

PLANNING COMMITTEE

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Minutes of a meeting of the Planning Committee held VIA VIDEO CONFERENCE on Wednesday, 15 December 2021 at 9.30 am.

PRESENT

Councillors Ellie Chard, Ann Davies, Tina Jones, Gwyneth Kensler, Christine Marston (Vice-Chair), Bob Murray, Merfyn Parry, Pete Prendergast, Peter Scott, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

Local Members – Councillors Martyn Holland and David Gwyn Williams attended for particular items relating to their wards.

Observers – Councillors Meirick Davies, Gwyneth Ellis and Alan James

ALSO PRESENT

Team Leader – Places Team (TD); Development Control Manager (PM); Planning Officer (PG); Senior Engineer- Development Control (MP); Planning Officer (DS) Trainee Legal Officer (SR) and Committee Administrators (SJ & KEJ [Webcaster])

1 APOLOGIES

Apologies for absence were received from Councillors Joan Butterfield, Brian Jones, Alan Hughes and Melvyn Mile.

2 DECLARATIONS OF INTEREST

Councillor Merfyn Parry declared a personal interest in agenda item 13 – Land adjacent to Hendrerwydd Farm, Hendrerwydd, Denbigh because the Applicant was a customer of the company he worked for.

Local Member Councillor David Williams declared a personal interest in agenda item 11 - The Pop in Shop and Agricultural Building, Cwm Road, Dyserth because he was a tenant of the Applicant.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters were raised.

4 MINUTES

The minutes of the Planning Committee held on 10 November 2021 were submitted.

RESOLVED that the minutes of the meeting held on 10 November 2021 be approved as a correct record.

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 contained additional information relating to those applications. In order to accommodate public speaking requests, it was agreed to vary the agenda order of applications accordingly.

5 APPLICATION NO. 01/2020/0761/ PC - PEN Y MAES, LLANRHAEADR, DENBIGH

An application was submitted for the change of use of land for use as an extension to the existing milk tanker storage and distribution facility at land at Pen Y Maes, LLanrhaeadr, Denbigh.

The Chair informed members the public speaker would be speaking on behalf of both this agenda item and the next and to take his comments in relation to both applications.

Public Speaker –

Mr Gari Jones (For) – provided some background history in terms of purchasing the property from Denbighshire County Council in 2011. The lot was sold as a plot that included the house, farm buildings and only 7 acres. He stated the land could not be used as a working farm due to the lack of acreage. The Applicant informed the committee he had noticed a number of milk tankers distributing milk in the laybys. Mr Jones stated he approached the companies to suggest using his land to distribute the milk in a safe area. Planning permission had been granted for 5 milk tankers to use the land.

Members were informed that following the closure of the Arla milk factory near by a company requested to use the farm to distribute milk between tankers. Mr Jones stated he was from the area with a farming background with an understanding of milk distribution. In his opinion the Pen Y Maes site was essential. The site currently employed 30 local individuals

He confirmed that he had attempted to address the concerns raised during the application process. He stated that there was no space within the industrial estate in Denbigh or Ruthin to carry out large distributions.

He informed members he had employed the Water co an environmental consultant to draw up a report to satisfy Natural Resource Wales concerns. Mr Jones confirmed that a strict plan was in place to manage any spillages at the site.

A landscape architect had been instructed to design a plan at the site including the planting of trees around the perimeter to screen the tankers.

Mr Jones confirmed that there had been no collisions at the site the one-way route at the site had a 5 miles per hour speed limit.

General Debate - Councillor Mark Young (Local Member) informed members that he had previous concerns at the site and had received concerns from local residents. The list of conditions against the application had addressed the concerns raised. The applicant had worked hard to answer the concerns raised. Councillor Young asked

for assurance that signage at the sight would be satisfactory and in line with highway policies.

The Principal Planning Officer stated there was no condition to control the direction of vehicles leaving the site. It would be possible to request that signage be placed at the site it would be difficult to enforce as a condition but could be included as a note to the applicant.

Proposal – Councillor Mark Young proposed that the application be granted in accordance with officer recommendation with the inclusion of a note to the applicant, seconded by Councillor Merfyn Parry.

