

# Agenda Annex

PLANNING COMMITTEE  
Date - 20<sup>th</sup> April 2016

## ADDENDUM REPORT BY HEAD OF PLANNING AND PUBLIC PROTECTION

### AGENDA ORDER, LATE INFORMATION AND AMENDMENTS TO PLANNING COMMITTEE REPORTS

The following sheets are an addendum to the main agenda for the Committee. They set out the order in which items will be taken, subject to the discretion of the Chair, and they provide a summary of information received since the completion of the reports, and matters of relevance to individual items which should be taken into account prior to their consideration.

Where requests for public speaking on individual planning applications have been made, those applications will normally be dealt with at the start of that part of the meeting.

#### AGENDA FOR THE MEETING

1. APOLOGIES
2. DECLARATIONS OF INTEREST (Pages 9 – 10)
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 11 - 18)

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT  
(Item numbers 5 – 8)

#### ORDER OF APPLICATIONS

##### PART 1

Public Speaker items	Application no.	Location	Page
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Other items			
5	11/2014/1188	Glandwr, , Clocaenog, Ruthin	19
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# PUBLIC SPEAKER ITEM

**ITEM 6**

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Code no. 43/2015/0315

**Site at Sandy Lane, Prestatyn**

Demolition of existing structures and erection of retirement living housing, communal facilities, landscaping and car parking

**LOCAL MEMBERS:** Councillors Carys Guy-Davies, Jason McLellan, and Paul Penlington

**OFFICER RECOMMENDATION IS TO REFUSE**

**Public Speaker: Against -**

**Public Speaker: For - Chris Butt (agent)**

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**LATE REPRESENTATIONS****Consultees:**

Regional Emergency Planning Service

"This is supplementary to my original response to the proposal for Sandy Lane, Prestatyn (43/2015/0315).

Just to confirm, I have reviewed the submitted Flood Consequences Assessment information, the Coastal Breach Assessment, the applicant's proposals for a Flood Risk Management Plan, and the legal advice to the Planning Bureau on the contents of covenants on tenants' leases relating to evacuation in the event of an evacuation order. I have considered the TAN15 acceptability criteria. I would clarify the position of the Regional Emergency Planning Service as follows.

The proposal does not satisfactorily meet the TAN15 criteria as it does not show completely safe access and egress routes during extreme events i.e. escape/evacuation routes should be operational under all circumstances. As stated in the Flood Consequences Assessment submitted as part of the application, in relation to the proposed development, the flood consequences in relation to tidal flooding are "considered to be significant over the lifetime of the property"

Despite the fact that a lead-in of several hours is predicted for an extreme event, as I noted in my previous correspondence, I cannot see how an evacuation could be forced upon the residents of the development, and therefore the mitigation measures proposed via a Flood Risk Management Plan cannot adequately address the hazard. This could then present significant welfare issues for any residents who choose to remain in the development during a flood event, and has the potential to create an added burden on the emergency services response should a rescue and evacuation of residents be required.

Therefore, the Emergency Planning Service cannot support the application for this development."

Denbighshire County Council consultees:

Highway Officer

No objection subject to the inclusion of conditions to deal with arrangements for parking and turning, visibility splays at the access onto sandy lane, and the design detailing of the access.

**Private individuals:**

In support, from:

Dr. James Davies, M.P., House of Commons, London SW1A0AA

Summary of representations:

Dr. Davies wishes to record support for the application. He has concerns that the guidance in TAN 15 and associated Welsh Government documents is overly restrictive and risks severely harming the economic prosperity of Prestatyn and Rhyl as well as opportunities for regeneration. He has approached Welsh

Ministers for clarification of the interpretation of TAN 15 given the circumstances applying at the site, and more widely in terms of development in the town, given the nature / extent of the risk involved. With specific regard to the application, it is suggested that the tiny threat posed by significant flooding at the site must surely be weighed up against the risks with not proceeding with the development, and it is argued that the safe and supportive community it will form and the removal of potentially dangerous buildings currently on the site will bring about a reduction in non-flood related risks, and that these risks alone almost certainly outweigh those risks highlighted in TAN 15. The fear is that if TAN 15 is being correctly interpreted, it risks not only leaving the site in a long term derelict state and denying the community of a quality residential development, but sterilizing large swathes of land in this area with respect to sensible development, and bringing about significant planning blight.

Councillor Hugh Irvine

Councillor Irvine has asked for his comments to be conveyed to Committee. The main points are that:

- The town has a high percentage of older residents and badly needs this development to allow residents to downsize at an appropriate time in their lives and at the same time release larger under occupied properties back onto the housing market.
- The site itself is an eyesore brownfield site occupied by a derelict industrial building adjacent to the railway station and main Chester to Holyhead Railway line and this development would prove an asset to the street scene in that area.
- The suggestion that the development proposal should be refused on flood risk grounds is illogical as the site is situated, not just beside the railway station, but close to the main road to Rhyl and hundreds of neighbouring residential properties none of which have ever suffered flooding.
- If the refusal is adopted, a precedent would be set not just for this part of Prestatyn but the entire coastal strip North of the railway line, including Rhyl Sea front where we have just granted consents for housing as part of the West Rhyl Housing project and a hotel development. We are also looking for residential proposals for the former Grange Hotel site and a Suncentre redevelopment which all risk rejection on the grounds of flood risk if this policy is adopted.
- Had the policy been in force in recent times we would not have redeveloped the Nova Centre nor allowed the construction of housing on neighbouring sites such as Tower Gardens where hundreds of new properties have been built literally just behind the sea wall. The site of the new Prestatyn retail park and the new Bodnant school could have similarly been recommended for refusal. This site is approximately a mile inland from the sea defences none of which were breached during recent storms.
- It is understood that the flood risk recommendations are not mandatory but to be taken into account when considering applications and it is requested that the committee rule that the risk for this site and the neighbouring area is so low that it does not justify refusing the application.

