

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 8 November 2023 at 9.30 am.

PRESENT

Councillors 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, Arwel Roberts, Gareth Sandilands, Peter Scott, Andrea Tomlin, Cheryl Williams and Mark Young (Chair)

ALSO PRESENT

Paul Mead – Development Control Manager; Paul Griffin – Principal Planning Officer, Luci Mayall – Planning Officer Clare Lord – Legal Officer; Mike Parker – Senior Engineer, Laura Bellis - Solicitor, Committee Administrators (RhTJ & KJ [Webcaster])

1 APOLOGIES

Apologies for absence were received from Councillors Merfyn Parry and Elfed Williams.

2 DECLARATIONS OF INTEREST

Councillor Delyth Jones declared a personal interest in agenda item 5, interest as she's friends with the extended family of the applicant. She was also friends with the owners of Pen Ddwy Accar which was the land adjacent to the application.

3 URGENT MATTERS AS AGREED BY THE CHAIR

None.

4 MINUTES

The minutes of the Planning Committee held on 6 September 2023 were submitted.

Matters of accuracy –

- Councillor Peter Scott highlighted that he sent his apologies, however they had not been noted.
- Councillor Win Mullen-James raised that her comments regarding the family potentially being made homeless regarding to Application No. 15/2022/0154 were important to be noted.

RESOLVED that, subject to the above, the minutes of the meeting held on 6 September 2023 be approved as a correct record.

5 APPLICATION NO. 01/2023/0231/PF - LAND ADJACENT TO PEN DDWY ACCAR, LAWNT, DENBIGH

An application was submitted for 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 at land adjacent to Pen Ddwy Accar, Lawnt, Denbigh.

Public Speaker –

Martin Shutt (Agent) (For) – thanked the members for allowing him to address Committee; farms across Denbighshire were in decline and were struggling to make a profit; the increase in costs and decrease in subsidies were some of the reasons for the decline. The challenges were exacerbated by ill health in the family; the application was for a small diversification of a piece of land; expanding the farm operations from beyond the traditional use would hopefully mean the applicant could retain the land and make the farm more resilient moving forward.

The proposal was to repurpose unused woodland for two small cabins; the area had not been historically farmed due to the well-established woodland, and the site was also a reasonable distance from the usual farm operations. The proposals have paid respect to the nearest properties by being away from their principal elevations, providing more than extensive distance and biodiversity work with the landscaping, and reducing the original three proposed cabins to two. The visitors to the site would also bring economic benefits to the local area. The proposal, whilst small, would hopefully be an attractive offer to people; the cabins were also suitable for two people, which would attract people who would want a quiet getaway. Mr Shutt thanked officers from all organisations for their support, and the applicant was happy with all the conditions within the application.

General Debate –

Councillor Delyth Jones (local member) thanked the chair for being allowed to speak; she fully supported farms diversifying to enable them to remain viable businesses. However, Councillor Jones was worried that there would be a loss of good agricultural land and whether the loss could negatively impact the farm; also, she raised concerns about the lighting and noise pollution with any hot tubs and whether it would impact the local area; and whether there would be an impact on the biodiversity of the area.

Responding officers clarified the cabins would be erected near a wooded area on the farm. With the landscaping associated with the cabins, there would be a benefit to the area's biodiversity. Members were informed that hot tubs were no longer within the application due to the potential of noise and water pollution; regarding lighting, there would be adequate screening at the site to alleviate these concerns. Lastly, returning to the concern with the loss of good agricultural land, there were conditions within the application. If the ~~change were~~ business proved unsuccessful, there would be a six-month timeframe to allow the land to be changed back to its previous use.

Some planning committee members raised concerns with the hot tubs, as they were concerned that although they were not included within the application, they

could be added later, with no input from the Planning Committee. There were also concerns that if the application was granted, a precedent could be set to use good agricultural land for other uses.

Officers clarified that the concerns of the hot tubs could be addressed with a condition allowing the committee or officers to decide whether they could be implemented at the site. The concerns with using agricultural land were also dealt with in condition 12 of the application, which would require the applicants to remove the cabins and restore the land to its previous use.

