

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 17 July 2024 at 9.30 am.

### **PRESENT**

Councillors Michelle Blakely- Walker, Ellie Chard, Karen Edwards, Gwyneth Ellis, James Elson, Jon Harland, Huw Hilditch-Roberts, Alan James, Delyth Jones, Julie Matthews, Terry Mendies, Raj Metri, Arwel Roberts, Gareth Sandilands, Andrea Tomlin, Cheryl Williams and Mark Young (Chair)

### **ALSO PRESENT**

Legal Advisor (CL), Development Manager (PM), Principal Planning Officer (PG), Head of Planning, Public Protection and Countryside Services (EJ) Senior Engineer (MP), Traffic, Parking and road Safety Manager (MJ), Zoom Host (SW) and Committee Administrator (NH)

**Public Speaker** – Huw Edwards (applicant) Item 6

**Public Speaker** – Saul Page (resident) Item 7

**Public Speaker** - Endaf Roberts (agent) Item 7

**Public Speaker** – Steve Grimster (agent) Item 8

**Local Member** – Councillor Hugh Evans was in attendance for agenda item - 5

**Local Member** – Councillor Peter Scott was in attendance for agenda item – 7

**Local Member** – Councillor Pauline Edwards was in attendance for item - 8

## **1 APOLOGIES**

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

## **2 DECLARATIONS OF INTEREST**

Councillor James Elson declared a personal interest in agenda item 5 as his stepson worked for Jones Brothers.

Councillor Gwyneth Ellis declared a personal interest in agenda item 6 as her dogs attended day care at the application site.

Councillor Huw Hilditch-Roberts declared a personal interest in agenda item 6 as the applicant's daughter was in the same class in school as his daughter.

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

No items of an urgent nature had been raised with the Chair prior to the commencement of the meeting.

## **4 MINUTES**

The minutes of the Planning Committee meeting held on the 19 June 2024 were submitted. It was:

**RESOLVED:** *that the minutes of the meeting held on the 19 June 2024 be received and approved as a true and correct record of the proceedings.*

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5- 8)**

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 publication of the agenda which related to particular applications. In order to accommodate public speaking requests it was agreed to vary the agenda order of applications accordingly.

### **5 APPLICATION NO. 19/2022/0783/ PC - TYN Y MYNYDD, LLANELIDAN, RUTHIN, LL15 2LG**

An application was submitted for the change of use of agricultural building and land to canine day care and boarding, erection of site office, installation of a cess pit and associated works (retrospective application).

**Public Speaker –** Huw Edwards (For) there was a great need for this facility locally. Recommendations from Officers had already been acted upon and guidance had been followed such as adding rock wall insulation in areas which were likely to echo noise. Changes within the Business and Management Plan had also been implemented in relation to noise mitigation, this ranged from additional screening in closures and greater staff awareness.

The business was a family business and employed three full time members of staff and numerous part time staff when needed as well as being an active supporter of the Denbighshire Work Start Scheme. The business also catered for individuals with Special Educational Needs.

Currently there were one thousand dogs registered under the canine day care and boarding business with many customers relying heavily on the service that was provided.

There were many benefits to the dogs using the facility including exercise and socialisation. All dogs were screened before they were allowed to attend, and aggressive dogs were not permitted to attend.

### **General debate –**

Local Member Councillor Hugh Evans welcomed the detailed information on the background of the business within the application. The previous objections to the application had been addressed and he fully supported the application.

Councillor Andrea Tomlin sought clarity on the retrospective element of the application questioning if the retrospective element had favoured the applicant and residents with more checks and balances being undertaken than if it was an original application. The Development Manager clarified that this issue was raised frequently when people submitted retrospective applications. There was nothing in legislation or planning law that stated retrospective applications were illegal. There had been conversations with Welsh Government and the UK Government around changing the legislation in terms of planning fees and increasing them. This may act as a deterrent to applicants and encourage them to go through the planning application process already in place. Officers would update members if the legislation changed.

