

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 5 October 2022 at 9.30 am.

PRESENT

Councillors Brian Blakeley, Ellie Chard, Karen Edwards, Gwyneth Ellis, James Elson, Jon Harland, Huw Hilditch-Roberts, Alan James, Delyth Jones, Julie Matthews, Terry Mendies, Raj Metri, Win Mullen-James, Merfyn Parry, Gareth Sandilands, Peter Scott (Vice-Chair), Andrea Tomlin, Elfed Williams and Mark Young (Chair)

Observer – Councillor Hugh Evans

ALSO PRESENT

Monitoring Officer (GW); Development Manager (PM); Principal Planning Officer (PG); Senior Engineer – Development Control (MP); Zoom Host (KJ); and Committee Administrator (SLW)

Public Speakers –

Mr Rodney Witter (Agenda Item 6)

Mr Arwen Davies (Agenda Item 7)

1 APOLOGIES

Apologies for absence were received from Councillor Pete Prendergast

2 DECLARATIONS OF INTEREST

Councillor Alan James declared a personal interest in item 9 (Roger W Jones Ltd) as he has an active builders account.

3 URGENT MATTERS AS AGREED BY THE CHAIR

None.

4 MINUTES

The minutes of the Planning Committee held on 7 September 2022 were submitted.

RESOLVED that the minutes of the meeting held on 7 September be approved as a correct record.

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. 01/2021/0850/ PF - LLEWENI CARAVAN TOURER PARK, LLEWENI PARC, MOLD ROAD, DENBIGH

An application was submitted for amendment to approved layout to form an additional 14 touring caravan pitches, internal access tracks and pathways, connection to existing septic tank, planting, landscaping and associated works at Lleweni Caravan Tourer Park, Lleweni Parc, Mold Road, Denbigh.

Public Speaker –

Rodney Witter (For) – gave a brief history of the site and the background for the application. The current owners took over the custodianship of the land in 1989. Planning Committee had been helpful in the past and planning permissions had been obtained in the 1990's to recover the buildings to the superb 17 houses currently at Lleweni. Reclamation of the old shrubbery had commenced and in 1990 Planning Committee approved 10 caravans to the initial area. Later as a further section was restored, Planning Committee again unanimously agreed to increase to 20 caravans. Following unease regarding the number of movements of the caravans on the single track airfield lane, required every 28 days, the Planning Committee changed the condition and permitted the caravans to remain but only to be used for 28 days at a time, which are now recorded on an electronic diary. The reclamation of the shrubbery had now been completed which would enable a further 14 pitches in the secluded and screened area. This would be a quiet retreat for the guests who appreciate the attractions of the Vale of Clwyd. The guests bring spending power to the area. Mr Witter asked members support the officers' recommendation.

General Debate –

Councillor Delyth Jones read out a statement on behalf of Councillor Rhys Thomas (Ward Member). Councillor Thomas had serious reservations about the granting of the planning application, however, if by granting the application, the site would change from what it was at present into being well-managed and well-controlled then he would support the application. He would expect planning conditions on the site to be monitored regularly and conditions enforced if necessary. This would allay concerns of nearby residents.

Councillor Win Mullen-James stated if the Committee were to grant the application, could a condition be put on that it would be light sensitive to the AONB Dark Skies Site and nocturnal wildlife.

Officers confirmed that regarding controls over lighting for the impact of the nearby AONB condition number 5 which required an external lighting and internal lighting assessment to be carried out, the benefit of which would protect bat conservation. It was confirmed there would be an additional condition which required control over external lighting on the actual caravans.

Proposal – Councillor Merfyn Parry proposed the application be granted in accordance with officer recommendation, seconded by Councillor Delyth Jones.

VOTE –

For – (9 votes cast in the Chamber 10 votes cast via zoom) – 19

Abstain – 0

Refuse – 0

***RESOLVED** that permission be **GRANTED** in accordance with officer recommendation.*

6 APPLICATION NO. 10/2021/1173/ PF - LAND AT NANT Y GAU, BRYNEGLWYS, CORWEN

An application was submitted for the erection of an agricultural workers dwelling, installation of a sewage treatment plant and associated works at land at Nant Y Gau, Bryneglwys, Corwen.

Public Speaker –

Arwen Davies (For) – Mr Davies was eager to keep the family farm going and hoped to be a fourth generation farmer who worked closely with his parents and had learnt the best ways of farming. He gave an outline of the farming he carried out and eventually hoped to take over the farm with his family. Mr Davies stated farming needed to change due to climate change, costs and new NBZ rules. With the knowledge which had been passed down through generations and the ongoing support from his parents and partner, Grace, he was confident the farm could flourish. However, he needed to be on the premises. He had looked at properties in the village and surrounding areas but these were not only unaffordable, but not practical due to his sheepdogs, lambing and calving. The wellbeing of the animals required Mr Davies to be on site particularly as he would soon be running the business. It was hoped the children would grow up on the farm and go to the local primary school as this was vital to the future of the farm and with the Planning Committee's help, he could aspire to be the fourth generation farmer of Nant Y Gau, taking a leading role in the business and preparing the farm for the next generation.

