

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held VIA VIDEO CONFERENCE on Wednesday, 6 October 2021 at 9.30 am.

PRESENT

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

Observers – Councillors Alan James, Councillor Meirick Lloyd Davies and Councillor Barry Mellor.

ALSO PRESENT

Team Leader – Places Team (TD), Development Control Manager (PM), Planning Officer (PG), Planning and Public Protection Manager (AL), Planning Officer (KB), Zoom Host and Webcast (SJ), and Committee Administrator (RTJ)

1 APOLOGIES

Apologies for absence were received from Councillor Merfyn Parry.

2 DECLARATIONS OF INTEREST

Declarations of interest were received from:

Councillor Christine Marston – declared a personal interest in agenda item 5, as she knew the applicant.

Councillor Tina Jones – declared a personal and prejudicial interest in agenda item 9, as she had submitted a parcel of land for the LDP.

Councillor Ann Davies – declared a personal interest in agenda item 7, as she had family member who worked for Glan Clwyd Hospital.

Councillors Brian Jones and Ellie Chard, both declared personal interests in agenda item 7 as they both were patients at a Rhyl based surgery with links to the development.

Councillor Meirick Lloyd Davies – declared a personal interest in agenda item 8, as he knew landowners who could potentially be affected by the proposed development.

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 8 September 2021 were submitted.

Matter of accuracy –

Councillor Emrys Wynne highlighted that within the declarations of interest, the close proximity of the development was not properly conveyed, as his property was back to back with the application.

RESOLVED that the minutes of the meeting held on the 8 September 2021 be approved as a correct record.

5 APPLICATION NO. 40/2021/0309 - PLOT C7, ST ASAPH BUSINESS PARK, ST ASAPH

An application was submitted for the erection of a 198 bed Registered Care Home (Use Class C2), landscaping, parking facilities and associated works (Resubmission) at Plot C7, St Asaph Business Park, St Asaph.

Public Speaker –

Mr Dylan Southern (For) – thanked the chair and members for being allowed to speak. Mr Southern said that we must ask ourselves as people of conscience did we ever mean for planning policy to allow an unfit care home structure in the county. Which allowed dependant older people to share amenities with numerous other people at very vulnerable times. He stated that more than 50% of care home residents currently would live in a room smaller than 12m² and with some floors without accessible lifts, yet as a county £58 million of public funds was spent each year on this care structure which was not fit for purpose.

Mr Southern referred the site, with regards to amenities there had been comments that some people could feel isolated due to the location of the site. Most people who would use the site would be at a stage where self-care would become less likely, therefore the likelihood of needing nearby shops would diminish. However the site would have access to super-fast broadband and was in close proximity to Ysbyty Glan Clwyd. These were key factors for the choice of site.

Mr Southern assured the committee that the noise assessment would comply with building standards and the central heating and air conditioning would create an adequate flow of air. The noise would also be monitored regularly.

Mr Southern stated that it could not be that an engineering solution could not be agreed to address the building temperature and windows.

Mr Southern understood that the committee had a difficult decision as the officers' recommendation was to refuse alongside the planning policy guidelines, however

Mr Southern felt that planning policy was never meant to be detrimental towards residents. Lastly it was requested that the committee gave a voice to vulnerable and granting the application.

General Debate –

Officers advised members on the background to the application, as it was a resubmission, the site had been refused previously. The site was within the St. Asaph business park LDP designation area. The area was mainly for B1 buildings, it was an allocated employment site.

- The resubmission of the application was due to extensive work on the application on behalf of the applicant. The additional work had identified that there was no other suitable site for the proposed development. The site which the application was proposed to be developed onto a site which had been designated as employment land, however had been on sale for numerous years and there was no interested developers for the land.
- Officers also highlighted that there were concerns of noise at the site due to the close proximity of an industrial B2 site and the A55 trunk road. These concerns would require the development to have un-openable windows, and this was not a compatible use with a C2 class building.

Councillor Ann Davies stated that the closure of the Royal Alexander has caused bed blocking in Glan Clwyd. Care at home has worked well for people with minimal care needs but the needs for caring has increased drastically. The application would free up beds in Glan Clwyd and allow people to choose their care.

Proposed – Councillor Ann Davies proposed the application be granted contrary to officer recommendations, seconded by Councillor Brian Jones.

Councillor Joan Butterfield stated that there was a change to the demographics in the County, the population was aging. There was a need to look at the requirements of the community, people were being hospitalized and people need structured care, to re-able them to be able to go home. This application would alleviate 'bed blocking' the business plan seemed sound, and the providers had confidence that the plan would work.