**Proposal** – Councillor Andrea Tomlin proposed that the application be granted in accordance with officer recommendation, **SECONDED** by Councillor Alan James.

**Vote –**

For – 16

Against – 0

Abstain – 0

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

**6 APPLICATION NO. 40/2023/0627/ PF - LAND AT BRYN MORFA, BODELWYDDAN, RHYL**

An application was submitted for the demolition of dwelling and erection of 31 new affordable dwellings including new vehicular access, internal access road and associated works.

**Public Speaker** – Saul Page (against) living on the street for 7 years there were many concerns about the application that had been submitted for the green land neighbouring the existing residential area.

Objections against the application were as follows –

- The loss of green land.
- There was the potential for house prices to drop as the street would no longer be a cul-de-sac.
- Damage to vehicles was a concern with the increase in traffic due to the narrow street.
- Concerns regarding safety of children playing outside as the street would become a through road to the new development with the increase of construction vehicles during the works.
- Children being forced to play inside, limiting outdoor access.

To conclude, the Committee were implored to visit the site to see how the influx of traffic would impact the narrow street before a decision on the development was made.

**Public Speaker – Endaf Roberts** (for) there was an affordable housing need in Denbighshire and the current un-met demand was leading to residents living in hotels.

This application would contribute to providing affordable homes in Denbighshire. The site was in a highly sustainable area within Bodelwyddan with public transport connections. The site was currently in private ownership with no public access. The dwellings in the proposal ranged from 1-bedroom properties to larger family homes which would directly address the need.

The applicant had provided additional information on agricultural land matters, highways and ecological requirements.

It was noted that highways issues had been highlighted as a concern and members were reminded that a similar marketing scheme on the same site where car ownership would be expected to be far higher than this proposal had not been refused on highways grounds.

The site was in a sustainable location and delivered a type and mix of housing that was desperately needed in the area.

It was kindly requested that planning permission be granted for the application to allow a part of the housing crisis in the area to be addressed.

### **General debate –**

Local member, Councillor Raj Metri stated that he understood the concerns of residents however, the population was growing and the need for housing was increasing.

The Chair requested information from officers on the application being outside of the Local Development Plan (LDP) and why the application was accepted to come to Planning Committee and on the highway concerns that had been raised.

The Principal Planning Officer explained that the site was not in the LDP and was outside the development boundary. Within the adopted LDP there was an exceptions policy (policy BSC8) which allowed for dwellings outside of the LDP boundary if the application highlighted the need for affordable housing. 55% of households in the Bodelwyddan area could not afford to rent or buy a property and for these reasons officers recommended that the application was granted.

The Senior Engineer for Development Control, Traffic, Parking and Road Safety informed the Committee that the proposal was for 31 residential units and the site would be accessed directly from Bryn Morfa cul-de-sac which currently served approximately 40 residential properties. Bryn Morfa Street was approximately 6m wide with footpaths on both sides meeting Ronalds Way at a priority-controlled

junction. A transport statement had been provided within the application. The peak am and pm inflows to the development had been calculated as 4 and 15 vehicles respectively and peak am and pm outflows as being 15 and 7 respectively. A construction Traffic Management Plan would be in place prior to construction commencing. It was felt that the nature and scale of the proposed development was unlikely to produce a detrimental volume of traffic.

Councillor Jon Harland stated that he understood that there was a need for housing, but this site was not suitable. Grassland and shrubs would be destroyed and there was already a carbon shortage.

**Proposal** - Councillor Jon Harland proposed that the application be refused **SECONDED** by Councillor Arwel Roberts.

**Vote –**  
For- 4  
Against – 12  
Abstain – 0

Councillor Huw Hilditch-Roberts recognised the housing shortage within the area and stated that officers had undertaken work to protect the environmental element of the application.

The Development Manager informed the Committee that the Planning Team had liaised with County Ecologist with regards to protecting different levels of Biodiversity. On balance the need for additional housing outweighed some of the considerations regarding green spaces and it was for the Committee to make an informed decision.

