

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held by video conference on Wednesday, 20 April 2022 at 9.30 am.

### **PRESENT**

Councillors Joan Butterfield, Ellie Chard, Gwyneth Ellis, Peter Evans, Brian Jones, Tina Jones, Gwyneth Kensler, Bob Murray, Merfyn Parry, Pete Prendergast, Peter Scott, Tony Thomas, Joe Welch (Chair), Emrys Wynne and Mark Young

**Observers** - Councillor Meirick Lloyd Davies and Councillor Barry Mellor

### **ALSO PRESENT**

Legal Services Manager (RJ), Development Control Manager (PM), Planning Officer (PG), Zoom Host and Webcast (KJ), and Committee Administrator (SJ)

**Public Speaker** – Neil Blackburn (Agenda Item 6)

The Chair welcomed Robyn Jones – Legal Service Manager. He informed members Mr Jones was there to offer Legal support and guidance for the meeting.

### **1 APOLOGIES**

Apologies for absence were received from Councillors Julian Thompson-Hill, Melvyn Mile, Ann Davies and Alan Hughes.

### **2 DECLARATIONS OF INTEREST**

Councillor Tina Jones declared a personal interest in agenda item 10 - Application No. 47/2021/0432/ Pc - Travellers Inn, Caerwys, Mold as the grandchildren of the applicant attended the member's nursery.

Councillor Emrys Wynne declared a personal and prejudicial interest in agenda item 11 – General Matters report – Objections to Tree Preservation Order as he had previously declared an interest on the building application and the applicant was connected to this application.

Councillor Meirick Lloyd Davies declared a personal interest in agenda item 12 - Awel Y Mor Offshore Windfarm - Nationally Significant Infrastructure Project as the site for the windfarm was located close to his property.

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

No urgent matters were raised.

## 4 MINUTES

The minutes of the Planning Committee held on 9 March 2022 were submitted.

Matters of accuracy – Agenda item 5 - Application No. 01/2021/0950/ Pf - Land Adjacent to Ysgol Pendref – The spelling of ‘Lenten Pool’ was incorrect through the minutes of the agenda item. It was also noted that on Page 13 it should read ‘Those were climate change, reorganisation of schools in Denbigh and the current war in Ukraine with regard to food security.’

Matters arising – Agenda item 7 - Application No. 45/2021/0516/ Pf - Kynsal House – Councillor Brian Jones asked if further work with the applicant on the application had taken place since the planning committee meeting. The Development Control Manager confirmed officers had been in contact with the applicant. He also informed the authorities Gypsy and Traveller liaison officer had been in contact with the applicant to discuss the options for the site. He confirmed an update would be provided to local members when further updates were available.

Agenda item 5 - Application No. 01/2021/0950/ Pf - Land Adjacent to Ysgol Pendref – Councillor Gwyneth Kensler reminded members that she had made a statement with regard to the agent threatening the authority with legal action if the application was unsuccessful. In her opinion that was not acceptable.

**RESOLVED** that subject to the above, the minutes of the meeting held on 9 March 2022 be approved as a correct record.

## APPLICATIONS FOR PERMISSIONS FOR DEVELOPMENT (ITEMS 5 - 10) -

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 the 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. 15/2020/0988/ PF - FFYNNON Y BERTH, LLANARMON ROAD, LLANFERRES, MOLD

An application was submitted for the siting of a replacement static caravan for holiday accommodation use, formation of access track and associated works at Ffynnon y Berth, Llanarmon Road, Llanferres, Mold.

#### Public Speaker –

Mr Neil Blackburn (FOR) – thanked members for the opportunity to attend and address members of the committee. He stated he wanted to inform members of the purpose of the application. The certificate of lawfulness for the siting of caravan had been agreed in October 2020, it did not specify at the time what the use would be. The speaker confirmed the use had always been intended for holiday use. Members heard the site was part of a working farm, to allow for extra income. Mr Blackburn stated it was hoped the application if approved would provide additional

part time employment. The site had currently been in use for about 50 years and had always been for holiday use. Members heard the initial proposal for the track had been through a household garden, which the speaker felt was not suitable and proposed a track through the field to the east, more appropriate. The speaker confirmed he had met with the planning officers to discuss the track and the best solution.