The committee queried how much weight was put on the use of land in the LDP when determining the merits of the application. Concerns with the windows were also raised, and whether it would have a sufficient circulation of air.

Officers stated that the windows would be built to ensure they would not open to comply with noise pollution, therefore they would only be used for light. The site was an employment designated site however there had been no interest in the site for numerous years.

Officers informed the committee that if the application was granted, there would need to be conditions attached to the development to address the proposed location and noise related issues as well as ventilation, with conditions used to

mitigate and manage that issue. It was felt due to the interest of the committee that the matter would come back to committee for a final decision with regards to conditions.

The Corporate Director: Communities (CDC) welcomed the interest in the provision for need and completely supported the officer recommendation to refuse. The CDC reported that the proposal did not provide appropriate levels of amenities. The use of the site was for people with low care needs. Welsh Government have set guidance for ventilation and the opening of windows, to which the application was not conforming to. The emotive discussions on need were not material planning matters. There were currently 100 beds available for those who need it in Denbighshire. There was currently an overprovision of care, with a shortage of staff available nationwide.

Councillor Brian Jones clarified the reasons for granting were that the close proximity to the A55 trunk road and the B2 site were not applicable, as noise mitigation was not an issue, as it could be overcome through planning conditions.

VOTE –
Grant – 13
Abstain – 0
Against – 2

RESOLVED that permission be **GRANTED** contrary to officer recommendations for the reasons set out above.

6 APPLICATION NO. 20/2021/0637 - CLOVER BANK, LLANFAIR DC, RUTHIN

An application was submitted for the variation of condition 2 of planning permission code 20/2018/0448 to vary the list of approved plans to allow amended design and access details at Land at Clover Bank Llanfair Dyffryn Clwyd Ruthin

General Debate -

Councillor Emrys Wynne, highlighted to members that the application was in front of the committee due to concerns raised by the Community Council, as they deemed the changes to be substantial.

Planning officers responded that the matter was raised by the Community Council, however the details within the report outlined the changes to the planning permission, and officers deemed these variants not to be substantial hence the acceptance of a section 73 application to vary the design (as opposed to requesting a completely fresh planning application) and the recommendation to grant.

Proposal – Councillor Christine Marston proposed to grant the application in accordance with officer recommendations as set out in the report, seconded by Councillor Ellie Chard.

Vote –
For – 13

Abstain – 2
Against – 0

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

7 APPLICATION NO. 22/2021/0754 - GLASFRYN, GELLIFOR, RUTHIN

An application was submitted for the erection of 1 no. detached dwelling, construction of a new vehicular access and associated works at Land Adjacent to Glasfryn Gellifor Ruthin.

Proposal – Councillor Julian Thompson-Hill proposed to grant the application in accordance with officer recommendations, seconded by Councillor Joan Butterfield.

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.

8 AWEL Y MOR OFFSHORE WINDFARM - FORMAL RESPONSE TO STATUTORY PRE-APPLICATION CONSULTATION

Planning officers introduced the Awel Y Mor Offshore Windfarm – Nationally Significant Infrastructure Project and the Response to Statutory Pre Application Consultation.

Officers stated that Denbighshire County Council have been invited to respond to the statutory pre-application consultation on the proposed Awel y Mor offshore windfarm. The consultation commenced on 31 August and would run until 11 October 2021. The report seeks members' approval to submit a formal consultation response to the pre-application consultation on behalf of the Council.

The chair opened up discussions and invited local members to raise matters prior to allowing committee members to raise any matters.

Councillor Barry Mellor (local member) thanked the chair for allowing him to speak. The main concern for the proposed windfarm development was mainly to do with the cabling which would run through the proposed Prestatyn Flood Defence scheme and two large concrete blocks would be built on Rhyl Golf Course, this was development plan A for the cables at the golf course.

However Councillor Mellor stated there was a plan B which would drill underneath the golf course and the proposed flood defence scheme and the concrete blocks would be built on the opposite side of the road to the golf course. This option was deemed the best solution. The local members highlighted that if plan A was developed it would likely cause the golf course to close as many of the fairways

would be built over. Councillor Mellor closed his statement by pleading with members to complete the consultations prior to the 11th October.

Councillor Brian Jones, spoke on behalf of the local member Councillor Tony Thomas, he agreed fully with comments raised by Councillor Barry Mellor. Originally Councillor Jones was supportive of the project however since meeting with RWE Renewables and partners the developers, and their hesitate nature of sharing information on the development he was no longer supportive of the project.

Councillor Julian Thompson-Hill felt that the wording within the response in relation to 'Plan A' needed to be strengthened to state the Council would not support any project which would have a detrimental effect on a pre-existing commercial site. Councillor Joan Butterfield agreed strongly with strengthening the wording.

