

To: Chair and Members of the Planning Committee

Date: 8 June 2020

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Dear Councillor

You are invited to attend a remote meeting of the **PLANNING COMMITTEE** to be held at **9.30 AM** on **WEDNESDAY, 17 JUNE 2020**.

PLEASE NOTE: DUE TO THE CURRENT RESTRICTIONS ON TRAVEL AND THE REQUIREMENT FOR SOCIAL DISTANCING THIS MEETING WILL NOT BE HELD AT ITS USUAL LOCATION. THIS WILL BE A REMOTE MEETING BY VIDEO CONFERENCE AND NOT OPEN TO THE PUBLIC.

Yours sincerely

G Williams
Head of Legal, HR and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST (Pages 5 - 6)

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES (Pages 7 - 20)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 11 March 2020 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 6) -

5 APPLICATION NO. 09/2020/0167 - EFAIL Y WAEN, BODFARI (Pages 21 - 36)

To consider an retrospective application for the Extension to existing agricultural building at land adjacent to Efail Y Waen, Bodfari, Denbigh, LL16 4EE (copy attached).

6 APPLICATION NO.45/2020/0096/ PF - 64 BRIGHTON ROAD, RHYL
(Pages 37 - 66)

To consider an application for the change of use and alterations to former offices to form a 61 bed, 6 ward hospital for residential nursing and health care at 64 Brighton Road, Rhyl, LL18 3HN (copy attached).

MEMBERSHIP

Councillors

Councillor Joe Welch (Chair)

Councillor Alan James (Vice-Chair)

Mabon ap Gwynfor
Ellie Chard
Ann Davies
Peter Evans
Brian Jones
Tina Jones
Gwyneth Kensler
Christine Marston
Melvyn Mile

Bob Murray
Merfyn Parry
Pete Prendergast
Peter Scott
Tony Thomas
Julian Thompson-Hill
Emrys Wynne
Mark Young

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WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED – Virtual arrangements June 2020

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

General introduction

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

Officers will outline as appropriate items where we have received requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public may be excluded. Reference will be made to additional information prior to the start of the meeting, including the late representations/amendments summary sheets ('Blue Sheets') and any supplementary or revised plans relating to items for consideration.

The Blue Sheets' contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the Officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee currently consists of 19 elected Members. In accordance with protocol, 10 Members must be present at the start of a debate on an item to constitute quorum and to allow a vote to be taken.

County Council Members who are not elected onto Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the location and basis of the proposal, the relevant local Members for the area, and the Officer recommendation.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

Where relevant, the Chair will offer the opportunity for Members to read any late information on an item on the 'Blue Sheets' before proceeding.

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application. In addition the Officers may read out any prepared speech by an

interested party for or against the application. The speech provided against any application will be read out first.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the Local Member, to speak first.

On all other applications, the Chair will permit the Local Member(s) to speak first, should he/she/they wish to do so.

Members are normally limited to a maximum of five minutes speaking time, and the Chair will conduct the debate in accordance with Standing Orders.

Once a Member has spoken, **he/she should not speak again** unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask Officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason(s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officer on the validity of the stated reason(s).

The Chair will announce when the debate is closed, and that voting is to follow.

The voting procedure

Before requesting Members to vote, the Chair will announce what resolutions have been made, and how the vote is to proceed. If necessary, further clarification may be sought of amendments, new or additional conditions and reasons for refusal, so there is no ambiguity over what the Committee is voting for or against.

The voting will proceed with the Chair going around all the Planning Committee members eligible to vote to ask for their verbal "For", "Against" or "Abstain" vote. The votes will be marked down and the Chair will then announce whether that application has been approved or refused.

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of

*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 11 March 2020 at 9.30 am.

PRESENT

Councillors Mabon ap Gwynfor, Ann Davies, Peter Evans, Alan James (Vice-Chair), Brian Jones, Tina Jones, Christine Marston, Melvyn Mile, Bob Murray, Merfyn Parry, Pete Prendergast, Andrew Thomas, Tony Thomas, Joe Welch (Chair), Emrys Wynne and Mark Young

Observers - Councillor Joan Butterfield, Councillor Gareth Lloyd Davies, Councillor Meirick Lloyd Davies, Councillor Bobby Feeley, Councillor Huw Hilditch-Roberts, Councillor Martyn Holland, Councillor Richard Mainon, Councillor Barry Mellor and Councillor Peter Scott.

ALSO PRESENT

Head of Planning, Public Protection and Countryside Services (EJ), The Head of Legal, HR and Democratic Services (GW), Development Control Manager (PM); Solicitor (AS); Planning Officer (PDG); Minerals officer (HP) and Committee Administrator (RTJ)

1 APOLOGIES

Councillors Ellie Chard, Gwyneth Kensler and Julian Thompson-Hill.

2 DECLARATIONS OF INTEREST

The following Councillors declared interests for the following items –

- Councillor Mark Young – agenda item 5 – declared a personal interest as he was a cabinet member and the matter was within his remit.
- Councillor Emrys Wynne – agenda item 5 – declared a prejudicial interest as his daughter in law assisted in the development of the proposed application.
- Councillor Merfyn Parry – agenda item 5 – declared a personal interest as he knew land owners in the surrounding area.
- Councillor Tony Thomas – agenda item 5 – declared a personal interest as he was the previous lead members for the application.
- Councillor Brian Jones – agenda item 6,7,8,9 and 10 – declared a prejudicial interest as the lead member.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee held on 12 February 2020 were submitted.

Accuracy – page 13: item 6 members highlighted that the road in question was the A547 and not the A541 which was noted.

RESOLVED that, subject to the above, the minutes of the meeting held on 12 February 2020 be approved as a correct record.

5 APPLICATION NO. 46/2019/0792 - LAND AT CWTIR LANE, FORMERLY PART OF GREEN GATES FARM, ST ASAPH

An application was submitted for the change of use of land for residential Gypsy and Traveller site to include 3 semi-detached amenity blocks with associated hardstanding access road and landscaping.

Prior to the application being discussed Councillor Emrys Wynne clarified that he did not attend the site visit, then left the chamber for the duration of the debate as he had declared a personal and prejudicial interest in this item.

Public Speakers –

Leanne Groves (**Against**) – thanked the committee for the opportunity to speak on behalf of her family and the surrounding community. It was stated that each parent wanted the best for their children, however imagine if things were taken away from them, this was the case for the public speaker's child Izzy who had Pitt Hopkins Syndrome. Due to the syndrome the family chose a house which was located away from urbanisation and sound pollution. When purchasing the property the legal advice was that there was no allocation of development within the LDP as the site was in the open countryside with a strong presumption against any development. With this assurance the family purchased the property. Currently there were 7 people residing at Cwtir lane. A development would affect the rural character of the community as the development was not in keeping with the character of existing buildings. There would also be an adverse impact to nature, the development would affect the wellbeing of current residents. The development would have an adverse affect on Izzy as sounds caused distress which was the medical professionals' opinions. The application could cause Izzy to live elsewhere. The proposed development would cause an already hazardous route to be more dangerous with the increased traffic.

Marc Sorrentino (**Against**) – the application was for a residential development outside the settlement boundary and the application would need to be discussed on the planning policies. The application did not comply with national policies PPW and with local planning polices RD-1 and BSC-10. The application did not meet policy RD-1, and did not comply with BSC-10 as the outskirts was not defined, the walking distance was through a farm, which was not an adequate entry way. This application was not on the outskirts. The fact that the application did not comply with the policies was a robust enough reason to refuse the application. Much has been made of the provision to the Gypsy and Traveller and sites. The Welsh Government guidance highlighted the amenities should be developed at a suitable location, however the public had been made aware that other sites which were more suitable on policy grounds and within settlements had been discussed prior on the process of allocating a site.

Trudy Aspinwall (**For**) – who was team manager of the travelling ahead project who worked with Gypsy, Roma and Traveller families in Wales and thanked the committee for the opportunity to speak on behalf of the family who would live at the proposed development at Cwtir lane. As advocates for Gypsy, Roma and Traveller families it was good news that Denbighshire was proposing a development, the news was appreciated especially with the recent hard times for Gypsy, Roma and Traveller families as there have been a loss of traditional stopping sites, and Councils have not rushed to develop sites. This would cause the Gypsy, Roma and Traveller, to be moved, evicted and moved again or retreat into bricks and mortar housing, which would lose them family links and culture, these were negative impacts on the families. In 2014 the Welsh Government legally recognised the needs and rights for Gypsy, Roma and Traveller families for appropriate accommodation and put the duty on local councils to meet this need. This would allow Gypsy, Roma and Traveller families to live with their extended families, it would also allow access to decent facilities, the family would be as any other tenants within Denbighshire, and they would pay rent, council tax and utility bills. This would allow families to maintain constant education, health care, employment and a permanent base within their community, it was something we would want for all families in Wales. It was highlighted that there was discrimination towards Gypsy, Roma and Travellers which made it hard for local Councillors as there would be a large amount of objections from locals. The proposed development was small and would have little impact on the local community. The duty of the local authority was clear, the decision should not be for a family to prove themselves, however they believed it was important that the committee knew that the family were a Denbighshire family and had been in the community for 46 years. The children attended Denbighshire schools and worked and contributed to the community, they were Welsh speaking. This was the opposite of the image which was portrayed of Gypsy, Roma and Traveller families. The family had decided to remain private and stay dignified during the whole process.

Paul Luckok (**For**) – thanked the committee for allowing him to speak, there were many people across North Wales who were supportive of Gypsy, Roma and Traveller culture, and commended Denbighshire County Councillors for bringing this application to this stage, and the officers for all of their hard work with the report. The public speaker believed there were no planning matters on which the application could be refused. Denbighshire County Council assessing the needs for Gypsy, Roma and Traveller families was a legal requirement. The public speaker understood some of the concerns and objections raised by local residents within the report, however many of the objections were not based upon planning matters and urged that local residents speak with Gypsy, Roma and Traveller families and realise that there were no threats to their ways of life from Gypsy, Roma and Traveller culture. The family which the application was aimed towards were from Denbighshire who had lived in the area for generations and were a part of the community. The public speaker understood the fears of surrounding residents especially for the family with a child with an illness, the family who would move into the proposed development also had family members with illnesses and would understand the needs alongside the existing residents. The speaker urged Denbighshire County Council grant the application.

General Debate – the chair queried whether any members who attended the site visit had any comments prior to allowing the local member to discuss the item. Councillor Christine Marston, outlined that whilst on the site visit it was apparent that the proposed area for development was rural, and the access roads to the site were very narrow.

Councillor Peter Scott (Local Member) – thanked the chair for the opportunity to speak. It was raised that there was a need for Gypsy and Traveller sites within Denbighshire, however the proposed location was not suitable for the application which was being discussed. Historically there had been developments proposed for the site, however none were granted planning permission. Councillor Scott stated that if the application was permitted it would cause a precedent as it was contrary to planning policy BSC10, 'Use of greenfield sites for development should be strongly avoided or strictly controlled, in favour of brownfield or previously developed sites'. The site would be developed on an open field outside of the boundary for St. Asaph, which would cause the loss of hedgerows due to landscaping work. The development would be in contradiction to Local Development Plan Policy RD 1, 'requires development to protect and where possible to enhance the local natural and historic environment'. Safety concerns were also raised with the roads to the proposed development site, which were not suitable as the road was narrow, had no street lighting and the speed limit was 60 miles per hour. Lastly the local member highlighted the overwhelming amount of objections which were received by locals in the area, there were also multiple objections from local businesses and the business park.

Councillor Meirick Lloyd Davies (Trefnant Ward) ran through the report highlighting areas, it was queried why there was no additional information within the report highlighting previous developments at the site being discussed. Within the report with regards to the road connecting to the proposed development site it stated in the report that there were sufficient passing places, the local member disagreed with this conclusion. The local member highlighted, that he was aware of a local resident who had carried out extensive research in the area in regards to development, the conclusion of which was the land had little chance of development.

Councillor Richard Mainon (Bodelwyddan Ward) thanked the chair for the opportunity to speak however highlighted a personal interest in the matter as he was a cabinet member. It was stated that the matter being discussed was one of the earliest items which the new Council needed to deal with, and he outlined that there was a genuine need for Gypsy and Traveller sites in Denbighshire. However the process had been slow, and the proposed site was not appropriate. He stated that he believed it would be beneficial for the matter to be resubmitted into the Local Development Plan which would involve all members and a solution would be found.

Officers initially responded to the local members, advising that the site had been assessed thoroughly through the adopted development plan, the most appropriate planning policy to the matter was BSC 10.