General Debate –

Councillor Hugh Evans (Local Member) thanked Mr Arwyn Davies for putting forward his statement. It was clear a lot of work had taken place between the applicant and officers and it was re-assuring to see that a majority of the material planning considerations had been met. There were no objections from the AONB, Community Council, residents or Natural Resource Wales (NRW). There was no visual negativity around the proposal and the application supports the carbon emissions target. The reason the application had been brought before Planning Committee was concerns between professional opinion of Reading University and Kite Consultants and Councillor Evans was also concerned that officers had taken notice of the Reading element of the advice as opposed to the Kite Consultants advice.

Councillor Evans explained how he found it difficult to understand why Reading University did not appreciate the funding availabilities in the farming business. The salary of the spouse had not been considered, or the external works the applicant

puts in. Councillor Evans felt the officers had not seen the complete financial picture when making their recommendations and requested Planning Committee delve more into the Reading University element of the advice. He stated he personally felt people in the rural areas were disadvantaged.

Information from Business Wales had been obtained which stated 40% of farms in Wales had now diversified which equated to 19% of the total income. Reading University had not considered this.

Reference 4.4 this application covers everything within that section.

Reference 4.5 – promoted diversification on established farms which this applicant does and 4.5.3 succession is critical.

Referring to the financial test he stated there was a grey area as it did state “should have good prospects of remaining economically sustainable for the reasonable period of time”. Reading University did not seem to accept that, based on pure financial figures, not on the history of the farm. In Councillor Evans’ view, he did not think there was any correlation between what information Reading University had provided and what TAN6 required. He did accept it was difficult for officers having to decide between Reading University and Kite Consultants.

In conclusion this was a genuine application by a hard working couple who wanted to stay on the farm. There was no other option for them as there were no other opportunities in the area. Councillor Evans did not think Reading University and TAN 6 were aligned. He did not think Reading University understand how Welsh family farms thrived and survived and it came down to flexibility, adaptability and serious hard work. This was the last hope for the applicants and hoped Planning Committee would show their support.

Planning officers confirmed independent consultants had been appointed on their behalf to assess all the information provided. The application was for a dwelling in the open countryside. In those locations normal rural constraints apply unless there was an exception. One of those exceptions was that the dwelling was required to support a rural enterprise and clearly the applicant had shown that this was required. There was a functional need for Mr Davies to be there and for succession. There was also shown there was no visual or harmful impact so the only issue was the financial test. They have to show that it would be profitable and it had a sustainable future. The consultants looked at the previous figures and came to the conclusion that the projected profits were not sufficient to pay a minimum wage for both the father and son and cover the mortgage costs. The consultants advise that this would undermine the business which proved a risk for the future. Another risk was if the application was not approved here, the business could disappear anyway preventing succession.

Reading University had applied TAN6 correctly. They found conflict with one element of the tests. TAN6 stated the business had to support itself, the building was there to support the enterprise. The tests were about the business which could not rely on the income of a spouse or sideline work.

During discussions the following points were raised –

- Members agreed it was a difficult decision as the material planning conditions had been met, the only issue was the financial aspect. A number of members agreed with the statement by the Local Member, Councillor Hugh Evans.
- If the building were to be approved, it would be for an agricultural workers building and not be able to be sold on the open market, it would be purely for the business. It was important to look at the business and the ability to maintain the building. It was also felt that Mr Davies and his partner would produce additional income and the farm would be a long term business. Officers responded by emphasising that the application was extremely borderline on how the assessment had been made.
- In future, need to reassess these types of cases and officers possibly needed to challenge Consultants more in terms of the information they provide. It was confirmed that officers were also dealing with Welsh Government Technical Advice Notes. Work would need to take place with the Welsh Government to amend the wording in some of their documents.
- The property would be a rural enterprise project and if members were to go against officer recommendation reasons would need to be formalised prior to going to the vote.
- Planning conditions would need to be imposed to ensure that the property itself was retained in perpetuity in connection with the rural enterprise. The conditions would normally be agreed with the local member and a set of draft conditions would be drawn up and the wording agreed with the Local Member.

Proposal - Councillor Huw Hilditch-Roberts proposed to grant the planning application against officer recommendations. The reasons to grant the application - Committee having considered all the information placed before it, what they had heard from the applicant and the late representations they are satisfied that the business does meet the financial test, seconded by Councillor Merfyn Parry.

VOTE –

For (against officer recommendation) – (9 votes cast in the Chamber 10 votes cast via zoom) – 19

Abstain – 0

Refuse – 0

RESOLVED that permission be **GRANTED** against officer recommendation.

7 APPLICATION NO. 01/2021/0836/ PF - PENNANT FLATS, HENLLAN STREET, DENBIGH, LL16 3PH

An application was submitted for the erection of 7 terraced dwellings, 2 apartment buildings comprising a total 4 apartments, formation of access, parking, landscaping and associated works at Pennant Flats, Henllan Street, Denbigh.

