

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 4 September 2024 at 9.30 am.

PRESENT

Councillors Michelle Blakeley-Walker, Ellie Chard, Karen Edwards, Gwyneth Ellis, Chris Evans, Justine Evans, Jon Harland, Huw Hilditch-Roberts, Alan James (Vice-Chair), Delyth Jones, Julie Matthews, Terry Mendies, Merfyn Parry, Arwel Roberts, Gareth Sandilands, Andrea Tomlin, Cheryl Williams, Elfed Williams and Mark Young (Chair)

ALSO PRESENT

Legal Advisor (CL), Development Manager (PM), Principal Planning Officer (PG), Zoom Host (SW) and Committee Administrator (RhTJ)

1 APOLOGIES

Apologies for absence were received from Councillors Raj Metri and James Elson.

2 DECLARATIONS OF INTEREST

Councillor Alan James declared a personal interest in agenda item 6; as the applicant for item 6 had done some work for him in the past.

Councillor Cheryl Williams declared a personal interest in agenda item 7, as her brother lives near to the site.

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 17 July 2024 were submitted.

There were no matters of accuracy; however, the chair raised the matter of the Former North Wales hospital site, he raised that following the debate at the last meeting, he had received a number of queries from the general public, as did other elected members of Denbighshire County Council who weren't on the Planning Committee; he sought to increase engagement with the public on the matter to ensure they were informed on the matter. Officers reassured members they would discuss the matter with the relevant officers to ensure further engagement.

Councillor Delyth Jones suggested that any suggestions with engagement be discussed at the Denbigh Member Area group meeting to ensure that local members were aware of any matters relating to the Former North Wales hospital site; officers also agreed with the suggestion.

RESOLVED: *that the minutes of the meeting held on the 17 July 2024 be received and approved as a true and correct record of the proceedings*

5 APPLICATION NO. 15/2023/0029 BURLEY HILL GARAGE, ERYRYS

An application was submitted for the change of use of land for the parking of 3 no. Coaches on existing tarmacked area (retrospective application) at Burley Hill Garage, Eryrys, Mold (previously circulated)

Public Speaker –

Keancoaches (applicant) (For) – The public speaker stated they received the planning officers report in its entirety and on the whole, they agreed with the contents of that report in respect of the objections that have been received in this application. We note that they had been no professional objections received. We have support from the community council and from Denbighshire highways and the public protection officers.

The public speaker highlighted that three of the five objections received were from the same property. Two of the five received were submitted after the deadline the concerns raised regarding noise, the applicant commissioned a noise report which was found have no negative impact on the neighbouring properties. The concerns raised about the impact on highway safety historically this yard has been used for HGVs and no objections from the highway officer from Denbighshire.

The site previously had HGVs in the same location, and they were considerably louder than the coaches which were used and produced more emissions. There would be no visual impact compared to the planning permission already in place on the site concerns have also been raised about the number of coaches parked on the site. We would like it noted that there are two commercial units on the site which are rented both of those businesses provide repair and maintenance of commercial vehicles coaches buses vans HGV They're currently no limitations on the number of vehicles that can be parked for repair of maintenance. There are also no restrictions on vehicle movements in and out of the site at any time only in and out of the building or application to park coaches was separate the planning terms already in place for both commercial units

The public Speaker stated that they were a growing business bringing economic prosperity to the rural community, they provide job opportunities to local residence, and services to schools, community groups and charities we provide we've got current school contracts with both Flintshire and Denbighshire County Councils, therefore, to conclude, there was simply if we can't park coaches they can't operate.

General Debate –

Councillor Terry Mendies (local member) fully supported the application. It's a straightforward application which was to park three coaches in a yard in rural setting, and we should be encouraging small business enterprises.

However, Councillor Mendies proposed an amendment to the application that the hours be almost in keeping with the current times of use of the yard. At present it was - 8.00am - 6.00pm Monday Friday; 8.00am- 1.00pm Saturdays and no activity allowed on Sundays or public holidays; Councillor Mendies also outlined he was not supporting the proposal for 24/7 access to the site.

Having spoken to the residents and given that the coaches referred to in this application are for school runs it would be pertinent to amend the hours to start at 7.30am, and to adhere to the current restrictions of 6.00pm.

This yard was in the AONB, and it would be unacceptable to have coaches coming and going at all hours.

Councillor Mendies highlighting point 1.7.2 within the report which was *'It was noted that there are still potentially some breaches of planning control on the site which sit outside of the control of this planning application. However, members are advised that these are not a material consideration in determining this application and can be dealt with separately. Members are advised to consider this application solely on the basis of what was being asked for – the parking of 3 coaches/buses on the site'* Councillor Mendies then closed by stating due to the potential of breaches could planning officers be on notice to ensure robust enforcement would be carried out if necessary.

Officers responded to the points raised by the local member, they highlighted that there were no current restrictions on the site relating to vehicles entering and leaving the site - vehicles could come and go as they pleased. The applicants had carried out an assessment on the noise caused by bus engines starting up on the site, and it showed the noise from buses likely to not be detrimental to the surrounding residents. However it was noted that if any complaints were received the public protection team could deal with them through statutory nuisance legislation.

Prior to continuing the debate, the chair sought a seconder for Councillor Mendies' proposed amendment, there were no seconder to the proposal therefore the proposal was quashed.