Councillor Huw Hilditch-Roberts raised concern about the hot tub situation and suggested no conditions imposed on the site, as the lack of them could impact the viability of the business; Councillor Chris Evans echoed these concerns.

Proposal – Councillor Delyth Jones proposed the application be granted with the additional condition that no hot tubs were to be placed at the site without planning permission, seconded by Councillor Arwel Roberts.

Proposal – Councillor Huw Hilditch-Roberts also proposed the application be granted with no additional conditions, seconded by Councillor Terry Mendies.

Officers clarified to members they would be voting for granting the application with the additional condition restricting hot tubs as the first instance; if the proposal wasn't carried, then there would be a vote with no additional conditions.

Vote -

For – 12

Against - 7

Abstain - 0

RESOLVED that the planning application be **GRANTED** in accordance with officer recommendation, to include the additional condition.

6 APPLICATION NO. 18/2023/0120/PC - WERN, LLANDYRNOG, DENBIGH

A retrospective application was submitted for a change of use of stables to a Dog Day Care Facility, continuation of use of menage as a mixed-use equestrian and dog exercise area and continuation of use of land as agricultural, equestrian and dog exercise area at Wern, Llandyrnog, Denbigh.

Public Speakers –

Miss Catrin Davies (For) – thanked the committee for being allowed to speak; she was the owner of the kennels; the business began three and a half years ago, and it has grown with multiple members of staff, who were all local. There were also volunteers for mental health facilities nearby to assist with dog walking to help with wellbeing and increase their independence. There were visits to care homes with smaller dogs, and there was free daycare for service dogs at the site.

With the growth of the business, the demand had also increased; the service provided allowed people to go to work whilst knowing their dogs were cared for. The applicant was aware of noise complaints and, whilst working with the Council, was looking at methods of mitigating the noise pollution; one of these methods was to allow dogs to have testing periods to see if they were suitable for the kennels, there was also soundproofing being placed at the barn, which the Council also advised at significant cost to the business. These would hopefully highlight how the business aimed to reduce noise levels; there was always a member of staff present at the kennels to monitor the noise levels. Miss Davies also highlighted that a noise level assessment had been carried out in line with the planning process.

Mr Thomas Brock (Against) – indicated he spoke on behalf of a group of residents who opposed the application on two grounds—the unsuitability of the site and the noise issues over fifteen months. There was a lack of an objection on the planning portal from a specialist with knowledge of the site, which did not meet national standards, regarding fencing concerns and the public footpaths on the site. Nothing was within the application regarding contractual indemnities and statutory public liability; these were highly sensitive issues. Holiday lets surrounded the site and was near the Offa's dyke path, whilst also the area was being looked at with the possibility of a national park; Mr Brock highlighted that there could be more lost than gained by the local community.

Planning policy in Wales indicated that there needed to be the protection of local amenities; however, residents had to deal with noise issues for fifteen months, which had been vindicated by public protection. There were noise mitigation conditions placed on the site; there needed to be evidence of these being carried out before any increase of dogs allowed at the site. The conditions were well thought out, the noise mitigation would need to be of British standard, and the work entailed with the matter should be included in the conditions as a legal requirement. There have also been many incidents of number violations at the site; business trading was carried out before a license was issued on 31/12/22. On these two technical issues alone, the standard precedent would be to dismiss the application and refer the matter to the regulatory bodies. Mr Brock outlined that if these issues continued, the group would exercise their right to proceed with the relevant authorities.

General Debate –

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

Councillor Chris Evans indicated that he believed the site was a good one; the centre cared for the dogs at the site, and the owner was passionate about the care provided. He understood the concerns that the residents had raised; however, he felt these were alleviated through conditions which were set out.

Councillor Peter Scott felt that the noise issues seemed fine for the visit. The site was adequate distance from any residential areas, the site was well maintained and looked after.

Councillor Alan James echoed what Councillor Scott had stated and felt content with the officer's recommendations and the conditions.

Councillor Peter Scott, on behalf of Councillor Merfyn Parry (local member), read a statement in his absence – he apologised for not being present. He had worked with both the applicant and the objectors at the site; he understood the concerns which had been raised; however, he felt the conditions which were proposed would alleviate these concerns; in closing, he stated if he were in attendance, he would have fully supported the application.

