

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held via VIDEO CONFERENCE on Wednesday, 14 April 2021 at 9.30 am.

PRESENT

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

Observers - Councillor Brian Blakeley, Councillor Joan Butterfield, Councillor Jeanette Chamberlain-Jones, Councillor Meirick Lloyd Davies (Cefn Meiriadog), Councillor Bobby Feeley, Councillor Huw Hilditch-Roberts, Councillor Barry Mellor and Councillor Cheryl Williams.

ALSO PRESENT

Team Leader – Places Team (TD); Development Control Manager (PM); Planning Officers (PG & KB), Senior Engineer- Development Control (MP) and Committee Administrators (SJ & RTJ)

1 APOLOGIES

Apologies received from Councillors Melvyn Mile, Paul Penlington and Peter Evans.

2 DECLARATIONS OF INTEREST

Councillor Emrys Wynne declared a personal and prejudicial interest in agenda item 5, as he knew the applicant. He stated he also resided close to the application.

Councillor Alan James declared a personal interest in agenda item 7, as he was represented Rhyl Town Council on the Business Improvement District group.

Councillor Tony Thomas and Brian Jones declared a personal interest in agenda item 7, as they were known by the franchisee.

Councillor Joe Welch declared a personal interest in agenda item 5, as he knew the applicants of the property.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

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

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

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 10) -

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which contained additional information relating to those applications. In order to accommodate public speaking requests it was agreed to vary the agenda order of applications accordingly.

5 APPLICATION NO. 02/2020/0811/ PF - LAND AT (PART GARDEN OF) 73A ERW GOCH, RUTHIN, LL15 1RS

Councillor Emrys Wynne left the meeting for this agenda item only as he had declared a prejudicial interest.

An application was submitted for the erection of a detached dwelling, construction of a new vehicular access and associated works at land at (Part Garden of) 73A, Erw Goch, Ruthin, LL15 1RS.

Public Speakers –

Mr John Ferguson (**Against**) – stated that as a professional forester for 35 years he had concerns on the future amenity of healthy trees that align the footpath adjacent to the proposed site. It was felt if the application was granted the trees would be placed under direct threat for future removal. The proposed property would be under shade for the majority of the year and potentially subject to complaints regarding the seasonal change of trees likely. The speaker stressed the importance of consideration of the impact on trees as set out in Supplementary Guidance. The trees at the site provided valuable wildlife habitat for bats, owls and many species of bird. It was felt the trees at the site aided the protection of biodiversity and helped reduce greenhouse gas emissions in the county.

Mr Ferguson also stated he felt the property would have a detrimental impact on the character and visual amenity of the estate referring members to the officer's comments in the report. He informed members the proposed dwellings front elevation was deemed too close to the boundary and would detract from the open fronted nature of the estate and cause harm to the view of the area. The speaker concurred with the view of Ruthin Town Council that the proposal would be an overdevelopment at the site.

Mr Aled Mosford (son of applicant) (**For**) – apologised for the previous deferral He explained the plans had been altered following the comments from planning officers. The speaker explained the new and existing dwelling would not be overlooked. There would be a sufficient gap between the two dwellings and the plot size was adequate to accommodate the dwelling. Fencing would separate the two plots. The nearby trees would not be harmed during construction and thereafter habitats would be protected.

General Debate – Councillor Joe Welch directed members to the additional information on the supplementary sheets.

Councillor Bobby Feeley (Local Member) wanted to support the application. She stated the plans had been modified in line with advice from officers. It was the opinion of the local member that the finished property would blend in to the area well. The land on which the new dwelling was proposed was currently unused. Councillor Feeley stated she was pleased to note the view of the tree consultant's findings at the site, she stated the applicant had dug a trench the length of the site to illustrate no tree roots would be affected. It was her opinion the applicant had completed all they could do to address all concerns and comply with planning guidelines.