Members discussed that as they had responsibilities to listen to the concerns which had been raised by the local community and local businesses. It was understood

that there was a need for a gypsy and traveller site within Denbighshire however the suggested site was not the best suited. Members queried the definition of outskirts which was stated in the report. Members disagreed with the definition as they felt that the proposed development was outside boundary for St. Asaph, and was in open countryside. Concerns with the road to the site was reiterated as it was a narrow road and would be a risk to anyone who used it, especially with the increased traffic which would be caused by the development. It was also raised following recent weather

Proposal – Councillor Andrew Thomas proposed that the application be refused, as the application was a development on a greenfield site in the open countryside. Seconded by Councillor Merfyn Parry.

Members queried how many people would live at the site, and what the capacity of the proposed development would be, it was also queried how the site would be monitored.

Officers responded stating that the proposed site would be managed no different to any other housing tenancy agreement and would be monitored by the housing team within the Council. The housing team would also deal with the capacity aspect of the development as it was not a planning matter. The application was for a local family, which was 11 people who would live at the site, with 6 pitching areas for caravans. It was clarified that some of the objections which were received were not material planning considerations.

Members queried whether there had been correspondence with the traveller family to ensure that the application site was best for them. It was also queried whether there had been enough work carried out with TAN 20 and consideration given to the Welsh Language.

The committee were informed that there had been substantial discussions with the family, the family were local and Welsh speaking. The traffic assessment with the road found that roads to the site were acceptable, the increased traffic would have amount to roughly eight cars using the road each hour. There would be more passing places added to the route as part of the proposal. The accident statistics for the road for the past five years also indicated that there had been no accidents recorded.

The Head of Legal, HR and Democratic Services stated that at least one sixth of the Members' present would have to be in agreement for a recorded vote to be held. More than one sixth of those present stood in agreement to the recorded vote.

In favour of officer recommendation to grant – Councillors Mabon Ap Gwynfor and Alan James.

Against officer recommendation to grant – Councillors Ann Davies, Peter Evans, Brian Jones, Tina Jones, Christine Marston, Melvyn Mile, Bob Murray, Merfyn Parry, Pete Prendergast, Andrew Thomas, Tony Thomas, and Joe Welch.

Abstain – Councillor Mark Young.

In favour – 2

Abstain – 1

Against – 12

RESOLVED that permission be **REFUSED** contrary to officer recommendation on the grounds that the development would be contrary to planning policy BS 10.2 with the development taking place on a greenfield site in the open countryside.

At this juncture (11.10 a.m.) there was a 20 minute break.

The meeting reconvened at 11.30 a.m.

6 APPLICATION NO. 01/2019/1011 - PLOT 1, LAND ADJACENT TO COLOMENDY INDUSTRIAL ESTATE, DENBIGH

An application was submitted for the construction of a Local Authority Waste Transfer Station to undertake the sorting and baling of separately collected recyclable waste; to include the erection of the main recycling building, one depot building and storage bays; installation of vehicle wash and weighbridge, siting of generator, creation of new access and associated road widening, construction of internal road, service yard, storage areas, parking, drainage and substations (To serve plots 1-5), landscaping and associated works at Land Adjacent to Colomendy Industrial Estate, Denbigh.

Public Speakers –

Georgia Crawley (**For**) – thanked the committee for the opportunity to speak, she clarified that she would discuss the matters of the proposals broadly, the proposed development of 5 plots which would be set over 13,500m² of new industrial and business floor space of various sizes, alongside a local authority waste transfer facility on the 8.5 hectares of employment land allocation North of the Colomendy industrial estate. The applications had been submitted separately however they had many shared aspects. The site had been allocated for employment use for 20 years however the site had not been developed due to costs of purchase and to service the site. There had been a consortium created between Denbighshire County Council, Yard Space Wales, Henllan Bakery, Lock Stock and Emyr Evans. Each respective party have planned the development and expansion they required. The collaboration has brought together civic and private development which has created an innovative and effective way to get a development brought together. The main works such as ground, road and drainage works would be completed first. The waste transfer facility would not process waste but they would collect and bundle the waste. The proposed application would allow Denbighshire to conform to the Welsh Government blueprint with curb side collection, and weekly collection of recycling. The economic impact over 5 plots would be significant. Within 5 years it was estimated that 525 direct and indirect jobs would be created. The estimated total capital investment would be £20.3 million pounds to the economic impact estimated that this would be £2.9 million injected into Denbigh's economy per annum increasing to £9 million by 2024. The scheme was considered to be in line

with Council policy PSE2. The developers have worked close with neighbours during the pre-application process to alleviate concerns and there have been no objections to the development.

General Debate -

The committee were informed that they would need to determine each of the applications on their own merits. However the landscaping and highway work would affect all the applications. The area which was proposed to be developed had been allocated as employment land within the LDP. Each plot had separate proposed uses. Plot one would be a Waste Transfer Station to undertake the sorting and baling of separately collected recyclable waste, this would be required to be in line with Natural Resources Wales guidelines. Plot 2 would be for Yard Space Wales as a hybrid application for the 31 units (for B1, B2 and B8 uses). Plot 3 would be an extension for Henllan Bread which would allow them to increase production. Plot 4 was for Lock Stock to increase the amount of storage containers. Lastly Plot 5 was for Emyr Evans which was a hybrid application for the erection of 22 units and the increase of total floor space.

There had been no objections from any local residents, there also been no objections by professional bodies. However Natural Resources Wales requested that there should be sufficient Great Crested Newt mitigation and management at the site.

Councillor Mark Young (Local Member) – queried the recent extension which was granted to the quarry and whether the highways could accommodate both the quarry and the proposed development in the Colomendy industrial estate.

Officers responded informing members that the proposed development would have a new entrance developed, which would mitigate traffic, there would also be an extension to the 30mph speed zone area on Craig Road. Members' attention was drawn towards the amendment to condition 28 within the blue sheet, the drainage would need to be agreed prior to any work being commenced. Officers also confirmed that any developments would be discussed with local members.

The comments raised by Denbigh Town Council were raised and whether there would be automatic roller doors installed to mitigate any odours from the application.

In regards to automatic roller doors the applicant had considered the suggestion by Denbigh Town Council however they had decided to stay with the original proposal for practical reasons, with odour the waste would be stored in sealed skips and removed from the site daily.

PROPOSAL - Councillor Merfyn Parry proposed the application be granted in accordance with officer recommendations, seconded by Councillor Alan James.

VOTE:

GRANT – 14

REFUSE – 0

ABSTAIN – 0

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

7 APPLICATION NO. 01/2019/1013 - PLOT 3, LAND ADJACENT TO COLOMENDY INDUSTRIAL ESTATE, DENBIGH

An application was submitted for the erection of an extension to the existing industrial unit (for B1, B2 and B8 uses), connection to existing access, construction of internal access road, service yard, storage and parking areas, drainage and substations (to serve plots 1 to 5) landscaping and associated works.

PROPOSAL - Councillor Mark Young proposed the application be granted in accordance with officer recommendations, seconded by Councillor Merfyn Parry

VOTE:

GRANT – 14

REFUSE – 0

ABSTAIN – 0

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

8 APPLICATION NO. 01/2019/1012 - PLOT 2, LAND ADJACENT TO COLOMENDY INDUSTRIAL ESTATE, DENBIGH

A hybrid application was submitted for:

- (i) Full planning permission for the erection of 6 units (for B1, B2 and B8 uses), connection to existing access, construction of internal access road, service yard, storage and parking areas, drainage and substations (to serve plots 1-5), landscaping and associated works
- (ii) Outline planning permission including access, layout and landscaping for the development of land for 25 units (for B1, B2 and B8 Uses)

PROPOSAL - Councillor Mark Young proposed the application be granted in accordance with officer recommendations, seconded by Councillor Alan James.

VOTE:

GRANT – 15

REFUSE – 0

ABSTAIN – 0

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

9 APPLICATION NO. 01/2019/1014 - PLOT 4, LAND ADJACENT TO COLOMENDY INDUSTRIAL ESTATE, DENBIGH

An application was submitted for the erection of 11 units (for B1, B2 and B8 uses), change of use of land for the siting of storage containers, connection to existing access, construction of internal access road, service yard, storage and parking areas, drainage and substations (to serve plots 1 to 5), landscaping and associated works.

PROPOSAL - Councillor Mark Young proposed the application be granted in accordance with officer recommendations, seconded by Councillor Merfyn Parry

VOTE:

GRANT – 15

REFUSE – 0

ABSTAIN – 0

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

10 APPLICATION NO. 01/2019/1015 - PLOT 5, LAND ADJACENT TO COLOMENDY INDUSTRIAL ESTATE, DENBIGH

A hybrid planning application was submitted for

- (i) Full planning permission for the erection of 1 unit (for B1, B2 and B8 uses), connection to existing access, construction of internal access road, service yard, storage and parking areas, drainage and substations (to serve plots 1 to 5) landscaping and associated works
- (ii) Outline planning permission including access, layout and landscaping for the development of land for 21 units (for B1, B2 and B8 Uses)

PROPOSAL - Councillor Mark Young proposed the application be granted in accordance with officer recommendations, seconded by Councillor Merfyn Parry

VOTE:

GRANT – 15

REFUSE – 0

ABSTAIN – 0

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

11 INFORMATION REPORT - PLANNING APPEALS UPDATE

RESOLVED that the planning committee note the content of the report.

12 APPLICATION NO. 05/2019/1016 - LAND AT STATION CAMP SITE, CARROG

An application was submitted for the change of use of land to provide 14 tent pitches.

Officers gave some background to the application, and informed the committee that there was no additional information within the blue sheet. The site for the

application was already an operating camping site, the application was for an extension.

Members outlined that the proposed area was in a flood zone, and queried whether there were safety precautions should flooding would occur at the camp site.

Officers responding informed the committee that the owners were registered with the Natural Resources Wales flood warnings scheme, however if members wished, officers would raise the flood issues with the applicant.

PROPOSAL – Councillor Merfyn Parry proposed the application be granted in accordance with officer recommendations, seconded by Councillor Bob Murray.

VOTE:

GRANT – 14

REFUSE – 0

ABSTAIN – 0

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

13 APPLICATION NO.01/2019/0959 - LAND BETWEEN OLD AND NEW RUTHIN ROAD, DENBIGH

An application was submitted for the erection of 64 no. dwellings, construction of a new vehicular access and associated works at land between Old and New Ruthin Road, Denbigh.

Public Speaker –

Stuart Andrew (**For**) spoke on behalf McBride homes the applicant for the proposal and thanked the committee for the opportunity to speak for the construction of 64 dwellings on Ruthin Road, Denbigh. The site had an outline planning permission and a site development brief has been developed previously by the Council, the site was for residential development. The site would have a provision of affordable housing, and open green spaces in accordance with Council policies. With the proposed 64 dwellings 10% would be affordable dwellings, along with a financial contribution for the 0.4 of a dwelling to fulfil the 10% allocation. There would be half an acre of open green space available for public to use, and the maintenance programme for the open space would be agreed by the Council. There would also be a payment towards local schools of £75,000, there were no objections from the professional consultees, as there was no adverse impact on the amenities of existing buildings.

General Debate –

Councillor Mark Young (Local Member) queried why the funding from the public spaces within the application had been reduced and the education contribution was increased. It was also raised that previous applications in the area highlighted the affect which would be caused on wildlife specifically hedgehogs and hedgerows.

Officers responded to the query by stating that the original sum for open spaces was reduced as the Council would not be maintaining the green open spaces therefore the amount was reduced. The reason the education contribution was increased was that the original assessment of need in schools was re-assessed in January and the amount was increased as there was an identified need. The ecological assessment of the site indicated that there would be no adverse impact on the ecology in the area.

In response Councillor Mark Young (Local Members) queried whether Denbighshire County Council had a policy where they maintained open spaces, officers responding that it was dependant on the site however on most occasions the Council would not maintain open spaces. There were many alternatives available to maintain green spaces. The education contribution would be payed directly to the education team. Referring back to the maintenance plan for the proposed development the committee were anxious that with previous applications, a maintenance plan was not determined which caused confusion for residents. Members queried whether for future applications that maintenance can be agreed within the planning process. Officers responded stating that maintenance plans of open green spaces with applications could be discussed in a future Scrutiny Committee meeting.

Members queried whether a Welsh language impact assessment had been carried out for the application. Responding officers informed the committee that the proposed development was within the LDP and there had been a Welsh language assessment carried out during the LDP process.

Members' raised concerns with flooding in the area with the proposed development, members were informed that there had been no objections from professional bodies to the development.

Proposal – Councillor Merfyn Parry proposed the application be approved in accordance with officer recommendations, seconded by Councillor Alan James.

