

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 12 July 2017 at 9.30 am.

### **PRESENT**

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

**Observers** – Councillors Tony Flynn and Paul Penlington

### **ALSO PRESENT**

Head of Planning and Public Protection (GB); Team Leader – Places Team (SC); Development Manager (PM); Principal Planning Officer (IW); Senior Engineer – Highways (MP); Strategic Planning and Housing Manager (AL); Planning Officer (KB), and Committee Administrator (KEJ)

### **POINT OF NOTICE**

Due to a technical issue following commencement of the meeting it was not possible to webcast the meeting or use the electronic voting equipment.

#### **1 APOLOGIES**

Councillor Peter Evans  
Councillor Julian Thompson-Hill would be arriving late for the meeting.

#### **2 DECLARATIONS OF INTEREST**

Councillor Tony Thomas – Personal Interest – Agenda Item 8  
Councillor Julian Thompson-Hill – Personal & Prejudicial Interest – Agenda Item 7  
Councillor Emrys Wynne – Personal Interest – Agenda Item 5

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Planning Committee meeting held on 14 June 2017 were submitted.

***RESOLVED*** that the minutes of the meeting held on 14 June 2017 be approved as a correct record.

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 9) -**

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information received since publication of the agenda which related to particular applications. It was noted that there were no public speaking requests.

### **5 APPLICATION NO. 43/2015/1241/PO - LAND ADJACENT TO MAGISTRATES COURT, VICTORIA ROAD, PRESTATYN**

[Councillor Emrys Wynne declared a personal interest in this item because he was a Justice of the Peace in North East Wales and could be called to the bench in Denbighshire.]

An application was submitted for development of 0.051 hectares of land for the erection of 3 retail units and 20 residential units (outline application with all matters reserved) at land adjacent to Magistrates Court, Victoria Road, Prestatyn.

**General Debate** – Councillor Tony Flynn (Local Member) referred local residents' concerns which primarily focused on (1) highway issues – parking and congestion, particularly in Windermere Drive, and (2) open space – local children used the existing green space as a general play area which would be lost. Councillor Paul Penlington (Local Member) agreed, adding that there were valid highway concerns and the development would cause major difficulties. He referred to traffic reviews undertaken the previous year which had identified issues for further consideration. Further concerns were raised regarding the proposal for retail units which would have a detrimental impact on existing local business and employment. Whilst there was no objection to the principle of a housing development there was a concern around the number of houses and impact on the local highway network and the development of retail units. He asked that the application be modified to remove the retail element and ensure housing was better spaced out.

The Development Manager elaborated upon the planning context advising that it was an outline planning application relating to the principle of the development for a mixed use of housing and retail units. The detail of the layout and size of properties and open space was not a matter for consideration at this time and would need to be subject to a separate application. The planning policy supported local housing in the area and the county was in need of housing, particularly affordable housing. Previous use and intensity of the site when it operated as a Police Station also had a bearing on the application. The issue for consideration by members at this time was whether they agreed to the development in principle. The Highways Officer reiterated that the application was in outline stage and whilst appreciating the concerns on the local highway network, detail of those reserved matters (including highways) would be agreed at a later date and covered by appropriate conditions. Consequently he felt there were no highway grounds to refuse the application.

Members considered the merits of the application and Councillor Bob Murray sought clarity over the retail element of the development given the potential impact on local businesses. Further questions were raised regarding the conditions to be imposed if the application was granted. In response officers –

- advised that competition and the impact on existing local businesses opposite the development site was not a material planning consideration and it was not possible for the committee to refuse the application on that basis or remove the retail element from the application
- drew attention to the proposed condition limiting the retail floor space (condition no. 13) which was imposed on retail units outside of town centre development in order to protect town centre trade – however it was acknowledged that if members had concerns regarding the negative impact on the vitality and viability of the town centre given the lack of detail regarding the retail units in the outline application, it was a potential ground for refusal of the application
- the green space referred to by Councillor Flynn had not been designated as open space in the Local Development Plan and was likely to be an informal area of open space given that children had access to the site and had played there historically. The proposed development would be required to meet the Council's policies and SPG in relation to provision for open space which would form part of the planning conditions (condition no. 8 as detailed within the report).