**Proposal –**  
Councillor Huw Hilditch- Roberts proposed that the application be granted in accordance with officer recommendation, **SECONDED** by Councillor Alan James.

**Vote –**  
For- 12  
Against – 4  
Abstain – 0

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

**7 APPLICATION NO. 46/2023/0719/ PF - NEW VISION BUSINESS PARK, GLASCOED ROAD, ST ASAPH LL17 0LP**

An application was submitted for the erection of 2 commercial units including the formation of parking, landscaping and associated works.

**Public Speaker – Steve Grimster (for)** as documented by Officers, the land in question had long been allocated for B1 office use in the LDP, forming part of St Asaph Business Park. The land first secured planning permission for office use in 2006, which had been extended thereafter.

Whilst some office space had been delivered on the adjoining land, the applicant had been unable to find an occupier for the remainder of their development known as New Vision Business Park. This was not for the want of trying. The covid pandemic had further reduced the demand for office space, owing to increased flexible working.

18 years on from the first grant of planning permission on the site, the applicant was approached by an end user seeking a new, modern and purpose-built facility specifically in St Asaph, to provide clinical, medical and cosmetic treatments as a D1 use.

To this end, the following observations were given:

- The Council accepted that the land in question had been marketed appropriately, and that there was no interest in the land for the consented use.
- The LDP and the policies contained within were now time-expired, covering the period up to 2021. However, in the absence of a Replacement LDP, they remained the basis for decision-making, offering limited flexibility for alternative uses to be considered on the site when evidently there was no demand for the allocated B1 use. This approach could lead to the proposed investment and 30-50 jobs going outside of the County;
- The applicant asked for a pragmatic view when considering the availability of other land and buildings. The end user specifically wants to be in Denbighshire, close to Glan Clwyd Hospital to support NHS services, and the highway network to serve the County's residents. They did not want to be in Flintshire or Conwy; an assessment of available land and buildings in those Counties was considered excessive and could again steer investment outside Denbighshire;
- On this matter, the applicant was aware that the Council did not apply sequential test considerations when approving a retrospective application for a change of use from B1 to D1 at Ruthin Business Park back in January. It is unclear why a different approach to the sequential test was now being applied. However, it does demonstrate that B1 and D1 uses can co-exist on a Business Park;
- Accessibility-wise it was accepted that there would be a degree of reliance on the private carpark. That was no different to the consented B1 use. Locationally, the site was the closest to St Asaph, only 1 mile from the development limits. There was an hourly bus service, and visitors would be able to wait inside the building before returning to their destination. For the end user, there was a balance to be struck between proximity to St Asaph, the Hospital and the A55.

The package of economic, social and health benefits on offer would be significant, without any unacceptable environmental impacts. There were no technical grounds for refusal.

### **General debate –**

Local member Councillor Peter Scott stated that this application was a great opportunity to bring 30-50 professional jobs to the area and provide a much-needed dentistry service. A new Active Travel Route was being developed on Green Gates East and Green Gates West which would connect the Business Park site to St Asaph. It was felt that this application would be an asset to St Asaph.

The Development Manager understood the local members comments and explained the officer's recommendation to refuse the application was based on Officers approach to other alternative use applications on the Business Park. D1 was a category within the planning use classes order dealing with non-residential institutions including medical or health services. The application was purely dealing with a category D1 use, with the building of a new structure that was going to contain D1 usage.

Councillor Andrea Tomlin stated that she would recommend the Committee grant the application with an additional condition on the D1 category, restricting the use for medical and health services only.

**Proposal** – Councillor Andrea Tomlin proposed that the application be granted against offer recommendation with an additional condition for restricted D1 use, SEONDED by Councillor Karen Edwards.