VOTE:

GRANT – 10

REFUSE – 0

ABSTAIN – 2

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

14 APPLICATION NO. 02/2019/0895 - LAND AT GLASDIR, RUTHIN

An application was submitted for the erection of 77 no. affordable dwellings together with access, open space and associated works at Land at Glasdir, Ruthin.

Public Speaker –

Peter Lloyd (**For**) – the concept of Glasdir was a sustainable urban extension, with housing and employment coming together with a link road which had been planned for 20 years and was in the adopted local plan. It wouldn't come as news to the committee that the proposed development would be a much needed affordable housing development for the site. Planning policies support the development of houses on suitable undeveloped land within settlements, this development would complete the Glasdir jigsaw. The design of the houses would be low carbon development, and low energy use, which was the future for developments. With flood risk, Clwyd Alyn's consultants have worked closely with NRW and flood defence officers with the most up-to-date data and modelling to demonstrate that risks relating to the site and the consequences, including allowing for climate change on and off the site, could be acceptably mitigated in line with planning policy TAN-15. The response from statutory and internal consultees was that there were no objections. There would be benefits of the partnership between Welsh Government, Denbighshire County Council and Clwyd Alyn, with developing publicly owned land for affordable housing, for local people. There would be substantial financial contributions to open spaces, sustainable drainage and a SAB application was already lodged. The preservation of the Welsh language has been assessed with the application. The application would have high quality low carbon houses and bungalows, footpaths, cycle paths and open green spaces, which would show confidence and investment in Ruthin. This would be an innovative housing scheme which would secure £9.1million of Welsh Government investment and the committee were requested to grant the application to unlock the potential investment.

General Debate – Councillor Emrys Wynne (Local Member) was pleased that the item was being discussed in the committee. There have been a lot of concerns raised by local people to the proposed development and it was reassuring to see so many of the concerns answered within the report by officers. Councillor Emrys Wynne also declared a personal interest following the realisation that his brother was objecting to the development.

Councillor Bobby Feeley (Local Member) – was concerned that the increase in the number of dwellings and people would strain the existing infrastructure in the area. Concerns had been raised about the proposed area of development as it would have an effect on the traffic flow for the area which was already bad at peak times. There were concerns raised with the potential impact on the ecology of the area, and the heightened risk with flooding especially as the area was within the flood risk area. It was also highlighted that Welsh Government were in the process of strengthening policies relating to flooding, and highlighted that planning policy TAN 15 was out of date for the development.

Councillor Huw Hilditch-Roberts (Local Member) – clarified that he understood that there was a corporate need for housing and sympathised with officers when producing the report as a balanced approach was needed. However the application intended to build two and three bedroom dwellings and the designs were not in line with the character of the town. There would also need to be a lot of work carried out in respect of flood management. The traffic in the area would be affected negatively by the development, it was suggested that local knowledge should be taken into consideration especially with traffic and the effects on the local area.

Officers responded to the points raised by local members. Officers understood the concerns of members in respect of flooding and the style of the housing however it was felt that these concerns were covered within the report and in the consultations with the relevant bodies.

Councillor Bobby Feeley (Local Member) reiterated that TAN-15 within the report was out of date as it was being reviewed by the Welsh Government and queried why it was still being used within the report. Officers reported that the policy was being reviewed but they used the most up-to-date information and guidance available. It was stated that officers understood the concerns in respect of flooding in the area.

The committee raised further concerns about the mitigation of flood waters on the site and queried whether there would be an increased risk to existing developments in the area.

Officers advised that assessments of the site had been carried out to assess the implications the development could have, however officers felt that there were appropriate mitigation measures in place and therefore recommended the application be granted.

Members raised other concerns with the new schools near the location of the proposed development and the increased traffic which would occur should the development be granted.

Councillor Emrys Wynne (Local Member) thanked the committee for the discussion on the matter and he stated that there were a number of valid reasons that merited refusal of the application, including the serious concerns about flooding. However, he would propose refusal as followed:

Proposal – Councillor Emrys Wynne proposed that the application be refused because the proposed layout, character and design of the proposed houses would not be in keeping with the existing developments in the area. Seconded by Councillor Mabon ap Gwynfor.

VOTE:

GRANT – 4

REFUSE – 9

ABSTAIN – 0

RESOLVED that the application be **REFUSED** contrary to officer recommendations because the proposed layout, character and design of the proposed houses would not be in keeping with the existing developments in the area.

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Agenda Item 5

WARD : Llandyrnog

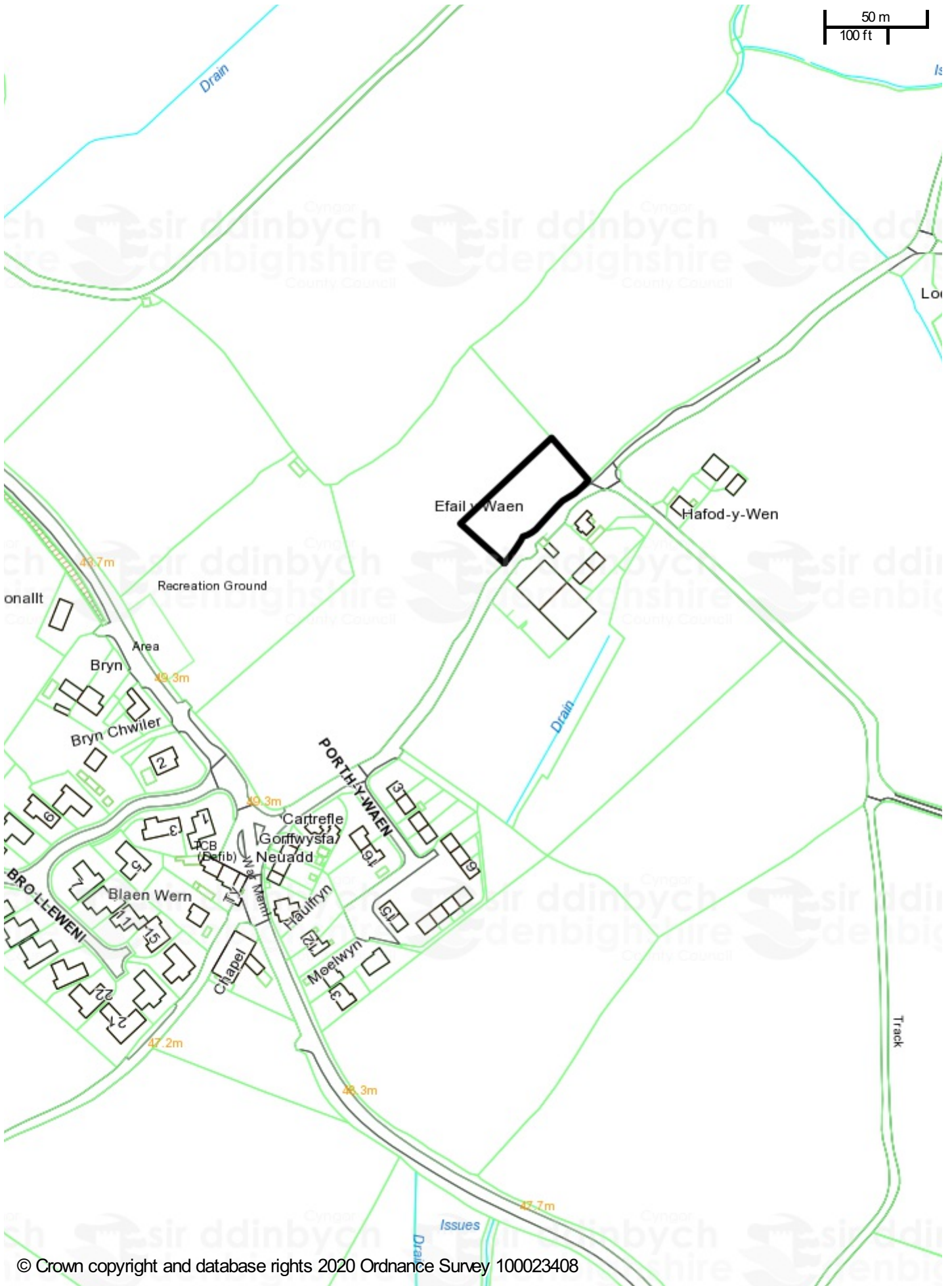
WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 09/2020/0167/ PC

PROPOSAL: Extension to existing agricultural building (retrospective application)

LOCATION: Land adjacent to Efail Y Waen Bodfari Denbigh LL16 4EE

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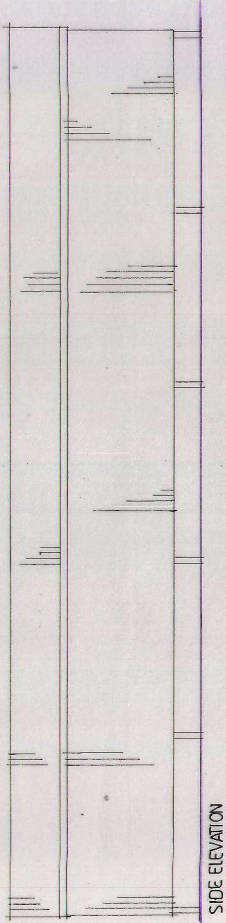
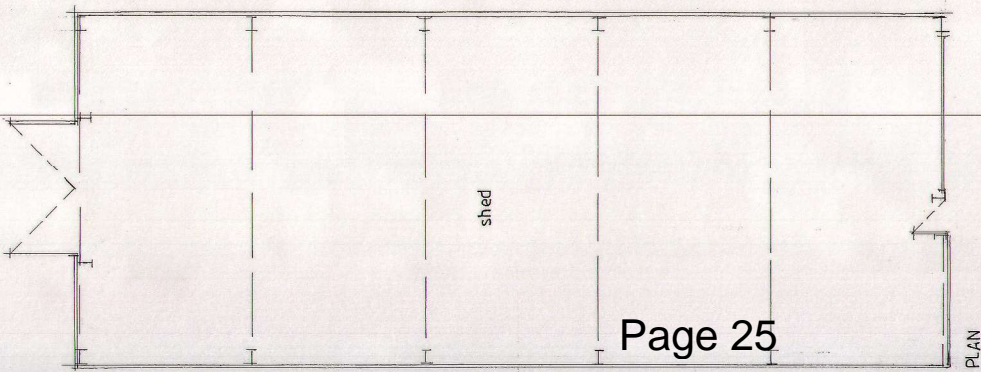
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09/2020/0167

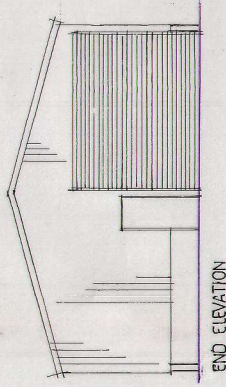
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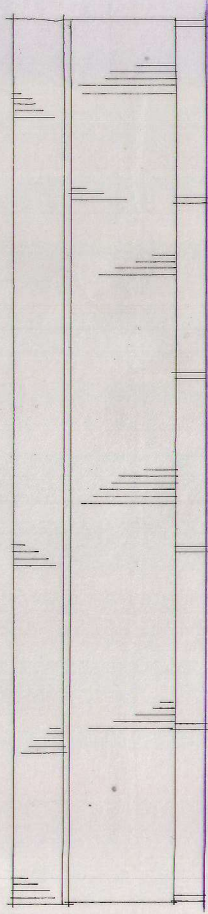
EXISTING ELEVATIONS AND FLOOR PLAN



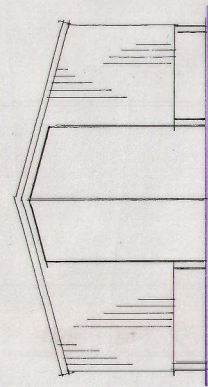
SIDE ELEVATION



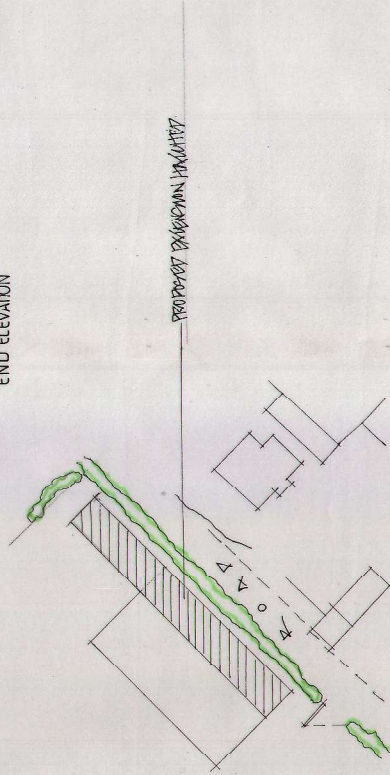
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SIDE ELEVATION