Councillor Merfyn Parry spoke in support of the application, he stated that the application supported a local business and any restrictions on operational times for the business could hamper it, therefore.

Proposal Councillor Merfyn Parry proposed the application be granted in accordance with officer recommendations, seconded by Councillor Andrea Tomlin.

Councillor Tomlin, also agreed with the application, and due to personal experience believed as the applicant offered rail replacement service, being able to operate 24/7 was essential.

Vote –
For- 19
Against – 0
Abstain – 0

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

6 APPLICATION NO. 41/2024/0115/PF THE WARREN, BODFARI

An application was submitted for the erection of a rural enterprise dwelling, installation of a septic tank, and associated work at The Warren, Bodfari, Denbigh.

Public Speaker –

Rod Waterfield (For) - The public speaker thanked the committee for being allowed to speak; the application was for a rural enterprise dwelling and not an agricultural dwelling; the site was 50 acres of land in the Wheeler Valley outside of Bodfari; it's owned by a family trust, and dedicated to environmental, social, and community benefit for the next 125 years. The land was divided into two blocks, one was forty acres of woodland which has permissive public access and was part of the national forest for Wales, and was dedicated to social, environmental, and public usage. The other block was ten acres which was located at the top of the whole site, several organisations had use of the ten-acre block, they used a variety of machinery to conduct things such as environmental contracting, conducting a woodland skills centre, which was likely the largest in Wales, and they also ran courses for traditional crafts. There were roughly seventy courses held annually.

The public speaker highlighted that many organisations and bodies used the site for several events. A small pitch caravan site and 14 allotments were rented out; both were open all year round.

There were also three polytunnels and a small unit with chickens and pigs at the site; wildflower plants for the local council's biodiversity team were also grown; these both provided job opportunities; there was also a workshop where we made articles for the local community and environmental groups, principally the wildlife trust but also rescue and various other organisations

General Debate –

The chair allowed officers to draw attention to the report's key points before allowing the local members to discuss the application. Officers raised the main reason for refusal was due to Technical Advice Note 6 (TAN 6), "there was a clearly established existing functional need" Officers felt that from the details shared by the applicant, there was no functional need as there was no need for someone to be present at the site 24/7. Therefore, the officers felt that, fundamentally, the application did not pass TAN 6 tests.

Councillor Chris Evans (local member) challenged the officers' recommendation to refuse the application. He argued that the whole site was a boon to the community and assisted the most vulnerable and needed to be maintained; he argued that the need for presence at the site was due to security concerns, as the site had numerous pieces of expensive equipment, and having someone on site would deter any wrongdoing.

Proposal—Councillor Chris Evans proposed that the application be granted contrary to the officer's recommendation, seconded by Councillor Merfyn Parry. The reasons would be detailed before the vote.

Officers responded to the point with security, referring to TAN 6. Members would need to be satisfied that there were no other options regarding security at the site.

Councillor Merfyn Parry supported the points raised by Councillor Evans; he stated that all who use the site sing the praise of the facility and all that was offered with the site. Councillor Parry queried whether there were multiple reasons stated to show a fundamental need for the erection of a rural enterprise dwelling; officers said that if there were, it would be good to list them for the reasons for going contrary to officer recommendation.

Councillor Elfed Williams proposed deferring the application. He believed he did not have all the relevant information available to vote confidently on the matter, as he had heard strong arguments from each side of the debate.

Councillor Gwyneth Ellis seconded the proposal that the application be deferred until all the relevant information was presented so that members could vote confidently on the matter.

Vote –
For – 9
Against – 10
Abstain – 0

The vote for deferral wasn't passed, so the application discussion continued.

Members were concerned that if the application was granted, it could set a precedent for other similar applications to be granted. The chair and officers informed members that each application was based on its own material considerations irrespective of other similar applications.

Councillor Parry thanked the chair for allowing them to speak again. He suggested that if the application were granted contrary to officer recommendations, the dwelling would be removed from the site if the business attached to the application ceased to exist. Officers stated that conditions could be discussed later, either with the local member or by returning to the committee later; the committee agreed to discuss the conditions at a future meeting.

Before the vote, the chair allowed the local member, Councillor Chris Evans, to outline his reasons for going against the officer's recommendations. They were that

the security options would not allow anyone to react promptly to matters if anything arose. The site was in a rural area, and it would require time to deal with any matter. For livestock welfare, having someone on-site would allow the animals at the site to have additional care, and lastly, having someone present would be additional well-being for those using the caravan site. The existing situation (which provided a beneficial use to the wider community) was not considered sustainable when the current owner/manager steps away from the business, and that a dwelling on the site for a site manager to reside in would help secure the future of the enterprise. Following the reasoning, and the committee agreeing for the conditions to be discussed at a further meeting, these conditions would include the restrictions on the occupation of the facility for either a to be rural worker or retired rural worker and that the building would be removed from site if the business ceases trading.

Vote –

For – 17

Against – 2

Abstain – 0

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

7 INFORMATION REPORT - KYNSAL HOUSE APPEAL DECISION SUMMARY (45/2021/0516)

Members were presented the information report Kynsal House Appeal Decision Summary (45/2021/0516).

RESOLVED *that the Planning Committee note the Kynsal House Appeal Decision Summary (45/2021/0516) report.*