

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 20 April 2016 at 9.30 am.

### **PRESENT**

Councillors Ray Bartley (Chair), Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Meirick Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Barry Mellor, Dewi Owens, Pete Prendergast, Arwel Roberts, Anton Sampson, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams and Cheryl Williams

Local Member – Councillor Jason McLellan attended for agenda item 6

Councillor David Smith, Lead Member for Public Realm attended for agenda items 9 & 10

### **ALSO PRESENT**

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Manager (PM); Principle Planning Officer (IW); Strategic Planning and Housing Manager (AL); Planning Policy Officer (KB) and Committee Administrator (KEJ)

### **TRIBUTE - COUNCILLOR RICHARD DAVIES**

The Chair paid tribute to Councillor Richard Davies who sadly passed away on 22 March and would be sorely missed. Members and officers stood in silent tribute.

#### **1 APOLOGIES**

Councillors Ian Armstrong, Brian Blakeley, Alice Jones, Pat Jones, Win Mullen-James, Bob Murray, Merfyn Parry and Huw Williams

#### **2 DECLARATIONS OF INTEREST**

No declarations of personal or prejudicial interest had been raised.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Planning Committee's meeting held on 16 March 2016 were submitted.

Councillor Meirick Davies advised that the page numbers in the Welsh and English minutes did not run concurrently.

**RESOLVED** that the minutes of the meeting held on 16 March 2016 be approved as a correct record.

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 8) -**

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which related to particular applications. In order to accommodate public speaking requests, it was agreed to vary the agenda order of applications accordingly.

### **5 APPLICATION NO. 43/2015/0315/PF - SITE AT SANDY LANE, PRESTATYN**

An application was submitted for demolition of existing structures and erection of retirement living housing, communal facilities, landscaping and car parking at site at Sandy Lane, Prestatyn.

#### **Public Speaker –**

Mr. C. Butt (McCarthy & Stone Ltd) (**For**) – detailed the merits of the application in providing much needed specialist retirement accommodation in the area. All criteria had been met with the exception of access and evacuation during extreme flood risk events as detailed in Technical Advice Note (TAN) 15 which had been based on certain assumptions. Mitigation measures would be put in place including a flood plan and appropriate site management during flood alerts.

**General Debate –** The Planning Officer (IW) introduced the application confirming general support for the positive factors arising from the proposal. However, flood risk was a significant issue and he elaborated upon the reasons behind officers' recommendation to refuse the application given that the 'Acceptability criteria for flooding consequences' in TAN 15 could not be met because escape/evacuation routes would not be operational under all conditions.

Councillor Jason McLellan (Local Member) advised of local support for the development and he spoke in favour of the application reiterating the positive benefits in terms of the economy, development of a derelict site and receipt of a commuted sum payment. He argued that the unmet criteria in TAN 15 had been based on 1:1000 chance of occurrence and formed a narrow interpretation which had not been applied to other more recent developments. Councillor Julian Thompson-Hill also recognised the scheme's benefits. Whilst acknowledging officers' concerns he highlighted the need to be realistic given the likelihood of such an extreme event ever taking place.

During the ensuing detailed debate members noted the merits of the application and positive outcomes and considered whether those benefits outweighed the flood risk concerns arising from the failure to meet the acceptability criteria in TAN 15 in terms of flooding consequences in an extreme flood event and whether that risk could be further mitigated by the imposition of additional conditions. Many members considered that such an extreme flooding event was highly unlikely as the reality would leave much of Rhyl and Prestatyn underwater. Given the lack of flood

history of the application site, its distance from the sea and additional flood evacuation measures there was much support for granting the application. It was also suggested that the proposed development would allow for greater drainage of the site and lessen flood risk in the area. Members noted that other developments near the application site and in flood risk areas in Rhyl and Prestatyn had been granted previously. Councillor Stuart Davies commended the development and management of a similar retirement living scheme by the Applicant in Llangollen advising that further assurances could be taken from that. Councillor Huw Hilditch-Roberts urged caution when determining the application and referred to the Glasdir Estate flooding in November 2012 which had been granted planning permission following flood risk calculations. He sought further information and assurances regarding the flood modelling and assessment process in this case. Members also asked whether additional conditions could be imposed in order to meet the outstanding acceptability criteria of TAN 15 and whether other tidal studies had been taken into account during the assessment process together with any potential strengthening of flood defences.

