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## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 18 June 2025 at 9.30 am.

### PRESENT

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

### ALSO PRESENT

Legal Advisor (RJ), Development Manager (PM), Principal Planning Officer (PG), Zoom Host (RT-J, and Committee Administrator (NH)

Local Member Councillor David Williams in attendance for item 5.

Public Speaker – Neil Foxall (Agent) for item 5.

#### 1 APOLOGIES

Apologies for absence were received from Councillor Andrea Tomlin.

#### 2 DECLARATIONS OF INTEREST

Councillor Jon Harland declared a personal interest in agenda item 5 as the applicant was known to him.

#### 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.

The Chair reminded Members of the importance of submitting their formal apologies if they were unable to attend any meeting of the Planning Committee.

#### 4 MINUTES

The minutes of the Planning Committee meeting held on the 14 May 2025 were submitted.

No matters of accuracy were raised.

#### Matters arising –

Page 8 - North Wales Hospital- The Chair informed Members that Officers had contacted himself and the Vice-Chair of the Planning Committee. The Chair was content with the interim update and explained that further meetings are to take

place before a more detailed update can be provided to Planning Committee and Denbigh MAG.

It was:

**RESOLVED:** *that the minutes of the meeting held on the 14 May 2025 be received and approved as a true and correct record of the proceedings.*

**5 APPLICATION NO. 42/2025/0119/PF - LAND AT (PART GARDEN OF), 121 CWM ROAD, DYSEARTH, RHYL, DENBIGHSHIRE**

An application was submitted for the erection of 1 no. dwelling and associated works.

**Public Speaker – Neil Foxall (For)** – Notwithstanding the planning department's description of the application location and address, the application site was considered as its own plot with its own address known as 123 Cwm Road which was recorded by the Land Registry.

The plot had previously had the benefit of planning consent for a detached dwelling, most recently in 2007. The plot was quite clearly within a continuous ribbon of detached houses, a point acknowledged by the Planning Officer.

The plot sat approximately 150m from the development boundary defined in the current Local Development Plan (LDP). Between the plot and development boundary lay a further 9 no. dwellings. All considered to be within the open countryside.

It was unknown why this plot, along with the 13 other dwellings which made up the ribbon of dwellings outside of the development boundary, were not included within the development boundary of Dyserth when the boundaries were defined in the LDP. The plot was clearly considered to be an infill plot for the purposes of planning policy and its wider planning assessment.

The current LDP, adopted in June 2013, covered the period 2006 to 2021. It was now time expired and had been for the last four years. The replacement LDP was yet to be placed on deposit as a draft and therefore could not be used for planning determination purposes.

National policy contained within the most recent Planning Policy Wales Edition 12, supported infill development and in particular proposals where the development would meet a local need for affordable housing or where it can be demonstrated that the proposal would increase local economic activity. The application had been supported by a planning statement which indicated that the plot, by virtue of its location and topography, would not be suitable for an affordable dwelling. A registered social landlord, such as Wales and West, would not develop a single plot away from any other of their assets. Given the site's topography and cost of

associated groundworks, it would be not financially viable as a development site for a person eligible for an affordable dwelling.

The most recent LDP Annual Monitoring Report dated October 2024 acknowledged that the current LDP had not delivered the required open market housing and the LDP had not delivered the required affordable housing.

The applicant was intending to move into the proposed development and therefore would not be benefiting from any development profits. The development would result in an increase to the local economic activity of the area as a result of the employment of a number of local trades and businesses during construction.

### **General debate –**

The Development Manager referred Members to the background of the application in the Late Representation Sheets (previously circulated). There was a need to assess the application that was presented before the Committee and not any future potential proposals.

Members were reminded to have regard to the Local Development Plan in place and not any historic Local Plans or decisions which applied to those plans. The application was for the erection of an open market dwelling outside of the current development boundary in the current adopted Council LDP.

The Chair referred to a previous application that had been submitted and sought clarity on the outcome of that application. The Development Manager confirmed that a previous application for a dwelling submitted for the same site had been refused under the Policies of the current LDP.

Local Member, Councillor David Williams expressed his support for the application highlighting the plot of land had always had its own number with houses either side. If the new LDP had been implemented on time the plot would have been available for traditional infill. This dwelling would be an asset to the local community providing a home for a family in the area.

Councillor Jon Harland requested clarity on the relevance of affordable housing on the application as currently the development site fell outside the LDP however, the application did fall in keeping with the local surroundings.