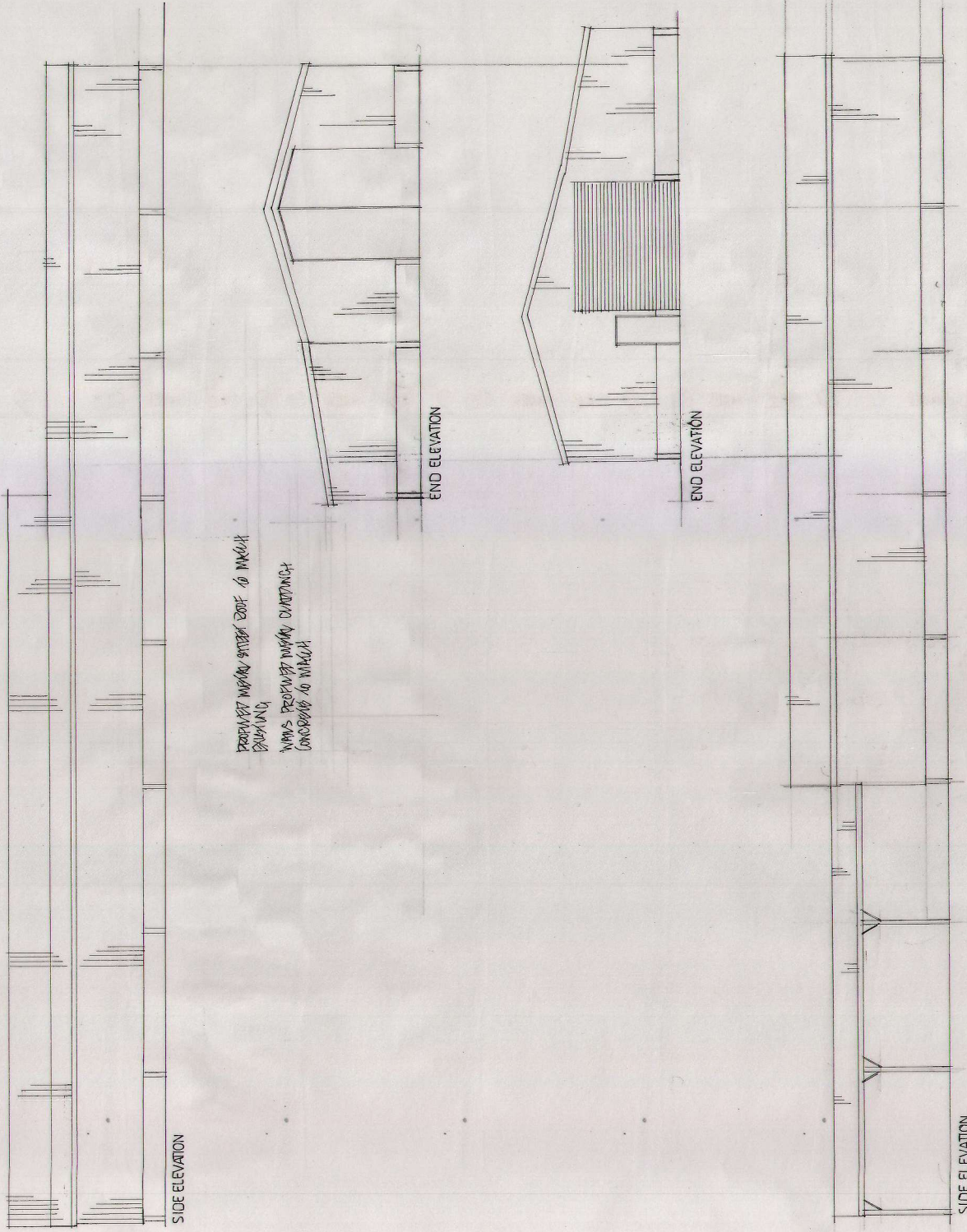
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SITE PLAN SCALE 1:500
NORTH

PROPOSED SHED EXTENSION
E FALLY WAEN
ABERYWHECLER
EXISTING
SCALE 1:100 PRINT A2
DATE FEB 2020

PROPOSED PLANS AND ELEVATIONS



PROPOSED NEWLY SITED ROOF TO MATCH
EXISTING
WALLS PROPOSED NEWLY CLADDING
CONCRETE TO MATCH

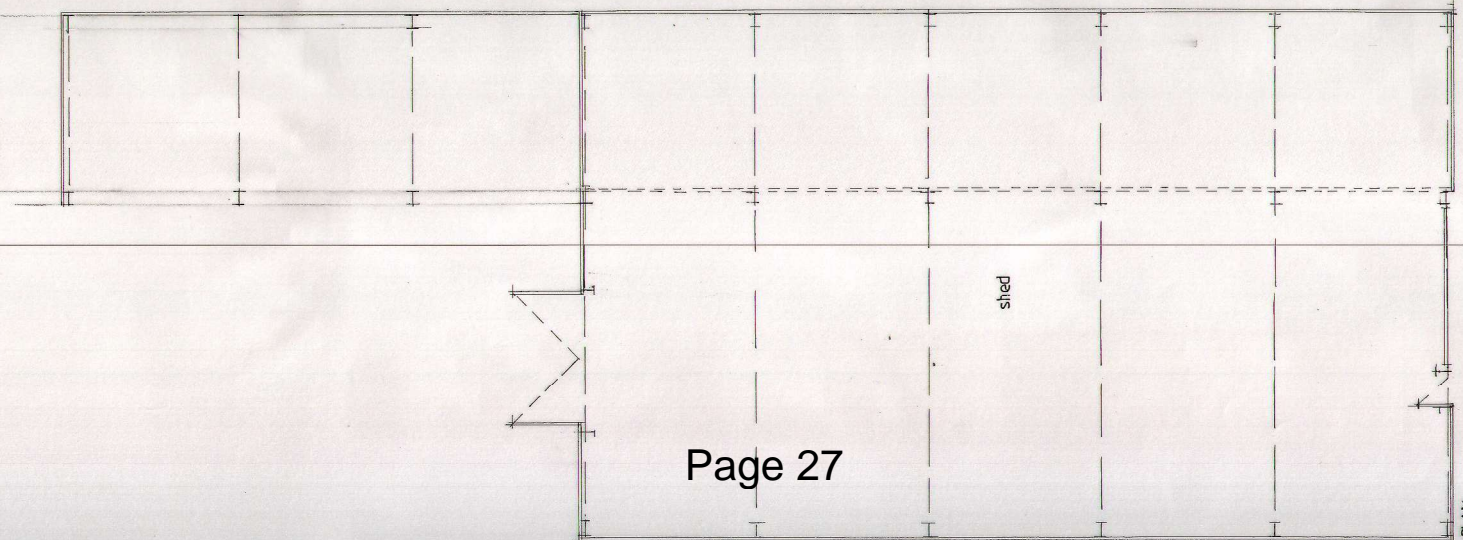
SIDE ELEVATION

END ELEVATION

END ELEVATION

SIDE ELEVATION

PROPOSED EXTENSION
EFAIL Y WAIN
ABERNWHEELER
PROPOSED
SCALE 1:100 PRINT A2
DATE FEB 2020



shed

PLAN

WARD : Llandyrnog

WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 09/2020/0167/ PC

PROPOSAL: Extension to existing agricultural building (retrospective application)

LOCATION: Land adjacent to Efail Y Waen Bodfari Denbigh LL16 4EE

APPLICANT: Mr Emyr Hughes

CONSTRAINTS: None

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

ABERWHEELER COMMUNITY COUNCIL –

' Members of Aberwheeler Community wish to object strongly to this extension because, they feel it creates an impact on near-by houses in the village, as well as being visible from the AONB and Offa's Dyke Path.'

NATURAL RESOURCES WALES –

Following submission of additional information clarifying the use of the building, have no objection to the proposal.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 26/04/2020

EXTENSION OF TIME AGREED? 15/07/2020

REASONS FOR DELAY IN DECISION (where applicable):

- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal is a retrospective application seeking the retention of an extension to an existing agricultural building. The detailing is shown on the plans accompanying the report.

1.1.2 The extension is to a 5m wide lean to extension to the side and rear of the existing building with the rear extension projecting approximately 13.7 metres in length and projects out to the north east of the existing building. Its roof is a monopitch which

continues the profile of the 'lean to' roof of a previously approved side extension to the original building.

1.1.3 The supporting document confirms the building is used for storage of machinery and winter feed when appropriate, and that it is not used for livestock; the field in which the building is situated is used for the grazing of sheep for part of the year and hay/haylage and feed for the remainder.

1.1.4 The field is managed as part of a larger holding located some 4 kilometres away near Denbigh. Hay and haylage is normally transported and stored at the parent holding.

1.2 Description of site and surroundings

1.2.1 The site is approximately 220m to the north-east of Aberwheeler village and is occupied by an existing agricultural building, on the north western side of the road running north east out from Aberwheeler to Grove Hall, south of Bodfari. It is on the opposite side of this road to the complex of buildings at Efail y Waen farm.

1.2.2 There are two residential properties on this opposite side of the road, which includes the Efail y Wern farmhouse which is directly opposite and Hafotty Wen, approximately 50m to the east.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located outside of any development boundary as defined in the Local Development and is therefore considered to be within open countryside.

1.3.2 The site is within a mineral safeguarded area and within Vale of Clwyd Historic Landscape.

1.4 Relevant planning history

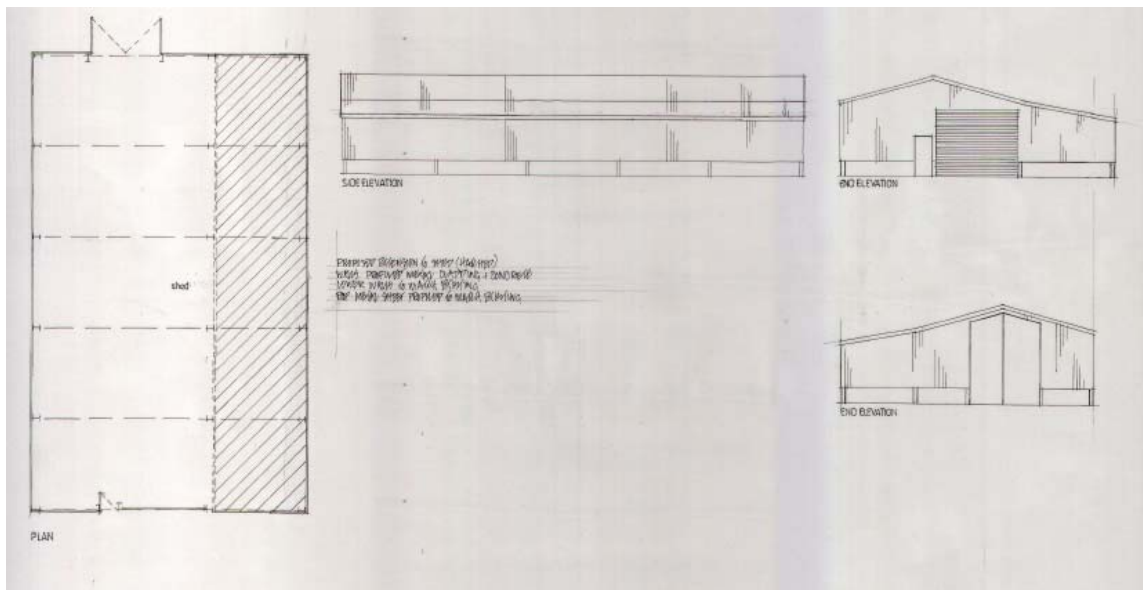
1.4.1 Planning permission was originally granted for an agricultural building measuring 23 metres by 9 metres in 2016. A condition was imposed on the original 2016 consent which restricts the use of the building to agricultural purposes only.

1.4.2 A 5 metre wide 'lean to' extension running the length of the south east side of the original building was granted in 2019.