**Proposal** – Councillor Merfyn Parry proposed, seconded by Councillor Tony Thomas, that the application be granted in accordance with officer recommendation. Councillor Bob Murray proposed, seconded by Councillor Ellie Chard, that the application be refused, contrary to officer recommendation, on the grounds that granting the application would result in a negative impact on the vitality and viability of the town centre.

**VOTE:**

GRANT – 12

REFUSE – 5

ABSTAIN – 0

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

[Councillor Julian Thompson-Hill took no part in the discussion or voting on the application as he had not been present for the duration of the item.]

## **6 APPLICATION NO. 45/2017/0335/PO - LAND ADJACENT TO 21 STANLEY PARK AVENUE, RHYL**

An application was submitted for development of 0.05 ha of land by the erection of 1 no. dwelling (outline application including access, layout and scale) at land adjacent to 21 Stanley Park Avenue, Rhyl.

The Development Manager explained that the applicant had submitted revised plans which necessitated further consultation. Consequently officers had recommended that the application be deferred.

**VOTE:**

FOR DEFERRAL – 18

AGAINST DEFERRAL – 0

ABSTAIN – 0

**RESOLVED** that the application be deferred in accordance with officer recommendation.

**7 APPLICATION NO. 45/2017/0384/PF - FORMER DRIFT PARK, WEST PARADE, RHYL**

[Councillor Julian Thompson-Hill declared a personal and prejudicial interest in this item because he was a member of the Rhyl Waterfront Board and he left the meeting during consideration of the application.]

An application had been submitted for demolition of existing skate park and ancillary retail huts and construction of new Waterpark and Leisure Attraction comprising: Indoor leisure pool with flumes, slides, play structure, and water confidence area, changing areas, kids' play, party rooms and climbing activities, café / licensed bar, outdoor paddling pool with play equipment, indoor/outdoor seating areas, ancillary accommodation and plant room at former Drift Park, West Parade, Rhyl.

**General Debate** – Councillor Alan James (Local Member) spoke in favour of the development and reported that Rhyl Town Council had been working closely with the Council to develop the new facility as part of the regeneration of Rhyl. It was considered that the facility would enhance other developments currently being undertaken, offer local employment and improve the economic viability of the town. Councillor James advised that it was a much wanted development which was seen as a catalyst to bring forward other developments for the benefit of both local residents and tourism. He also made reference to the consultation currently taking place on the relocation of the skate park which was seen as a positive step to replace the existing skate park facilities which were now in quite poor condition.

Councillor Emrys Wynne also spoke in favour of the development and was also keen for the skate park to be successfully relocated for the benefit of its users. Whilst there was no great impact on the Welsh Language as a result of the development he hoped that the developers conformed to the linguistic requirements of the Council.

**Proposal** – Councillor Alan James proposed, seconded by Councillor Pat Jones, that the application be granted in accordance with officer recommendation.

**VOTE:**

GRANT – 17

REFUSE – 0

ABSTAIN – 0

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

**8 APPLICATION NO. 45/2017/0507/PS - ST. DAVIDS RESIDENTIAL HOME, 36 EAST PARADE, RHYL**

[Councillor Tony Thomas declared a personal interest in this item because he was the Local Member and also a member of Rhyl Town Council]

An application was submitted for variation of condition no. 1 of planning permission code no. 45/2011/0572 allowed under appeal to allow an extension of time to commence the development at St. Davids Residential Home, 36 East Parade, Rhyl.

**General Debate** – Councillor Tony Thomas (Local Member) highlighted the background to the application with planning permission having already been granted on appeal. It was noted that the principle of the development could not be revisited at this point.

**Proposal** – Given the planning history and officer recommendation, and the fact that the development would generate jobs for the area, Councillor Tony Thomas proposed, seconded by Councillor Brian Jones, that the application be granted.

**VOTE:**

GRANT – 18

REFUSE – 0

ABSTAIN – 0

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

**9 APPLICATION NO. 47/2017/0475/PF - WADHAM HOUSE, RHUALLT, ST. ASAPH**

An application was submitted for erection of a detached ancillary domestic accommodation building and associated works at Wadham House, Rhualt, St. Asaph.

