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## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 22 March 2023 at 9.30 am.

### PRESENT

**Virtual** - Councillors Ellie Chard, Karen Edwards, Gwyneth Ellis, James Elson, Huw Hilditch-Roberts, Alan James, Delyth Jones, Julie Matthews, Terry Mendies, Raj Metri, Win Mullen-James, Merfyn Parry, Pete Prendergast, Gareth Sandilands, Peter Scott (Vice-Chair), Andrea Tomlin, Cheryl Williams and Mark Young (Chair)

**Council Chamber, County Hall, Ruthin** – Councillors Karen Edwards, Gwyneth Ellis, James Elson, Huw Hilditch-Roberts, Alan James, Delyth Jones, Terry Mendies, Win Mullen-James, Merfyn Parry, Pete Prendergast, Peter Scott (Vice-Chair), Andrea Tomlin and Mark Young (Chair)

**Observers** - Councillor Hugh Irving, Councillor Diane King and Councillor Emrys Wynne (Virtual).

### ALSO PRESENT

Legal Officer (RJ); Development Manager (PM); Principal Planning Officer (PG); Planning Officer (BM); Zoom Hosts (RTJ); Committee Administrator (SJ).

#### 1 APOLOGIES

Apologies for absence were received from Councillors Jon Harland and Elfed Williams.

The Chair stated members that were attending virtually via Zoom and those present in the Chamber, County Hall, Ruthin.

#### 2 DECLARATIONS OF INTEREST

Councillor Cheryl Williams declared a personal interest in Urgent item - Application No. 45/2021/0516 - Kynsal House, Vale Road, Rhyl – Councillor Williams informed the committee a family member neighboured the site.

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

In accordance with Section 100B(4) of the Local Government Act 1972 the Chair declared that he intended to include for discussion the following matter which required urgent attention –

Application no. 45/2021/0516 – Kynsal House, Vale Road, Rhyl

It was agreed to consider the matter following the main business items.

#### **4 MINUTES**

The minutes of the Planning Committee held on 15 February 2023 were submitted.

##### **Matters of Accuracy –**

Page 10 - Application No. 03/2022/0862 42 Market Street, Llangollen – Councillor Karen Edwards stated she had abstained from the vote.

Councillor Win Mullen-James stated she had been in attendance at the meeting but had not been included on the attendee list. Councillor Huw Hilditch-Roberts stated he too had been in attendance.

Members stressed the importance of accurately recording members attendance at the meeting. The Chair confirmed at the start of each meeting he verbally confirmed members present virtually and in the Chamber, County Hall.

Present at the previous meeting held on the 15<sup>th</sup> February 2023 had been –

Virtually – Councillors Ellie Chard, Jon Harland, Huw Hilditch-Roberts, Julie Matthews, Win Mullen James, Pete Prendergast, Gareth Sandilands and Elfed Williams

In person – Councillors Karen Edwards, Gwyneth Ellis, James Elson, Alan James, Delyth Jones, Terry Mendies, Merfyn Parry, Peter Scott, Andrea Tomlin and Mark Young (Chair).

##### **Matters Arising – None**

***RESOLVED** that subject to the above, the minutes of the meeting held on 15 February 2023 be approved as a correct record.*

#### **APPLICATION FOR PERMISSIONS FOR DEVELOPMENT (ITEM 5)**

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 the publication of the agenda, which contained additional information relating to those applications.

#### **5 APPLICATION NO. 43/2022/0537/ PF - STATION HOUSE, 1 BRIDGE ROAD, PRESTATYN**

An application was submitted for the Change of use of former museum and tea rooms to form one dwelling at Station House, 1 Bridge Road Prestatyn (previously circulated).

##### **General Debate –**

A site meeting had taken place on Friday 17 March 2023. Councillor Andrea Tomlin had been present at the site visit. She informed members she had lived in the area for a number of years and knew the site well stating it was an iconic character property situated within a conservation area. The property had previously been a residential property before its use as a tearoom. The property was situated in an elevated position on Bridge Road. In her opinion although it was included in Natural Resource Wales flooding maps, members should consider the character of the property, the site the history of the area as part of its decision. She stressed to members the importance of the area, it was part of a conservation area. Members were to ensure preservation or enhancement to the area's character or appearance. In her opinion there was no reason to not allow the property to become a residential property as it once had been. Councillor Tomlin therefore **proposed** to grant the application contrary to officer recommendation. Councillor Alan James had also been present at the site visit and thanked officers for their time. Councillor James seconded the proposal set by Councillor Tomlin.

Councillor Hugh Irving represented a neighbouring ward in Prestatyn echoed the comments stated by Councillor Tomlin above. He thanked officers for the pictures included in the application, stating they demonstrated the character of the property clearly for members. He informed members that the two most recent flooding in Prestatyn in 2001 and 1978 when the sea defence broke did not reach the area where the property stood.

Councillor Merfyn Parry made reference to the flooding maps provided by Natural Resource Wales. He stated members had to take consideration of the guidance. Members acknowledged the risk to the property but stated it applied to the whole area, both businesses and residential properties. It was noted that no physical changes to the property were being made within the application.

The Development Manager confirmed consultation with the statutory bodies had taken place. Planning officers took into account the comments received from Natural Resource Wales when determining the recommendation. Natural Resource Wales concluded a flood event in the area, the property would potentially be under water by 0.6m. Members noted in the event of a flood, individuals would have to be evacuated or rescued.

