

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 6 November 2024 at 9.30 am.

PRESENT

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

ALSO PRESENT

Legal Advisor (CL), Principal Planning Officer (PG), Development Manager (PM) Trainee Solicitor (EC) Committee Administrator (NH) and Committee Administrator: Zoom Host (ED)

Local Member Councillor Peter Scott

1 APOLOGIES

Apologies for absence were received from Councillors Gwyneth Ellis, Justine Evans, Merfyn Parry and Arwel Roberts.

2 DECLARATIONS OF INTEREST

Councillor Cheryl Williams declared a personal interest in agenda item 6 as she was known to the applicant.

3 URGENT MATTERS AS AGREED BY THE CHAIR

An application for a Tree Preservation Order (TPO) had been received and had been circulated to members as a supplement. The Chair stated that the item would be discussed at the end of the meeting.

4 MINUTES

The minutes of the Planning Committee meeting held on the 9 October 2024 were submitted.

Matters of accuracy –

Declarations of Interest paragraph – the apologies text had been duplicated under the declarations of interest item. It should read – ‘none’.

Page 9 – Land at Midnant Farm Gronant Road, Prestatyn should read ‘officers had given weight to the housing need in Prestatyn following a previous site being accepted for dwellings outside the LDP and not ‘the Chair stated that there was a residential housing need in the area as the site had been accepted for dwelling outside the LDP’.

No matters arising were raised.

It was –

RESOLVED: *that subject to the above, the minutes of the meeting held on the 9 October be received and approved as a true and correct record of the proceedings.*

5 APPLICATION NO. 47/2023/0838 - EGLWYS MC, TREMEIRCHION

An application was submitted for the conversion of chapel to form dwelling including the demolition and rebuilding of vestry building and erection of single storey extension, formation of vehicular access, parking area and associated works.

Public Speaker – Nigel Heckman (for) had submitted an application for the change of use of Tremeirchion Chapel. Mr Heckman and his wife were long standing residents of Tremeirchion, were not property developers and were wanting to create a residential property for their own use.

Currently the property had a planning category of D1 use, which meant the applicant could utilise the property as a day nurse or creche along with many other uses without bringing an application to the Planning Committee. The applicant's submittal of change of use to a residential property would have a significant decrease in the impact on highways and the environment.

During the past 12 months, since the application was submitted to the Planning Department, many objections had been received. Meetings had been held with the Highways Officer and the plans had been amended to accommodate Officer recommendations. No objections had been received with regards to the visual impact of the property from the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). The drainage systems on the proposed plans had been given the approval from Natural Resources Wales and previous plans had been amended to the approval of the Ecology Officer and a license would be obtained from Natural Resources Wales to protect the bats, birds and other species.

Objections had been received regarding the property shading a neighbouring property. The plans submitted met planning and building regulations, and the vestry gable wall would be retained in addition to a 3ft roadside wall to offer further protection to the neighbour.

Taking all the points raised above and the significant changes made to the planning application over the past 12 months the applicant asked the Planning Committee to vote in favour of the planning application.

Public Speaker – Bethan Owens (against) Thanked the Committee for allowing her to speak at the meeting against the planning application.

Attention was drawn to the application submitted on the 4 November 2023 and the inaccuracies it contained.

In the Design and Access Statement from the 29 May 2024 some inaccuracies within the location plan and the block plan stated that drainage would be via a new domestic waste suage plant however, this information did not correspond to the latest submitted information. It was understood that under Welsh Planning Law, applications were considered invalid if they contained missing or inaccurate information and were discounted until the accuracies were corrected.

No Impact Statement had been provided with regards to how the applicant would limit any disruption to residents and road users during the clearance of construction phases. There were strong objections to numerous points which formed part of the material planning considerations.

It was unfortunate that there was no desire to retain the building for use as a community hub. The application would overshadow and overlook Ty Capel with total loss of amenity. The appearance, character and scale of the property were not in keeping with the local area and it was a major overdevelopment of what was a seemingly small site.