Councillor Merfyn Parry stated he was pleased to note objection 3 had been removed from the application. He informed members he had visited the site, he confirmed the application was within a large estate and all had been done to try and reduce any problems of overlooking other properties.

Proposal – Councillor Merfyn Parry proposed the application be granted contrary to officer recommendations as the application would not have an adverse visual impact and would not inflict an unacceptable impact on the neighbouring properties, seconded by Councillor Gwyneth Kensler.

Councillor Christine Marston requested some clarity on the outdoor space. The proposed application would leave the two properties with limited amenity space. Councillor Tina Jones also raised concerns on the small space surrounding the property and felt the application would over intensify the area.

The Development Control Manager confirmed Officers must have regard to the policies and guidance within the Local Development plan, particularly with reference to space around buildings and proximity of new buildings to existing properties. Hence the proposed refusal reason. The Development Control manager did confirm that the initial third reason for refusal around direct impact of the development on the nearby trees had been removed. He did confirm, however, that Officers felt the impact from the trees on the amenity of occupants of the new dwelling was still a concern.

Councillor Huw Hilditch-Roberts (Local Member) asked for further guidance on the future health of the trees and any impact the building may have on the impact on the trees.

The Development Control manager reiterated the point that the impact from the development on the trees was not an issue but the impact of the trees on the amenity of the new dwelling was.

Vote –

Grant – 10

Abstain – 0

Refuse – 5

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

6 APPLICATION NO. 45/2019/0592/ PF - LAND AT FORMER THE CROWN BARD, Ffordd Derwen, RHYL, LL18 2RL

An application was submitted for the erection of a restaurant with drive thru facility, car parking, customer order displays, child's play area, landscaping and associated works and formation of new vehicular access at land at former, The Crown Bard, Ffordd Derwen, Rhyl, LL18 2RL.

Public Speaker –

Mr Phil Usherwood (**For**) – provided some feedback on the 2-year application process, confirming communication with a number of officers had resulted in the well-considered scheme and application presented to members. The consultation with the statutory consultees and local ward members had enabled the applicant to evaluate numerous aspects of the proposal. He highlighted some of the improvements he felt had been made to the scheme. The speaker outlined the close working with Natural Resources Wales (NRW) in order to overcome any flood risk and drainage concerns. The introduction of a flow controlled chamber, 4-meter maintenance strip and new flood basin as designed and approved with Natural Resource Wales would make a positive impact. The access into the site had been designed carefully with highway safety in mind and all efforts had been made to reduce any impacts from noise and disturbance on nearby properties.

Members were informed that work with ecologists and tree officers had been established to discuss the removal of trees to allow for the flood mitigation measures, the speaker confirmed trees would be reintroduced across the scheme to replace those removed.

It was stated highways had welcomed the improvement to the roundabout and suggested the development would not have an unacceptable impact on the junction.

To conclude the speaker confirmed the site would benefit from 7 litter bins and members of the team complete numerous daily litter picks within a 150m radius of the restaurant. McDonalds supported schemes such as keep Wales tidy to promote better behaviour.

The Chair reminded members to focus on the relevant material planning issues related to the proposed development. Members were directed to the extra information provided on the late information sheets.

General Debate - Councillor Ellie Chard (Local Member) stressed this area of Rhyl was surrounded by numerous homes. Cllr Chard stressed her concerns about the height and impact of the proposed lighting columns and advertisement board. It was also noted the price of houses in the area would decrease if the proposal was accepted. She stated the trees at the site had served as a barrier from the noise and light pollution of the near- by retail park. The Local member stressed concern on the exit/ entrance of the restaurant. Concerns for pedestrians walking and crossing the road were highlighted. Access for emergency services to the site was another concern. Councillor Chard highlighted the national obesity concern, with residents and visitors likely to consume the fast food on offer. The need for another food retailer in the area was questioned.

Councillor Ellie Chard proposed that the application be refused contrary to officer recommendation, seconded by Councillor Mark Young.