Members asked if officers had taken account of the history of the site, including if any flooding had been observed at the site. In response to members concerns the Development Manager confirmed the history of the site was taken into consideration when looking at all material planning considerations for the officer recommendation. Officers confirmed they had no evidence to suggest the property had previously been flooded. The Development Officers noted the comments including the need for housing in the County.

Councillor Tomlin provided her reasons for granting the application contrary to officer recommendations for the following reasons;

- The property had been built for residential dwelling of the station master. The property had been used for residential use for the majority of the buildings existence.

- The property was within a conservation area

The Legal Officer commented that if flooding occurred at the area it would be tragic for those that occupied the property but balanced against the devastation that would occur more generally in the area would be fairly small.

**Proposal** - Councillor Andrea Tomlin proposed the application be granted contrary to officer recommendation, seconded by Councillor Alan James.

**VOTE –**

For – 17

Abstain – 1

Refuse – 0

**RESOLVED** that permission be **GRANTED** contrary to officer recommendation for the reasons stated above.

## **ADDITIONAL INFORMATION**

### **6 RESPONSE TO WELSH GOVERNMENT ON THE REVISED, JANUARY 2023 VERSION, OF THE TECHNICAL ADVICE NOTE 15: DEVELOPMENT FLOODING AND COASTAL EROSION.**

The Lead Member for Local Development and Planning introduced a report on the proposed revisions to Technical Advice Note (TAN) 15: Development, flooding and coastal erosion (previously circulated). She informed members TAN15 was National guidance issued by Welsh Government which must be followed by the local planning authorities. It provided guidance on development in terms of coastal and flood risks. The new TAN15 was out for consultation which was due to close on the 17<sup>th</sup> April 2023. The report provided a briefing note for all members on the New TAN 15 due to be in place later in the year. Members were asked for their response to Welsh Government on the consultation. A draft letter for Welsh Government had been attached for members' comments.

Councillor Emrys Wynne expressed concerns on the Welsh Language. He suggested it could potentially have an indirect effect on the Welsh Language. He asked if officers could possibly include a statement on the possible indirect effects on the Welsh Language. The Planning Officer thanked the Councillor for his comments, she confirmed she would discuss the wording with the member outside the committee.

Councillor Alan James proposed to support the proposal stated by Councillor Wynne. Councillor Peter Scott seconded the inclusion of text on the indirect effect on the Welsh Language. Members were in agreement for Councillor Wynne to submit suggested wording.

Councillor Scott asked for reassurance that the proposed TAN 15 Defended Zone included rivers and coastal defences in the county. The Planning Officer confirmed the TAN 15 defended zones in the new flood maps for planning, looked at defended

zones established to a certain level of defence. That could be for rivers or sea and they had to be maintained. It was stressed the defences had to be accepted by Natural Resource Wales, Welsh Government and Local Authority. Members heard the Natural Resource Wales flood map for planning was updated every six months. There was a process for members to challenge flood maps, any challenges were to be directed to Natural Resource Wales. Members heard following Natural Resource Wales accepting a proposed challenge, those details could be used to assess planning applications and in Local Development Plans. This amendment had been included in the revised version of TAN 15 in January 2023.

Members heard a Strategic Consequences Assessment was conducted regularly by the authority. Consultants reviewed the flood risks and feed back to include in the assessment. The Strategic Consequence Assessment was presented to Welsh Government for consideration when reviewing flood maps.

The Planning Officer stated the National Policy Landscape had changed. Included in the Future Wales 2040, the strategic plan for Wales was a policy which addressed flooding. Within the plan it included Rhyl and Prestatyn are allocated as regional growth areas. Supplementary to those policies was Planning Policy Wales and the Technical Advice Notes. It was stressed the importance of ensuring the Local Development Plan was in accordance to those documents.

The flood maps included in the revised note provided the most up to date information when considering planning applications.

The Lead Member guided members through the recommendations to the report.

**VOTE –**

For – 17

Abstain – 0

Refuse – 0

**RESOLVED** that the Planning Committee approve the letter responding to the TAN 15 consultation attached as Appendix 1 to be submitted to Welsh Government.

**7 APPLICATION NO. 45/2021/0516 - KYNSAL HOUSE, VALE ROAD, RHYL**

To receive an urgent report seeking nominations from Members of the Planning Committee to represent the Council at the Hearings for application ref: 45/2021/0516 Kynsal House, Vale Road, Rhyl which had been called in by Welsh Government for determination by Welsh Ministers.

On behalf of himself and Councillor Diane King, Councillor Pete Prendergast requested to represent the Planning Committee at the appeal.

Councillor Ellie Chard **proposed** to appoint the two local members to represent the Council at the appeal hearing along with a planning consultant and a highway consultant. Councillor Peter Scott seconded the proposal.

The Development Manager informed members a date would be set for the appeal following the initial submission deadline of 31 March 2023.

**VOTE –**

For – 16  
Abstain – 1  
Refuse – 0

***RESOLVED*** that Councillors Pete Prendergast and Diane King represent the Council at the Hearings for application ref: 45/2021/0516 which had been called in by the Welsh Government for determination by Welsh Ministers.

The Chair closed the meeting at 10.25 am.