

# Public Document Pack

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held VIA VIDEO CONFERENCE on Wednesday, 8 September 2021 at 1.30 pm.

### PRESENT

Councillors Joan Butterfield, Ellie Chard, Ann Davies, Alan Hughes, Brian Jones, Tina Jones, Gwyneth Kensler, Christine Marston, Melvyn Mile, Bob Murray, Merfyn Parry, Paul Penlington, Pete Prendergast, Peter Scott, Tony Thomas, Joe Welch (Chair), Emrys Wynne and Mark Young

**Observers** - Councillor Brian Blakeley, Councillor Meirick Lloyd Davies, Councillor Hugh Evans, Councillor Bobby Feeley, Councillor Huw Hilditch-Roberts, Councillor Hugh Irving, Councillor Alan James, Councillor Glenn Swingler and Councillor Cheryl Williams.

### ALSO PRESENT

Team Leader – Places Team (TD), Development Control Manager (PM), Planning Officer (PG), Head of Planning and Public Protection (EJ), Traffic, Parking and Road Safety Manager (MJ), Principal Built & Conservation, Built Environment officer (CE), Community Coordinator (JH), Zoom Host and Webcast (RTJ), and Committee Administrator (SJ)

## 1 APOLOGIES

Apologies for absence were received from Councillors Julian Thompson-Hill and Peter Evans.

Local Member Councillor Rhys Thomas sent his apologies for absence.

## 2 DECLARATIONS OF INTEREST

Declarations of interest were received from:

Councillor Joe Welch (Chair) declared a personal interest in agenda item 5, as he knew the applicant.

Councillor Emrys Wynne declared a personal and prejudicial interest in agenda item 6, as he knew the applicant. He stated he also resided close to the application. He also declared a personal interest in agenda item 5, as his daughter knew the applicant.

Councillor Joan Butterfield declared a personal interest in agenda item 9, as she was on the Queens Market Board

Councillor Pete Prendergast declared a personal interest in agenda item 10, as he was a director of Denbighshire Leisure.

Councillor Peter Scott declared a personal interest in agenda item 8, as he knew one of the public speakers.

Councillor Huw Hilditch-Roberts (Local Member) declared a personal interest in agenda item 6 as he knew both parties involved. He also declared a personal interest in agenda item 10 as he was a director of Denbighshire Leisure.

Councillor Hugh Evans (Leader) declared a personal interest in agenda items 5 and 9.

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

No urgent matters were raised.

### **4 MINUTES**

The minutes of the Planning Committee meeting held on the 14 July 2021 were submitted.

***RESOLVED** that the minutes of the meeting held on the 14 July 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. 02/2021/0327/ PF - PENDORLAN, LLANFAIR ROAD. RUTHIN**

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 extensions and alterations to dwelling including construction of retaining walls, front block wall and excavation works to form level front parking area including removal of front hedge (partly retrospective) at Pendorlan, Llanfair Road, Ruthin.

#### **Public Speakers –**

Mr Alun Jones (**Against**) – Informed the committee he lived next door to the property site. He stated he had three main concerns with the planning application.

- 1- Loss of light and over shadowing – due to close proximity to the shared boundary and property. The rear single storey extension projects would over shadow the bungalow and the main bedroom window.

- 2- Property projecting out at front – The two storey extension was proposed to project 1.7m further than the existing property. He stated Denbighshire planning guidance advised such extensions should not normally project excessively in front of the building unless in keeping with other developments. It was felt the window of the extension would overlook our garden and have an over bearing effect on the property and main private garden area.
- 3- Loss of privacy – the extension was so close to the neighbouring property and would have an impact on the privacy of the property. The elevation of the front window would overlook our garden. The proposed new first floor window would be 4m from the boundary and only result in loss of privacy of my property.

Mr Jones stated that two alterations that would be acceptable to him would be to move the two storey extension a further 2m away from the boundary. This would lessen the over bearing affect the extension would have on his neighbouring property. The second alteration would be to move the front of the two storey extension back, to be flush with the existing property ensuring privacy in our garden. The design of the front elevated window in the extension needs to be addressed to reduce the loss of privacy.

