

<b>Report to</b>	Planning Committee
<b>Date of meeting</b>	5 <sup>th</sup> October 2022
<b>Lead Member / Officer</b>	Emlyn Jones, Head of Planning, Public Protection and Countryside Services
<b>Report author</b>	Denise Shaw
<b>Title</b>	Application No: 47/2020/0593. 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. Former Rhyl Rugby Club, Waen Road, Rhuddlan.

## **1. What is the report about?**

- 1.1. This report relates to a planning application which has been called-in for determination by Welsh Ministers prior to Planning Committee making a formal resolution on the application.

## **2. What is the reason for making this report?**

- 2.1. In accordance with procedures for committee decisions that are refused against Officer Recommendation, the purpose of this report is to seek nominations from Members of the Planning Committee to represent the Council at the Hearings for application ref: 47/2020/0593 which has been called in by Welsh Government for determination by Welsh Ministers.

### **3. What are the Recommendations?**

#### **Resolution sought.**

- 3.1. Members resolve to nominate two Members to represent the Council at the Hearing sessions.

### **4. Report details**

#### **Background information**

- 4.1. Members will recall planning application ref: 47/2020/0593 was originally referred to the April Planning Committee, held on the 14 April 2021. The Officer recommendation was to grant planning permission, subject to the imposition of conditions and a legal agreement being entered into to secure contributions towards sustainable modes of transport.
- 4.2. On the 13 April 2021 Welsh Ministers issued an Article 18 Direction following a request to call in the application. The Article 18 Direction directed the Council to not grant planning permission for application, to enable time for Ministers to consider whether or not the application should be referred to the Welsh Ministers for their determination.
- 4.3. Members were notified of the Article 18 Direction via the April Planning Committee 'Late Information' Report.
- 4.4. At the April Planning Committee, Members resolved to defer the application to a future meeting once Welsh Ministers had made a decision on the call-in request.
- 4.5. On 24 September 2021, Welsh Government issued a call-in decision letter advising the Minister for Climate Change directs that the planning application should be determined by the Welsh Ministers. The application was then formally referred to Welsh Government in October 2021.
- 4.6. As the application has not previously been debated at Committee, a report was taken to the December 2021 Planning Committee to seek a resolution from the Planning Committee on the content of the Council's Statement of Case.
- 4.7. The resolution of the December 2021 Planning Committee was to:

*“Support REFUSAL of planning permission and that the Council’s Statement of Case will reflect the decision on refusal to assist Welsh Government.”*

- 4.8. The **proposer** was Councillor Christine Marston (former local Ward Councillor and member of Planning Committee) who stressed she felt the application was too large in open countryside not adhering to planning policy and proposed to go against officer recommendation for the following reasons. *The application went against Planning Policy PSE12, developing on land of agricultural Grade 3A, poor access by non-car modes it does not offer good active travel connections and poor highway access.* The proposal for refusal was **seconded** by Councillor Peter Scott.
- 4.9. On 8 August 2022 the Council received the start letter from PEDW, and invited the Council to submit a Statement of Case. The start letter also advised the application will initially proceed by the Hearing Procedure.
- 4.10. In accordance with the December 2021 Committee resolution, Officers have prepared a Statement of Case outlining the Council’s reasons to support the refusal of planning permission, which has been submitted to PEDW. A copy of the Statement of Case is attached as APPENDIX 1.
- 4.11. PEDW provided provisional dates for the Hearing sessions, which are scheduled in early December (5<sup>th</sup>, 6<sup>th</sup> or 8<sup>th</sup> December).
- 4.12. In accordance with procedures for Committee decisions which go against Officer Recommendation, two Members of Committee are required to represent the Council at the Hearing sessions which support of Officers, and a resolution from Committee is sought to nominate Members to attend the Hearings.

## **5. How does the decision contribute to the Corporate Priorities?**

- 5.1. Not applicable.

## **6. What will it cost and how will it affect other services?**

- 6.1. Officer time will be required to prepare for the Hearing sessions and to brief Members, and Officer and Member time is required to participate in the Hearing session.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

- 7.1. The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.
- 7.2. The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **8. What consultations have been carried out with Scrutiny and others?**

- 8.1. The planning application has been consulted upon in accordance with statutory duties set out in the planning legislation.

## **9. Chief Finance Officer Statement**

- 9.1. Not applicable.

## **10. What risks are there and is there anything we can do to reduce them?**

- 10.1. Failure to participate in the Hearing sessions may present a missed opportunity for Members to bring key issues and pertinent planning considerations to the attention of the Planning Inspector and Welsh Ministers.

## **11. Power to make the decision**

- 11.1. In accordance with Part 2 of the Council's Scheme of Delegation, the planning application required referral to Planning Committee for formal determination.

11.2. Accordingly, as the planning application was not formally determined by the Council, the content of the Council's Statement of Case requires a resolution of Planning Committee.