

## PLANNING COMMITTEE

Date - 12<sup>th</sup> January 2022

### 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. 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
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 7 - 18)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT  
(Item numbers 5 – 7)

#### ORDER OF APPLICATIONS

##### PART 1

	Application no.	Location	Page
<b>Public Speaker items</b>			
<b>6</b>	23/2021/0852	LAND AT THE LODGE, LLANRHAEADR, DENBIGH	53
<b>7</b>	46/2019/0606	BOD HAULOG, THE ROE, ST. ASAPH	95
<b>Other items</b>			
<b>5</b>	07/2021/0684	MYNYDD MYNYLLOD, LLANDRILLO, CORWEN	19

## PUBLIC SPEAKER ITEMS

### Item No.6 - Page 53

**Code No:** 23/2021/0852

**Location:** Land at The Lodge Llanrhaeadr Denbigh LL16 4NL

**Proposal:** Erection of 6 no. holiday accommodation units, site office and associated works (amended scheme)

LOCAL MEMBER: Cllr Joseph Welch

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker: Against - None

Public Speaker: For – Andrew Sumner (Agent)

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No additional information

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### Item No.7 - Page 95

**Code No:** 46/2019/0806

**Location:** Bod Haulog The Roe St Asaph LL17 0LY

**Proposal:** Development of 0.75 ha of land for residential purposes (outline application including access)

LOCAL MEMBER: Cllr Peter Scott

OFFICER RECOMMENDATION IS TO **REFUSE**

Public Speaker: Against - None

Public Speaker: For – Gwyn Davies (Agent)

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### Addendum report

The application was subject to a Site Inspection Panel meeting at 10.30am on Friday 7th January 2022.

In attendance were:

CHAIR – Apologies sent

VICE CHAIR – Councillor Christine Marston

LOCAL MEMBER – Councillor Peter Scott

GROUP MEMBERS –

Conservatives – represented by Vice Chair  
Labour group – Councillor Ellie Chard  
Plaid Cymru Group – Councillor Meirick L Davies

COMMUNITY COUNCIL – represented by Councillor Peter Scott

The Officer present was Paul Griffin (Development Management)

The reason for calling the site panel was to allow opportunity to view the characteristics of the site including site topography

At the Site Inspection panel meeting, Members considered the following matters:

1. The details of the proposal, including proposed position of the access.
2. The existing site, including site levels and boundary treatments.
3. The proposed changes to site levels as shown on plans in relation to the existing levels.

In relation to the matters outlined:

1. The Officer outlined the proposals which involved the raising of land, and creation of new access. Members were advised that the proposed layout was only indicative. Matters such as design and size of the proposed dwellings etc. would be considered at the Reserved Matters stage, if permission were granted.
2. Members walked the site and observed the existing site levels, the boundary treatments and the relationship of the site to surrounding properties. The scale of the existing development in the area was noted.
3. Members were circulated a set of plans showing an indicative layout and the proposed increases to site level/sections across the site. The site was walked and Members noted how the ground would be built up at the front and graded up to the existing levels to the rear of the site.

## LATE DOCUMENTS

An amended indicative site plan has been submitted (Drawing No. 528/10F).

The amended plan has been submitted for the avoidance of doubt in response to NRW's final consultation comments to ensure the drawing is seen to be entirely in accordance with all statements in the Flood Consequences Assessment.

The only amendment is that of setting the three ground levels along the rear boundary.

The upper and lower limits for the proposed development have not been altered and remain as stated in the Committee Report.

## OFFICER NOTES

Officers wish to add the following commentary to augment section 4.2.6 of the Committee Report to further explain the proposed recommendation to refuse the application on unacceptable flood risk grounds.

As stated in the Committee Report, there was disagreement between the applicant and NRW on the methodology to be applied in the Flood Consequences Assessment (FCA) with respect to a how a potential breach of the St. Asaph flood defences should be assessed.

Notwithstanding the applicant's disagreement with the interpretation of TAN15 adopted by NRW, in order to advance the proposal, the proposed scheme has been amended to raise the levels of the site to comply with NRW's interpretation of TAN15.

NRW have confirmed that raising ground levels and finished floor levels as proposed in the FCA would mitigate the consequences of flooding for the site itself.

NRW however remain of the view that the proposal would increase the risk of offsite flooding, which is unacceptable.

TAN15 section A1.11 and A1.12 provide clarity on the criteria for deciding whether the flood consequences for a development is acceptable. The criteria includes the need to demonstrate that 'there would be no flooding elsewhere as a result of the development.'

Section 4.5.3 of the FCA assesses the off-site impacts associated with the development.

It states:

- In the 1% AEP plus climate change, as a result of the development, the land to the north of the site is split relatively evenly between that in which flood levels are reduced and that in which they are increased. Increases are most significant immediately south of the proposed development where increases of 25cm are predicted, although this effect rapidly diminishes further away from the site.
- In the 0.1% AEP event, as a result of the development, there would a decrease in water levels of 1 to 8cm is predicted within the school to the west of the site and to the north of the site. The area to the east of the site experiences an increase in water levels between 10cm to 25cm.

Whilst the proposed development would not increase the frequency of offsite flooding, in extreme flooding events, it would increase the flood extent in some offsite locations and decrease the flood extent in other offsite locations.

The FCA argues, in either flood event scenario, offsite flood depths would be extreme with or without the development, and therefore the predicted increases in offsite flood depths as a

result of the development will have little impact on flood damages and actual flood risk, and the proposal complies with TAN15.

NRW do not agree with this interpretation, and take the view that any increase in offsite flood risk is unacceptable, and would be contrary to the advice contained in TAN15.

The NRW website provides advice on the modelling for flood consequences assessment (<https://naturalresources.wales/flooding/modelling-for-flood-consequence-assessments/?lang=en>)

To demonstrate that development has not increased flood risk elsewhere, NRW advises that the FCA must show:

- no increased depth, velocity, hazard or extent for flood water outside the river channel or agreed flood storage area
- no change to the onset of flooding
- no impact to infrastructure within or connected hydraulically to the river channel

Officers take the view that, whilst the proposal would not cause flooding elsewhere, in an extreme flood event it would increase the flood depths experienced offsite, which would expose third parties to an increased risk of flooding which is not considered to be acceptable.

Officers would also note that Section 4.6 of the FCA presents an 'alternative baseline analysis' which models the impact of the existing boundary wall on offsite flood risk, and presents a case that the boundary wall itself already increases offsite flood risk, which the FCA considers is a material consideration.

Officers would stress that boundary walls or other existing structures are not typically included in flood models as it would be impractical to survey all such features consistently across an entire community and the structural integrity of such features cannot be assured during a flood, which the FCA clearly acknowledges. On this basis, Officers do not consider weight should be apportioned to the effects of the existing boundary wall in the determination of the application.

## OTHER ITEMS

### **Item No.5 - Page 19**

**Code No:** 07/2021/0684

**Location:** Mynydd Mynyllod, Llandrillo, Corwen

**Proposal:** Erection of a 90m meteorological mast for a temporary period of three years

LOCAL MEMBERS: Cllr Gwyneth Ellis

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker: Against - None

Public Speaker: For –None

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No additional information

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