The Chair thanked the speaker for attending the meeting to discuss the application. He informed members the local member Councillor Martyn Holland was unable to attend the meeting but had sent an email to all members detailing his opinion on the application. The Chair recited the email, stating Councillor Martyn Holland was happy to support the revised plan which illustrated the new drive hugging the garden boundary, which would be less intrusive in what was in open countryside. Councillor Holland asked if officers could ensure the land was well landscaped and the additional trees and hedges were planted to screen the site from the A494. The Planning officer confirmed the request from Councillor Holland was acceptable and included in the application was conditions that would include landscaping and the hedgerow.

**General debate** - Councillor Merfyn Parry supported the application and proposed to grant in accordance with officer recommendation. He noted the work that had been undertaken to accommodate all parties with the alterations to the track. Councillor Parry was in agreement with all the conditions attached to the application. The proposal was seconded by Councillor Mark Young. Councillor Emrys Wynne thanked the officers for the photographs that had been submitted with the application papers, in his opinion it had aided his opinion of the application. Councillor Gwyneth Kensler asked for any historical detail of any objections with regard to the already sited caravan. The Planning officer confirmed they were not aware of any complaints or objections in regard to the caravan at the site.

**Proposal** – Councillor Merfyn Parry proposed that the application be granted in accordance with officer recommendations as set out in the report, seconded by Councillor Mark Young.

**VOTE:**

FOR – 15  
AGAINST – 0  
ABSTAIN – 1

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

**6 APPLICATION NO. 07/2021/0684/ PF - LAND AT MYNYDD MYNYLLOD, LLANDRILLO, CORWEN**

An application was submitted for the Erection of a 90m meteorological mast for a temporary period of three years at Land at Mynydd Mynyllod, Llandrillo, Corwen.

The Chair highlighted the extra information provided in the late supplementary papers.

Councillor Gwyneth Ellis (Local Member) appreciated the visual review of the proposed mast, which showed from where it would be visible. It demonstrated the mast would be seen clearly from Cynwyd and Llandrillo villages. She stressed residents had difficulty to differentiate this application with the potential future windfarm proposals. She emphasised her concern on the visual impact it would have on the nearby villages.

The Development Control Manager (DCM) thanked the local member for her comments. He acknowledged a structure of this size would have a visual impact, he stressed officers had assessed if the impact was significant enough to warrant a reason for refusal. It was stressed members had to assess the application on its own merit and have disregard for any potential applications. Members were reminded of the history of the site, previous masts had been approved and erected at the site. Officers had considered the responses from public bodies in determining the officer recommendation.

**General debate** - Councillor Mark young raised concerns on the safety of air craft, he asked if there had been any response from the aviation bodies. The DCM confirmed in the main report, correspondence from both the MOD and the National Air Traffic Services bodies had been included. No objections were noted. Members heard that information had been included in the report on the potential future windfarm. It was stressed members should not have any regard to the potential development at the site.

Councillor Merfyn Parry stated in his opinion future applications at the site for potential windfarm should be considered alongside this application. The item presented to members was for feasibility work for future windfarms and should include the potential further development at the site as one application. Councillor Merfyn Parry proposed to refuse the application contrary to officer recommendations as it should be presented as one application including the future windfarm. Councillor Emrys Wynne seconded the proposal for refusal.

The DCM confirmed members were in receipt of a lawful planning application which has followed the correct procedure. Previous planning applications that had followed the same procedure had been approved at the site. The DCM emphasised members would be permitted to comment on any potential future windfarm application with the overall decision made by Welsh Government officers. Officers would present a local impact report for comments to be presented to Welsh Government on such applications.

The Legal Services Manager advised in his opinion the reason for refusal would not be defensible on appeal. It would be wholly unreasonable to require any developer to include any feasibility study as part as a full development. The application presented to members had been for a feasibility application, he stressed that the outcome of the feasibility work may or may not prove the site suitable for future development. The application needed to be determined on its own merit.

Councillor Emrys Wynne raised concern that if the application was granted it would lead to further development creeping in at the site. In his opinion this application would be the beginning of a much larger development. He felt the application would affect the visual horizon for the local communities. He stressed the work involved in erecting the mast would have an impact on the surrounding land.

Councillor Brian Jones stressed green energy would be needed to support communities globally in the future including the use of windfarms and on that basis proposed the application be granted in accordance with officer recommendation as stipulated in the report, councillor Peter Scott seconded the proposal.