Catrin Thomas (**For**) – Both my husband and I, have been born and raised in Ruthin along with my children. We purchased the property early this year, to stay local to Ruthin town, local businesses and children's school. We are currently living between families houses and a caravan, whilst developments to Pendorlan are completed. Prior to the planning application submission, I visited the owners of Bryn Celyn to discuss the application and was informed they had no issues. I was very saddened to see the objections online, we believe we have done all we can to work with our neighbours. The ordeal has created stress and upset to our whole family. Our plan for development of the house to a more energy efficient, spacious home for our family would improve the street scene and bring curb appeal to the Llanfair Road.

We have worked closely with planning officers and also worked to amend the original plans with the objecting neighbours. The living layout of the existing house is very dated and does not offer open plan living. The plot layout is also back to front with parking at the rear and the garden at the front, near the busy main road not suitable for families with young children like us.

All except our property and one other have front driveways and rear gardens, our aim was to create a front driveway with level parking and a secure rear garden for our children to play.

The planning officer asked us to amend the initial plans following concerns raised of the neighbours at Bryn Celyn. We worked closely with our architect to reduce the impact on the neighbouring bungalow. We reduced the roof height and creating a dorma-style two storey extension. The Planning officer agreed we had done all we could and the revised plans were inline with Planning guidelines.

You can see from the aerial view map of Pendorlan, it is the last house in the road and by far one of the largest plots and would easily accommodate larger sized properties on the plot. Only 18% of our plot will be used for the development of the extension.

**General debate** - The Chair confirmed that a site visit had taken place. Vice-Chair Councillor Christine Marston had been in attendance for the site visit. She informed members it was good to see the site and noted the steep drive to the back of the house. There was quite a difference in height from the main road and back garden. It was good to see the relationship between the neighbours on the road.

Councillor Peter Scott had also been at the site visit, he stated the development of the site would make a difference to the plot and its current standing. It was Councillor Scott's opinion there was no reason to refuse the application and he proposed to grant the application.

Local Member Councillor Bobby Feeley stated it was disappointing when neighbours fall out over disputes on house developments. It was a difficult situation for all involved.

The work and excavation at the site had begun and speedily which resulted in the previous front garden demolished, the private bungalow had now been made visible and exposed from the main road. The proposed planning application would extend the current property overlooking the neighbouring properties.

Councillor Feeley stated within the report the building control officer had stated 'most of the excavation work is ok', it was her opinion that the stability of part of the boundary wall had been destabilised. The Local member asked for reassurance this work to resolve this issue would be completed first.

Local Member Councillor Huw Hilditch-Roberts, stated it was an unfortunate situation, as he knew both parties he stated he would remain neutral during the debate.

Councillor Peter Scott reiterated that following the site visit, he was proposing to grant planning permission with the attached conditions in line with officer recommendations. Councillor Peter Scott stated he was in favour to amend and include the boundary wall as part of the programme of work. Councillor Christine Marston seconded the application.

The Planning Officer informed members that the timing and detailing of any retaining walls could be dealt with by the imposition of a planning condition. In response to members concerns on the proximity of the proposed extensions, members were informed the property was being built taller than the neighbouring properties but further way. The planning application, showed the first floor window, at the front elevation looked over rear garden of the neighbouring bungalow. There was nothing in planning guidance that would suggest this was unreasonable.

Members asked that the boundary wall be completed at the earliest stage of the development. The Planning officer confirmed that a condition could be included to details of boundary treatments and retaining walls to be further supplied and implemented before work commenced on the development of the extension. Councillor Scott was in agreement. The Planning officer stated the position of the boundary wall, was within guidelines and officers had no reason to request a change.

Following member's questions, officers confirmed that only one additional window had been included in the proposed plans. It was proposed that it would be a ground floor window of obscured glass. The window would also be screened to the neighbours by the boundary fence. It was also confirmed that a condition had been included to state no additional windows other than those shown to be added.

