

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 14 May 2025 at 9.30 am.

PRESENT

Councillors Ellie Chard, Karen Edwards, James Elson, Chris Evans, Huw Hilditch-Roberts, Alan James (Vice-Chair), Julie Matthews, Terry Mendies, Merfyn Parry, Anton Sampson, Gareth Sandilands, Andrea Tomlin, Elfed Williams and Mark Young (Chair)

ALSO PRESENT

Legal Advisor (RJ), Principal Planning Officer (PG), Development Manager (PM), Planning Officer (BM), Committee Administrator (SJ) and Senior Committee Administrator: Zoom Host (KJ).

1 APOLOGIES

Apologies for absence were received from Councillors Jon Harland, Raj Metri, Gwyneth Ellis, Cheryl Williams and Michelle Blakeley- Walker.

2 DECLARATIONS OF INTEREST

Councillor Chris Evans declared a personal interest in agenda item 9 -Ty Celyn, Cwm, Rhyl as the applicant was known to him.

Councillor Chris Evans declared a personal and prejudicial interest in agenda item 10 – 8 Dyffryn Teg, Rhaultt as he was the applicant of the application.

3 APPOINTMENT OF CHAIR

Nominations were sought for the position of the Chair of the Planning Committee for the 2025/26 municipal year.

Councillor Alan James proposed Councillor Mark Young to be appointed as Chair for the 2024/25 municipal year, seconded by Councillor Merfyn Parry.

No other nominations were received therefor;

RESOLVED that Councillor Mark Young be appointed Chair of the Planning Committee for the 2025/26 municipal year.

4 APPOINTMENT OF VICE-CHAIR

Nominations were sought for the position of the Vice-Chair of the Planning Committee for the 2025/26 municipal year.

Councillor Merfyn Parry proposed Councillor Alan James to be appointed as Vice-Chair for the 2024/25 municipal year, seconded by Councillor Ellie Chard.

No other nominations were received therefor;

RESOLVED that Councillor Alan James be appointed Vice-Chair of the Planning Committee for the 2025/26 municipal year.

5 URGENT MATTERS AS AGREED BY THE CHAIR

The Chair declared he intended to raise for discussion the Section 106 Agreement to be imposed on North Wales Hospital.

The Chair reminded Members that it was agreed 12 months ago, members discussed the inclusion of a Section 106 agreement with the North Wales Hospital application. In the minutes it detailed the Section 106 agreement should be arranged within 3 months. The Chair appreciated the difficulties faced, but it felt important Members were provided with an update. The Chair suggested a separate meeting to discuss the delays may be beneficial.

The Development Manager thanked the Chair for the question and agreed it was a complicated project. He agreed the proposal for further discussion with Members and agreed to put the proposal for a meeting forward to the Head of Planning and Public protection and the Chief Executive who were involved in the case.

RESOLVED that the Development Manager forward the request for an update on the North Wales Hospital Site to the Head of Service and Chief Executive and an update to Members be provided as soon as possible.

6 MINUTES

The minutes of the meeting held on 09 April 2025 were submitted.

Matters of accuracy – None

Matters arising – None

RESOLVED that, the minutes of the meeting held on 09 April 2025 be received and approved as a correct record of the proceedings.

APPLICATIONS FOR PERMISSIONS FOR DEVELOPMENT (ITEMS 7 - 10) -

Applications received requiring determination by the Committee were submitted together with associated documentation. Reference was also made to late supplementary information 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.

7 APPLICATION NO. 07/2024/1377/PF - OUTBUILDINGS ADJ BRYN PENLLYN FARM, LLANDRILLO, CORWEN, DENBIGHSHIRE

An application was submitted for the conversion and extension of existing outbuilding to form one holiday let unit (Use Class C6) including, installation of ground source heat pump, solar panels to roof, erection of lean-to bat roost to adjacent barn, formation of parking, landscaping and associated at outbuildings adjacent to Bryn Penllyn Farm, Llandrillo.

Public Speakers

Mrs Fran Burn (For) – the public speaker thanked the Chairman and committee for the opportunity to address members.

Members heard the applicant had been connected to the property since 1948 where she knew it as a working farm. She explained her family had first rented the property Pant Llyn before purchasing part of the property with water rights and inheriting the rest of the property with water rights at a later date. Members heard the family had maintained the property from where they had lived for the past 45 years.

The wildlife and way of life were cherished by the family especially the bats and swallows. It was stressed swallows had returned to one of the barns in the facility which was not affected by the application.