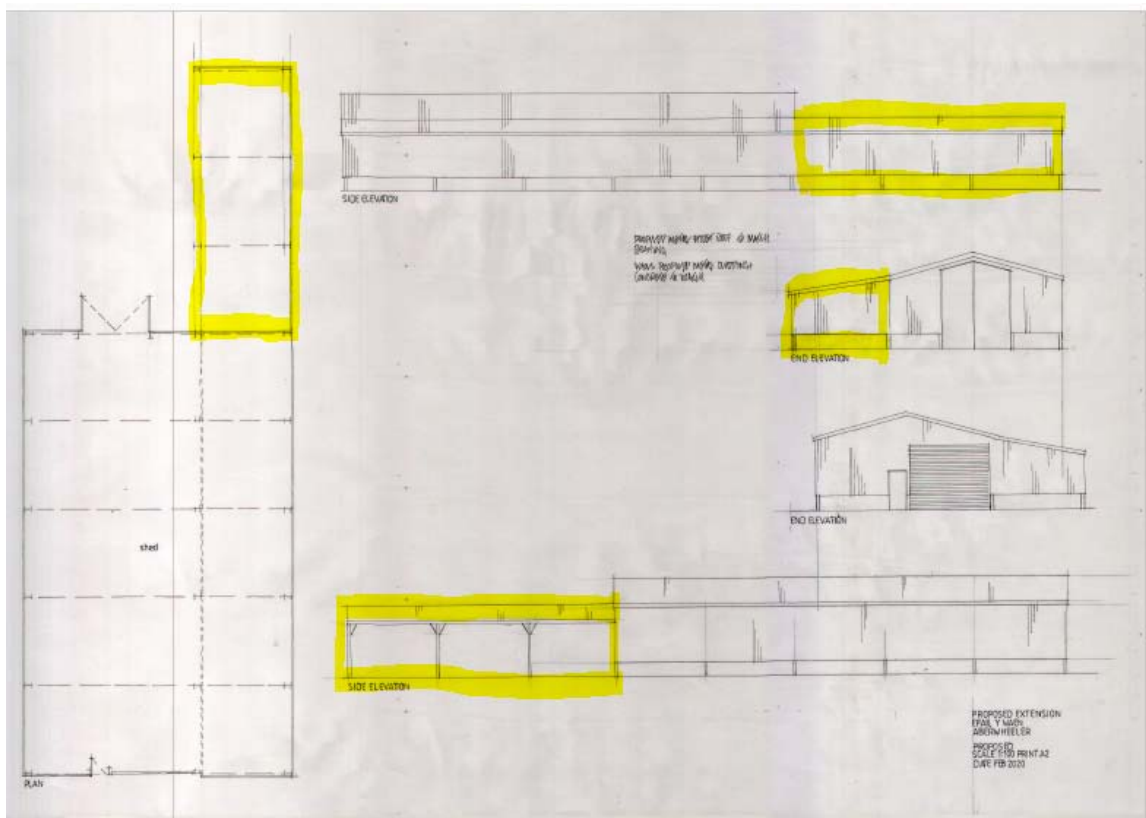
1.4.3 The current application is for amendments to the previously approved extension scheme which incorporates an extension to the rear.

1.4.4 The consented and proposed plans are shown below for comparison purposes:

Consented extension plans (granted in 2019):



Proposed extension plans (additional rear extension highlighted):



1.5 Developments/changes since the original submission

- 1.5.1 An additional supporting statement was submitted during the course of the application confirming how the building is used in response to NRW's initial consultation response. NRW was subsequently re-consulted on the application.

1.7 Other relevant background information

1.7.1 The existing building does not form part of the Efail y Waen farm holding.

2. **DETAILS OF PLANNING HISTORY:**

2.1 09/2016/0205. Erection of an agricultural building. Granted by Planning Committee on 22/06/2016

2.2 09/2019/0078. Extension to existing agricultural building. Granted under delegated powers on 19/03/2019.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

Technical Advice Notes:

TAN 6 Planning for Sustainable Rural Communities (2010)

4. **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity (including impact on the AONB)

4.1.3 Residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

Paragraph 5.6.6 of PPW 10 advises that Local Planning Authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition authorities are encouraged to adopt a positive approach to the conversion of rural buildings for business re-use.

TAN6 Appendix 1 sets out the general considerations for planning authorities when dealing with agricultural prior notification applications. TAN6 2.1.1 states the planning

system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces.

Policy PSE5 states that development, including agricultural diversification, will be supported throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising any special status of the Area of Outstanding Natural Beauty/Area of Outstanding Beauty.

The site is on agricultural land and the proposal is to extend an existing agricultural building.

Having regard to the above it is considered that the proposals are acceptable in principle, however it is noted that a condition was imposed on the original consent to restrict the use of the building to agricultural purposes only, and for the avoidance of doubt, Officers would consider a similar condition should be imposed should permission be granted.

The detailed visual and residential amenity impacts are considered below.

4.2.2 Visual amenity (including impact on the AONB)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Paragraph A14 TAN 6 provides advice to Local Planning Authorities when dealing with Prior Approval submissions for agricultural buildings, including guidance on siting and design in Paragraph 14 which is considered useful and relevant for the subject application as it states that the siting of a new agricultural building can have a considerable impact on the surrounding landscape. It indicates developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.

LDP Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The Community Council has objected to the proposal on visual amenity grounds, citing impact on near-by houses in the village, as well as being visible from the AONB and Offa's Dyke Path.

Factually, the proposal relates to an extension to an existing approved building and is in the form of a forward projection of a side extension to that building granted in 2019. The extension runs alongside a mature hedge forming the highway boundary, which provides partial screening of the site from views along the road.

Whilst the extension would increase the overall length of the building by over 13m, it has a sloping roof which continues the roof line of the 2019 extension to the existing building, and the roof and wall materials match those of the existing building. The extension is considered to be subordinate in scale to the existing building and in the context of the significant complex of buildings in separate ownership at Efail y

Waen farm on the opposite side of the road. It appears to be well related to the buildings within the Efail y Waen complex.

Having regard to the design, scale and form, Officers do not consider the extension appears out of proportion to its setting or is an incongruent feature in the landscape.

In noting the particular concerns of the Community Council, given the detailing, limited size and the actual location of the extension, it is respectfully not considered this impacts in any adverse manner on houses in the village, the setting of the AONB or Offa's Dyke Path.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The Community Council has raised concerns that the extension proposed would adversely impact on near-by houses in the village.

There are residential properties on the opposite side of the road including the Efail y Waen farmhouse and a further dwelling to the south-east.

Officers would note the site is already occupied by an existing agricultural building and Efail y Waen on the opposite side of the road is a working farm.

Notwithstanding the concerns of the Community Council, Officers do not consider the extension proposed would in itself give rise to unacceptable impacts on the residential amenity of nearby dwellings.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 In respecting the concerns of the Community Council, Officers consider the proposal involves a minor extension to an existing agricultural building, and would not give rise to unacceptable impacts on visual amenity or landscape character. Accordingly, the proposal is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Existing elevations, floor and site plan received 24 February 2020
 - (ii) Proposed elevations and floor plan received 24 February 2020
 - (iii) Location plan received 24 February 2020
2. The building hereby permitted shall be used for agricultural purposes only. Should the use of the building for agriculture cease the structure shall be removed from the land within 6 months of the date of the cessation of the use and the land shall be levelled, top soiled and seeded with grass no later than 9 months from the cessation of the use.

The reasons for the conditions are:-

1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. For the avoidance of doubt and in the interest of landscape and visual amenity.

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Agenda Item 6

WARD : Rhyl East

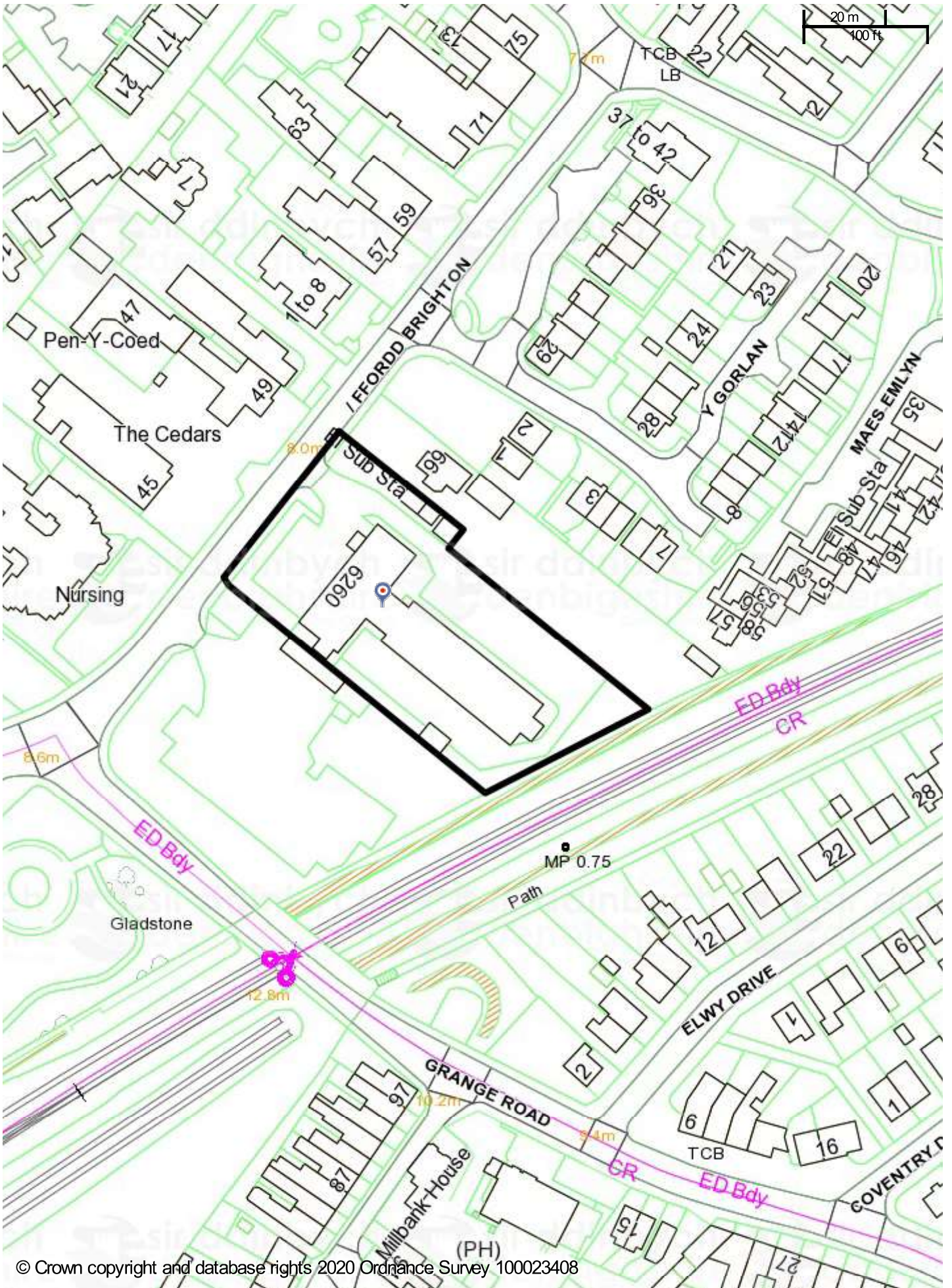
WARD MEMBER(S): Cllr Tony Thomas (c)
Cllr Barry Mellor

APPLICATION NO: 45/2020/0096/ PF

PROPOSAL: Change of use and alterations to former offices to form a 61 bed,
6 ward hospital for residential nursing and health care

LOCATION: 64 Brighton Road Rhyl LL18 3HN

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45/2020/0096

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DATE	REV	DESCRIPTION	DWN	CHECK
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CLIENT:		PRAGASH		
PROJECT:		64 BRIGHTON ROAD		
WORK DESCRIPTION:		SCHEME DESIGN		
DRAWING TITLE:		SITE PLAN		
DATE: 26/01/19	SCALE: 1:200@A1	PROJECT NO: 02_19		
CAD REF: PXREF	FILE NO: 02_19	DRAWING TYPE: P		

JPH ARCHITECTS
R.I.B.A.