Councillor Jeanette Chamberlain-Jones (Local Member) thanked members for the opportunity to speak against the officer recommendation. Cllr Chamberlain-Jones stated that she spoke on behalf of the residents who had concerns and objections about the proposal. It was felt if the application was successful the usual quiet neighbourhood would be noisy and busy with traffic and food orders.

Members heard the concerns around individual's health and the pressure it would put upon the NHS. Councillor Chamberlain-Jones reaffirmed the concerns raised by Councillor Chard with the increase in traffic and access to the potential site. The cost to Denbighshire with regard to litter was also a concern. It was felt that the site application was in the wrong place.

Members were reminded by the Development Control Manager that the application had to be considered against the relevant policies in the LDP and any other material planning issues and have an evidence base for reasons for refusal. It was confirmed the application site was close to an existing busy retail park and the previous use of the site had been for commercial use. It was stressed the prices of houses in the area for sale was not a material planning consideration.

Confirmation that all the technical experts had no objections to the development was stressed.

Members carefully considered the report and additional information that had been produced to accompany the application. Members sought further reassurance that all had been explored in relation to previous flooding at the site. Members asked for clarification that consideration to the increase in traffic took account of both the nearby retail park and the car boot sale field. Councillor Brian Jones asked for information on the Well-being of Future Generations (Wales) Act 2015, what consideration had been made to local residents.

Councillor Tony Thomas confirmed the site was a brownfield site, with the trees on site not of great quality. He was reassured that the Denbighshire tree officer had reviewed the removal of the trees at the site. He agreed with members that the traffic at the area was an issue, but felt it would not be an added burden at peak times. It was the opinion of Councillor Thomas the creation of 60 jobs in the area would be beneficial to local residents. He proposed the application be granted in accordance with officer recommendation, the proposal was seconded by Councillor Peter Scott.

The Development Control Manager and Senior Engineer- Development Control officer responded to questions/comments as follows –

- It was accepted the previous pub/ restaurant may not have been as busy as the proposed new restaurant. Clarification was provided that both the previous pub/restaurant and the proposed drive thru restaurant fall under the same planning use class.
- As part of the application, the applicant had proposed mitigation and betterment of the existing surface water drainage system.
- All the technical evidence associated with this application stated the proposed development would improve the existing flood risk situation.

- Confirmation was provided by officers that all planning application recommendations have regard to the Well-Being of Future Generations legislation.
- Confirmation that the Traffic, Parking and Road Safety Manager had reviewed the application thoroughly. Part of the development had included the improvement of the approach to the roundabout to provide two lanes in addition to minor alterations to the road markings to the approach to the roundabout. With these improvements proposed the transport modelling shows the proposal would be able to operate with sufficient capacity. The local retail and market at the area would have been taken into consideration when modelling the layout.

During further discussion Councillor Ann Davies asked for clarification on the raised flooring of the building. In response the officers confirmed the previous establishment had been a two storey building the proposed development was a single storey development. The height of the proposed building and proximity of the site to residential dwellings and retail park had all been included in the planning assessments.

Councillor Mark Young asked if the SUDs scheme had been signed off. He also requested clarification if the Authority had a cap on the amount of takeaway restaurants in the area. The Development Control Manager stated the Sustainable Urban Drainage process had begun and was fairly advanced in the approval process. The process for this was separate to the planning process. There was nothing specific within the current Local Development Plan that made reference to a threshold of takeaways in a given area.

To conclude Councillor Jeanette Chamberlain-Jones (Local Member) confirmed jobs in Rhyl were welcomed. It was her opinion the proposed development was in the wrong place and consideration was needed to the local residents.

Proposal – Councillor Ellie Chard proposed the application be refused contrary to officer recommendation. The reasons given were the concerns for highway safety with the exit/ entrance to the site, the impact of the development on the residential amenity of neighbours due to increased noise and disturbance, the negative impact on ecology and biodiversity and impact on health. This was seconded by Councillor Mark Young.