The DCM supported the opinion of Councillor Jones and looking at the bigger picture and reminded members the decision required was to determine the temporary structure to assess the feasibility of a potential windfarm in this location. It was stressed members had to assess the application on its own merit and not have any regard to potential future applications. It was stressed to members the difficulty to compare aspects of the planning process and the differences between different types of applications involved in the planning process.

Councillor Gwyneth Ellis agreed with Councillor Parry that the application should have been presented with the inclusion of a windfarm as a whole. Councillor Ellis thanked the legal and planning officers for the detailed response and acknowledged the response to concerns. It was highlighted to members the proposed mast was much higher than the previous mast at the site and would cause visual impact for local members.

The Chair confirmed that the impact to visual amenities for residents would be considered as a material planning consideration for refusal. The DCM echoed the statement made by the Chair.

Councillor Merfyn Parry stated he was in agreement to have visual impact included as a reason for refusal alongside his opinion that the application should have been presented as a whole with future developments.

The DCM responded to members concerns with regard to safety considerations of low flying aircraft. He confirmed officers had consulted with the relevant bodies and responses had been included in the report. The Chair guided members to the conditions attached to the report which included additional safety precautions.

The Legal Service Manager advised members to refrain from including the feasibility application being part of the main application as a reason for refusal. He suggested a covering letter be sent to the applicant detailing members concerns.

Councillor Merfyn Parry did not feel a covering letter would be strong enough and stated his reason for refusal was the feasibility application should be included as part of the whole application.

Proposal – Councillor Merfyn Parry proposed to refuse the application contrary to officer recommendation for the reasons that it should be one application including feasibility work and future developments and the visual impact on local residents. This was seconded by Councillor Emrys Wynne.

Councillor Briand Jones proposed the application in accordance with officer recommendation, seconded by Councillor Peter Scott.

The Chair made it clear that if members voted to refuse the application it would be for both reasons as stated above. Councillor Ellis was of the opinion that the reason for refusal should be visual amenity and a letter attached to the applicant.

It was agreed to hold the vote to ascertain if the application was agreed or refused, then if members voted to refuse the application a second vote for the reasons for refusal would be held. The Legal Services Manager confirmed that was acceptable to hold the vote in that order as long as all members understood the vote.

**Vote –**

FOR – 11

AGAINST – 5

ABSTAIN – 0

The Chair confirmed there would be no further vote.

**RESOLVED** that permission be **GRANTED** in accordance with officer Recommendations as detailed in the report, including the conditions set out in the report

**7 APPLICATION NO. 45/2021/0738/ PC - 7 LLYS WALSH, RHYL, LL18 4FR**

A retrospective application was submitted for the change of use of dwelling (Use Class C3) to form a house of multiple occupancy (Use Class C4) for 4 people at 7 Llys Walsh, Rhyl.

**Proposal –** Councillor Brian proposed this item and the agenda items 8 (application no 45/2021/0739/PC) and 9 (application number 45/2021/0740/PC) be deferred until a later date, as he stated any decision that was a locally controversial application may have a direct effect on local residents voting intentions on the upcoming election. The request for a deferral was seconded by Councillor Joan Butterfield.

The Legal Services Manager provided guidance to members stating the reason for deferral stated by Councillor Jones was not a planning reason for deferral. He informed members that there were rules on the behaviour and conduct of local authorities in the lead up to election periods. He explained one rule being issues considered to be politically controversial as part of an election campaign should not be included on the agenda.

The Development Control Manager confirmed the meeting was being conducted in the pre-election period. Officers had reviewed the applications in light of the pre-election guidelines and consulted with legal officers for support. It was deemed the applications did not meet the pre-election criteria to be withdrawn from the agenda.

The Development Control Manager stressed the authority had an obligation to applicants to hear and determine applications within the statutory 8-week period. The planning applications in respect of agenda items 7, 8 and 9 had only been

received recently. Councillor Gwyneth Ellis felt that at the time any agenda item could be deemed controversial and in her opinion the item should be debated.