VOTE:

FOR – 14

AGAINST – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer Recommendations as detailed in the report including a note to the applicant regarding signage at the site.

6 APPLICATION NO. 01/2020/0762/ PEN Y MAES, LLANRHAEDR, DENBIGH

An application was submitted for the change of use of land for use as an extension to the existing milk tanker storage and distribution facility including siting of welfare unit at land at Pen Y Maes, LLanrhaeadr, Denbigh.

The Chair invited the public speaker from the previous application- Mr Gari Jones, to address the committee with any further evidence in respect to this application. The Applicant was happy to proceed with the application as it stood.

Proposal - Councillor Mark Young wanted to thank the officers and the Applicant for all the work on the application and proposed that the application be granted in accordance with officer recommendations as set out in the report, seconded by Councillor Merfyn Parry.

VOTE:

FOR – 14

AGAINST – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within their report.

7 APPLICATION NO. 15/2020/1019/ PF - PEN Y FFRITH, LLANARMON YN IAL, MOLD

A retrospective application was submitted for the formation and alterations of existing fishing ponds including the removal of trees. Proposed erection of 7 “Angler Shelters

““ to provide welfare facilities and overnight accommodation for anglers, including connection to existing septic tank and associated works at Pen Y Ffrith, Llanarmon Yn Ial, Mold, CH7 4QX (copy attached).

Public Speaker –

Mr Brian Lewis (**For**) - informed members he was the agent speaking on behalf of the Applicant. He confirmed that the Applicant had noticed that the site required repair work, as the Applicant began the work at the site it was noted that scope of the work escalated. The work he completed prior to the application included plugging a considerable number of leaks, removing original land drains and reinforcing the banks. He confirmed as soon as the urgent works had been completed, work stopped and the application was actioned. As a result of the work the size of the ponds had increased. Three ponds at the site had been restocked with fish.

The Applicant regretted he did not fully understand his responsibility with regards to the removal of 35 trees at the site. When advised of the regulations the Applicant immediately stopped work and submitted the application. Negotiations had begun with Natural Recourse Wales, Council Tree officer and the Council enforcement officer to an agreement was reached to plant 1500 trees at the site with a 130m of hedging. It had always been the intention to replace the trees.

Currently there was no shelters at the site. With growing demand for improved facilities the Applicant wished to meet the demands and attract additional visitors by providing shelters for anglers and their families. The shelters would provide tea making, toilet and shower facilities. The shelter would be positioned around the pond and faced towards the pond and orientated to avoid overlooking of each other. The development would make a net contribution to the family business along with a financial contribution to the locality. The proposal has a low impact on the location and is appropriate in scale and nature. The proposal would enhance the landscape and ecology would not be detrimental to the AONB.

General Debate – Councillor Martyn Holland (Local Member) informed the committee in principal he supported the application as he felt it was in line with the tourism policy, coarse angling was a major participation sport in the UK and would be positive for the area and tourism businesses. It was his understanding that there would only be seven lodges and built in tune with the environment. The lodges would not be used for long term accommodation. Councillor Holland raised a concern on behalf of himself and the Community Council the disappointment in the application being presented in retrospect of actions having already started. The ponds have been considerably enlarged. More awareness of the tree preservation orders in place should have been made.

The Chair directed members to the additional information on the supplementary papers – with a change of wording to condition 4 to the application. He also confirmed that within the report it noted the area was in River Usk catchment area and should read the River Dee.

Officers confirmed they could liaise with the local member with regard to the planting plan and how it progressed. A revised condition had been imposed to ensure that the loss of the trees was mitigated.

Councillor Merfyn Parry sought reassurance that the applicant would comply with the conditions linked to concerns raised by NRW. Officers recommended the conditions and were in agreement they met the tests for conditions and were reasonable. Planning officers would have to monitor and enforce if conditions were not met.

Councillor Christine requested clarity on condition 6 – external lighting, with the position of the site being in the AONB would the supplementary planning guidance for dark skies be adopted.