Planning Officers responded to members' questions and comments as follows –

- other developments such as Bodnant School, Prestatyn Shopping Park, Nova and Rhyl Waterfront had been flood risk assessed under different development categorisations – this development had been categorised as highly vulnerable
- it was accepted that other residential developments had been approved in the past and Nant y Mor Extra Care Housing, Prestatyn was a similar development. Advice from Natural Resources Wales (NRW) changed over time and it was important to consider the latest technical data when determining the application
- elaborated upon the technical guidance provided in TAN 15 in terms of flood zone areas and whether those areas had flood risk defences and explained the roles and perspective of both NRW and the Emergency Planning Unit (EPU) with regard to planning applications
- highlighted the difficulties comparing the current application to the flooding at Glasdir given the different parts of the county and flood risk from the river as opposed to the sea but assurances were provided that NRW was continually working on their flood modelling and officers had considered the latest technical information available when reaching a recommendation
- provided assurances that all the relevant flood related studies and documentation had been considered and a meeting had taken place with NRW and the EPU to further discuss flood risk
- confirmed that during the flood modelling assumptions had been made that there would be no improvement to flood defences over the next 100 years
- if the application was granted officers would need to report back to the committee on any additional controls in terms of conditions to impose which would involve further consideration of the evacuation plan and other flood management issues.

The Head of Planning and Public Protection summarised the debate and material planning factors to consider in this case. He highlighted the need for members to balance the positive factors arising from the development against the flood risk issue. Officers acknowledged the difficult decision to be made but drew members' attention to the reasons behind the refusal recommendation given the technical

information provided that the maximum depths of flooding and velocity of floodwaters in extreme floods events would give rise to unacceptable danger and did not meet the standards required in TAN 15.

**Proposal** – Councillor Butterfield felt that as the risk of an extreme flooding event was minimal and that acceptable mitigation measures in relation to the evacuation of the premises had been and could be incorporated into the final Flood Risk Management Plan, that refusal of permission was not justified in relation to concerns over the safety of access and egress routes; and that there were clear regeneration and other benefits from the development which merit support for the application. She proposed, seconded by Councillor Anton Sampson that the application be granted, contrary to officer recommendation.

**VOTE:**

GRANT – 16

REFUSE – 2

ABSTAIN – 1

**RESOLVED** that permission be **GRANTED** contrary to officer recommendation, for the reasons that the risk of an extreme flooding event was minimal and that acceptable mitigation measures in relation to the evacuation of the premises had been and could be incorporated into the final Flood Risk Management Plan, that refusal of permission was not justified in relation to concerns over the safety of access and egress routes; and that there were clear regeneration and other benefits from the development which merit support for the application.

**6 APPLICATION NO. 11/2014/1188/PF - LAND TO REAR OF GLANDWR, CLOCAENOG, RUTHIN**

An application was submitted for erection of 2 no. detached dwellings at land to rear of Glandwr, Clocaenog, Ruthin.

**General Debate** – In response to questions from Councillor Meirick Davies officers explained that the comments submitted by Clocaenog Community Council had been judged as an objection to the application. Consequently the application had been submitted to the committee for determination. It was agreed that Councillor Davies discuss the procedure directly with officers outside of the meeting.

**VOTE:**

GRANT – 18

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendation as detailed within the report.

**7 APPLICATION NO. 43/2016/0106/TP - 113 MELIDEN ROAD, PRESTATYN**

An application was submitted for removal of branches from Horse Chestnut tree (T2), felling of 1 no. sycamore tree and pollarding of 1 no. Cherry tree (Group G1) subject to Tree Preservation Order No. 3, 1985 at 113 Meliden Road, Prestatyn.