The Chair stressed to members the vote for deferral would be for the 3 agenda items:

Agenda item 7 – Application No. 45/2021/0738/ Pc - 7 Llys Walsh, Rhyl

Agenda item 8 – Application No. 45/2021/0739/ Pc - 1 Lon Taylor, Rhyl,

Agenda item 9 – Application No. 45/2021/0740/ Pc - 3 Lon Taylor, Rhyl,

**VOTE:**

FOR – 13

AGAINST – 3

ABSTAIN – 0

**RESOLVED** that the retrospective application for the change of use of dwelling (Use Class C3) to form a house of multiple occupancy (Use Class C4) for 4 people at 7 Llys Walsh, 1 Lon Taylor and 3 Lon Taylor Rhyl be deferred to a future meeting for the reasons set out by Councillor Brian Jones above.

**8 APPLICATION NO. 45/2021/0739/ PC - 1 LON TAYLOR, RHYL, LL18 4FT**

A retrospective application was submitted for the change of use of dwelling (Use Class C3) to form a house of multiple occupancy (Use Class C4) for 4 people at 1 Lon Taylor Rhyl.

A proposal for deferral was debated and voted on under agenda item 7.

Members voted on block for deferral of:

Agenda item 7 – Application No. 45/2021/0738/ Pc - 7 Llys Walsh, Rhyl

Agenda item 8 – Application No. 45/2021/0739/ Pc - 1 Lon Taylor, Rhyl

Agenda item 9 – Application No. 45/2021/0740/ Pc - 3 Lon Taylor, Rhyl

**VOTE:**

FOR – 13

AGAINST – 3

ABSTAIN – 0

**RESOLVED** that the retrospective application for the change of use of dwelling (Use Class C3) to form a house of multiple occupancy (Use Class C4) for 4 people at 7 Llys Walsh, 1 Lon Taylor and 3 Lon Taylor Rhyl be deferred to a future meeting for the reasons set out by Councillor Brian Jones above.

**9 APPLICATION NO. 45/2021/0740/ PC - 3 LON TAYLOR, RHYL, LL18 4FT**

A retrospective application was submitted for the change of use of dwelling (Use Class C3) to form a house of multiple occupancy (Use Class C4) for 4 people at 3 Lon Taylor, Rhyl.

A proposal for deferral was debated and voted on under agenda item 7.

Members voted on block for deferral of:

Agenda item 7 – Application No. 45/2021/0738/ Pc - 7 Llys Walsh, Rhyl

Agenda item 8 – Application No. 45/2021/0739/ Pc - 1 Lon Taylor, Rhyl

Agenda item 9 – Application No. 45/2021/0740/ Pc - 3 Lon Taylor, Rhyl

**VOTE:**

FOR – 13

AGAINST – 3

ABSTAIN – 0

**RESOLVED** that the retrospective application for the change of use of dwelling (Use Class C3) to form a house of multiple occupancy (Use Class C4) for 4 people at 7 Llys Walsh, 1 Lon Taylor and 3 Lon Taylor Rhyl be deferred to a future meeting for the reasons set out by Councillor Brian Jones above.

**10 APPLICATION NO. 47/2021/0432/ PC - TRAVELLERS INN, CAERWYS, MOLD, CH7 5BL**

A retrospective application was submitted for the change of use of ground floor from a public house (Use Class A3) to offices (Use Class B1) at Travellers Inn, Caerwys, Mold.

Councillor Christine Marston (Local Member) explained it was situated on the A55 at the top of Rhault Hill on the boundary between Denbighshire and Flintshire within the AONB. Members heard local residents had raised concerns with the development, due to the historic conditions being breached on the main Thomas Plant site, in the former Sundown nursery site in Flintshire. It was stressed Tremeirchion, Cwm and Waen community council had raised no objections but had requested conditions be attached to the application. Councillor Marston asked officers for further information on the conditions including the working hours and lighting conditions. Councillor Marston stressed a concern from residents was the site would be used as a subsidiary site to the main site and they did not want HGV vehicles parked at the site.

In response to Councillor Marston's concerns the Planning Officer provided further information on the attached conditions. The B1 use at the proposed site was restricting the site use to only what was being asked for by the applicant that being an administrative office. He confirmed it had been conditioned as what they have requested so it could not be used for any other purpose. The Planning Officer stressed if the use of a HGV caused an obstruction on the public highway it would be an issue for the highway department or police. It was confirmed if granted this permission would not allow the sale of vehicles to take place on the site as this would be a breach of the use of land.