**Vote –**

For – 16

Against – 0

Abstain - 0

**RESOLVED:** *that the application be GRANTED against officer recommendation with an additional condition for restricted D1 use.*

**8 APPLICATION NO. 01/2020/0315/ PF - FORMER NORTH WALES HOSPITAL**

An application was submitted for the conversion, restoration, part demolition and adaptation of main range listed buildings to residential use (34 dwellings); demolition of Nurses Homes, Mortuary, Isolation ward, Aled ward and former gasworks building; and development of land within the hospital grounds for mixed use enabling development including up to 300 no. residential units and up to 1114 square metres of business units; siting of Denbigh Cricket Club; and construction of access, drainage and associated works.

The Chair referred members to the officer notes detailed in the supplementary papers.

The Development Manager gave a brief background to the application to the Committee.

The planning application was originally presented and discussed by Denbighshire County Council Planning Committee on Wednesday 8 September 2021 and planning permission was granted subject to the details of the legal agreement and planning conditions returning to Planning Committee for further decision. Members would be aware that this was a major project for Denbigh and Denbighshire County. The site contained a listed building of national importance, and this building was proposed to be restored and converted as part of the proposal. The Project involved enabling developments which involves building houses within the grounds in order

to support the restoration and conversion of the main listed building. A significant amount of Public Sector funding was needed to be generated in order to make the project viable and funding had been one of the main reasons for the delays since September 2021. There were many legislative controls which needed to be taken into consideration which involved conversations with National Resources Wales (NRW), County Ecologist and the Highways Team in order to ensure that the project could be delivered taking into account timings and the impacts on Denbigh and the surrounding areas.

Finally with any planning legal agreement there needed to be agreement between the developer and the authority and officers felt that this level of agreement had been reached and were confident with the level of detail they have regarding timings and delivery made the scheme viable.

### **General debate –**

Local member Councillor Delyth Jones thanked officers for their work on this application on the Section 106 agreement. Referring to the item being deferred from the Planning Committees May 2024 meeting, clarity was sought on whether the Legal Department were content with the conditions now included within the application. Reference was made to the Biodiversity and Conservation elements of the application, and it was highlighted that they were crucial to the success of this project being delivered. Clarity on the Aled Ward building being kept during the construction phase was requested. Questions were raised regarding who would have responsibility for the site and concerns regarding funding being available were also raised and clarity on transport and Active Travel routes to the site were asked for.

The Development Manager explained how Ecological and Biodiversity would be managed on the site and how it was one of the biggest issues facing the project. Close work was continuing with NRW regarding the licensing process having regard to the proposed tranches of mitigation set out in the proposals.

The proposal from the developer currently was to demolish the Aled Ward however, due to this development taking 10 -15 years to complete the Aled Ward was included in the phasing of the project to allow for every opportunity for it to be retained.

NRW were keen for a responsible authority (DCC) to look after and manage the site and detailed discussions had taken place with Countryside Services in relation to how this could be implemented.

The Traffic, Parking and Road Safety Manager stated that Denbighshire had the funding to assist with some off-site highway alterations however, it needed to be spent by the end of December 2024. Relating to highway safety implications, a traffic assessment had been previously undertaken and it was felt that this was adequate to deal with the increases of traffic at junctions in the future. Bus routes/



stops were not linked well to the town of Denbigh currently however, the developer had suggested opportunities to provide a stop within the site in the future.

Members questioned the certainty of resources being available within the Council for the project under the current economic climate. The Head of Planning, Public Protection and Countryside Services stated that this project was seen as a high priority for the region and public funding had been earmarked for the scheme. The ongoing ecological management of the site would be a priority for the Council's Countryside Services and a Liaison Committee was in the process of being created which would be very beneficial.

Councillor Gwyneth Ellis highlighted discrepancies between the recommendation in the report and the recommendation in the late representation sheets. The Development Manager clarified that the recommendation stated within the late representation sheets was the recommendation that members would be voting on.

**Proposal** – Councillor Gareth Sandilands proposed that the application be granted in accordance with officer recommendation, **SECONDED** by Councillor Cheryl Williams.

**Vote –**

For – 16

Against – 0

Abstain – 0

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

Meeting concluded: 11.50am