Councillor Delyth Jones (Ward Member) – the application had been designed to replace 2 blocks which were originally on the site. The roofline appears higher than the nearby houses, I understand it will be suitable in this location and to mitigate

against floods. Much work has been done with the plans and the flooding improvement requirements have been fulfilled. Councillor Jones welcomed the additional clause which requires the colour and type of materials used. It offers 100% social housing scheme which is much needed for the area.

Proposal – Councillor Delyth Jones proposed granting in accordance with officer recommendation, seconded by Councillor Alan James.

VOTE –

For – (9 votes cast in the Chamber 10 votes cast via zoom) – 19

Abstain – 0

Refuse – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendation.

**AT THIS JUNCTURE (10.20 A.M.) THERE WAS A BREAK.
THE MEETING RECONVENED AT 10.25 A.M.**

8 APPLICATION NO. 40/2021/0825/ PF - LAND OPPOSITE GLAN CLWYD HOSPITAL, RHUDDLAN ROAD, BODELWYDDAN, RHYL

An application was submitted for the erection of 108 dwellings, construction of a new vehicular access and associated works at land opposite Glan Clwyd Hospital, Rhuddlan Road, Bodelwyddan, Rhyl.

General Debate – A site meeting had taken place on Friday 30 September 2022. Councillor Peter Scott had attended the site meeting and looked at the site. The Highways Officer had also been in attendance at the site meeting to explain the access and egress from the site would be improved. There was to be a crossing for pedestrians and cyclists away from the roundabout of the hospital entrance. The drainage proposals for surface water would be SUDS legislation. During the site visit a question was asked regarding the public sewerage system. Within the late representation sheet a statement from Welsh Water was included that no-one else would be allowed to connect to their local public sewerage system due to lack of capacity. They advised that foul water from any further development on the wider KSS would need to be communicated with Kinmel Bay Wastewater Treatment Works. This would require substantial infrastructure improvements at the developers expense rendering any further development unviable.

Councillor Raj Metri (Local Member) stated, unfortunately he had been unable to attend the site visit due to health issues. There had been concern from local people regarding the dangers on Sarn Lane walking to and from the hospital. Concerns were also raised regarding the drainage on the road.

The Highways Officer confirmed a detailed transport assessment had been provided as part of the application. Local junctions had been assessed and all junctions would operate safely within capacity. The site was well served by all non-car modes of transport and is proposed to enhance the sites connectivity with the existing cycle footway network as part of Active Travel Wales by introducing a

controlled crossing point on Rhuddlan Road not far from the roundabout with a cycle footway path both sides of the carriageway linking into the new facility. The site access will take the form of a priority controlled junction which would not affect the free flow of traffic. The access arrangements comply with the requirements of TAN 18 visibility standards. The proposed site internal estate roads would be 5.5 metres in width with 2 metre footways. The current pull in layby would be removed. Taking all the information into account, there were no concerns by the Highways Department.

Councillor Alan James confirmed he had attended the site meeting and was happy with the proposals.

Proposal - Councillor Alan James proposed to grant the application in accordance with officer recommendation, seconded by Councillor Peter Scott.

VOTE –

For – (9 votes cast in the Chamber 10 votes cast via zoom) – 19

Abstain – 0

Refuse – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendation.

9 APPLICATION NO. 45/2022/0533/ PS - ROGER W JONES LTD. CEFNDY ROAD, RHYL

An application was submitted for the erection of additional yard racking (retrospective application) at Roger W Jones Ltd., Cefndy Road, Rhyl.

A site visit had taken place on 30 September 2022.

Councillor Peter Scott proposed the application be deferred to talk to the applicants to ascertain if a compromise could be made, seconded by Councillor Alan James.

VOTE –

For Deferral – (9 votes cast in the Chamber 9 votes cast via zoom) – 18

Abstain – 0

Refuse – 0

RESOLVED that the planning application be **DEFERRED**.

10 APPLICATION NO. 45/2022/0543/ PF - 2 TYNEWYDD ROAD, RHYL

An application was submitted for the erection of a first floor extension over existing garage, formation of balcony to side of dwelling and associated works at 2 Ty Newydd Road, Rhyl.

Proposal - Councillor Win Mullen-James proposed granting of the application in accordance with officer recommendation, seconded by Councillor Ellie Chard.

VOTE –

For – (9 votes cast in the Chamber 9 votes cast via zoom) – 18

Abstain – 0

Refuse – 0

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

11 47/2020/0593 FORMER RHYL RUGBY CLUB, WAEN ROAD, RHUDDLAN, RHYL

To receive a report seeking nominations from Members of the Planning Committee to represent the Council at the Hearings for application ref: 47/2020/0593 which had been called in by Welsh Government for determination by Welsh Ministers.

Councillors Chris Evans and Peter Scott requested to be representatives.

It was unanimously agreed by a show of hands.

RESOLVED that Councillors Chris Evans and Peter Scott represent the Council at the Hearings for application ref: 47/2020/0593 which had been called in by the Welsh Government for determination by Welsh Ministers.

12 REVIEW OF SCHEME OF DELEGATION

To receive a report that outlined to Members suggested amendments to the Planning Scheme of Delegation.

Following a unanimous show of hands it was agreed to accept the amendments to the Planning Scheme of Delegation.

The meeting concluded at 10:50 a.m.