It was clarified if the use of external lighting was required the applicant would need consent from the planning officers in the first instance. The operational hours requested had been for 24 hours, officers had questioned if the need was necessary. The concerns with regard to the site in Flintshire would be for the enforcement team in Flintshire to investigate and would not be a material consideration for this application. He confirmed the parking of HGV vehicles would not be permitted at the site. The planning officer confirmed within the permitted

development rights, allowances for offices such as this site to extend. Condition 3 to the application removed the applicants right to extend the unit without seeking authorisation from the authority.

Councillor Merfyn Parry asked for confirmation if the Area of Outstanding Natural Beauty (AONB) provide any response to the application. The Planning Officer stated no response had been provided from the AONB officer. It was stressed no physical change to the site was to be made and if members were to agree the application further controls would be on the car park of the site. Officers felt with the additional controls implemented if approved it would not have a notable impact on the AONB. Officers noted the concerns of members with regard to the 24hour lighting at the site.

**Proposal** - Councillor Christine Marston proposed to grant the application in accordance with officer recommendation with the inclusion of the noted conditions attached to the application. This proposal was seconded by Councillor Peter Scott.

**VOTE:**

FOR – 16

AGAINST – 0

ABSTAIN – 0

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

Councillor Merfyn Parry raised a question regarding applications received, that highway agencies had commented on. He stated often the highway agencies are slow to respond to applications and having an obligation to applicants to aid applications. Only one officer supports North and Mid Wales from the Highways agency to comment on applications with any issues reported to Cardiff which often delayed the application process. He asked was it possible for officers or the authority to put pressure on the agency to support and respond to applications in a timely manner.

The Development Control Manager thanked Councillor Parry for the question and noted his concerns. He stated the Chair of the Planning committee could write to the Highway Agency to apply pressure and raise concerns of members.

Councillor Merfyn Parry thanked the officer and asked for a letter to be issued by the new committee following the election process.

## **ADDITIONAL ITEMS**

### **11 GENERAL MATTERS REPORT - OBJECTIONS TO TREE PRESERVATION ORDER**

The Chair introduced the report (previously circulated). He explained that the purpose of the report had been to confirm and enforce the provisional tree preservation order (TPO). He informed members the reason it was presented before committee had been due to objections received. Members were guided to the additional information provided in the late supplementary information.

Councillor Emrys Wynne (Local Member) stated he had previously expressed a personal and prejudicial interest in the building application and asked for guidance if he should do so again. The Legal Services Manager stated as the individuals related to the original declaration had connections with the application he would recommend the local member declare a prejudicial interest.

At this juncture Councillor Emrys Wynne left the meeting for the duration of the agenda discussion.

The Chair provided members with some additional information provided by Councillor Bobby Feely with concerns to the work on the tree. Officers confirmed work could be conducted on the tree even if a TPO was in place.

Councillor Peter Scott proposed officer recommendation to confirm the TPO currently in place, Councillor Ellie Chard seconded the proposal.

**VOTE:**

FOR – 15

AGAINST –

ABSTAIN – 0

**RESOLVED** that permission be **CONFIRMED** for the TPO in accordance with officer recommendation.

**12 AWEL Y MOR OFFSHORE WINDFARM - NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT**

The Chair introduced the agenda item (previously circulated) and informed members the report was to agree to delegate powers to officers to submit notes on behalf of Denbighshire Planning committee to the Planning Inspectorate.

Councillor Brian Jones directed officers to section 3 of the agenda paper, in particular he requested feedback on point 3.5 which referred to Rhyl Golf Club. He asked officers to request the detail of the works at the Rhyl Golf club and land to the west of St Asaph Business Park.

Councillor Meirick Lloyd Davies thanked the officers for the detailed comprehensive report.

Councillor Peter Scott proposed to permitted officers to Submit a Local Impact Report under delegated powers, in consultation with affected Ward Councillors, the Lead Member for Planning and the Chair of Planning Committee. Seconded by Councillor Christine Marston.

**VOTE:**

FOR –

AGAINST –

ABSTAIN –

**RESOLVED** that permission be **PERMITTED** for officers to submit a Local Impact Report under delegated powers as stated above.

The Development Control Manager, offered his thanks and gratitude for the work and dedication of the Chair for his professionalism over his term as Chair. He also wanted to extend his thanks to Councillor Christine Marston, Vice Chair for her support and hard work and Councillor Alan James during his time as Vice Chair.

Councillor Joe Welch, Chair thanked all the planning officers, democratic staff and legal officers for the support and work during his term as Chair.

**The meeting concluded at 11.25 a.m.**