**General Debate** – Councillor Peter Evans (Local Member) acknowledged that the postal address for Meliden Road was Prestatyn but asked that, for clarity, future reports refer to those locations in the Meliden ward as ‘Meliden, Prestatyn’ as opposed to Meliden Road, Prestatyn. The Planning Officer agreed to take the matter up with the Mapping Team.

**Proposal** – Councillor Peter Evans advised that he had visited the site and was happy to propose the officer recommendation to grant the application which was seconded by Councillor Arwel Roberts.

**VOTE:**

GRANT – 17

REFUSE – 1

ABSTAIN – 0

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

**8 APPLICATION NO. 44/2016/0180/PF - 43 HEOL HENDRE, RHUDDLAN**

An application was submitted for erection of covered outdoor kitchen to side of dwelling at 43 Heol Hendre, Rhuddlan.

**General Debate** – Councillor Arwel Roberts (Local Member) noted the comments submitted by Rhuddlan Town Council and advised that he had taken no part in that debate. Having visited the site he had no objection to the application.

**Proposal** – Councillor Arwel Roberts proposed the officer recommendation to grant the application, seconded by Councillor Cefyn Williams.

**VOTE:**

GRANT – 18

REFUSE – 0

ABSTAIN – 0

***RESOLVED** that permission be **GRANTED** in accordance with officer recommendation as detailed within the report.*

**9 DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE: CONSERVATION AND ENHANCEMENT OF BIODIVERSITY - CONSULTATION DOCUMENT**

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Supplementary Planning Guidance (SPG) on Conservation and Enhancement of Biodiversity as a basis for public consultation. Councillor Smith reminded members of the different stages in the process before final adoption of SPG documents by the Planning Committee.

**Proposal** – Councillor Meirick Davies proposed the officer recommendation, seconded by Councillor Huw Hilditch-Roberts.

**VOTE:**

FOR – 17

AGAINST – 1

ABSTAIN – 0

**RESOLVED** that members agree the draft Supplementary Planning Guidance on Conservation and Enhancement of Biodiversity, as attached at Appendix 1 to the report, for public consultation over a minimum of eight weeks.

**10 RENEWABLE ENERGY SUPPLEMENTARY PLANNING GUIDANCE - FOR ADOPTION**

Councillor David Smith, Lead Member for Public Realm submitted a report recommending adoption of the final Supplementary Planning Guidance (SPG) on Renewable Energy for use in the determination of planning applications.

An eight week consultation period had been carried out and a summary of the representations received together with the Council's response had been included as an appendix to the report. In responding to those representations a number of amendments had been proposed which had been highlighted in the final document.

During debate Councillor Joe Welch raised the following issues –

- referred to the Conwy & Denbighshire Landscape Sensitivity and Capacity Assessment (May 2013) which did not include details of the latest turbine consents – officers confirmed that the document had been included as an appendix for background information and that separate records were kept of all the consents and turbines that had been constructed
- thanked officers for taking into account the views of the Community Councils at paragraph 6.4.4 in terms of preferences for underground cables and where there was to be an overhead cable line further discussion should take place
- sought clarity within paragraph 6.7.1 regarding the decommissioning of redundant development – officers advised that each case would need to be considered on its own merits taking into account what was considered reasonable in the circumstances.

Councillor David Smith thanked the officers involved in the development of the SPG documents for all their hard work.

**Proposal** – Councillor Julian Thompson-Hill proposed the officer recommendations as detailed within the report, seconded by Councillor Joan Butterfield.

**VOTE:**

FOR – 16

AGAINST – 1

ABSTAIN – 1

***RESOLVED*** that members adopt the final Supplementary Planning Guidance on Renewable Energy attached as Appendix 1 to the report, with recommended changes, for use by applicants for planning submissions and for officers and members in the determination of planning applications.

Prior to the close of the meeting the Chair thanked members for their co-operation during the past council year and officers for their support. He also conveyed his best wishes to the Vice-Chair, Councillor Win Mullen-James for a speedy recovery.

The meeting concluded at 10.45 a.m.