the country for drinks. We knew that, to survive, we would need to attract people not only to visit, but to stay with us. Our potential customers would enjoy countryside walks. People who also appreciate a meal in front of a log fire and, who could then have a drink with us as residents.

Of course, we were somewhat limited by the number of guests that we can accommodate within the hotel. Being approved by the Caravan and Motorhome club (CMHC) as an exempt, privately certificated location, solely for their members, for a short stay, it seemed reasonable to accommodate an increased number of guests to benefit from our hospitality. The CMHC told us to expect no more than 2 or 3 caravans or campervans, staying for a short time. We were allowed a maximum of 5, to stay, in our garden area. However, as with our resident guests,

they should be able to take advantage of our facilities without the need to drive elsewhere. This will help our Inn become a viable business.

In anticipation we have prepared a beautiful environment to accommodate such guests. We have greatly enhanced a previously overgrown neglected part of our grounds, creating a wildlife haven. We've including a shallow pond, wildflowers, willow and fruit trees, all aiding drainage.

Of course, if we were to cater for visitors staying within our grounds it was necessary to provide additional services to cater for their needs. Any visitors to this amazing part of Wales should return to their homes, having had a positive experience. We have embraced quality standards to provide drinking water and somewhere to empty toilet waste. We have also provided a safe and reliable electricity supply and the ability to drive in and out of the garden without getting stuck in the mud.

This was the point where we seek your approval, as committee members.

In making provision for a permeable, granular material, access track that aids drainage, assist mobility and prevent mud deposits on the highway, we require planning approval.

The use of our grounds to accommodate caravans has already been clarified as a legal use of our land. This planning application was about us seeking permission to retain the access track in our camping garden. We have no permanent hard standings and the track itself, already had grass growing through it.

Despite some genuine concerns about numbers of visitors staying with us, their use of the public footpaths or devaluation of properties, neighbours who have visited and inspected what we have tried to achieve, were supportive of our endeavours. You will be aware that we only use local tradesmen, employ local students, and encourage our guests to visit other local businesses.

The Denbighshire Destination Management plan advocates using what you have been given to "develop a thriving visitor economy in Denbighshire which celebrates the unique strengths of the county, supports jobs, generates business opportunities and improves the range and qualities of amenities available for visitors and residents whilst safeguarding the environment".

This was our vision which was supported by customers' reviews. This application was not about winners or losers. This was about diversification in an, ever changing world, without compromising our integrity.

General Debate –

Councillor Christine Marston (local member) informed the committee that the proposed area for the application was in a rural location, the proposed development lay outside the curtilage of the farmers arms. The member highlighted that the application was completely retrospective and not partly retrospective as the report indicated. The impact on the visual amenities of local residents were not affected by

the ground works however they would be impeded by the caravans which would be using the site. Another impact the development would have on local residents would be due to the noise pollution which would be produced. Concerns were also highlighted about the lack of ecological survey which had not been carried out at the site prior to any of the development. The SUDS scheme which had not been agreed was also outlined as a concern, alongside the surface water flooding which was occurring due to the development of the hard surfacing at the site.

Councillor Marston added that there were also major concerns with the management of the chemical waste at the site as there would be no way to monitor the disposal of the waste. There also was a Scottish power electrical transformer on the site which posed a safety concern. Lastly the local member added that there had not been a certificate granted by the National Caravan Club (NCC)

Proposal – Councillor Christine Marston proposed the application be refused contrary to officer recommendations, seconded by Councillor Brian Jones. The reasons for refusal would be discussed thoroughly prior to the vote.

Officers responded to queries, confirming that the use of land as a ‘Certified Location’ caravan site would fall within permitted development rights and therefore the change of use of land does not form part of the application. Members were also advised that the application had been submitted following enforcement action in respect of the operational development that did require planning permission, and were associated with the use of the land.

Councillor Marston’s proposal was clarified by Officers. Officers made it clear that it was only the impact of the operational development that could be considered in this case. That there was a fallback position on the site meaning it could operate as a caravan site (under the certification process) and provide lesser facilities to its occupants by removing the operational development. The Councillor proposed the reasons for refusal as follows –

- Residential Amenities – visual impact of the work carried out on the site.
- The Ecological impact – the management of the waste and to ensure it was disposed of properly.
- Safety – Scottish Power’s main transformer on the site could be a danger to the site users.

VOTE –

For – 3

Refuse – 14

Abstain – 0

RESOLVED that the application be **REFUSED** contrary to officer recommendations within the report.

7 APPLICATION NO. 47/2020/0420 - PENISA'R MYNYDD CARAVAN PARK, CAERWYS ROAD, RHUALLT

An application was submitted for the deletion of Condition 8 of Planning Permission 47/2003/0132 and deletion of Condition 7 on Appeal Decision APP/A/03/1117348 to allow for an extended 12 month all year round holiday season.

General Debate

Councillor Christine Marston (local member) advised members of the background to this application. The application was intended to allow people to use the caravan site throughout the year. The local member felt that this would have a detrimental effect on local residents' amenities. One of these was noise pollution as the site would be occupied throughout the year meaning the local residents would not get a respite from the sound. It was also outlined how the hedges around the site were not mature and therefore didn't mitigate the visual impact of the site for the local residents. Another concern was people staying at the site all year round, and the difficulties the Council would have in trying to prevent this. Councillor Marston also outlined that the road to the caravan site was of poor quality and was likely to get worse.

Cynnig - Cynigiodd y Cynghorydd Christine Marston y dylid gwrthod y cais ar sail yr effaith ar drigolion lleol trwy lygredd sŵn a'r effaith ar fwynderau gweledol gan nad oedd y gwrychoedd ar y safle yn gallu sgrinio'r effaith. Eiliwyd gan y Cynghorydd Mark Young.

Councillors agreed with the local member as they had concerns about whole year occupancy of the caravans and how the Council would be able to enforce any breaches. It was highlighted that the site was visible from the AONB and it was queried whether additional conditions could be included to reduce the lighting on the site.

Officers responded to the points raised by the committee, reminding members that the site was an existing caravan site and had existing conditions in respect of landscaping and lighting. There was strong support by the Welsh Government to try and support tourism throughout the year as it was vital for the economy. The officers clarified for members that it was possible to add a condition which would require the owners to keep a record of those using the site, and allow council officers to view the records.

Officers also acknowledged that although there were instances in the county of permanent residency on holiday caravan sites, work was also being carried out to address this.

Proposal - Councillor Gwyneth Kensler proposed the application be granted in accordance with officer recommendation, **SECONDED** by Councillor Alan James

Vote –

For – 8

Against –8

Abstain - 0

The vote was tied, therefore the chair cast the deciding vote, and voted for the application in accordance with officer recommendations.

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

The meeting concluded at 11:54am.