Vote –

Grant – 8

Abstain – 0

Refuse – 7

RESOLVED that permission be **GRANTED** in accordance with officer recommendations.

At this junction (11:20 a.m.) there was a 10 minute break.

Meeting reconvened at 11.30 a.m.

Point of Order

Councillor Ellie Chard stated she believed a voting member had not been present for the whole debate at the previous agenda item. The Councillor in question was Councillor Julian Thompson-Hill

The Chair confirmed it is at a member's own discretion whether they vote on any item. The chair confirmed that even if the individual member should not have voted his casting vote would have been in favour. As such the decision would not have been affected.

Councillor Julian Thompson-Hill confirmed due to technical issues his camera had been off during elements of the debate but he had been in attendance for the whole debate.

7 APPLICATION NO. 45/2020/0844/PF - SANDY LODGE, 83 DYSERTH ROAD, RHYL LL18 4DT

An application was submitted for the alteration and adaptation of existing nursing home to include extension of two additional bedrooms on the first floor, two fire escape stair enclosures and entrance canopy at Sandy Lodge, 83 Dyserth Road, Rhyl, LL18 4DT.

Councillor Brian Jones confirmed that a second application for the site had been submitted and requested that both applications be presented to Planning Committee at the same time.

Officers confirmed that a second application had been submitted, but each application could stand alone and could be determined separately.

Proposal – Councillor Brian Jones proposed the application be deferred, seconded by Councillor Peter Scott.

Vote –

Grant – 14

Abstain – 0

Refuse – 0

RESOLVED that the application for the alteration and adaptation of existing nursing home at Sandy Lodge, Rhyl be deferred to a future meeting for the reasons set out by Councillor Brian Jones above.

8 APPLICATION NO. 46/2020/0850/ PF - THE CHAPEL, 2 GEMIG STREET, ST. ASAPH, LL17 0RY

An application was submitted for the conversion of existing building to form 7 no. self-contained flats and associated works at the Chapel 2, Gemig Street, St. Asaph, LL17 0RY.

Public Speaker –

Gregory Swain-Hughes (**For**) – provided some feedback to the application. It was believed the application would support the regeneration in the local area, providing housing whilst restoring a historic building in the city centre. He engaged at the start of the application with the conservation officer in the local authority. It was stressed that careful consideration to retain the original features of the property had been included in the application. It was stressed by reclaiming land at the south east of the site, maximum off road parking for each unit would be made. The public speaker informed the committee since the approval from highways, a reduction in bedrooms in two of the units had been made to assist in alleviating parking issues. It was noted that support from local residents had been received from local residents that had been keen to see the property restored. The applicant concluded that the applicant felt privileged to have the opportunity to restore the site, it was felt the addition of high quality residential dwellings and increase the footfall to local businesses was a positive addition to St Asaph.

General Debate –

Councillor Peter Scott confirmed the City Council had no objection to the redevelopment of the site. The only concern the City Council felt was the parking at the site. The area is often congested with numerous parked vehicles, making access difficult and dangerous. The member stated it had been pleasing to note the number of parking spaces available at the site to reduce the number of vehicles parking on the street. A condition that one car per unit was requested.

The Development Control Manager provided clarity that seven car spaces had been proposed in the application. It was stressed that planning officers could not enforce a condition to the number of cars at the site. It was confirmed that a number of public parking locations local to the site were available, that with the proposal to accommodate seven car spaces at the site, officers felt was acceptable.

Planning Officers confirmed that a condition could be included such that one parking space was allocated to each unit under a parking management agreement.

Proposal – Councillor Peter Scott proposed that the application be granted with the addition of the condition of a parking management agreement to be conditioned and agreed, seconded by Councillor Mark Young.

Vote –

Grant – 13

Abstain – 0

Refuse – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and the additional condition in respect of parking management to be delegated to planning officer.