**Proposed** by Councillor Peter Scott that the application be granted in accordance with officers recommendation with the added condition of the boundary wall work to be supplied and implemented before work on the extension commenced, **seconded** by Councillor Christine Marston.

**Vote –**

For – 15

Abstain – 2

Against – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer Recommendations, as detailed within the report and supplementary papers with the inclusion of the additional boundary wall condition as proposed by Councillor Scott.

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

An application was submitted for 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.

Councillor Brian Jones proposed the application be deferred until a site visit took place at a local resident's property. Councillor Jones requested a site visit to the resident's property and neighbouring properties to ascertain the impact of the adaptation works at Sandy Lodge.

Councillor Ann Davies seconded the deferral on the basis of a site visit had been requested.

**Vote -**

For deferment – 8

Abstain – 1

Against – 9

**RESOLVED** that the request for deferral was NOT granted and the application for the alteration and adaptation of existing Nursing Home at Sandy Lodge, Rhyl be heard by the Committee.

The Chair informed members that the Public Speakers for this agenda item had been unable to attend but had provided a statement which the Development Control Manager would dictate to members.

Written statement provided by Tim Carty (**Against**) – The detailed application referenced the proposed use of the facility as a private psychiatric hospital, the Medirose website spoke of accepting referrals from those detained under the mental health act and those subject to hospitalisation orders. Those oppose to the application had been accused of having an issue with mental health provision, it was because we care about the appropriate provision for individuals with mental health issues that we oppose this location. The applicant was unable to specify that

the unit would be classified as secure as that would suggest a change of use application so there is no guarantee the facility would be secure.

Over development – The site has been developed twice previously, expanding the building footprint and reducing the open spaces on the site, most of which will now be parking spaces. The building failed as a care home due to its unsuitability. Would you choose to send a loved one there? If not, why is it appropriate for individuals with mental health challenges. Do they not deserve better? The building is old, gloomy and unsuitable as a place for rest bite and rehabilitation. The location is in the middle of a residential area with no green space to aid recuperation. Let's use the example of prisons, old buildings are not now deemed appropriate and modern facilities are the way forward. Why should we accept less for those with mental health issues?

Traffic – The traffic survey relates to the previous use when the building was operating as a care home 4 years ago prior to the development which had increased traffic flow. This put pressure on the junctions meeting Dyserth road at Pen Y Maes Avenue, Park View Estate, Lon Ystrad and Heol Y Llys. Speed of the traffic had increased on that road with the traffic flow. The planning application had dedicated car parking spaces, but if that should not be enough the temptation would be to park on the main road. As witnessed at the site visit.

Need – Work is beginning shortly on a 66 bed facility less than a mile away. The Medirose website stated it is intended to provide specialist mental health services to enable local people to access high quality care as close to their family and social networks as possible. Should there not be a need for local referrals are we expecting Rhyl to become a dumping ground for patients outside the region. A freedom of information request reveals in the period 2018-2021 the local NHS trust referred 90 patients in total to facilities outside of the area due to a lack of capacity with the average stay of less than six months. It points to over provision once the larger building on Brighton Road is completed.

Nuisance – The proposed development at Sandy Lodge would negatively impact the residents at the rear of the property plus provide viewing into the rear of the day nursery alongside. Previous additions to the building had ensured that any further development will encroach on the light and open aspect particularly to those residents of Cae Gruffydd. Can I urge the committee to reflect on the issues notes along with the 600 Facebook group in opposition to the planned development and a 300 signature petition lodged at change.org and vote to refuse the application.

The Development Control Manager confirmed he would now dictate the public speaker in favours written speech.