Members heard the reason for the application was to move the site into the future, for it to not deteriorate. Advice had been sought on National Local Policy and the applicant had been informed the best way was to develop the barn into a one bedroom, two person holiday home. The development had been designed to integrate with the existing building, to not detract from the character of the property. It was not anticipated that two visitors would create a great deal of noise and were confident the company who would control the lettings would do so in a competent and professional manner. There would be no dogs permitted with the letting.

The applicant stated they were aware of the various conditions that had been attached to the application and stated they were happy to comply with all the proposed conditions. The applicant had complied and communicated with officers and professionals to relieve some of the concerns of the neighbouring properties.

Mr Mike James (Against) – Stressed that there were many aspects of the application that raised serious concerns. The land registry description of the proposed site had not been used and the location wrongly named.

He stated he had not received any notification of the application submission. The application stated the nearest property was 160meters away although his property was within 60 metres of the property.

He stressed the planned extension to the barn was inaccurate by up to 1 meter on the plans making it look more appealing on the plans. When challenged these were superseded.

There were two contradictory reports completed on the existing septic tank, one claiming four persons loading and the other two. Members heard when challenged it was agreed on two.

The speaker stated in his opinion the applicant and agent would have been fully aware of implications of the errors on the outcome of the application.

The speaker drew Members attention to a mature oak tree which stood on the site. The speaker also raised concerns about the suitability of the existing vehicular access to the site.

The speaker highlighted that Welsh water estimated that two people would use 2.1 cubic metres of waste per week. The capacity of the septic tank was only 1.5 cubic meters which would therefore require frequent emptying to avoid overflow. A large septic tank would require a new drainage field, 15 meters from any building which would be difficult at the site. He stressed water had not been included in the application although planning policy for Wales stated that the adequacy of water supply and sewage infrastructure should be fully considered.

The proposal to harvest rainwater was not a possible solution. It was unlikely that a rainwater harvest system would support the development.

He stressed the importance of officers and members receiving accurate and correct information to make an informed decision.

General Discussion –

Members requested some further details on the issues raised by the public speaker, particularly the water supply concerns.

The Principal Planning Officer confirmed that there were issues with the supply of water in the area as it was currently a spring water supply. Discussions had taken place with the public protection officer. He confirmed there was a supply concern for the area. The applicant had commissioned a report from a local company, Waterco, who had calculated the potential for rainwater harvesting on the site. The figures that had been provided appeared to have been carried in industry standards and would be suitable for rainwater harvesting. The public protection officer stated planning officers would need to see further details of the system that was proposed, members were guided to condition 13 which required details of that system. Officers were content with the technical information that had been provided along with the condition, water could be managed without causing detriment to neighbouring properties.

Members heard in relation to access to the site, the application had been presented to Highways officers for comments and given that it was a small-scale development the access was acceptable.

Members heard of an oak tree that stood within 10 metres of the site. Members were guided to the condition where it stated trees were to be protected during construction with a further condition requiring the applicant to produce details of decking prior to installation to ensure the roots of the adjacent oak tree are not disturbed was imposed.

The Chair asked for clarity on at what point would the conditions need to be agreed. In response members were guided to the late rep sheet which detailed an additional condition which stated before construction could take place officers would need to see how water would be brought to the site for construction to take place.

Councillor Terry Mendies asked for further information on the sewage system in place, he stated from the application that neither NRW nor Welsh Water had raised concerns. In response to the concern around sewage at the site, the Principal Planning Officer confirmed that NRW were responsible for that aspect of the development, and they had accepted that the use was acceptable. There was a condition connected to the application which required details of the foul drainage and surface drainage to be supplied to officers prior to commencement of the use.

Officers confirmed there was no tree preservation order attached to the oak tree. The tree sat outside of the development site.

Proposal—Councillor Karen Edwards proposed that the application be granted in accordance with officer recommendations including those on the late papers, seconded by Councillor Alan James.

Vote –

For – 13

Against – 0

Abstain – 0

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

8 APPLICATION NO. 47/2024/1056/PC - TY CELYN, CWM, RHYL, DENBIGHSHIRE, LL18 5SN

A retrospective application was submitted for the change of use of land to a mixed use comprising; residential, agricultural in connection with the existing smallholding and arboricultural uses, and operational development associated with the aforementioned uses, comprising the erection of a steel framed building, provision of new hardstanding layer on preexisting hardstanding and alterations to a means of access to a highway at Ty Celyn, Cwm, Rhyl, Denbighshire.