Officers confirmed the wording within the condition referred more to preventing the impact on the bats at the site. As part of the condition, officers would consult with AONB officers to ensure they were in agreement the lighting schemes would not undermine the dark skies ambition. Councillor Emrys Wynne was supportive of consultation with the AONB with regards to the dark skies.

Councillor Gwyneth Kensler requested further information on the phosphate aspect of the report. Planning officers informed the committee that phosphate had become an issue at areas in Wales. Phosphates from sewage even through systems and land drainage were entering rivers, thus causing an issue with the status as a special area of conservation. A new consideration had been included to prevent any development that would increase phosphates entering local rivers. Officers and NRW officers concluded that the amount of additional phosphate from the site was unlikely to increase from what the potential levels at the site currently were.

Proposal – Councillor Christine Marston proposed that the application be granted in accordance with officer recommendations as set out in the report with the revised wording of condition 4 included in the supplementary papers, seconded by Councillor Emrys Wynne.

VOTE:

FOR – 13

AGAINST – 0

ABSTAIN – 1

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within their report and revised wording of condition 4 included in the supplementary papers.

8 47/2020/0593 - FORMER RHYL RUGBY CLUB, WAEN ROAD, RHUDDLAN

An application to consider a report that related to a planning application at the Former Rhyl Rugby Club, Waen Road, Ruddlan, which had been called-in for determination by Welsh Ministers prior to Planning Committee making a formal resolution on the application.

The Chair confirmed that there was a public speaker for and against the application. Due to technical difficulties the Chair invited the public speaker 'For' the application to address the committee first to allow more time for the other speaker to join the debate.

Public Speaker –

Mr William Ward (**For**) – He informed members that he was a director of North Wales Construction Ltd the applicant of the application. He confirmed he had lived in Flint for his entire life and had the privilege of taking advantage of the Clwydian range and North Wales. This scheme would create a great base for others to explore the landscape. He stated the visitor economy was very valuable to Denbighshire contributing around 250 million annually to the economy, it employs about 5000 people making it one of the key employment sectors of the county. Denbighshire has a growing reputation in the outdoor activity sector and a policy that states high quality development proposals that support and enhance the visitor economy of the county would generally be encouraged and supported. This scheme is designed to be of the highest standard.

Members heard the scheme would create more than 30 full time positions, once opened as well as creating local jobs during the construction phase of the development. The application process had been challenging. It was confirmed that an ecology plan had been created for the site that will enhance the ecology and biodiversity. The Clwydian Range and Dee Valley AONB Joint Advisory Committee and NRW had reviewed the application and subject to the appropriate landscaping and lighting measures had no objections to the scheme along with highways department. Thanks was offered to officers during the application process.

The Chair stated that the Public Speaker against the application was still experiencing technical issues. It was agreed to adjourn the meeting for a short break to try and sort the issue (10.25 am).

The meeting reconvened at 10.40 am.

Public speaker – Sophie Edwards (**Against**) – Miss Edwards informed the committee she was a local farmer whose land bordered the proposed scheme. She stressed to the committee of the following reasons for her objections. First the scale of the project was unsuitable for the area and not in keeping with the characteristic. It is currently a rural area and erecting what essentially is a housing estate along with the number of people at the site would completely change the nature of the environment. The local council and residents did not agree with the proposal. The demand for such a project was not essential and local residents would not benefit from the scheme. It was felt the community would bear the brunt of the issues that result from such a project such as added congestion, the noise pollution and the eyesore of the development. If the application was granted the character of the area would be lost, wildlife would be forced to leave due to human presence, light pollution and noise pollution. Major concerns on the impact on the neighbouring fields currently holding grazing livestock. Members heard that the plans outlined a dog training paddock, and promoted people to explore the area and footpaths that run through our fields. It was unfair, dangerous and unsuitable to encourage an additional 200+ walkers likely with dogs to pass through the fields. Increasing the potential for dog attacks creating anxiety and stress for all concerned.

Members heard of the concerns regarding the sewage system it was noted that the service water would be discharged into watercourses and ditches this would cause flooding in bordering fields and potentially contaminate drinking water.

The suitability of the roads at the site was a concern. The roads are narrow, with few passing areas and blind bends. There would be more accidents, congestion and would be detrimental for farmers moving stock.