Councillor Delyth Jones supported the application, and the steps implemented to address concerns have been positive; she stated that including a condition of signage for the nearby public footpaths would be good as they would raise awareness of the dog care facility. The officer responded that including the condition was a viable option if the committee would want to include it with any proposals.

Committee members queried with officers how the soundproofing could be checked; officers clarified there was a condition of a noise management plan: the applicant would have two months to install the noise insulation fully.

Councillor Huw Hilditch-Roberts thanked the chair for the opportunity to speak; he highlighted the comments which were raised earlier at the meeting and how they could be deemed as offensive to the committee; he raised from personal experience with dog kennels near his residency that noise pollution was a rare issue, he closed by stating that the concerns with the site and any noise pollution would be dealt with through the proposed conditions.

Proposal – Councillor Huw Hilditch-Roberts proposed the application be granted with the additional condition that signage was placed around the site's public footpaths, seconded by Councillor Gareth Sandilands.

Vote –

For – 19

Against – 0

Abstain – 0

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

7 APPLICATION NO. 23/2023/0160/PF - LAND OPPOSITE BRYN EGLUR, LLANRHAADR, DENBIGH

An application was submitted for the Change of use of the yard to form a builder's storage yard (sui generis) and use of the existing eco cabin building as an associated office (B1) at Land Opposite Bryn Eglur, Llanrhaedr, Denbigh.

Public Speaker –

Endaf Roberts (Agent) (For) – thanked for allowing him to speak; as you can see from the officer report, it was to grant the application. Mr Roberts did not wish to speak more than necessary as there was ample detail within the officer report. The applicant has worked closely with the officers' development scheme to use the empty rural buildings sustainably. There were two applications, and local businesses would use both buildings as one was already in use. The application to convert these buildings were compliant with all relevant policies and guidance.

General Debate –

Councillor Peter Scott read a statement on behalf of Councillor Elfed Williams (local member), the application there were no objections raised from officers with the application, and he agreed as a member.

Proposal – Councillor Huw Hilditch-Roberts proposed the application be granted in accordance with officer recommendations, seconded by Councillor Peter Scott.

Vote –

For – 19

Against – 0

Abstain – 0

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

8 APPLICATION NO. 23/2023/0161/PC - HEN SHED, LLANRHAEADR, DENBIGH

A retrospective application was submitted for the change of use of part of the building to form builder's storage depot (sui generis) with associated office space (B1), Hen Shed, Llanrhaeadr, Denbigh.

Public Speaker –

Endaf Roberts (Agent) (For) – thanked for allowing him to speak; as you can see from the officer report, it was to grant the application. Mr Roberts did not wish to speak more than necessary as there was ample detail within the officer report. The applicant has worked closely with the officers' development scheme to use the empty rural buildings sustainably. There were two applications, and local businesses would use both buildings as one was already in use. The application to convert these buildings were compliant with all relevant policies and guidance.

General Debate –

Councillor Peter Scott read a statement on behalf of Councillor Elfed Williams (local member), the application there were no objections raised from officers with the application, and he agreed as a member.

Proposal – Councillor Alan James proposed the application be granted in accordance with officer recommendations, seconded by Councillor Huw Hilditch-Roberts.

Vote –

For – 19

Against – 0

Abstain – 0

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

9 APPLICATION NO. 40/2023/0473/PF - GLAN CLWYD HOSPITAL, RHUDDLAN ROAD, BODELWYDDAN

An application was submitted for the erection of a new hospital unit (Use Class C2), including associated landscaping, car parking and site vehicular access and the erection of a multi-storey car park and associated works at Glan Clwyd Hospital, Rhuddlan Road, Bodelwyddan.

Public Speaker –

Mr Peter Campbell (Agent) (For) – he spoke on health Betsi Cadwaladr University Health Board and they welcomed the positive recommendation by officers. There was a critical need for the facility at Glan Clwyd Hospital, which would provide better patient care. Members would recall Planning previously refused the matter due to concerns about residential amenities due to the proximity of the proposed development to these houses. Since the refusal, there has been close cooperation with the Council officers with a completely different scheme, which was in a different location; due to these changes, there have been no objections to the development. The existing Ablett unit has passed its viable life span and could no longer provide the care required.