Public Speaker – Sioned Edwards, Cadnant Planning (For) – The speaker thanked members for the opportunity to speak in favour for the application.

Members were informed the application was retrospective in nature, with the applicant working proactively with planning officers to resolve the matter. The applicant was the tenant at Ty Celyn, leasing the agricultural small holding. Living at the property allowed the family to farm on the small holding and for the applicant to continue to operate his rural land-based business.

It was stated a previous application had been submitted for more extensive use of the land had been withdrawn in October 2023. The revised application was

presented today to regularize solely the use of the steel framed building and the hard standing that surrounded it.

The applicant employed a small number of employees in connection with his agricultural business.

The steel framed building in question was currently used by the applicant for storage of machinery and equipment associated with his agricultural and landscaping business. The building was also used to store agricultural equipment associated with the small holding at Ty Celyn and to maintain the grounds.

It was noted some of the applications objections raised by neighbouring properties had been confused between relating to the Arbworks business and the small holding.

On behalf of the applicant the speaker asked members to consider condition 9, the time limit imposed on that condition could be very tight, allowing time for works to complete their days away from site and return. Movements could also be confused with family activities or small holding.

Councillor Chris Evans (local member) – confirmed he knew the site well and knew the applicant and his family. He noted the site was clean, tidy and well maintained.

The Chair thanked members for attending the site visit on 9th May, it was well attended and very informative.

Councillor James Elson confirmed he had attended the site meeting. He informed members he was pleased to note how little of the site could be seen on approach. He was happy with the responses provided regarding the visibility concerns raised by the AONB.

Councillor Merfyn Parry echoed the thoughts of Councillor Elson and thanked officers for the opportunity to attend the site to have a first hand insight to the surroundings and what the application would involve.

The Development Manager thanked members for the feedback from the site visit. Officers had worked with the applicant to resolve some of the previous concerns and in doing so look at reasonable conditions to impose to control the use of the site. Officers felt it was reasonable to impose a condition on the hours of operation of the commercial elements at the site to protect the amenities of the area.

The imposition of planning conditions attempts to control a development and its impacts. When restricting hours of operation the Planning Authority would always take a pragmatic view on harm. They would need to enforce the conditions if operating outside of those agreed hours would result in significant amenity impacts which could be locally evidenced.

Condition 9 which imposed timings was specific to the Arboricultural business (Arbworks UK Ltd). It was made clear that the condition only applied to the commercial business.

It was stressed to members the application involved the introduction of a commercial use in a rural area; commercial operations were not usually agreed in these rural locations.

Proposal—Councillor Merfyn Parry proposed that the application be granted following the removal of condition 9 proposed in relation to time of operation of Arboricultural business (Arbworks UK Ltd), seconded by Councillor Chris Evans.

Members noted the concerns raised by the AONB and asked for further clarity on those concerns. In response officers stated when reviewing applications the AONB look at the visual and character of the area and the tranquillity of the area. Officers had noted the concerns raised by the AONB and imposed the conditions to help alleviate those concerns. It was felt the site visit allowed members to review and assess the potential impact on the character and visual amenities.

Councillor Alan James stated from the site visit and looking at the visual pictures included in the application the building in question appeared from a distance as a farm building. The applicant had made an effort to make the character of the building the same as its surroundings. There were no concerns on the visual impacts raised at the site visit.

Vote –

For – 13

Against – 0

Abstain – 0

RESOLVED: *that the application be GRANTED in accordance with Officer recommendations subject to the removal of condition 9 which related to times of operation of the Arboricultural business.*

A request was made that all members when voting use the microphones.

At this juncture the meeting paused for a 5 minute comfort break (10.27am)

The meeting reconvened at 10.32 am.

9 APPLICATION NO. 12/2024/1398/HH - 3, CRUD YR AWEL, CLAWDDNEWYDD, RUTHIN, DENBIGHSHIRE, LL15 2NJ

An application was submitted for the erection of extension to rear of dwelling and associated works at 3, Crud Yr Awel, Clawddnewydd, Ruthin.

The Principal Planning Officer informed Members the application had been submitted by a Head of Service of Denbighshire County Council hence why it had been presented to committee in accordance with the scheme of delegation. The application complied with all planning policies and guidance.

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

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

Vote –

For – 13

Against – 0
Abstain – 0

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

10 APPLICATION NO. 47/2024/1385/HH - 8 DYFFRYN TEG, RHUALLT, ST ASAPH, DENBIGHSHIRE, LL17 0TA

At the point of the meeting Councillor Chris Evans left the meeting room as he had declared a personal and prejudicial interest in the agenda item.