**General Debate** – Councillor Christine Marston (Local Member) elaborated on concerns raised by Tremeirchion, Cwm and Waen Community Council and how she hoped, on reflection, those concerns had been allayed as follows (1) having visited the site the proposed building did not appear disproportionate, (2) with regard to visual impact on the AONB there was no visibility from the public highway, (3) the materials appeared suitable for the nature of the development, and (4) a condition had been proposed to prohibit the building for commercial use.

In response to members' questions officers responded that –

- a condition had been proposed to prohibit the building being used as an independent residential unit and any reports of unauthorised use of the building would be investigated in order to enforce that condition
- the site was close to, but outside, the AONB development boundary and no representations had been received from the AONB Joint Committee regarding the development. The likely impact on the AONB would be negligible as the building would not be clearly visible from any public vantage points.

**Proposal** – Councillor Christine Marston proposed the officer recommendations to grant the application, seconded by Councillor Merfyn Parry.

**VOTE:**

GRANT – 18

REFUSE – 0

ABSTAIN – 0

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

**10 TREE PRESERVATION ORDER NO. 01/2017 IN RELATION TO LAND ADJACENT TO GLASFRYN, GELLIFOR**

A report was submitted requesting members confirm Denbighshire County Council Tree Preservation Order (TPO) No. 01/2017 in relation to land adjacent to Glasfryn, Gellifor (as detailed in Appendix 1 to the report).

A TPO made it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the local planning authority's permission. The Planning Officer (KB) elaborated upon the legislative process with regard to procedures for making TPOs and advised that two representations had been received in support of the order. The matter had been deferred from the last meeting to allow a follow up on initial correspondence from a party with an interest in the land who had since confirmed that they did not wish to object to the TPO. Consequently the Council could confirm the TPO in accordance with officer recommendation or decide not to confirm the TPO which would leave the tree without that protection once the provisional order expired in September 2017. Councillor Meirick Davies noted that no picture of the tree had been provided and he felt it would be a useful addition in reports of this nature.

**Proposal** – Councillor Julian Thompson-Hill proposed the officer recommendation to confirm TPO No. 01/2017, seconded by Councillor Alan James.

**VOTE:**

GRANT – 18

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that members confirm Denbighshire County Council Tree Preservation Order Number 01/2017 in relation to land adjacent to Glasfryn, Gellifor in the County of Denbighshire as detailed in Appendix 1 to the report.

**11 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN: DRAFT REVIEW REPORT AND DRAFT DELIVERY AGREEMENT - PROPOSED CONSULTATION**

A report was submitted seeking members' endorsement of the Denbighshire Local Development Plan (LDP) Draft Review Report together with accompanying Delivery Agreement, Habitats Regulations Assessment, Sustainability Appraisal Scoping

Report and updated background Information Papers for public consultation before submission to the Welsh Government.

The Strategic Planning and Housing Manager provided some background to the report and guided members through the documentation, outlining the timetable and process for developing Denbighshire's replacement Local Plan and highlighting the different stages within the process and important considerations, including the opportunity for members, the public and key stakeholders to input as part of the consultation exercise. The draft report highlighted where changes to the policy approach were needed but did not set out what those changes should be at this stage. The Chair urged members to respond to the forthcoming consultation with their views and comments on the draft policy.

In response to questions officers –

- confirmed it was a statutory requirement to have an LDP and highlighted the benefits of that approach in order to set local policy instead of being reliant on national and government policies, illustrating the problems and vulnerabilities faced by other local authorities, particularly in terms of housing developments
- provided assurances regarding the timescales for the eight week consultation period advising that the consultation was likely to commence mid-August and would continue until at least the end of September and possibly the beginning of October to ensure sufficient time for comments
- advised that Welsh Language was a statutory planning consideration and drew attention to the Information Paper on Respecting Distinctiveness which included Welsh Language and highlighted the level of Welsh Language spoken in particular areas. All of the consultation documentation would be produced bilingually
- elaborated upon the housing land supply and housing completions from 2006 and population projects and annual dwelling requirements. Much more indepth discussions on how that information informed the LDP in future was required.

The Chair read out the officer recommendations and upon being put to the vote it was unanimously –

***RESOLVED*** that members endorse the Denbighshire Local Development Plan Draft Review Report (attached as Appendix 2), together with accompanying draft Delivery Agreement, Habitats Regulations Assessment, Sustainability Appraisal Scoping Report and updated background Information Papers for consultation.

The meeting concluded at 11.00 a.m.