The Development Control Manager provided members with additional information regarding why the application was being presented to the committee. Members heard that the application was originally due to be presented to committee in April 2021, leading up to that committee there was a Welsh Government intervention for the application to be determined by Welsh Ministers. The authority was then presented with a holding direction, meaning the authority could not progress with the application at planning committee. Welsh Government subsequently informed officers the application was presenting issues wider than local importance and therefore decided to call the application into Welsh Government. Thus meaning they would decide the resolution of the application. Welsh Government had requested from the authority and Planning Committee a statement of case on that calling. Officers were seeking from members a resolution for the application to provide to Welsh Government information from members for determining.

General debate – Councillor Joe Welch confirmed that a site visit had taken place. The local member Councillor Christine Marston had requested the visit. At the visit those present looked at the site, access road and the visual impact at the site.

Councillor Christine Marston (Local Member) informed members that the former Rhyl rugby club site was positioned in open countryside at the Waen in the setting of the AONB and the Offa's Dyke footpath. The application was for a very large luxury holiday accommodation and at capacity the park could sleep 228 persons.

The officer report that the proposal did not fall into LDP holiday accommodation policy PSE12 which concentrated on static caravans, chalets and pods. The argument of officers was that the policy referred to accommodation that can be moved. No reference of the proposed seven pods was made, but focus was given to the proposed lodges. Policy PSE12 of the LDP prohibits new static caravan sites, reiterated in the Councils adopted supplementary planning guidance entitled caravans, chalets and camping. The explanatory text Policy PSE12 states that for inland rural areas such as this site, caravan development particularly static caravans of which the proposed lodges fall within the statutory definition of, can be intrusive in the landscape and damaging to the character of the rural area.

Councillor Marston explained to members that the officer recommendation was in stark contrast to a planning application presented to committee in March 2019. The Glyn Lleweni Parc, development of 1.3 hectares with a siting of 24 holiday lodges was refused and upheld on appeal due to its noncompliance with PSE12 which does not permit static caravan lodge sites. The decision had also been upheld on appeal to the planning inspectorate, where the inspectorate concluded that the proposed development was unjustified in its countryside location. Councillor Marston stressed as an authority the committee must be seen to be consistent in decision making following our LDP.

It was explained that officer had given more weight to the local development policy PSE5 which concentrated on tourism and commercial development for the benefit of the wider county. Councillor Marston felt this was a misinterpretation on the policy which was designed to support local and rural communities. Currently the site held a D2 use class which is support sports and recreation, this classification could be brought back into recreational use without planning permission. The proposal went beyond the existing use of the site. Limited weight should be given to the existing D2 use as the playing fields would be lost and covered with buildings.

The officer report stated the large scale of the development was accessible as it was visually contained and had a semi-urban character. The site was in open countryside. The former rugby club site was surrounded entirely by agricultural land; the actual site was 3.8 hectares with 82% of the site was classed as Grade 3A good quality agricultural land and according to planning policy Wales 11, the land is best and most versatile and justifies conservation and should not be built on.

The accompanying tourism report, officers concluded there did not seem to be evidence supporting the need or demand for holiday accommodation of this type proposed in this location. Concern had been raised by Tremeirchion, Cwm and Waen that if this holiday accommodation proved unsuccessful then the accommodation would become residential, thus creating a large population in the rural area. The development would have an impact on the visual amenity and landscape character of the area. The existing club house building was a single story building with a flat roof, the proposed new club house was 2 story with a pitched roof and have an impact on the skyline. In total 38, 2 story buildings would be erected at the site.

The AONB advisory committee commenced that the lighting needed to be controlled to protect the setting of the protected landscape and dark sky ambition. It was felt this would be difficult to achieve. The building sited in the location would have an impact on the visual amenity. It would clearly be seen from Moel Hiraddug. The B5429 is narrow, twisting and had blind bends and at times only wide enough for one vehicle to pass. This stretch of road is dangerous to navigate. It was her opinion the development would generate a large number of additional vehicles on the dangerous route on a daily basis.

