

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 6 September 2023 at 9.30 am.

### **PRESENT**

Councillors Ellie Chard, Karen Edwards, James Elson, Jon Harland, Huw Hilditch-Roberts, Alan James, Delyth Jones, Terry Mendies, Raj Metri, Win Mullen-James, Merfyn Parry, Arwel Roberts, Gareth Sandilands, Andrea Tomlin and Mark Young (Chair)

### **ALSO PRESENT**

Paul Mead – Development Control Manager; Paul Griffin – Principal Planning Officer, Clare Lord – Legal Officer; Mike Parker – Senior Engineer, Sue Rees – Legal Officer; Zoom Host –; Sharon Walker and Committee Administrator – Rhodri Tomos-Jones

#### **1 APOLOGIES**

Apologies for absence were received from Councillors Gwyneth Ellis, Chris Evans, Julie Matthews, Cheryl Williams and Elfed Williams

#### **2 DECLARATIONS OF INTEREST**

Councillor Arwel Roberts declared a personal and prejudicial interest in agenda item 9 as he knew the applicants well.

Councillor Merfyn Parry declared a personal interest in agenda item 7 as the tenant farmer worked with the business that Councillor Parry worked for.

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

None.

#### **4 MINUTES**

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

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

#### **5 APPLICATION NO. 15/2022/0154 - NORTH HILLS FARM, GRAIANRHYD, MOLD**

An application was submitted for the Erection of a rural enterprise dwelling, installation of a package treatment plant and associated works at North Hills Farm, Graianrhyd, Mold.

Public Speaker –

Simon Garret (For) – thanked the committee for the chance to speak; Mr Garret informed the committee that he lived at the farm alongside his wife and family and built up the farm from scratch over twelve years. They ran a unique business of raising reindeer, growing Christmas trees and holiday accommodation. There was an application for rural enterprise dwelling to allow the family to continue to live and work with the reindeer, as they require 24/7 attention.

There have been extensive discussions between the applicant and planning officers; the functional requirements had been met, and the time test has also been satisfied to run the enterprise. The enterprise was financially viable to fund the development of the new property on site and maintain the business; however, officers have recommended refusal due to Planning Policy Technical Advice Note (TAN6). The family home was sold to invest in the business to allow it to grow into the future. The applicant had no intention to manipulate the planning system; they only wished to safeguard their family and the farm's future. North Hills Farm was a visitor attraction and brought an economic boost to the local community; there were also educational factors to the enterprise. It would not be possible for the business to continue without the family living at the site.

### **General Debate –**

The chair invited those who attended the site visit to have their say on the application following the visit.

Councillor Merfyn Parry thanked the chair for the opportunity to speak. When visiting the site, the site had good work throughout; however, he felt that there were multiple aspects of the site which seemed unauthorised or uncontrolled. Councillor Ellie Chard, who also attended the site visit, agreed with the comments raised by Councillor Parry.

Councillor Terry Mendies (local member) stated he could not support the application; the local community were against the application. He believed the applicant was trying to circumvent planning law; they had sold their house and resided in temporary accommodation for six years. He stated that the only reason the application was being discussed at the planning committee was due to the enforcement notices at the site.

**Proposal** – Councillor Terry Mendies proposed the application be refused in accordance with officer recommendations, seconded by Councillor James Elson.

Following member queries regarding the other buildings at the site, officers stated that multiple cases were ongoing; however, they reminded members to focus on the application and the matters concerning it.

Members queried why reindeer needed twenty-four-hour care and whether the care was different to other livestock. Members also sought clarification as to why selling the property to fund the business breached the planning policy. In response, planning officers clarified that reindeer would need the same care as other livestock; Officers also explained that the key element of non-compliance with policy and guidance was in relation to the selling of the rural dwelling by the

applicant back in 2017. The applicant has then created a need for a second dwelling in a rural location which goes to the heart of the rural restraints policies which seek to protect the open countryside from unnecessary development. Officers clarified the usual method was to develop the business around a pre-existing property.