Councillor Emrys Wynne, strongly agreed with all the previous comments which were raised, he raised how he had concerns with the cabling running through public footpaths. He wanted to ensure that the Council would not lose the rights to these footpaths.

Councillor Meirick Lloyd Davies thanked the chair for the opportunity to speak, he fully supported previously raised comments by members. He highlighted an error in the applicants' papers, the national substation was not in Bodelwyddan but Cefn Meiriadog. The plans also showed the development of a new substation in Cefn Meiriadog which was on an agricultural green site. Councillor Lloyd Davies could not understand why the substation could not be built by the pre-existing substation for the other offshore developments.

Planning Officer Denise Shaw thanked members for the comments about the consultation and their concerns with development. The proposed concrete construction would have an impact on the golf course and would be noted within the response. Officers also queried whether members had any comments with regards to the construction compound which would be nearby to the golf course and could also have an impact on the golf course. The comments on the substation would be included in the Council's response. The committee were made aware by officers that other neighbouring Councils were wanting to write a joint response to the consultation, and officers wanted to know what members felt about the matter.

Members of the committee agreed to the proposal of a joint response, and strongly opposed the construction compound as it was also have an impact on the golf course. Members also queried what powers the Council had to the matter legally in planning terms as the papers seemed vague on the matter. The team leader - places team, would look to the matter in further detail and respond to members.

Officers thanked members again for their input on the matter, and queried what the best mechanism for the agreed response was. The committee agreed that the response be agreed by local members and the chair of the committee. It was also agreed that Councillor Meirick Lloyd Davies also receive a copy of the response. Members queried whether a covering letter by the chief executive could be included with the response, officers responded informing the committee they would raise the matter with the chief executive.

Councillor Brian Jones proposed the statutory response, seconded by Councillor Mark Young.

RESOLVED that the Planning Committee agree to respond to the Statutory Pre-Application Consultation Response including the comments above.

9 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN 2006-2021 - ANNUAL MONITORING REPORT 2021

At this juncture, Councillor Tina Jones declared a prejudicial interest as she owned a piece of land in the Development Plan and left the meeting.

The Planning Officer introduced the Denbighshire Local Development Plan 2006 - 2021: Draft Annual Monitoring Report 2021.

The Denbighshire Local Development Plan 2006 – 2021: Annual Monitoring Report 2021 was presented in Draft form, in appendix 1 because officers were awaiting the Welsh translation, and to finalise the document layout to comply with the accessibility criteria for publication on the Council's website.

Annual Monitoring Reports (AMRs) were an important instrument to assess the effectiveness of local policy in supporting the LDP Strategy and Objectives, which were set to deliver the LDP Vision of how Denbighshire should be in 2021. The Annual Monitoring Report 2021 covered the period between the 1st April 2020 and the 31st March 2021, and was the seventh document that has been produced since LDP adoption in 2013.

The report highlighted the progress with implementing the Local Development Plan, which highlighted any challenges within the LDP.

Councillor Brian Jones raised that within the report BSC 5 – Deliver the Key Strategic Site that the outline planning permission had expired, and wanted to know what would be happening with the matter. The officers clarified that the permission had lapsed however the site remained within the current LDP, and officers would discuss the matters with members through the Strategic Planning Group (SPG) on how to take the matter further, and decide what happens with the site.

Councillor Meirick Lloyd Davies queried the letter which was attached with the report, and the extension to the LDP. Did the current LDP still stand until the new one was created. In response to a question from Councillor Meirick Lloyd Davies officers confirmed that the current LDP would continue until a new LDP had been adopted

Councillor Joan Butterfield queried whether Corporate Joint Committees would have an impact on the LDP. Officers informed the committee that in the future there would be a strategic development plan for North Wales, which would sit above the local LDP, however it would not be implemented for a number of years.

RESOLVED – that the planning committee note the content of the Draft Annual Monitoring report.

FORMER RHYL RUGBY CLUB, WAEN ROAD, RHUDDLAN, RHYL (UPDATE)

The chair informed the committee of a late submission within the late representation for the committee, it was clarified that the matter was not be debated, but an update the chair read out the update to members.

“Members would recall that the above planning application was deferred by Planning Committee to allow time for the Welsh Ministers to consider whether to call the application in for determination by Minsters.

This was information to notify members of Welsh Government’s decision to call-in the planning application above for determination by Welsh Ministers. The application therefore has now been referred to Welsh Ministers who would now be responsible for determining the application and the Council has sent copies of the application documents to Welsh Government.

At this time, Officers were waiting for the Welsh Government to determine if the application was to be determined through the Written Representations process, or through a Hearing.”