Written statement provided by John Horden (agent) (**For**) – I am John Horden from J P H Architects, and I am the project architect for the application. As you will see from the case officers report the application is for simple alterations and adaptations, and a two-bedroom extension to the existing main nursing home building. I believe the proposals do not have any objections or planning concerns in terms of density, scale or form, and that the proposals are in keeping with the ethos of the building and its function. Please also note that the case officer is moving for approval of the application. We are mindful that there have been some public concerns regarding the application on the grounds of function and use of the building. Currently the building is an existing nursing home and is classified as C2 purpose group. There is no intention of operating outside of this use. I want to

reiterate that the purpose group of the nursing home future use is C2, and as an independent hospital it will fall absolutely within C2 use. Use C2a is for a secure unit which this building is categorically is not. Furthermore, the use and purpose group of this facility is not a material planning consideration for this application. You are simply determining an application for a 2-bedroom extension, enclosures for two fire escapes staircases and porch to the principal entrance to the home. I therefore urge you to approve this application presented before you. If the application does not receive full planning approval at this meeting the client will be making an appeal and will be applying for costs. Many thanks.

The Chair thanked the Development Control Manager for narrating the received public speaker statements. It was confirmed that a site visit had occurred in July. Councillor Ellie Chard had been in attendance for the site visit and informed members she was pleased to visit the site and felt the alterations would have a positive impact on the site. Councillor Paul Penlington agreed with Councillor Chard. Members were invited to walk around the whole site and were informed what was proposed for the alterations to the building. In his opinion the alterations proposed to a building of this size were minor alterations. The two existing fire escapes proposed to be boxed off would be of benefit to local people. The two extra bedrooms are in middle of the building so would not make any difference to the aspect of the building. It was the view of Councillor Penlington that there was no reason on planning grounds to refuse the application.

Councillor Ann Davies stated at the site visit she had observed the close proximity of the neighbouring buildings. It was her opinion that the development would be over intensification of the area. The gardens would not provide the recreational space for the individual's needs.

The Vice Chair Councillor Christine Marston had also been in attendance at the site visit. She made particular reference to the close proximity of a day nursery.

**General debate** – Ward Member Councillor Brian Jones **proposed** the application be refused as the existing building had been over developed. Too much development had already occurred at the site prior to this application. The Traffic implications also add to the reason for refusal the last surveys had been completed some time ago and would not have taken into account the development of the site. It was Councillor's Jones view that there was no requirement for the development, with other facilities less than a mile away.

Councillor Peter Scott **seconded** the notion to refuse the application.

The Development Control Manager advised members that material planning considerations such as over development of the site and over intensification and impact of neighbouring properties could be considered as relevant reasons for refusal. It was stressed the use of the building was not proposed to be changed as part of this application and could not be considered. Officers had considered the applications in line with planning guidance. Officers opinion was that the applications was acceptable in planning terms.

The Chair confirmed with Councillor Brian Jones that the reasons for refusal were over development of the site and an impact on the neighbours, especially at the rear of the property.

Local Member Councillor Brian Blakely informed members he had been at the site visit and had spoken to local residents. In his opinion there was no reason to refuse the application. He noted the concerns of the local residents for the use of the site if planning was approved. Councillor Cheryl Williams was in agreement with Councillor Blakely.

Councillor Mark Young asked for some clarification on the development at the site and if in % terms it was over developed. He also asked for clarity as to the distance the new proposed extension would be from the neighbouring properties. Members noted a reference to a local child nurse had been made, and asked had the Council received any objection from the nursery?

**Proposal** - Councillor Ellie Chard proposed to grant the application in accordance with officer recommendations, **seconded** by Councillor Bob Murray.

In response to Councillor Mark Young, the Development Control Manager explained the term over development of a site often referred to residential extensions. With reference to this site, officers agreed the original building had been subjected to a number of extensions of the building. Officers were in agreement that the proposed extensions were acceptable given the size of the site and the space around the building. The main potential impact to neighbouring properties would be at the rear of the property with the first floor extension to create two-bedrooms. The extension was not projecting further towards the properties than the current existing building. Officers were accepting that there was a reasonable distance of over 21 meters, in terms of the proposed rear extension.

It was highlighted as the application was for extensions to the building and not for a change of use, comments from adult services colleagues within the council had not been received. Members had highlighted the general management, registration and arrangements for the use of building was with Care Standards Inspectorate.

Members asked for clarification on the difference between over intensification of the use of a site and over development. The Development Control Manager stated that an over intensification normally relates to a use of a site or building in terms of impacts. Over development relates more to the construction of buildings within a site and their impacts.