M. Parry, 33 Sandy Lane, Prestatyn

Strongly support this development.

Scheme would provide much needed retirement properties on Sandy Lane, Prestatyn, which would release properties in the town for the younger generations

Site is unsightly, unused and derelict. attracting only youths and vagrants

As a firefighter in the town for 15 years, has never been called to Sandy lane to attend flooding

Refusal recommendation is based on grounds of "what if". Recent flooding has not affected Sandy Lane but has impacted on other areas where planning permission has been granted for development. Planning was granted because somebody used previous data and common sense when assessing the risks of flooding.

J. and G Butterworth, 28 Rhoddfa Wyn, Tower Gardens, Prestatyn

Apartments are urgently required in Prestatyn.

Questions over officer recommendation, given permissions have been granted for other developments in the town.

## **INFORMATION FROM THE APPLICANT'S AGENTS**

The agents have asked the following information to be put before the Committee:

" We have held extensive discussions with Natural Resources Wales and they are now happy that our proposals are acceptable and safe. The emergency planning service considers that the proposals may place undue pressure on the emergency services if residents do not evacuate the premises if there is a risk of severe flooding. We believe that the concerns expressed by the emergency planning service are unfounded for the following reasons. The only scenario where the proposals do not meet the TAN15 guidelines is an extreme situation when flood defences are not improved for 100 years and there is a breach in the sand dunes combined with a 1:1000 year

flood event. Clearly this will first affect a large part of Prestatyn, including other dwellings that have been developed nearer the beachside.

Unlike other new housing developments, this will be a managed form of accommodation. McCarthy & Stone is highly experienced in the management of sites at risk of flooding and have many properties in the UK where a flood risk management plan is in force such as at this site. A house manager will be on site during working hours and there will be a 24hr emergency call centre available at all times. A manager will be on site if any flood warnings are issued. The emergency plan can be put into action following receipt of a warning and there will be a lead in time of around 15hrs to evacuate the building. Residents are required under the terms of their leases to follow any instruction to evacuate. In any event there is a safe refuge on higher floors. The building will remain safe under all circumstances.

In summary

- The site and accommodation is safe under all conditions even allowing for 100 years of climate change where defences are not improved over this period.
- If defences are not improved then many houses in Prestatyn will be flooded with increasing frequency and depth before this site is affected.
- A flood plan will be in place and 24hr management will be provided.
- There is about 15hrs of warning of flood after over topping or breach of defences.
- There is a safe refuge on higher floors.
- Residents are required to evacuate if instructed.
- McCarthy & Stone manage many properties with flood plans and all the residents have fully complied with instructions given by the flood manager during flood events.
- The site is an eyesore and the scheme will bring about considerable benefits to the area and will provide much needed specialised and safe accommodation for older people. “

#### **OFFICER NOTES**

Officers will provide a short introduction to the item prior to the Chair opening it to debate.

There is reference in the agent's additional submissions above to discussions with Natural Resources Wales and a comment that NRW are 'now happy that our proposals are acceptable and safe'. Simply for the record, the agents are referring to the NRW response received by the Council in February 2016, which is summarised in the Consultation Responses section of the main report and referred to at length within the assessment of the flooding issues in section 4.2.4. It is understood that there has been no recent communication between the agents and NRW and no change in the comments of NRW in respect of the emergency access and egress situation.

## **OTHER ITEMS**

**ITEM 5**  
Page 19  
Code no. 11/2014/1188

**Glandwr , Clocaenog, Ruthin**  
Erection of 2 no. detached dwellings

**LOCAL MEMBER:** Councillor Eryl Williams

**OFFICER RECOMMENDATION IS TO GRANT**

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**No late information**

<b>ITEM 7</b> Page 69 Code no. 43/2016/0106	<b>113, Meliden Road, Prestatyn</b> Removal of branches from Horse Chestnut tree (T2), felling of 1 no. sycamore tree and pollarding of 1 no. sycamore tree (Group G1) subject to Tree Preservation Order No. 3, 1985
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**LOCAL MEMBER: Councillor Peter Evans (c )**

**OFFICER RECOMMENDATION IS TO GRANT**

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**No late information**

<b>ITEM 8</b> Page 79 Code no. 44/2016/0180	<b>43, Heol Hendre, Rhuddlan, Rhyl</b> Erection of covered outdoor kitchen to side of dwelling
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**LOCAL MEMBERS:** Councillors Arwel Roberts (c ) and Ann Davies

**OFFICER RECOMMENDATION IS TO GRANT**

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**No late information**

## **SPECIAL REPORTS**

**ITEM 9**  
**DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE:**  
**CONSERVATION AND ENHANCEMENT OF BIODIVERSITY -**  
**CONSULTATION DOCUMENT (Pages 89 - 122)**

To consider a report recommending members agree the draft Supplementary Planning Guidance on Conservation and Enhancement of Biodiversity as a basis for public consultation.

**ITEM 10**  
**RENEWABLE ENERGY SUPPLEMENTARY PLANNING GUIDANCE - FOR**  
**ADOPTION (Pages 123 – 172 with appendix)**

To consider a report recommending adoption of the final Supplementary Planning Guidance on Renewable Energy for use in the determination of planning applications .

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