8 Brighton road, rhy, ll18 3hd
em: info@jpharchitects.com - www.jpharchitects.com tel: (01745) 350650 fax: (01745) 350557

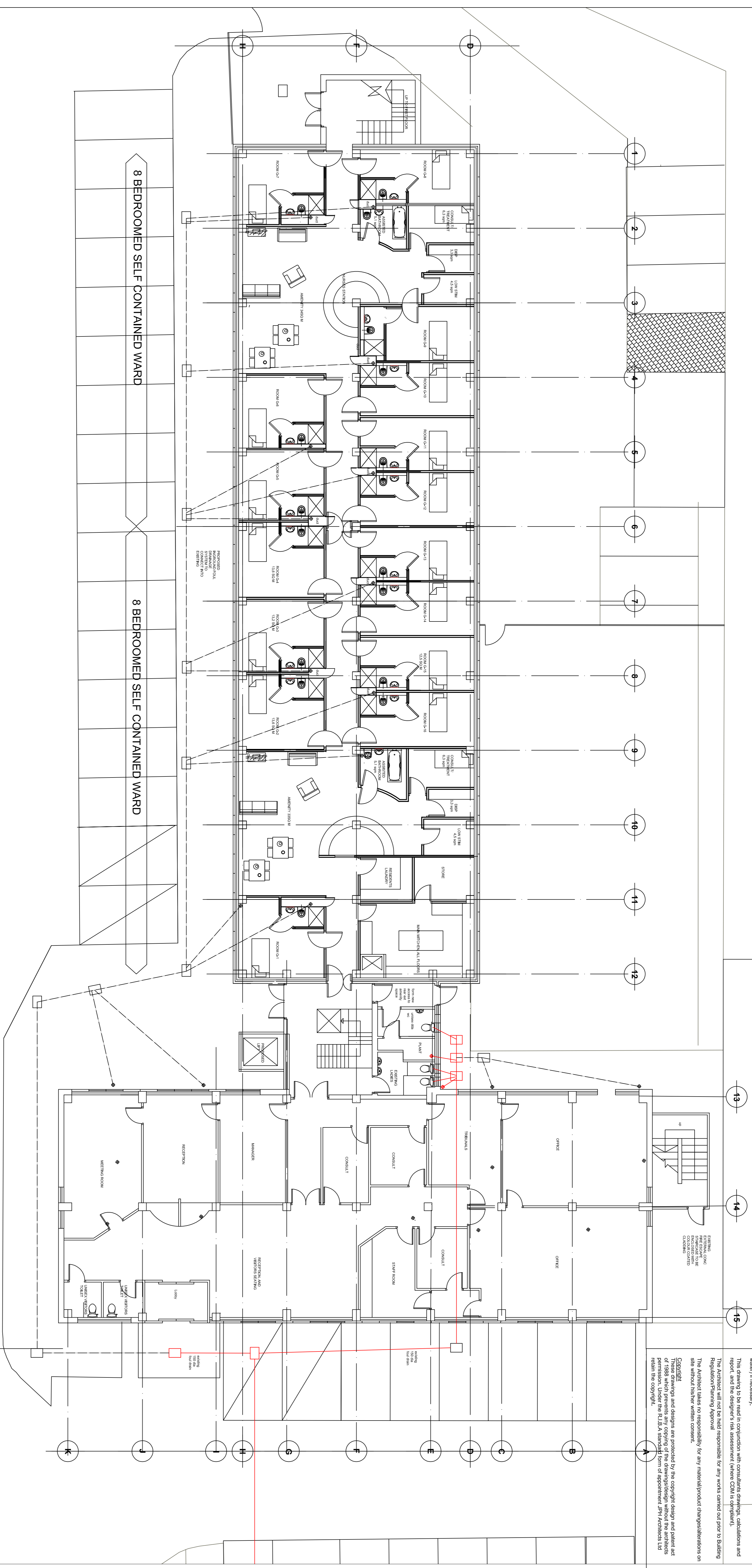
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GROUND FLOOR RECEPTION AND ADMIN

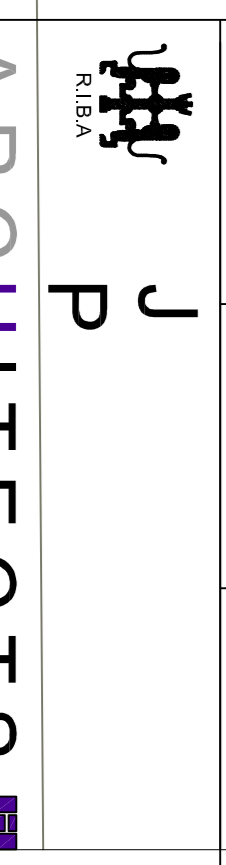
8 BEDROOMED SELF CONTAINED WARD

8 BEDROOMED SELF CONTAINED WARD

DATE	REV	DESCRIPTION	DMN	CHECK
07/02/19	A	LAUNDRY ADDED ROOM AND NOTES REVISED	JPH	

DRAWING NO: **P01 REV A**
 CLIENT: PRAGASH
 64 BRIGHTON ROAD

WORK DESCRIPTION: PROPOSED GROUND FLOOR PLANS
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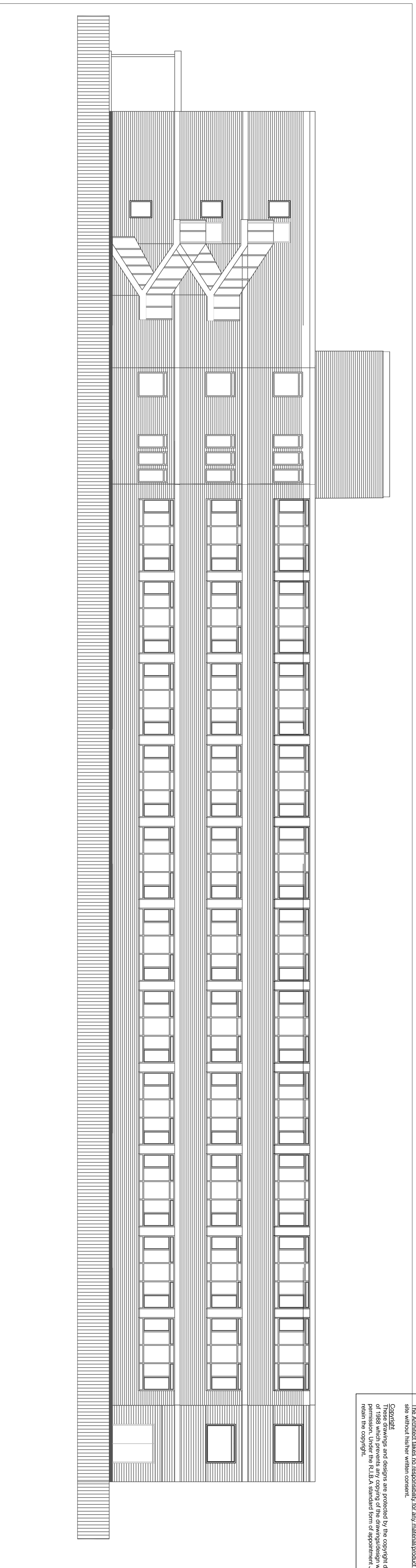


ARCHITECTS
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 e: info@jpharchitects.com www.jpharchitects.com
 f: 01746 350657
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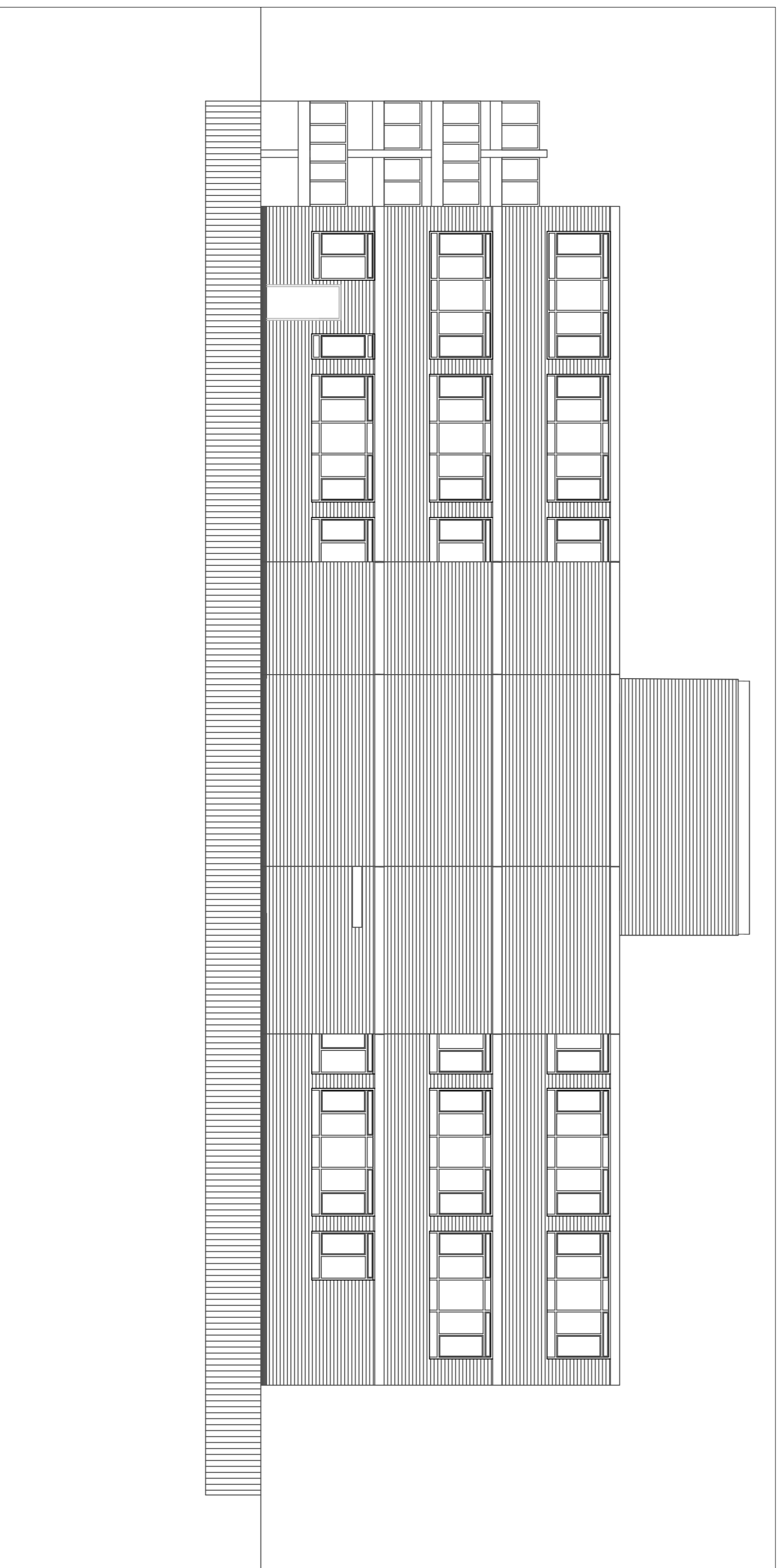
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EXISTING WEST FACING ELEVATION AS EXISTING scale 1:100



EXISTING SOUTH FACING ELEVATION, 64 BRIGHTON ROAD scale 1:100

DATE	REV	DESCRIPTION	DWN	CHECK

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DATE:	28/01/19	SCALE:	1:100@A1
CAD REF:	PXREF	PROJECT NO:	02_19
FILE NO:	02_19	DRAWING TYPE:	P

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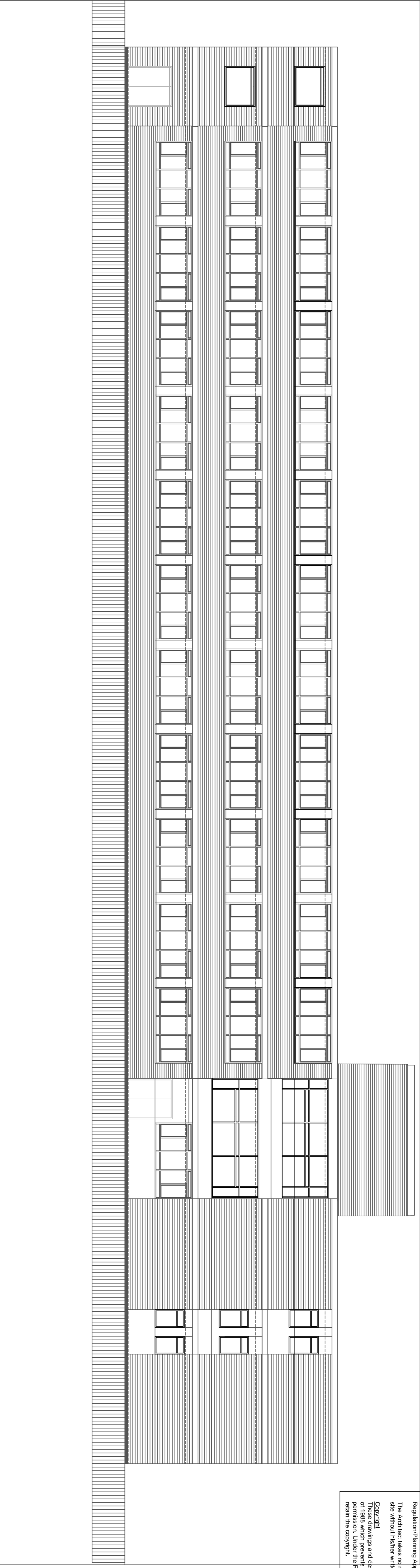
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All drawings, notes, connections, lines, levels and inverts are assumed, these are to be confirmed on site and agreed with LA Building Inspector and Bodele (where necessary).