Councillor Huw Hilditch-Roberts stated that he could not support the application as it stood; however, he felt that if the application were submitted as a whole site application, it would have more merit and, as a whole, would be a more robust application.

The committee stated that the decision with the application would be difficult as it would impact the local family; however, they understood they needed to look at the application with material considerations being a deciding factor.

VOTE –

For – 15

Against – 0

Abstain – 0

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

## **6 APPLICATION NO. 21/2023/0391 - THE PADDOCK, LLANFERRES, MOLD**

An application was submitted for the Variation of condition 4 of planning permission 21/2022/0980 to allow varied opening hours at The Paddock, Llanferres, Mold.

### **Public Speaker –**

Matthew Davies (For) – thanked the committee for allowing him to speak; the business was to enable people to walk alongside donkeys in the AONB. Since planning was approved in February, the business has gone from strength to strength. The business attracted some local residents; however, it attracted more people from over the border in Cheshire, which in turn supported the local economy. The business has also received fifty-plus five-star reviews online, the business has also been on Ffermio on S4C, and ITV has contacted them.

The reason for coming to Planning was due to the demand at the farm and the need to change the opening times to accommodate these visits; multiple visits could not attend due to the current opening times. The committee were reassured that the donkey trekking business was separate from the other business at the site. There had also been a toilet facility put in place following advice from a compliance officer; there was a robust traffic management plan, and risk assessments were in place at the site to ensure the safety of those who visited. The expansion would support growth and diversification and supported the plan to make the Clwydian range a more personable and welcoming place full of thriving communities and successful businesses; in closing Mr Davies hoped the committee would support the application.

## **General Debate –**

Councillor Merfyn Parry spoke on behalf of Councillor Huw Williams (local member), who could not attend the meeting; however, he wanted to let the committee know he fully supported the application. Councillor Parry also added that he supported the application and that it was good to see a local business thrive.

**Proposal** – Councillor Merfyn Parry proposed the application be granted in accordance with officer recommendation seconded by Councillor Huw Hilditch-Roberts.

Some members raised concerns that the lighting could arise with the site being open later into the evening and whether there could be any mitigation to stop this. Officers responded by stating that the site would be less busy in the winter months due to the nature of the business. They believed the lighting issue would be self-governing.

### **VOTE –**

For – 15

Against – 0

Abstain – 0

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

## **7 APPLICATION NO. 43/2023/0071 - MIDNANT FARM, GRONNAT ROAD, PRESTATYN**

An application was submitted for the erection of 45 dwellings, construction of a new vehicular access, landscaping, and associated works at Land at Midnant Farm Gronant Road Prestatyn.

Councillor Andrea Tomlin (local member) thanked the chair for the opportunity to speak; Councillor Tomlin highlighted concern with the lack of a report regarding the sewerage pump station in the area and whether the pump station would have the capacity to deal with development. Councillor Tomlin proposed deferring the application until a sewerage pump station assessment was conducted. Councillor Merfyn Parry seconded the proposal.

### **VOTE –**

For Deferral – 15

Against – 0

Abstain – 0

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

## **8 APPLICATION NO.47/2023/0389 - TYN Y FFYNNON, CWM, RHYL**

A retrospective application was submitted for the erection of a double garage side extension to the dwelling at Tyn Y Ffynnon Cwm Rhyl.

## **Public Speaker –**

The Development Manager read out a statement on behalf of the applicants who wished not to attend the meeting – the statement was as follows.

“I write in respect of retrospective planning permission application 47/2023/0389 regarding Tyn Y Ffynnon, Cwm -Retrospective application for the erection of double garage side extension to dwelling.

We purchased Tyn Y Ffynnon, Cwm, Dyserth in April 2021 and engaged a local builder to complete various work on the property.

To the side of the property was a parking area, which was covered in loose slate chippings bordered by a low wall made of rendered concrete block on two sides.

Tyn Y Ffynnon was a small Welsh extended cottage built of stone, rendered and painted white. No storage was available at the property for items such as pedal cycles and tools when we purchased. We wished to develop a weatherproof storage area; therefore, we enquired with the Denbighshire CC Planning Office about what permissions were needed and discovered that we needed planning permission for a structure at the side of the house. We engaged a local architect who produced and submitted the plans, with permission being granted on 14 July 2021.