The Development Control Manager confirmed, no objections in relation to the extension proposal had been received from the nearby nursery.

**Vote –**

For – 11

Abstain – 0

Against – 7

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

**7 APPLICATION NO, 45/2021/0265/ PF - FORMER SUN CENTRE SITE, EAST PARADE, RHYL, LL18 3AQ**

An application was submitted for the change of use of land to "SkyFlyer Balloon" tourist attraction including the installation of concrete platform, mounted winch and associated "Skyflyer Balloon and basket, siting of toilet and reception buildings, landscaping and associated works at the former Sun Centre Site, East Parade, Rhyl.

### **Public Speaker –**

Mr Sean Taylor (Agent) (**For**) – Stated his objective of the attraction was to create an all year round world class experience in an iconic place. The unique selling point for the attraction would be first aerial attraction of the type in the world. It would fly at 40 knots of wind and elevate 30 people up to altitude of 120 meters. The attraction would be able to withstand wind of excess of 80 knots. The proposal represents an investment of more than £2mil and would support the employment of 7 full time and 4 part time employees for phase one.

It was envisaged the visitor numbers for year one to be 67175, year two to be 133,000 and by year four a plateau of 145,000. It was hoped the attraction would be opened in Easter 2022 but due to delays it was now hoped for a May opening date. There was an 8-9-month timeframe for the manufacture and installation of the balloon. Previous work with accommodation providers, other activity providers, local and Welsh Governments to create a sustainable tourist attraction. The SkyFlyer attraction was diverse and attracting a wide range of visitors. The attraction would provide users a visual experience to see Rhyl and the surrounding areas. Close working with Denbighshire Leisure with the development would continue.

**General Debate** – Councillor Tony Thomas (Local Member) stressed the development would be an iconic development for Rhyl and would enhance the area. He stated he felt the development would create jobs and bring business into the area.

Councillor Tony Thomas proposed the application be granted in accordance with officer recommendations, seconded by Councillor Peter Scott.

Councillor Butterfield made particular reference to Condition 11 to the report, regarding the removal of structures if the attraction ceased for a period of 6 months. She asked if it was possible to add additional explanation and details to the condition.

Councillor Tony Thomas, as the proposer stated he was happy with the condition as it was included in the report.

In response to Councillor Butterfield's concerns, the Development Control Manager confirmed the land where the attraction was sited was owned by the Authority. If members requested, officers could look at the imposed condition and amend with more specific conditions. The other option would be for DCC as land owner to manage the future management of the site.

Councillor Christine Marston asked for clarification on condition 7 regarding the signage and advertising around the site and balloon. The Development Control Manager stated any future signage would need to be submitted for approval by the LPA.

**Proposal** - Councillor Tony Thomas proposed the application be granted in accordance with officer recommendations, **seconded** by Councillor Peter Scott.

**Vote –**

For – 18

Abstain – 0

Against – 0

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

At this junction (15:10 p.m.) there was a 10 minute break.

Meeting reconvened at 15.20 p.m.

**8 APPLICATION NO. 01/2020/0315/PF - FORMER NORTH WALES HOSPITAL, DENBIGH**

An application was submitted for Conversion, restoration, part demolition and adaptation of main range listed buildings to residential use (34 dwellings); demolition of Nurses Home, Mortuary, Isolation ward, Aled ward and former gasworks buildings; and development of land within the hospital grounds for mixed use as enabling development, including up to 300 no. residential units and up to 1114 square metres of business units; siting of the Denbigh Cricket Club; and construction of access, drainage and associated works at the Former North Wales Hospital, Denbigh.

The Chair referred members to the officer notes detailed in the supplementary papers along with comments made by Councillor Rhys Thomas who had apologised he could not attend the committee meeting.

The Development Control Manager stated he felt it important to provide members with a brief introduction to the report. Members had also received an informal briefing on this application on Wednesday 1<sup>st</sup> September 2021.

The application presented to members was a 'hybrid' application. This meant part of the application contained detailed plans and a second element provided outlines, with further details to be submitted alongside further applications.