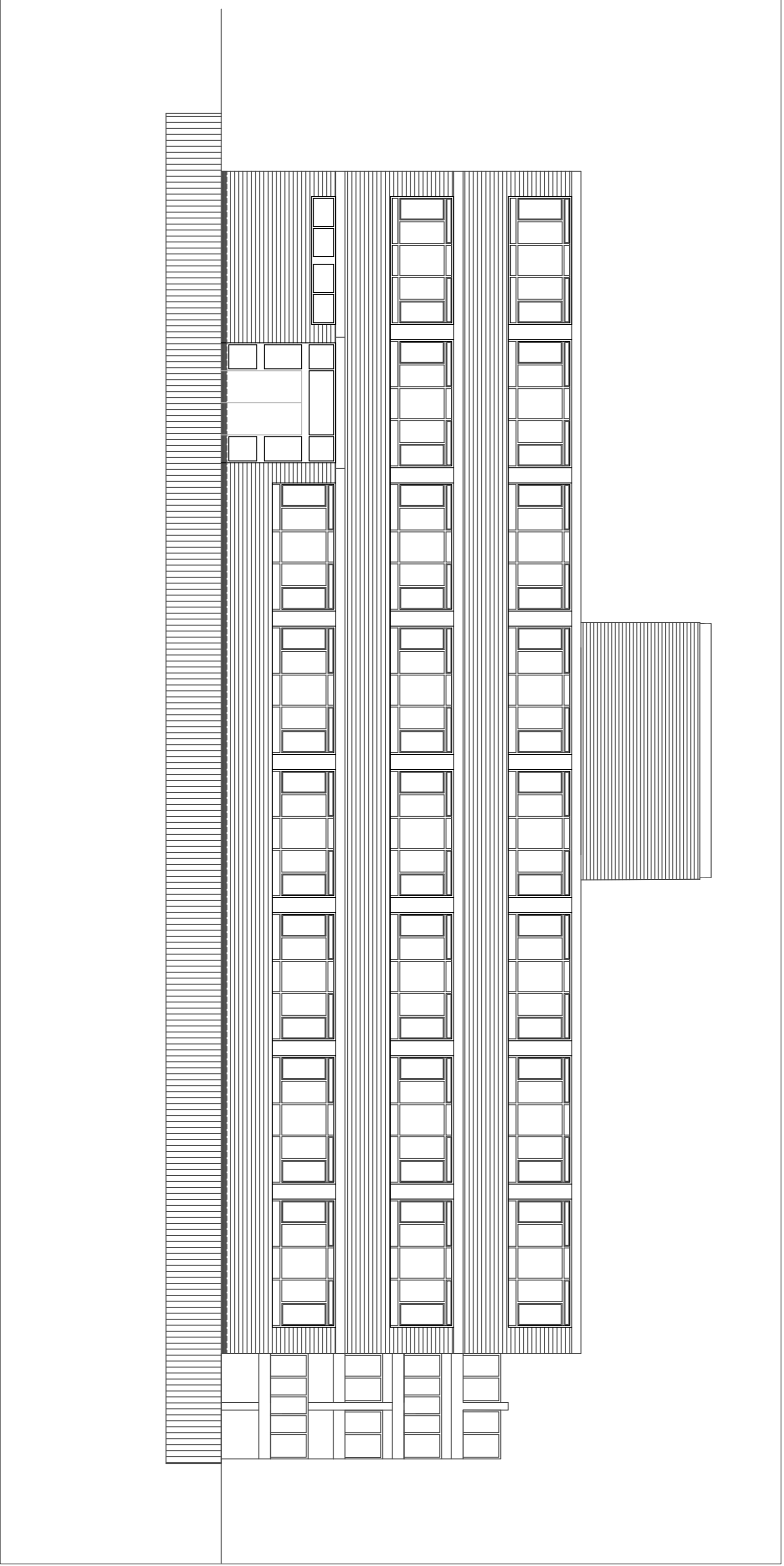
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EXISTING EAST FACING ELEVATION AS EXISTING scale 1:100



EXISTING NORTH FACING ELEVATION, 64 BRIGHTON ROAD scale 1:100

DATE	REV	DESCRIPTION	DNM	CHECK
DRAWING NO: EX04				
CLIENT: PRAGASH				
PROJECT: 64 BRIGHTON ROAD				
DRAWING TITLE: ELEVATIONS				
WORK DESCRIPTION: SCHEME DESIGN				
DATE: 28/01/19	SCALE: 1:100@A1	PROJECT NO: 02_19		
CAD REF: P-REF	FILE NO: 02_19	DRAWING TYPE: P		

WARD : Rhyl East

WARD MEMBER(S): Cllr Tony Thomas (c)
Cllr Barry Mellor

APPLICATION NO: 45/2020/0096/ PF

PROPOSAL: Change of use and alterations to former offices to form a 61 bed, 6 ward hospital for residential nursing and health care

LOCATION: 64 Brighton Road Rhyl LL18 3HN

APPLICANT: Mr N Pragash

CONSTRAINTS: Tree Preservation Order
Article 4 Direction

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - Yes
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
Original response
"No objection"

NATURAL RESOURCES WALES
No comments.

DWR CYMRU / WELSH WATER
No objection.

BETSI CADWALLADR UNIVERSITY HEALTH BOARD TRUST
Raised concern previously regarding the lack of clarity over the service model, need and demand. Note that the refreshed application refers to a "hospital for residential nursing and healthcare. It is not clear whether this is proposing a different type of facility to the previous application, which was for a hospital development for people with mental health needs. Are not able to amend response significantly without further clarity regarding the service model proposed. Note that others have raised again the issue of the low level of need in the local area and therefore the assumption must be that the providers will be seeking to support people from outside the area.

NORTH WALES POLICE
Having regard to the Planning Policy Statement document, note the seeming lack of any market interest in the building, and the deterioration of the building largely due to vandalism. These are important factors because the longer the building stands unused, the more likely it is to be a generator for crime and disorder.
Previously concurred with the comments made by BCUHB in that it was not possible to accurately assess the impact of the proposed hospital due to a lack of detail in terms of the operation of the site.

Accepts need to balance any potential risk with the reality of the current situation. Since the building became vacant some 30 months ago, North Wales Police have received 22 calls from neighbouring residents complaining about anti-social behaviour; and there have been 16 recorded crimes. The actual number of incidents is much higher. Consider that when some progress is made with the building, be that refurbishment or demolition, incidents of crime and disorder will come down.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Highways Officer

The scheme proposes to provide 36 parking spaces within the site. In accordance with Denbighshire County Council’s parking standards a maximum of 24 spaces in addition to the essential vehicles should be provided. The scheme therefore offers parking in excess of the requirement and given the location and former use as offices, hence have no objection to the proposal.

Head of Adult Services

Expresses concerns that the submission does not clearly demonstrate that there is a sound business case or need in Rhyl or indeed Denbighshire for the proposed facility.

Strategic Housing and Planning

Considers the proposal meets the requirements of the criteria set out in Policy PSE 3.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 05/04/2020

REASONS FOR DELAY IN DECISION :

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposal

- 1.1.1 The application proposes a change of use and alterations at the former Council Offices on 64 Brighton Road to a 61 bed 6 ward hospital for residential nursing and health care.
- 1.1.2 The plans indicate that the existing office building would be remodelled to incorporate individual wards spread over the three floors with ancillary accommodation including treatment rooms, kitchen, and amenity space. There would be office accommodation, staff rooms and meeting space on the ground floor.
- 1.1.3 Externally the building would be renovated; the most notable alterations would be the replacement of the windows with double glazed units interspersed with coloured spandrel panels.
- 1.1.4 The site layout and access would remain broadly as existing with parking for 42 cars marked to the front and side of the building. A secure garden area is proposed to the rear of the building which would be bounded by 2.4 metre galvanised mesh fencing. An external staff seating area is proposed to the rear corner of the site.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the southern side of Brighton Road close to Rhyl Town Centre.
- 1.2.2 The three storey building was previously occupied by Denbighshire County Council Social Services. It is understood there were 280 desk spaces in the building, with a capacity for a total of 325 spaces.
- 1.2.3 On Brighton Road, the majority of properties are now in use as self-contained flats/apartments, but there are also nursing homes, some sheltered housing and Local Authority offices in the area, i.e. mixed residential and commercial uses.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl, but there are no use designations in this area.
- 1.3.2 The trees on the site are covered by a blanket TPO dating back to the Rhyl Urban District Council in 1951. The TPO covers most of the trees along the street frontage of Brighton Road.

1.4 Relevant planning history

- 1.4.1 The Application is a resubmission following a refusal for a scheme for a 61 bed, 6 ward bespoke hospital, in 2019. The reason for refusal on that application was based on the adopted LDP Policy PSE 3. This policy seeks to challenge any loss of available office space. (see Section 2 of the report below)
- 1.4.2 The refusal was appealed by the Applicant. The Planning Inspector's decision, issued in January 2020, was to dismiss the Appeal. Within the body of the Inspector's decision letter, it was noted that the submission lacked information and justification in respect to the Planning Policy requirements. The resubmission provides a volume of detail to address this which is outlined below.

1.5 Developments/changes since the original submission

- 1.5.1 In support of the Application, a Policy Statement has been submitted by the applicant. This covers points relating to:
 - The background to the application, information regarding the previous use, when the building was vacated and current problems - about which the Agent advises since becoming vacant in March 2017 the property continues to suffer from forced access, vandalism and theft together with a significant amount of anti-social behaviour. To date some £15,000 has been spent on security and this cost is ongoing. The damage caused is such that the building is not capable of letting as offices without significant refurbishment. Despite the security measures a continued period of vacancy will inevitably cause further deterioration.
 - Details of the planning history of the site.
 - Summary of Local and National Planning Policies.
 - Commentary on the previous Refusal and Planning Appeal, which includes reference to marketing, alternative site searches and employment figures.
 - It concludes that it has been demonstrated that the requirements of Policy PSE3 have been met through a thorough marketing exercise and that there are no suitable alternative sites that meet the site identification criteria. Similarly, there is no conflict with Policy RD1. The proposal represents a sustainable form of development contributing to job growth, regeneration and community benefit in the area.
- 1.5.2 Additional information has been submitted in support of the Application in a bid to clarify some factors raised in the original consultation responses. This addresses;

- The Policy Section’s concern that there was insufficient documentary evidence to assess compliance with LDP Policy PSE3. Including information regarding the marketing test (with specific evidence from the Commercial Agent marketing the property), evidence of an alternative site search and details of the total number and type of jobs that would be created by the development are provided.
- BCUHB concerns regarding the service model, need and demand. In relation to these, the Agent states,

“the service model for the proposed hospital on Brighton Road, Rhyl, remains unchanged from the previous submission. The applicant has specifically and purposely designed the hospital to comprise six small wards to enable us to provide services to small numbers of service users who may share common mental health conditions and require specialist therapeutic interventions. The applicant believes that this will maximise the likelihood of the hospital being effectively utilised by the Local Health Board (BCUHB), subject to meeting the required quality framework requirements. This will assist with the repatriation of Welsh service users currently residing in hospitals far from their home areas, as well as serving the ongoing needs of North Wales residents with mental health conditions who require care and treatment in a high-quality service.”

1.6 Other relevant background information

1.6.1 None.

2. **DETAILS OF PLANNING HISTORY:**

2.1 45/2019/0156 Change of use and alterations to former offices to form a 61 bed, 6 ward bespoke hospital. Refused 17/07/2019 for the following reason:

“It is the opinion of the Local Planning Authority that the proposal would result in the loss of office accommodation, in conflict with basic tests in Policy PSE 3 of the Denbighshire Local Development Plan, which require assessment of available alternative sites and marketing attempts to retain the use, and the loss of the use would prejudice the ability of the area to meet a range of local employment needs. The proposal would also be contrary to the requirements of criteria x) of Policy RD 1 and the principles and advice contained within Planning Policy Wales and Technical Advice Note 23: Economic Development.”

2.2 Appeal Ref APP/R6830/A/19/3236689 Dismissed 07/01/2020

The Inspector acknowledged that the main issue was the effect of the proposal on local employment needs. She concluded the site constitutes employment land of the type Policy PSE 3 of the LDP seeks to protect; and that the release of employment sites which have poor prospects for being re-occupied for their previous use is encouraged in paragraph 4.6.9 of TAN 23. However, in the light of the tests set out in Policy PSE 3 of the LDP, like the Council, the Inspector did not consider that sufficient information had been submitted to justify the loss of the site as employment land, contrary to Policies RD 1 and PSE 3 of the LDP.