The original plan was for a detached wooden structure. When we discussed this with the builder, he advised that a better solution would be to extend the existing house block walls to the necessary height, render and paint these walls white and install a white up-and-over door to the frontage. He stated that to continue with the original plan of building a wooden structure would be less secure, demand more maintenance, be more costly due to the price of wood, and not be as visually attractive as a structure made of white rendered block would blend seamlessly with the rest of the house.

The applicant accepted the builder’s advice, concurred with his viewpoint, and asked him to proceed with the build.

We did not consider the necessity to apply for a change in planning permission. This was an error on our behalf, for which we offer no excuse and would wish to apologise for our actions sincerely.

The current application for retrospective planning permission for this structure was the subject of this letter. I understand that Tremeirchion, Cwm and Waen Community Council have raised the following objection to this application:

“Objection on flat roof as building within the area of AONB and appears unsympathetic with rest of the building.”

Firstly, I would say that the building has been constructed in a manner that was the same as the frontage of the house, with a painted render to ensure a matching finish.

To my mind (although biased), the structure erected appears to blend seamlessly with the house. The roof slopes toward the back and thus cannot be seen from the road.

I note the response from Dave Williams for the Clwydian Range and Dee Valley AONB Joint Committee was "Despite the poor design of the garage extension, which sits awkwardly on the side of the existing dwelling, provided materials match the existing the impact upon the wider AONB was not considered to be significant. Given the appearance and size of the garage concerning the dwelling, it was recommended a condition be imposed to prevent any commercial use at the premises and that it remains ancillary to the main dwelling. The Joint committee raised no objections."

I would respectfully say that this response from the AONB authority, the impact upon the wider AONB was not considered significant, was far more significant than the comments from the Community Council. The recommended condition re no commercial use was perfectly acceptable, and I would have no objection to such a condition.

We would respectfully ask that this application be passed and once again apologise for our failure to comply with planning regulations.

#### **General Debate –**

Councillor Merfyn Parry stated that the applicant knew they had made errors with the application and apologised for those errors, seeing that the AONB raised no concern with the application.

**Proposal –** Councillor Merfyn Parry proposed the retrospective application be granted in accordance with officer recommendation, seconded by Councillor Alan James.

Some of the planning members supported the application, stating that the AONB had no issue with the development and they felt it was acceptable to approve. Whilst some members had also stated that they pass the area often and had not realised that the development had taken place at all, that the visual impact was minimal.

Whilst some members supported the application, others felt that the development was not in keeping with the rest of the house unlike the original detached wooden storage structure, which was previously granted approval.

#### **VOTE –**

For – 11

Against – 3

Abstain – 0

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

**9 APPLICATION NO. 46/2023/0284 - 5 BRYN COED, ST. ASAPH**

An application was submitted for the alterations to external materials, installation of replacement windows and associated works at 5 Bryn Coed, St Asaph.

**Proposal** – Councillor Merfyn Parry proposed the application be granted in accordance with officer recommendation, seconded by Councillor Alan James.

**VOTE –**

For – 15

Against – 0

Abstain – 0

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

**10 INFORMATION REPORT - 47/2020/0593 - FORMER RHYL RUGBY CLUB, RHUDDLAN**

A report was submitted by the Development Control Manager (previously circulated) which updated Planning Committee Members on Application No: 47/2020/0593. Development of land to form holiday park including the conversion of existing clubhouse to form reception building, erection of new clubhouse building, bunkhouse building, 7 holiday pod accommodation units, 23 two-bedroom holiday lodges, 7 three-bedroom lodges and 7 four-bedroom lodges. Works to existing access, formation of internal pathways, 2 wildlife ponds, parking, landscaping, and associated works. Former Rhyl Rugby Club, Waen Road, Rhuddlan. which has recently been determined by the Welsh Ministers.

**RESOLVED** that Planning Committee members note the content of the information report.