The proposal included the conversion and restoration of the main grade 2 star listed building into 34 dwelling units. Alongside this restoration and in part to enable and fund the restoration the proposal included the development of up to 300 dwellings, 1,114 square meters of commercial space and other ancillary works, with these works to include the possible relocation of the Denbigh cricket club and other infrastructure works.

The planning application had been made by Jones Bros, Ruthin holdings limited and had been subject to a full pre application consultation process in early 2020. This process was statutory and involved wide scale community consultation. Local authority planning officers had worked with a wide range of specialist consultees

and the applicant's numerous consultants. It was noted that there had been no objections from any specialist consultees.

The Development Control Manager touched upon previous planning applications for development at the site which committee had previously determined. Two relevant applications had been granted by previous planning committees for restoration of listed building and the development of areas of the site for housing and commercial uses. One of these had been granted in 2007 and more recently a scheme was presented to Planning committee in 2016 which members resolved to grant subject to a 106 legal agreement.

Those schemes and the proposed scheme involve the concept of enabling development. This concept is set out in the Local Development Plan policies, adopted site development brief and National guidance. Enabling development allowed for housing and other developments to take place in order to fund the restoration and reuse of heritage assets. In the application presented the scheme proposed sought enabling development of 300 dwellings to fund in part the restoration of the main range grade 2 star listed buildings at the former Denbigh Hospital.

The report set out the detailed assessments that had taken place in line with the LDP policy VOE4. This policy provided guidance on enabling developments. Officers concluded the proposals presented to the committee adheres with the policy and the adopted site development brief. The report set out relevant controls and obligations to ensure that the restoration of the listed buildings took place alongside any enabling development.

Officers emphasised that extensive negotiations and discussions with technical consultees and appointed solicitors had taken place to ensure the submitted information had been scrutinised and checked. Officers suggested it would be appropriate to submit a further report to committee detailing the precise section 106 legal agreement terms. The general terms had been set out within the report to reassure members that various material issues had been considered and would be built into subsequent approval.

The Development Control Manager emphasised the key economic, heritage and cultural benefits this scheme could bring to Denbigh and the wider county. It was felt the opportunity to save a key heritage asset alongside the wider economic activity outweighed any potential impacts of the enabling development.

**General debate** – Local Member Councillor Glenn Swingler raised concern on the lack of social housing and affordable housing at the site and the potential demolition of listed buildings. Concerns that the traffic and roads at the site would increase. He confirmed numerous issues had been experienced at the site over recent years and something had to be done. He was pleased Jones Bros were involved with the development. He stated in his opinion the application was very vague on the non-residential aspect of the application and would have liked to have seen what was proposed for that aspect of the site.

He asked if officers knew at what stage of the development the main building would be completed and if it was possible for affordable housing to be built on the site.

In response to concerns raised by Councillor Swingler, the Development Control Manager emphasised the development was an opportunity to try and save a cultural and heritage asset but it did require an enabling development. The LDP policy did allow for an enabling development to try and fund these developments.

The focus had to be on saving the historic buildings and not necessarily affordable housing and education provision. The issue raised on the lack of detail of the non-residential aspects of the development was down to financial viability and if public sector funding could be used for elements of the site. It was stressed by officers further planning applications with further detail would be brought back to committee. It was hoped by officers that elements included in the 106 legal agreement would be the restoration of the main range listed buildings and this will be upper most priority. The wording of that agreement would have to be agreed. Ideally officers would request the restoration would take place at the start of the development. Improvement to the highways infrastructure that may be needed and improvements to Lenton Pool roundabout, footpath improvements would also be included in a legal agreement and implemented at the appropriate time. It was confirmed a lot of work had been completed on the legal agreement ahead of the committee meeting.

Councillor Merfyn Parry stated he was in support of this site and **proposed** to grant the application in line with officer recommendations, **seconded** by Councillor Bob Murray.

Councillor Mark Young thanked the officers for the detailed report and noted the work that had already happened. Councillor Young asked for some clarity on how the phasing in work would be managed. Councillor Young also felt the development provided a golden opportunity with active travel in the area, and asked for a commitment that the active travel officers are involved in the development. He was pleased to see the site was being developed.