NRW had reluctantly accepted that a private treatment works would be acceptable. The number of hot tub water entering the private treatment works on a weekly basis was a concern.

Proposal – Councillor Marston stressed she felt the application was too large in open countryside not adhering to planning policy and proposed to go against officer recommendation for the following reasons. The application went against Planning policy PSE12, developing on land of agricultural Grade 3A, poor access by non-car modes it does not offer good active travel connections and poor highway access. The proposal for refusal was **seconded** by Councillor Peter Scott.

The Chair reminded members that they were requested to take a vote and resolve on the content of the Council's Statement of Case as detailed in the report.

Councillor Merfyn Parry asked if there had been any conditions or covenant at the land if the rugby club was not required. Planning officers stated they were not aware of any previous controls at the site. Officers did provide the applicant with pre-application guidance. Officers had to have regard for historic use of the site and the promotion of the applicant for the tourism sector of the authority.

The relocation of Rhyl Rugby Club to Rhyl was a separate issue and application to this application. Planning officers stressed the importance to disregard the connection with the new Rhyl Rugby Club and to assess the application on the former Rhyl Rugby Club.

The Chair thanked members and officers for the discussion and confirmed the proposal by Councillor Christine Marston, seconded by Councillor Peter Scott was to

take option B – ‘Resolve to support the Refusal of planning permission’ for the reasons outlined by Councillor Marston.

VOTE:

FOR – 1

AGAINST – 13

ABSTAIN – 0

RESOLVED to support **REFUSAL** of planning permission for the reasons as detailed in the refusal proposal by virtue of 3.1 (B) of the officer’s report and that the council’s Statement of Case will reflect the decision on refusal to assist Welsh Government.

9 APPLICATION NO. 03/2021/0656/PF - 20 REGENT STREET, LLANGOLLEN

An application was submitted for the creation of off road domestic parking, formation of access, landscaping and associated works at land to the rear of 20 Regent Street, Llangollen.

General Debate - The Chair informed members that additional information had been provided in the supplementary papers. The Local Member, Councillor Melvyn Mile had been unable to attend the meeting but had provided the Chair with his comments which he relayed to the committee. He stated the local member had concerns initially with the application but following discussions and work with the highway department and conservation officers he was satisfied with the application. He noted the concern of the quality of the materials used on the gate and requested it was of a high quality. Councillor Melvyn Mile stated parking was an issue in Llangollen and was therefore in support of the application.

Proposal – Councillor Merfyn Parry proposed the officer recommendation to grant the application as set out in the report, seconded by Councillor Mark Young.

VOTE:

FOR – 14

AGAINST – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within their report and supplementary papers.

10 APPLICATION NO. 03/2021/0748/CA - 20 REGENT STREET, LLANGOLLEN

An application was submitted for the conservation area consent for the demolition of a boundary wall to allow the formation of access and off street parking at land to the rear of 20 Regent Street, Llangollen.

Proposal – Councillor Mark Young proposed the officer recommendation to grant the application as set out in the report, seconded by Councillor Julian Thompson-Hill.

Councillor Merfyn Parry requested that consideration of the materials used for the structure as stated by the local member Melvyn Mile in the previous application was noted. The Planning Officers stated it was their understanding the materials would be reused or match the existing materials in place.

VOTE:

FOR – 14

AGAINST – 0

ABSTAIN – 0

***RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as detailed within their report and supplementary papers.*

11 APPLICATION NO. 42/2021/0729/ PF - THE POP IN SHOP AND AGRICULTURAL BUILDING, CWM ROAD, DYSEARTH

An application was submitted for the demolition of existing pop-in shop and change of use of agricultural building to retail use, formation of vehicular access, provision of car parking and associated works at The Pop in Shop and Agricultural Building, Cwm Road, Dyserth.

General Debate – Councillor David Williams (Local Member) declared a personal interest in this agenda item as he was a tenant of the Applicant.

He informed members he fully endorsed the application. The building has been in existence for a number of years and would be put to good use. The current pop-in was too small. The development would be beneficial for the village and neighbouring community.

Vice Chair Councillor Christine Marston requested reassurance from officers that they were satisfied highways had no concerns of the site of the application. She had concerns the site would create more issues is agreed.

