

REPORT BY THE HEAD OF PLANNING, REGENERATION, AND REGULATORY SERVICES

PLANNING APPEAL

ERECTION OF 60 BED CARE HOME TO REAR OF EXISTING HOME, CONSTRUCTION OF NEW CAR PARK AND NEW VEHICULAR ACCESS FROM EAST PARADE AND SERVICE DRIVE FROM TARLETON STREET

ST. DAVID'S RESIDENTIAL HOME, EAST PARADE, RHYL

APPLICATION 45/2011/0572/ PF

1. PURPOSE OF REPORT

- 1.1 This report relates to a refusal decision of the Planning Committee against which a formal appeal has subsequently been lodged. The appeal will be dealt with by way of a Hearing.
- 1.2 The report will provide Members with the relevant background information and request that Members appoint two representatives to give evidence at the hearing in accordance with Para. 9.3 of the Planning Appeals and Member Involvement Protocol.

2. BACKGROUND

- 2.1 The planning appeal has arisen from the decision of the Committee to refuse to approve an application to erect a 60 bed care home, with associated access and parking works, at St David's Residential Home, East Parade, Rhyl.
- 2.2 The application was submitted in May 2011 and was considered at Planning Committee in September 2011. The officer recommendation was to GRANT permission. The Committee resolved to REFUSE permission for the following reasons:

- 1. *"The Local Planning Authority considers that the proposed level of provision for off road parking, and the access arrangements for service and emergency vehicles for a linked development of the existing St David's Home and the proposed Care Home would be unsatisfactory and likely to perpetuate problems arising from the use of Tarleton street as a service road and for parking of staff and visitors vehicles. Tarleton street is considered to be an inadequate highway to serve the development, being characterised by a limited carriageway width, on street parking, and a narrow and unusable footway on one side only. The proposals are considered to conflict with tests vi and vii of Policy GEN 6, test v of Policy CF5, and Policies TRA6 and TRA9 of the Denbighshire Unitary Development Plan, and the parking guidelines in the Council's Supplementary Planning Guidance Note No 21 – Parking Requirements in New Developments, which seek to ensure adequate parking and servicing arrangements in new developments"*
- 2. *"The Local Planning Authority considers the proposals would give rise to an over intensification of development on the site, resulting in a cramped form of development and inadequate provision of open space for the residents of the two Care Homes, contrary to tests I, ii, and iii of Policy GEN 6 and test iv of Policy CF5 of the Denbighshire Unitary Development Plan"*
- 2.3 The sole resolution at Committee was to grant permission, but the vote was 13 – 7 to refuse. Members who spoke against the grant of permission were Councillors Bellis, Bartley, and Pennington.

- 2.4 The formal Certificate of Decision was dated 6th October 2011.
- 2.5 The Planning Inspectorate notified the Council of the appeal on 21st February, 2012. They have advised that the appeal will be dealt with at a Hearing, and that the date of the Hearing will be Tuesday June 19th, 2012.
- 2.6 The Council's Statement on the appeal, and any further comments by third parties, was sent to the Planning Inspectorate by their deadline of 3rd April, 2012.
- 2.7 As the refusal decision was contrary to the Planning Officer's recommendation, it is necessary to follow the adopted Protocol for dealing with Planning Appeals and Member Involvement.

Paragraph 9.3 states:

"Members of the Planning Committee will be required to give evidence at inquiry or informal hearing in appeals where an officer recommendation has been reversed. The Planning Committee shall appoint representatives to give evidence at the hearing/inquiry (normally the proposer and the seconder of the proposal)"

- 2.8 Officers presented a similar report to the March 2012 meeting of Planning Committee, and it was resolved at the time that Councillors Bellis and Hannam should represent the Council alongside the Development Control Manager at the Hearing, subject to re-election on May 3rd. As neither have been re-elected, Officers therefore have to seek a further resolution from Committee on Member representation, in accordance with the protocol.

3. RECOMMENDATION

- 3.1 That the Planning Committee appoints two representatives to give evidence at the Hearing on 19th June 2012

GRAHAM H. BOASE
HEAD OF PLANNING, REGENERATION AND REGULATORY SERVICES