The Development Control Manager wanted to ensure that a deliverable and workable phasing strategy was included in the legal agreements. Key issues included the restoration of the heritage asset, the protection of the environment and biodiversity, ecology and improvements to infrastructure. All would need to be set out clearly within the legal agreements. Opportunities from public sector funding may be possible.

Councillor Emrys Wynne concurred with members views and was in support of the conservation element of the application. Councillor Wynne asked how key the missing responses from the consultation that had not been received were? He was surprised to note that no response from organisations such as Scottish Power, Welsh Ambulance and Betsi Cadwalader had been received and responses should have been requested.

He too felt that social and affordable housing should be included within the development. Councillor Wynne raised concerns on the impact the development would have on the Welsh Language.

Members were surprised to note that there had been no mention of ecology or environmental constraints had been made within the report. Members queried if a report on the current situation from the bio diversity officer was available.

The Chair confirmed the Development Control Manager was Paul Mead, planning officer for Denbighshire County Council.

Officers responded to members queries informing the committee that a number of requests for consultation responses were sought. Officers had no control on responses from organisations. It was highlighted that the responses that had been

received had no objections. The principal for development of this site had previously been considered through a number of processes including policies within the LDP plan including the public enquiry process, a site development brief specific for the site which had been subject to a public consultation exercise and adopted by Denbighshire County Council as a supporting document for redevelopment. It was officers opinion that public engagement and involvement had been wide spread over the last 10 years.

Members heard one of the reasons that the proposal had taken some time to be presented to committee was due to ecology and biodiversity. Concerns raised by Natural Resource Wales (NRW) and county ecologist around the diversity of ecology at the site to meet habitat regulations, climate change and biodiversity regulations had been made. Officers directed members to the planning website for the detailed documents that had been submitted by specialist's consultants in relation to this concern. It was confirmed that the documents had been reviewed by NRW and the county ecologist and subject to conditions and controls they were content the scheme would be built around ecology and biodiversity.

Further information was provided on the drainage at the development site. The applicant would be required to ensure connection to public sewers was completed, the hospital had been connected previously. The other aspect of drainage was sustainable drainage and the requirement to ensure the site has a sustainable drainage system. Officers had reviewed the plans for drainage and raised no concerns.

Business cases would be made to Welsh Government for the growth fund and other funding streams that would be available for the development. Funding, viability and delivery of this development were inextricably linked, officers offered members reassurance that phasing and delivery and the provision of various aspects of the development would be presented to members for further scrutiny. A detailed report had been produced by Senior Engineer- Development Control and the Traffic, Parking and Road Safety Manager had composed a report on may be required off site in terms of highway improvement, these requirements would be built into the legal agreement.

The Development Control Officer provided further information on the hope to create a liaison committee to review the delivery of the scheme. It was hoped the committee would ensure the site was maintained with input from Cadw, Town Council, Conservation architect and other organisations.

Officers highlighted the Head of Terms note - Welsh Language Enhancement Strategy, which required further details of Welsh Language and Culture to ensure a strategy was established for this. Members concerns on statistical evidence, enhancement and improvement and the promotion of the Welsh Language and culture would be set out in the legal agreement.

Members wanted to thank the planning officers for the briefing session that had been organised.

The Leader, Councillor Hugh Evans felt the development was an opportunity for Denbigh and Denbighshire. It was the Leaders opinion that the development was a positive proposal for the area and authority.

**Proposal** – Councillor Merfyn Parry proposed to grant the application in accordance with officer recommendations, seconded by Councillor Bob Murray.

**VOTE –**

For – 15

Abstain – 0

Against – 0

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

**9 APPLICATION NO. 43/2021/0469/ PS - 1 THE DELL AND LAND TO REAR OF THE DELL. PRESTATYN**

An application was submitted for the variation of condition no. 2 of planning permission code no. 43/2018/0900 to permit amendments to the siting of the residential apartment block and raising of the finished floor level at 1, The Dell and Land to rear of The Dell, Prestatyn.