9 APPLICATION NO. 47/2020/0593/PF - FORMER RHYL RUGBY CLUB, WAEN ROAD, RHUDDLAN, RHYL

An application was submitted for the development of land to form holiday park including the conversion of existing clubhouse to form reception building, erection of new clubhouse building, bunkhouse building, 7 holiday pod accommodation units, 23 two bedroom holiday lodges, 7 three bedroom lodges and 7 four bedroom lodges. Works to existing access, formation of internal pathways, 2 wildlife ponds, parking, landscaping and associated works at the former Rhyl Rugby Club, Waen Road, Rhuddlan, Rhyl.

The Local Member Councillor Christine Marston requested the application be deferred due to additional late information provided on the late information sheets. The Development Control Manager referred members to the information on the late representations, for clarity on the powers Planning Committee had in relation to Article 18 directions.

Proposal - Councillor Christine Marston proposed the application be deferred for the reasons above, seconded by Councillor Ann Davies.

Vote –

Grant – 14

Abstain – 0

Refuse – 0

RESOLVED that the application for the development of land to form a holiday park including the conversion of existing clubhouse at the former Rhyl Rugby Club, Waen Road, Rhuddlan, Rhyl be deferred to a future meeting for the reasons set out by Councillor Christene Marston above.

10 APPLICATION NO. 23/2021/0108/PS - LAND AT LLWYN AFON, LLANRHAADR, DENBIGH

At this junction, the Chair Councillor Joe Welch stated as Local Member of the application he would be speaking regarding the proposal. He decided he would vacate the Chair for this application.

The Vice-Chair, Councillor Alan James took over the Chair of the Planning Committee for this one item.

An application was submitted for the variation of condition no's 2 and 3 of outline planning permission code no. 23/2018/0268 to allow a further 2 years for the submission of reserved matters at land at Llwyn Afon, Llanrhaedr, Denbigh.

Councillor Joe Welch (local member) reminded members that the application had first been presented to members in 2018. The officer recommendation of the

application in 2018 had been to refuse, members went against officer recommendation and granted the application. Included on the initial application a three-year timescale had to commence development been imposed. It was explained due to circumstances and the Covid-19 pandemic the applicant had requested a further two years to complete the work. Councillor Joe Welch proposed the request was reasonable due to the impact the pandemic had on the intended development.

Officers stressed that as the relevant planning policies in the LDP had not changed since the original application had been granted their recommendation had to remain.

Proposal – Councillor Joe Welch proposed the application be granted contrary to officer recommendations Seconded by Councillor Mark Young for the reasons - that the site is a brownfield site and it is an infill on the site.

Vote –

Grant – 14

Abstain – 0

Refuse – 0

RESOLVED that permission be **GRANTED** contrary with officer recommendations as detailed within the report for the reasons set out in the proposal.

11 FUTURE WALES - THE NATIONAL PLAN 2040

The Planning Officer guided members through the report (previously circulated). It was explained to member's further information on the report was provided at the Strategic Planning Group meeting in March 2021.

The Planning Officer confirmed that the report had been produced by Welsh Government and would be reviewed by Welsh Government officers. The report provided to officers an indication where Welsh Government would focus actions and investments over the next 19 years. The attached report was the finalised version; it was confirmed officers had taken part in the public consultation in November 2019.

Members were informed the Planning Policy Wales Edition 11 stipulates that 'Future Wales - The National Plan 2040' is part of the statutory development plan, and relevant to all planning applications that are determined by Denbighshire County Council's Planning Committee. It was stressed that Members will need to be aware of the document's strategic priorities, spatial strategy and policies when preparing the replacement Denbighshire Local Development Plan.

The Chair confirmed that members received the information from Strategic Planning Group meetings from MAG representatives. If further information was sought to email officers following the meeting.

RESOLVED that members note the contents of the report.

The meeting concluded at 12.02 p.m.