The Committee were urged to refuse the application due to the vast inaccuracies and changes to the planning application.

General debate –

The Principal Planning Officer highlighted the additional information received in the late representations. In relation to questions raised about drainage, it was confirmed that the submitted site layout plan, when read in conjunction with the drainage plan showed the existing connection to the existing septic tank to remain, but the septic tank to be replaced with a private treatment plant.

In relation to highway safety during consultation (should the application be granted) Officers consider these can be addressed through the imposition of a Construction Management Plan condition.

The Chair stated that there was a site meeting held on the 1 November and welcomed comments for members who attended.

Local Member Councillor Chris Evans attended the site meeting and expressed his concerns regarding the road outside of the property having a 60mph speed limit and highlighted and his concerns regarding the loss of the historical windows already in the property.

The Principal Planning Officer stated that the property was not a listed historical building and was not in a conservation area. Regarding the road outside the property, as the applicant had already alluded to, the current category D1 use of the property meant that the property could be used as a nursery for example with no

planning conditions and that would increase the number of vehicles using the road during the day.

Councillor Peter Scott attended the site meeting and stated that the visibility concerns raised by residents had been amended on the application and the surrounding wall of the property would stand at 1 metre tall to help with the visibility of cars reversing and passing the property.

Councillor Alan James attended the site meeting and concerns regarding the narrowness of the lane and highway concerns were given consideration and discussed. He proposed that the application be granted.

Councillor Jon Harland questioned if the Committee could receive clearer application plans when they were submitted for inclusion on the agenda. The Principal Planning Officer stated that the plans included with the agenda were condensed however, the planning applications were available online for all members and these were not condensed and were clearer.

Councillor Delyth Jones questioned what materials were going to be used to construct the building and if there were any conditions placed on the application for the roof windows in relation to the AONB Dark Skies legislation.

The Principal Planning Officer stated that the plans suggest the materials used would be grazed link and the new build would be reclaimed stone in keeping with the local area. There had been no objections from AONB regarding Dark Skies.

Councillor Chris Evans further expressed his concerns regarding the highway and asked for clarity on the process if the Construction Method Statement was not adhered to. The Principal Planning Officer stated that if the Construction Method Statement was not adhered to, it would be a breach of planning conditions and enforcement would be undertaken where necessary. The Local Member would be given sight of the Construction Method Statement.

Proposal – Councillor Alan James proposed that the application be GRANTED in accordance with officer recommendations SECONDED by Councillor James Elson.

Vote –

For – 12

Against – 1

Abstain – 1

RESOLVED: that the application be GRANTED in accordance with Officer recommendations.

6 APPLICATION NO. 45/2024/1019 - 1 WELLINGTON ROAD, RHYL, LL18 1AY

An application was submitted for the change of use from shop (use class A1) to a hot food takeaway/ restaurant (use class A3) and installation of new shop front.

General debate –

Councillor Alan James understood that concerns had been raised regarding the highway in front of the retail unit however, the building had been vacant for a long time and would inevitably start to deteriorate. Retail and the use of highstreets had changed over recent years and the application for the change of use was a way of revitalising and bringing the property back into use. Councillor Alan James proposed that the application be GRANTED in accordance with Officer recommendations.

Councillor Gareth Sandilands stated that he was aware of the location of the retail unit and had concerns about the busy highway and illegal parking causing limited visibility to passing vehicles. It was also raised that there was an intensification of takeaway outlets in the immediate area.

Councillor Ellie Chard further expressed her concerns regarding the highway and the location of the property.

The Development Manager explained that parking was available around the town centre and any illegal parking was a matter for the Police. The Planning Team had received an increase in applications for the changes of the use of empty former retail properties in town centres and there was a need for balance when considering these applications.

The Chair referred to the concerns raised by the Health Board regarding the proliferation of hot food usage and the impact on the wellbeing and health of a community. The Development Manager stated that officers could not isolate the change of use of this building having a significant negative impact that would justify refusing the application.