The Local Member Councillor Tina Jones, informed members both Councillor Hugh and Irving and Councillor Jones had been involved in the development at the site. Planning permission had originally been granted in December 2018 to develop the property. The proposed amendments had been to bring the footprint of the apartment block further way from the rear boundary 2.5m.

The amendment would create a distance from the walk way. It would still remain within the recommended legal distance from other properties.

It was also proposed to rise the finished floor level by 250mm from 15.500AOD as had been previously approved to 15.750AOD which in turn would increase the height of the building by 250mm.

The Chair confirmed the reason it had been presented to the committee had been due to objections received from Prestatyn Town Council.

**Proposed** by Councillor Tina Jones to grant the application in accordance with officer recommendations, **seconded** by Councillor Bob Murray.

**VOTE –**

For – 14

Abstain – 0

Against – 0

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

**10 APPLICATION NO. 45/2021/0040/ PF - QUEENS MARKET, SUSSEX STREET, RHYL**

A Hybrid Planning application was submitted for the redevelopment of 0.93ha of land known as Queens Market, Sussex Street Rhyl.

The Development Control Manager (DCM) apologised that the Local Members noted in the report had been incorrectly stated. He confirmed the Local Members to be Councillor Joan Butterfield and Councillor Alan James.

Members were provided with a brief introduction to the 'hybrid' planning application which proposed a mixed-use assembly/leisure and housing redevelopment scheme in Rhyl town centre. Extensive pre application consultation and specialist consultee negotiations resulted in the application having no technical objections.

Members heard the application aimed at regenerating a 0.93 hectare block of land between West Parade, Queen Street, Sussex Street and the High Street referred to collectively as "Queens Market".

The application contained detailed elements of the proposal including the creation of a food and market hall, a multi-purpose event space and the refurbishment of Queens Chambers building and parking. The report also included outline components for future phases including the development of a mixture of commercial use and residential apartments. It was confirmed further detailed applications would need to be submitted for those developments.

The scheme was seen as a key element to the Rhyl Town Centre regeneration strategy. The aim for the site had been to provide a focal point to link the town centre to the promenade. The report also highlighted the economic and regeneration benefit of the scheme including the redevelopment of a prominent site, and creating jobs and economic activity in to the town.

The Local Member Councillor Joan Butterfield was contented with the application. The regeneration of the Queens Building would benefit the whole of the community and surrounding areas in Denbighshire, proving a range of produce and activities. The regeneration of the site would increase the number of all year jobs available. The Local Member Councillor Alan James reiterated the thoughts of Councillor Butterfield.

**Proposed** by Councillor Joan Butterfield to grant the application in accordance with officer recommendations, **seconded** by Councillor Mark Young.

**Vote –**

Grant – 15

Abstain – 0

Refuse – 0

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

## 11 ADDITIONAL INFORMATION

The Planning Officer guided members through the report (previously circulated).

Members were informed the tree was situated within a conservation area. A request for work to that tree had been made, but officers felt the tree was worthy protecting. It was felt the tree made a valuable contribution to the conservation area. Following communication with conservation officers and the tree consultant an emergency TPO was imposed on the tree. Following the consultation, one objection had been

received. Officers were still of the opinion that the tree was worthy of protection and sought members' agreement to confirm the TPO.

Councillor Mark Young, seconded my Councillor Peter Scott proposed to endorse officer recommendation for the Tree Preservation Order No. 6 (2021) Land at Cilgoed, St David's Lane, Denbigh without modification to afford the Purple Leaved Norway Maple continued protection.

Local Member Gwyneth Kensler confirmed the owners of the land where the tree was situated, were happy to protect the tree. The Local member was happy to support the recommendation.

**Proposal** - Councillor Mark Young proposed the application be granted in accordance with officer recommendation, **seconded** by Councillor Peter Scott.

**Vote –**

For – 13

Against – 0

Abstain – 0

**RESOLVED** that the Tree Preservation Order No. 6 be **APPROVED** without modification, in accordance with officer recommendations as detailed within the report.

**The meeting concluded at 16.30 p.m.**