The Development Manager explained that Officers were informed by the Housing Strategy team that there were people on the Housing waiting list in Dyserth. There was the need for Committee Members to consider whether the need for a large detached expensive property outweighed the Council's Corporate Priority and Planning Policy in relation to affordable housing. There were options for applicants who wanted to build an open market dwelling on a particular plot in keeping with the character of the local area however, the affordable housing requirements and policies should not be ignored. There was an option for developers to pay a

commuted sum to the Council to help the affordable housing need in an area although this needed to be stated within the application from the applicant.

The Chair stated that developers of an application had paid a commuted sum to the Council for affordable housing in the past. The Development Manager added that developers had given a commuted sum to help buy smaller properties within an area to fulfil the affordable housing need however, it was for the applicant to propose these details within an application.

Councillor James Elson questioned if the application was granted by the Committee would the Council be opening themselves to scrutiny. The Legal Officer explained that there was a significant risk in not following policy. The Planning Committee was to make decisions in accordance with the provisions of the LDP unless material considerations indicated otherwise. Policy BSC 8 and policy BSC 9 of the Planning Policy stated that planning applications for housing on this site must be for affordable housing. If the Committee chose to grant the application against Officer recommendation, they would need to both identify the material considerations contrary to policy and give a reasonable explanation as to why they outweighed the policy requirement. There could also be the risk of an increase of applications of this type in the future in similar locations.

Councillor Ellie Chard asked if they could be given an estimated amount on what the commuted sum would be. The Development Manager explained that Planning Policy indicated that one or two affordable houses be built on the site, and it would be for the applicant to incorporate a commuted sum in an application in the first instance. Members were reminded of the importance of considering the application before them and not any future potential proposals.

Members discussed the difficulty in granting this application due to Planning Policy stating the need for affordable housing within the area together with the site being located outside of the LDP.

**Proposal** – Councillor Alan James proposed that the application was refused in accordance with Officer recommendations, seconded by Councillor Merfyn Parry.

**Vote –**

For – 17

Against – 0

Abstain – 0

**RESOLVED-** *that the application be REFUSED in accordance with Officer recommendations.*

At this juncture in the meeting the Committee adjourned for a comfort break 10.20am. The Planning Committee meeting reconvened at 10.30am.

**6 APPLICATION NO. 47/2024/1341/PC - TYN YR ARDD, RHUALLT, ST ASAPH, DENBIGHSHIRE**

An application was submitted for the retention of excavation and reprofiling of land; formation of hardstanding and accessway, and formation of means of access.

**General debate –**

Local Member, Councillor Chris Evans sought clarity on how the caravan site could exist without planning permission.

The Principal Planning Officer informed the Committee that the applicant was registered with the Caravan and Motor Home Club who were a registered organisation. The organisation could issue permits to individuals to run a certified Caravan Site. This allowed the owner of the land to have up to 5 caravans on the site at any one time. There were rules around the caravans needing to be on tour, be used for leisure purposes and remain on site for a maximum of 28 days. It was stressed that the permit given by the Caravan and Motor Home Club was beyond the Councils control and the application was not debating whether the applicant could run a certified Caravan Site. The application was for planning permission for operational development which included improvements to the access of the site, the creation of hardstanding and permission for the reprofiling of land.

Highway Officers had asked for traffic flow data on the lane and concluded that the lane was lightly trafficked and the visibility displays at the access of the site met the legislative standards within Tan 18.

Referring to the visual impact on alterations to the ground, the Area of Outstanding Natural Beauty (AONB) Committee raised no objections to the proposal.

Councillor Merfyn Parry highlighted that there was no reference to lighting within the application and proposed the application be granted with an amendment to condition 3, to incorporate any lighting under the Dark Skies Wales legislation. This was seconded by Councillor Alan James.

Councillor James Elson questioned how the Caravan Site was managed particularly in ensuring that caravans were only on site for a maximum of 28 days. The Principal Planning Officer explained that the Caravan Site was managed by the organisation who had granted the permit. If caravans were staying on site for more than 28 days this would be a breach of planning permission and that would be assessed at that time.

**Proposal –** Councillor Merfyn Parry proposed that the application be granted with an amendment to condition 3, seconded by Councillor Alan James.

**Vote –**

For – 17

Against – 0

Abstain - 0

***RESOLVED-*** *that the application be GRANTED with an amendment to condition 3 to include Dark Skies legislation, in accordance with Officer recommendations.*

Meeting concluded at 10.40am