Councillor Andrea Tomlin further raised concerns regarding the location and the highway and stated that granting the application would further exacerbate the traffic problems that existed already.

Councillor Huw Hilditch-Roberts questioned if an alternative use for the property under its current A1 category use, for example a Chemist could be opened and there would be no planning conditions for this. The Development Manager stated that there were many retail options available under the current A1 category use and Councillor Huw Hilditch-Roberts was correct in stating that no planning conditions would be needed. This would raise the same concerns around vehicles using the highway.

Councillor Terry Mendies stated that the Committee should not focus on the possible concerns/ issues in the future. The application was for the change of use of a property and that should be considered on its own merits. Councillor Terry

Mendies SECONDED that the application be Granted in accordance with Officer recommendations.

Vote –

For – 6

Against – 8

Abstain – 1

RESOLVED: *Not to grant the planning application in accordance with the officer recommendations.*

Councillor Andrea Tomlin PROPOSED that the application be refused due to highway safety concerns.

Councillor Ellie Chard SECONDED that the application be refused and added a reason for refusal due to the proliferation of A3 class uses potentially being damaging to the health of the community.

The Committee took a vote on the reasons proposed for the refusal of the application.

Vote –

For – 3

Against – 9

Abstain – 3

RESOLVED: *Not to refuse the planning application for the two reasons put forward by Councillor Andrea Tomlin and Councillor Ellie Chard.*

Councillor Andrea Tomlin PROPOSED that the application be refused on the grounds of highway safety concerns only based on the close proximity of the premises to a busy road junction, SECONDED by Councillor Chris Evans.

Vote –

For – 11

Against – 2

Abstain – 2

RESOLVED: *that the application be REFUSED against officer recommendations on the grounds of highway safety concerns.*

7 APPLICATION NO. 24/2023/0566 - LAND AT BRO FAIR, STATION ROAD, RHEWL

An application was submitted for the erection of stable, formation of hardstanding and access road, landscaping and associated works.

No questions were raised by the Chair or members of the Planning Committee.

Proposal – Councillor Karen Edwards proposed that the application be GRANTED in accordance with officer recommendations SECONDED by Councillor Delyth Jones.

Vote –

For – 15

Against – 0

Abstain – 0

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

8 URGENT ITEM - CONFIRMATION OF PROVISIONAL TREE PRESERVATION ORDER (TPO)

The Principal Planning Officer explained to members that on the 15 May 2024 the Council had made a provisional Tree Preservation Order, named the Denbighshire County Council (Town of Ruthin) Tree Preservation Order NO: 4(2024) Land between The Rectory and Brackendene, Llanbedr DC (TPO 4(2024)). The Council's Tree Officer had carried out an assessment of the tree and submitted a request that the European Larch (*Larix decidua*) (T1) be covered by a TPO as the tree meet the relevant criteria and warranted protection. The Tree Officer submitted a completed Tree Evaluation Method for Preservation Orders (TEMPO) which confirmed that the tree had habitat importance and was in immediate threat from development. The Council's Tree Officer considered that the value of the tree contributed to the character of the area which warranted it being protected. By placing a TPO on the tree it highlighted to all interested parties that it was protected and affords greater control over the tree in the future.

Councillor Terry Mendies questioned if TPO 4(2024) would have an impact on the developer's plans for the area of land near the tree. The Principal Planning Officer stated that TPO 4(2024) would not impede the Housing Development application previously granted for the area of land.

Proposal - Councillor Alan James proposed that TPO 4(2024) be CONFIRMED in accordance with Officer recommendations, SECONDED by Councillor Karen Edwards.

Vote –

For – 15

Against – 0

Abstain - 0

RESOLVED: *that the Denbighshire County Council (Town of Ruthin) Tree Preservation Order No: 4(2024) Land between The Rectory and Brackendene, Llanbedr DC is CONFIRMED without modification to afford the single European*

Larch (Larix decidua) (T1) continued protection in accordance with Officer recommendations.

Meeting concluded at 11.20am