An application was submitted for the erection of dormer windows to front and rear to provide additional living accommodation within the roof space at 8 Dyffryn Teg, Rhualt, St Asaph.

The Principal Planning Officer stated the application was presented to committee due to the applicant being the Local Member Chris Evans so in accordance with the scheme of delegations it was presented to the Planning Committee for deliberation. The application was a resubmission following amendments to the refused large scheme, the applicant had reviewed the plans and had complied with the authorities approved plans and policies.

Councillor Merfyn Parry was pleased to see the applicant had reconsidered the plans and had amended the original plans therefor;

Proposal – Councillor Merfyn Parry proposed that the application be GRANTED in accordance with officer recommendations **SECONDED** by Councillor Karen Edwards.

Vote –
For – 12
Against – 0
Abstain – 0

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

11 NEW TAN 15 - DEVELOPMENT, FLOODING AND COASTAL EROSION

The Lead Member for Local Development and Planning introduced the information report on the new TAN15 (previously circulated).

He explained the Technical Advice Note 15 (TAN15) – Development, flooding and coastal erosion provided detailed explanation on National policy. TAN 15 had been issued by the Welsh Government and thus had to be followed by local authorities. It guided development of coastal and flood risks. The new TAN 15 was published on 31st March 2025. The purpose of the report had been to provide members of the changes to the National Policy by Welsh Government on coastal and flood risks.

The Planning Officer provided further detail stating the new TAN15 applied to the new Local Development Plan and any planning applications received after the 31st March 2025. The new TAN15 addressed flood risks from rivers, the sea, surface water and small watercourses. It replaced the Technical Advice Note 14 on coastal planning.

The new TAN 15 included the updated flood maps for Wales which included data on climate change. Members heard there were 4 flood zones for the flood risks. Zone1 was the lowest risk of flooding which allowed all development, with zone 3 being the most significant risk of flooding where development was only permitted in very limited circumstances and required significant justification. A requirement to report any highly vulnerable developments to Welsh Government was included.

A new zone – the TAN15 defended zone, a new classification it considered areas have nationally recognised flood defences. It allowed some development in the zone with some limitations and still required justification. It was stressed Natural Resources Wales would review the defences periodically to ensure that defence met the standards required.

Additional requirements in the new TAN15 also related to surface water and small watercourses flood risks which had to be considered on all types of development. Any impact on surface water flood zones 2 and 3 would now require a flood consequence assessment.

Members heard the new TAN15 stated when a planning application was received without a Sustainable Drainage Approval Body (SAB) approval being applied for at the same time then the application would require a drainage statement. Therefore planning officers will need to consult with the SAB team regarding drainage statements.

The Development Manager stressed the importance of members being informed of any changes or new policies. It was felt prudent to include on the agenda for members to be aware of the new TAN15. Officers proposed that a length of time be given to allow officers to observe the changes and requirements and return to the committee with some training material.

Members were made aware that within the document there was reference to some engineering terms which would be relevant to construction. Planning officers would be guided by Natural Resource Wales who will comment on all planning applications along with any other professionals required to comment on applications. In response to a question, the Principal Planning Officer informed members the term 'freeboard' was in relation to the additional space or allowance left above the water surface or anticipated flood level. It is a safety feature built into the design calculations and in the TAN 15 it is a requirement for all flood defence structures that are to be considered as part of the TAN 15 Defended Zones from 2016.

The last TAN15 had been published in 2004. The evidence has changed, planning officers referred to the maps which now include climate change calculations and are updated every 6 months. Natural Resource Wales will review the TAN 15 Defended Zones every 2-3 years. Local authorities do have an input to the mapping and provide the data to NRW particularly in respect of surface water and small watercourse flood risks as well as any defence work undertaken.

The Planning Officer stated it was hoped that the flood defences that are currently being developed would have been considered, where there were improvement and updated works those would be reviewed again by Natural Resource Wales.

Officers confirmed in relation to the new Local Development Plan the new policy had been considered. It was stressed any new applications dated from the 31st March 2025 will be assessed in accordance with the new TAN15. It will be easier to assess the impact through implementation, applying TAN 15 to new planning applications, so over the next six months. Development reports presented to committee would remain as robust and contain as much information as possible.

The Chair thanked the officers for the details explanation to the new TAN15 policy.

RESOLVED that Members of the Planning Committee note the content of the report.

The meeting concluded at 11.00 am.