This project represented a flagship scheme for mental health care in North Wales, which planning approval would help realise an investment of up to £80 million pounds from the Welsh Government. The facility would be far better to allow staff aid in recovery for the patients. The proposed site was within the local plan to develop community facilities; therefore, it was strategically identified in planning policy to support development needs at Glan Clwyd Hospital; this would not create a concentration of development at the site, as it was a direct replacement of the existing unit. It was fundamental for the site to be located at Glan Clwyd to allow patients to be close to the other services at Glan Clwyd. There had been no objections from Planning officers regarding highways and the new parking at the site. There would be 25 electric parking spaces with the new parking, with future-proof infrastructure to allow this to increase in the future if required. The new building would adopt a sustainable process whilst building. The proposed application was vital for providing mental health care, and he wished for the committee to approve the application.

General Debate –

At this juncture, Councillor Raj Metri (local member) declared a personal and prejudicial interest, as he worked for Betsi Cadwaladr University Health Board.

Councillor Jon Harland raised concern with the application for multiple reasons; he felt that there was a concentration of provision at one site rather than building local care facilities or repurposing older sites. He also raised concerns about the lack of adequate public transport and unfit traffic management in the hospital. Councillor Harland also raised the inadequate green infrastructure statement.

Proposal – Councillor Jon Harland proposed the application be refused due to there being no green infrastructure statement, as well as an inadequate traffic management plan in place.

Members of the committee stated they understood the concerns raised by Councillor Harland; however, many felt that there was a drastic need for the proposed care provision at Glan Clwyd and the old facility was no longer fit for purpose.

Proposal – Councillor Gareth Sandilands proposed the application be granted in accordance with officer recommendations, seconded by Councillor Andrea Tomlin

Vote –

For – 18

Against – 1

Abstain – 0

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

10 APPLICATION NO. 43/2021/0990/PF - 93 MELIDEN ROAD, PRESTATYN

An application was submitted for the Erection of 2 no. detached dwellings with associated works and landscaping at 93 Meliden Road Prestatyn.

Public Speaker –

Sarinah Farooq (Agent) (For) – thanked the chair for the chance to speak; the proposal sought to provide two detached dwellings within a substantial plot of land within an established residential site. The pre-existing properties on the site were demolished following a fire and no longer being structurally safe. The original plan for the site was for three dwellings; however, following discussions with the case officers, the current scheme was for two dwellings, this change addressed all concerns raised.

The applicant has worked closely with the planning authority; without development, the site would continue to deteriorate and impact an otherwise attractive residential street in Prestatyn. The dwellings would vary in design from each, which would be in keeping with the unique designs of many other properties. Careful consideration had been afforded to the protection of existing trees; there would be no detrimental impact on the trees protected under any tree protection orders. There had been no concerns raised regarding the drainage or highways. The plans were designed to reduce any impact on residential amenities; there would be ample screening at the

site through a hedgerow, and there would also be no windows facing pre-existing flats at a lower elevation. There had been no evidence of a culvert and no findings by any organisations; however, any concerns would be addressed during a SuDS approval.

General Debate –

Councillor Jon Harland thanked the chair for the opportunity to speak; he wanted to highlight certain aspects of the site; he raised that there was a nearby culvert, which was blocked; he also suggested that due to the elevation of the site, the driveways would be permeable surface rather than a hard one to lessen any water runoff.

Officers clarified that drainage at the site was a private matter, and condition 11 would cover issues with culverts. Officers also reassured members that the applicant would need SAB approval for SuDS. Officers stated that the driveway surface could be included within condition 11.

The committee were happy to see a derelict site coming back into use.

Proposal – Councillor Gareth Sandilands proposed the application be granted in accordance with officer recommendations, seconded by Councillor Alan James

Vote –

For – 19

Against – 0

Abstain – 0

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

11 APPLICATION NO. 43/2023/0071/PF - LAND AT MIDNANT FARM, GRONANT 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.

Public Speaker –

Stuart Andrew (applicant) (for) - I'm the Design and Planning director at Castle Green Homes with the Applicant at submission for residential development at the allocated residential site at Midland Farm Gronant Road Prestatyn. The site was allocated for housing by the County from its LDP in 2013.