The Senior Engineer- Development Control stated initially concerns had been raised regarding utilising the existing access to the site. Following a speed survey and other consultations at the site the access to the site was relocated as detailed in the application. It was the officer's opinion that all highway grounds had been met in the application.

Proposal – Councillor Mark Young proposed that the application be granted in accordance with officer recommendations as set out in the report, seconded by Councillor Merfyn Parry.

VOTE:

FOR – 14

AGAINST – 0

ABSTAIN – 0

***RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as detailed within their report.*

12 PLANNING CONDITIONS REPORT - APPLICATION REFERENCE NO. 22/2020/0735 - LAND ADJACENT TO HENDRERWYDD FARM, HENDRERWYDD, DENBIGH

A report was submitted seeking approval of planning conditions to be attached to the planning permission granted on 10 November 2021 in relation to the erection of a rural enterprise dwelling, installation of a private treatment plant and associated works at land adjacent to Hendrerwydd Farm.

Proposal – Councillor Merfyn Parry proposed, seconded by Councillor Ellie Chard that all the proposed conditions as set out in the report, in accordance with officer recommendations, be approved.

VOTE:

FOR – 14

AGAINST – 0

ABSTAIN – 0

RESOLVED that the proposed full conditions to be imposed on the planning consent as detailed within the report and be approved as planning conditions.

13 APPLICATION NO. 17/2019/0698/ PC - TYDDYN GRAIG, LLANDEGLA, WREXHAM

A retrospective application was submitted for the continuation of use of land and retention of building in connection with dog kennel use at Tyddyn Graig, Llandegla, Wrexham.

General Debate – Councillor Peter Scott on behalf of Councillor Martyn Holland highlighted a concern that a licence for dog breeding had been granted prior to the planning application being considered. Councillor Tony Thomas raised concerns that the two departments were not working coherently when granting licencing and planning permissions. Councillor Tony Thomas proposed to refuse the application.

In response to members concerns regarding licences and planning permissions, officers confirmed they aimed to work together with other departments. Members heard the dog breeding at the site had started some time ago, on a small scale in the existing property at the site. A licence had been granted at that time. Animal welfare was the main control of the licence was of a high standard. A point in the history of this site, that a need to expand the business and extend the building had occurred and at that point planning permission had been required. The Development Control Manager expanded that communication between departments had taken place. Two distinct legislative processes had taken place at the site. The business had expanded to include the need for a separate building within the grounds that required planning permission. The original dog breeding licence had not required planning permission. Councillor Christine Marston raised concerns on the condition relating to outdoor lighting. The site was situated within the AONB and as an authority we want to protect the dark skies.

Councillor Martyn Holland (Local Member) informed members that the building had been reported to the authority and enforcement procedures had taken place resulting in the application being presented to committee. The Community Council and AONB originally had concerns on the building, but with the conditions imposed on the appearance of the building those concerns would be reduced. Councillor Holland was pleased to note the condition of the acoustic barrier to reduce the sound of dogs for neighbouring properties.

Officers reiterated that separate legislation was used, one for the dog breeding licence and one for the planning aspects at the site. Members were informed of a debate currently underway in the UK Parliament around retrospective applications. A bill had been put forward for it to become illegal to do work without planning permission. Charges and consequences for retrospective applications was governed UK wide, until such changes were made, as an authority we could not impose any further consequences.

Councillor Christine Marston requested that a condition be imposed on a timeframe for completion on the building, cladding and works at the site. Officers confirmed that a timescale had been included in the amended conditions on the supplementary papers.

Proposal – Councillor Mark Young proposed the officer recommendation to grant the application as set out in the report and supplementary guidance, seconded by Councillor Peter Scott.

Following the discussion Councillor Tony Thomas was pleased to see the sound surveillance team would be involved in the application as it was a concern of his. In light of the discussion Councillor Thomas withdrew his proposal to refuse the application.

VOTE:

FOR – 10

AGAINST – 3

ABSTAIN – 1

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within their report and supplementary papers.

The meeting concluded at 11.59 a.m.