Of relevance to issues raised by interested parties on the appeal application, the Inspector added;

“Representations submitted by interested parties raised the question of whether there is a need for the facility and the effect it might have on the local services and the living conditions of neighbouring residents. I have noted that concerns were raised by consultees in respect of the need for and operation of the facility based primarily on a lack of detail regarding the scheme. Whilst I understand the concerns raised, I am not persuaded by the evidence that the development would give rise to the level of harm envisaged by the consultees.”

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC 1 – Growth Strategy for Denbighshire

Policy BSC 2 - 'Brownfield development priority'

Policy PSE 2 – Land for employment uses

Policy PSE3 – Protection of employment land and buildings

Policy ASA3 – Parking standards

Policy VOE5 – Conservation of natural resources

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access for All

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

TAN 23: Economic Development

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned. The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

4.1.4 Highways (including access and parking)

4.1.5 Crime and Disorder

Other matters

Issues relating to the need for the service, demand and implications of the use on the local NHS and local authority services.

4.2 In relation to the main planning considerations:

4.2.1 Principle

Rhyl has been identified in the Local Development Plan as a lower growth town, BSC1, allocated to make an important contribution to the overall housing and employment requirements of the County.

The general vision in the adopted Local Development Plan is to make Rhyl an attractive place to live and work with improved housing stock and a reduction in the levels of multiple deprivation currently seen.

Policy RD 1 - Sustainable development and good standard design is relevant to the application. This policy offers support for development provided a series of tests are met, including that a proposal:

x) Does not prejudice land or buildings safeguarded for other uses, or impair the development and use of adjoining land.

LDP Policy PSE 2 - Brownfield Development Priority

Policy PSE 2 of the Local Development Plan supports development of existing employment sites on the proposals maps, by way of uses within Class B1 (Business Use), B2 (General Industrial and Waste Management facilities) and B8 (Warehousing and Distribution).

Although the site is not allocated in the LDP as an existing employment site, the history of the site established the principle of its use for B1 purposes. Furthermore, in seeking to protect employment land and buildings, the justification of Policy PSE 3 of the LDP recognises that there are a significant number of smaller sites that provide valuable employment premises for local businesses but which are not specifically allocated for employment use. It states that *"It is important to retain all these types of sites for employment use in order to ensure a range of opportunities are made available in terms of location, type and size of employment land"*.

LDP Policy PSE 3 'Protection of employment land and buildings' seeks to resist the loss of employment land and buildings unless specific criteria are met:

- Criterion i) requires that there are no other suitable sites available for this development.
- Criterion ii) requires a marketing process to be followed in order to demonstrate the site is no longer capable of providing employment accommodation.
- Criterion iii) seeks to prevent the loss of sites which would prejudice the ability of the area to meet a range of employment needs.

In relation to the PSE 3 criteria:

- (i) An alternative site assessment has been provided in support of the application.
The Agents have considered alternative sites for the use, and have concluded that 64 Brighton Road is the most suitable.
- (ii) In relation to the provision of a marketing test to prove that the site is no longer suitable for employment uses, the Agent has advised that the property has been actively marketed since October 2017 and property details for the last 3 years were submitted in support of the application. Land Agents BA Commercial confirmed that despite active marketing over this period there has been no interest from the office sector on a 'For Sale or To Let' basis and, if for letting, as a whole or in part.
- (iii) In terms of the test obliging consideration of any loss of employment land / buildings prejudicing the ability of an area to meet arrange of employment needs, the supporting information states the development will create

approximately 130 full time equivalent new jobs and would therefore contribute towards meeting local employment needs.

Para 5.4.1 and 5.4.2 of Welsh Government's Planning Policy Wales sets out definitions of "economic development" which encompass a wider range of land uses beyond the traditional employment land uses (i.e. B1, B2 and B8 use classes). Whilst on the basis of the PPW definition the proposal would be considered "economic development", there are considerations to be given to the loss of office accommodation in this instance.

TAN 23 relates to Economic Development. Paragraph 4.6.8 of the TAN states that the traditional employment uses tend to generate lower land values than many other land uses, especially housing and retail, consequently, any land lost to these uses is generally difficult to replace. Planning authorities should avoid releasing for other uses sites where there is strong evidence of likely future need for B1-B8. In some areas, older, lower-cost employment areas may be required, especially for small and new firms who cannot afford newer and more prestigious accommodation. The loss of such areas may cause harm to local economies and should be avoided.

Proposals at the site have been subject to detailed scrutiny, having been examined at Planning Committee in July 2019, and as part of the Planning Appeal process by the Planning Inspectorate. Whilst the issues are not straightforward, in basic terms, it appears that the Agent has addressed the main grounds of concern as expressed in the reason for refusal and in the conclusions of the Planning Inspector in the appeal. Officers consider a significantly more robust case has been made to justify the change of use in this submission, and it is relevant that Policy Officers conclude the proposals now meet the tests of the relevant planning policies.

On this basis there are now limited concerns over the acceptability of the proposal in principle.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

There are no representations in relation to the visual amenity impacts of the proposals.

It is not considered the proposed use and any changes to the property raise visual amenity concerns. It must be noted that the building and the site generally have deteriorated significantly in recent months. The site is an eyesore and is causing significant harm to the visual amenities of the area. Subject to detailed controls on the renovation to the building and the areas around it Officers consider great improvements can be made to the visual amenity of the site.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of

development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc

There are no representations from neighbours in relation to the potential impacts of the use on nearby residential amenity.

In accepting there may be more activity associated with a hospital type use outside of normal office based hours, Officers consider that management arrangements (controlled via planning conditions) could mitigate these impacts.

Secure outdoor amenity space is proposed within the site for the occupiers of the hospital and a staff seating area.

It is considered that there are unlikely to be significant residential amenity impacts arising from the proposals.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require consideration of the impact of development on the local highway network. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments. These policies reflect general principles set out in Planning Policy Wales (PPW 10).

Highway Officers have raised no objection to the proposal.

The parking arrangements are proposed to be broadly as with the existing office, with 42 spaces being provided on site. The site is located within walking distance of the town centre and local shops and facilities and is close to the bus and train station. There are public car parks in close proximity to the site.

In Officers' opinion the parking provision would be adequate to accommodate the use, and there is no conflict with the highways considerations of Policy RD1.

4.2.5 Crime and disorder/ Local concerns over service users

Policy RD 1 - Sustainable development and good standard design test xii) states that development should take account of personal and community safety and security in the design and layout of development and public/private spaces and have regard to implications for crime and disorder.

It is established that fear of crime can be a material consideration and test xii) of RD1 adds a policy hook for such a consideration, however like all potential impacts evidence is required to substantiate this as a ground for refusal of permission.

The Agents have advised that the hospital would be secure, that perimeter fencing is proposed, the wards would be relatively small, and monitoring is to be provided. As such, the applicants contend it is unlikely that at risk patients would abscond from the facility.

Whilst the potential for crime and disorder is a consideration, Officers do not feel there is compelling evidence to challenge the applicants claims that the use can be acceptably managed so as to avoid any potential crime, disorder or general disturbance. It should be noted that the Planning Inspector who was involved in the

previous appeal case did not consider this would be an issue which warranted the dismissal of the appeal.

Other matters

Issues relating to the need for the service, demand and implications of the use on the local NHS and police service.

Policy RD 1 - Sustainable development and good standard design test ix) states development must have regard to the adequacy of existing public facilities and services.

BCUHB and the Council's Community Support Services have raised concerns relating to the need for the facility and operational impacts on their services. These range from the health board provider's knowledge which suggests there would be limited need in their area for such a facility, hence patients are likely to come from other areas, with implications on the NHS and Council as an employer and local service provision.

In acknowledging the basis of concerns expressed, officers consider it is important to recognise that there are no planning policy tests requiring need to be established either for a hospital use, or assessment of impact on other service operators. It is therefore not clear what land use planning harm would arise from the proposal which would justify a refusal recommendation. Respectfully, there are separate legislative controls over the establishment of a hospital use under the control of the Healthcare Inspectorate for Wales which seem more appropriate to consider the service related impacts of the proposals and issues such as those raised by the Health Board and Council.

Mention was made in the course of assessing the previous application of the prevalence of other support service uses in proximity to the site and how these, along with the proposed use, may continue to define and shape the character of the area, impacting upon the overall regeneration aims of Rhyl. This was in the context of the site being located close to Rhyl Town Centre, where serious investment and effort is being expended to secure regeneration, and the Council is working on various projects to further this cause, including the development of the 'Rhyl Masterplan'. However, in understanding the sentiments, it is difficult to attribute much weight to this as a material consideration as there are no Council policy documents setting out grounds on which a hospital use may be at odds with general regeneration aims.

From observation, the predominant land use on Brighton Road is residential, alongside the office accommodation on the application site. There are a number of facilities around Rhyl town centre that provide support to individuals with varying mental health and substance dependency needs. Officers are aware that there have been instances of drug and alcohol related anti-social behaviour connected to existing support services in the town and this remains an issue for Service Providers and Officers engaged in delivering the Council's regeneration aims.

The Applicants have set out how the proposed use would be managed and confirm that it would be a secure facility.

The comments of BCUHB and the Council's Community Support Services on this planning application are to be respected, and accorded due weight alongside North Wales Police's observations on the state of the building and documented instances of anti-social behaviour associated with its vacancy. Whilst not a defining consideration of this application, the potentially positive impacts are also relevant to the case for the change of use in terms of physical regeneration.

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5 SUMMARY AND CONCLUSIONS:

- 5.2 Local Development Plan Policy PSE 3 'Protection of employment land and buildings' only supports the loss of employment land and buildings provided tests are met. Planning Policy Officers raise no objections to the proposals and Officers consider that the resubmission responds to previous concerns voiced at the original application at Committee and by the appeal Inspector.
- 5.3 Officers accept there are other concerns regarding the application, however in the absence of tangible evidence to demonstrate the harm to other service providers, it is not considered these matters should be accorded significant weight or justify refusing the proposals.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later thaninsert DATE 2025
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Existing elevations (Drawing No. EX04) received 10 February 2020
 - (ii) Existing elevations (Drawing No. EX05) received 10 February 2020
 - (iii) Existing ground floor plan (Drawing No. EX01) received 10 February 2020
 - (iv) Existing first floor plan (Drawing No. EX02) received 10 February 2020
 - (v) Existing second floor plan (Drawing No. EX03) received 10 February 2020
 - (vi) Proposed ground floor plan (Drawing No. P01 Rev. A) received 10 February 2020
 - (vii) Proposed first floor plan (Drawing No. P02 Rev. A) received 10 February 2020
 - (viii) Proposed second floor plan (Drawing No. P03 Rev. A) received 10 February 2020
 - (ix) Proposed elevations (Drawing No. P04) received 10 February 2020
 - (x) Proposed elevations (Drawing No. P05) received 10 February 2020
 - (xi) Site plan (Drawing No. P07) received 10 February 2020
 - (xii) Location plan (Drawing No. P06) received 10 February 2020
3. The facilities for the parking and turning of vehicles within the site shall be completed in accordance with the approved plan before the development is first brought into use, and shall be retained as approved at all times thereafter.
4. The use of the property shall be limited to the purposes described in the Planning Statement and Addendum, as a Class C2 Hospital. The office accommodation shall be used for ancillary

support services for the hospital use.

5. The use of the building as a C2 hospital shall not commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of the development. The scheme shall also include all details of security fencing and outside lighting. The landscaping scheme as approved shall be implemented thereafter.
6. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of the hospital use. Any trees or plants which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.
7. The use of the building as a C2 Hospital shall not commence until a site management, operation and servicing plan has been submitted to and approved by the Local Planning Authority. This plan shall include details of all day and night time site security arrangements (including lighting, CCTV, staffing and emergency plan), deliveries, refuse storage and collection arrangements. The use shall be carried out in accordance with the approved plan at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.
8. No construction or renovation works outside of the building will be permitted to be carried out outside of the following hours: 0700 - 1900hrs Mon - Sat, and 0800 - 1300hrs on Sundays unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure the development is served by a safe and satisfactory access and parking/turning facilities, and in the interests of the free and safe movement of traffic on the adjacent street.
4. To enable consideration of the amenity impacts of alternative uses.
5. In the interests of visual amenity.
6. In the interests of visual amenity.
7. In the interests of site security and the residential amenity of nearby dwellings.
8. In the interests of residential amenity.