The allocation for the site was for 65 dwellings; However, this application was for only 45 homes, which we consider a more suitable number for this site in terms of the site and its density; 10% of the dwellings that would be built to be affordable by the Council's adopted policy.

The housing proposed includes a mix of two, three and four-bed properties, which the Council Strategic Housing and Policy Officer has accepted. The site is expected to have public open space of just over 1/3 of an acre, and the existing mature landscaping will be retained to separate the site from the surrounding housing to the West and around the site. The other boundaries would also be retained. In addition, financial contributions have been secured through a Section 106 agreement that has been agreed in principle with council officers, which includes around £68,000 for off-site affordable housing, around £45,000 for existing public open space areas and sports facilities, and £40,000 for local primary school education facilities. It was the second time this application has been presented, following a deferral in September due to a late consultation response from Welsh Water regarding concerns they had regarding the local final drainage capacity. However, this matter has now been resolved, and the development of this scheme will deliver a net benefit to the local foul drainage network, reducing the overall loading of the system. Welsh Water has removed the request for information planning conditions based on our application.

Other necessary statutory consultees and council officers have reviewed our proposals. There have been no technical objections to the approval of the scheme, and the council officers have concluded that the application meets all policy requirements and creates no adverse impact on the existing local visual or residential amenities. The report recommends that planning permission be granted, and we hope that you agree with this view. We appreciate your consideration.

General Debate –

Councillor Andrea Tomlin (local member) informed the committee the application had been ~~out~~ thoroughly assessed for roughly twelve months; there had been no local objection; however, some other concerns were raised, and these had all been addressed through the planning process. The main concerns were drainage, pavements, and roads; however, these issues could be addressed separately. Councillor Tomlin highlighted the wealth of local knowledge and urged the applicant to work as closely with the local community whilst developing as possible. Concerns were raised by the town council regarding the farmhouse, which was located at the site. However, following a review, the farmhouse has been found not to be of any structural or historical importance.

Councillor Gareth Sandilands echoed the importance of communication, which Councillor Tomlin had outlined; he suggested that photos be taken of the farmhouse and the surrounding area to ensure that people could remember what was at the site before any development.

Members raised whether the AONB had raised any concerns about the site. Responding officers clarified that the site wasn't in the AONB.

Proposal – Councillor Andrea Tomlin proposed the application be granted in accordance with officer recommendations, seconded by Councillor Gareth Sandilands

Vote –

For – 19
Against – 0
Abstain – 0

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

12 APPLICATION NO. 45/2023/0108/PF - 20 AQUARIUM STREET, RHYL

An application was submitted for the Conversion of ground floor retail premises to form a self-contained apartment and alterations to principle elevations at 20 Aquarium Street Rhyl.

General Debate –

Councillor Alan James (local member) informed the committee that the applicant for the site had unsuccessfully to attempt to lease the building as a retail premises, and the site was no boarded up and could become an eyesore site. Councillor James understood the concerns with flooding however, there were ongoing flood mitigation work in Rhyl, and whether the site was an apartment or retail premises the risk remained the same. The approval of the application would bring an unused property back into use and in keeping with the surrounding area.

Councillor Win Mullen-James agreed with Councillor James and highlighted that the two recent storms had no flood impact on the area.

Members supported the comments which were raised by Councillor James and felt the NRW's blanket approach to potential flood risk sites was hampering any local development. Officers responded that they took guidance from NRW, and it would help officers determine their recommendations.

Councillor Alan James highlighted his reasoning for granting to officers, contrary to their recommendations; the development would bring an unused property back into use. The property as it remained was not in keeping with the area. Councillor James also included if the application was granted that the apartment should be maintained as residential dwelling rather than a holiday let.

Proposal – Councillor Alan James proposed the application be granted contrary to officer recommendation, seconded by Councillor Huw Hilditch-Roberts

Vote –
For – 19
Against – 0
Abstain – 0

RESOLVED that the planning application be **GRANTED** contrary to officer recommendation.

13 LOCAL DEVELOPMENT PLAN 2006 - 2021: ANNUAL MONITORING REPORT 2023

This report was about the Denbighshire County Council (DCC) Local Development Plan (LDP) 2006 – 2021 Annual Monitoring Report (AMR) 2023

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