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Denbighshire Boundary  




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# PROPOSED ELEVATIONS

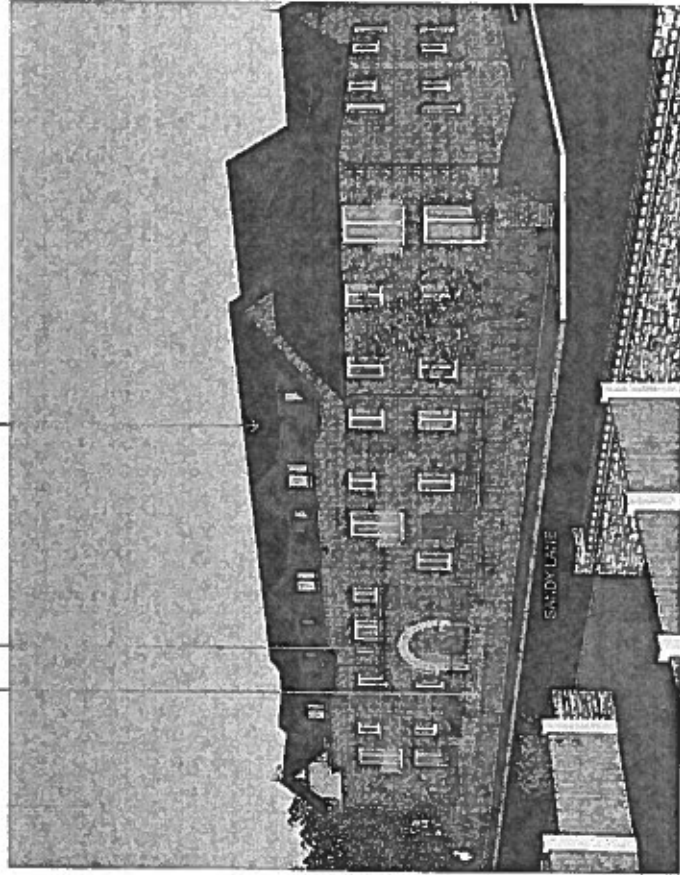
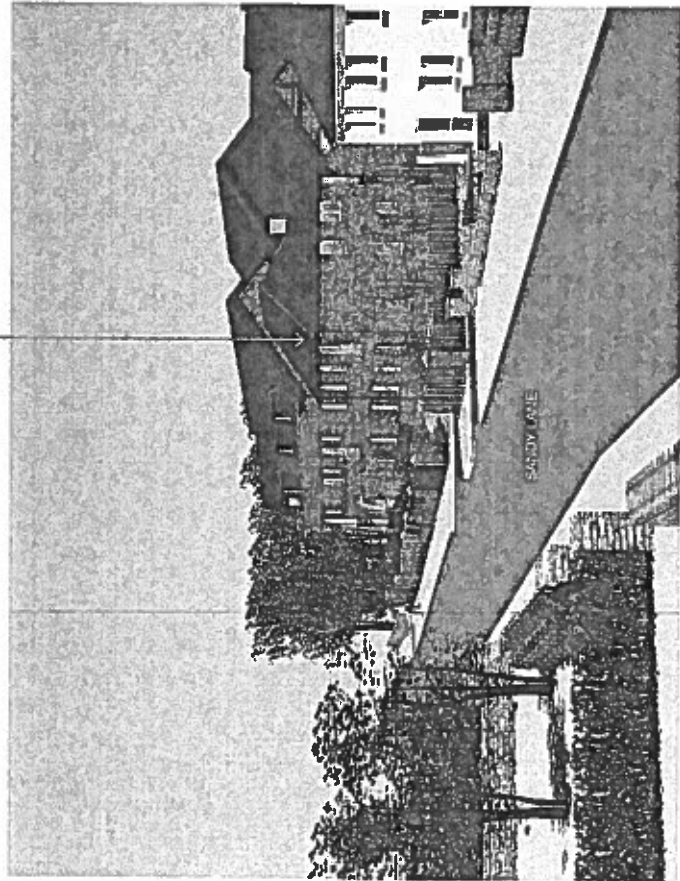
## 4.4 Form and Massing

Building height reduces to two storeys adjacent to neighbouring dwelling

Ramp and stair up to main entrance

Main entrance with shelter

Variety of roof forms to replicate existing streetscene

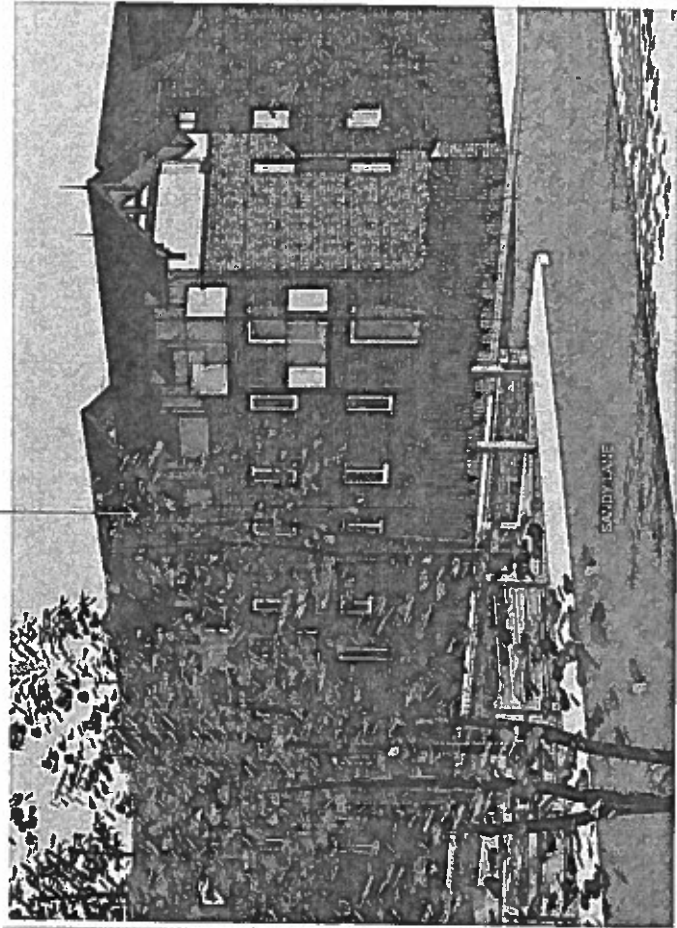




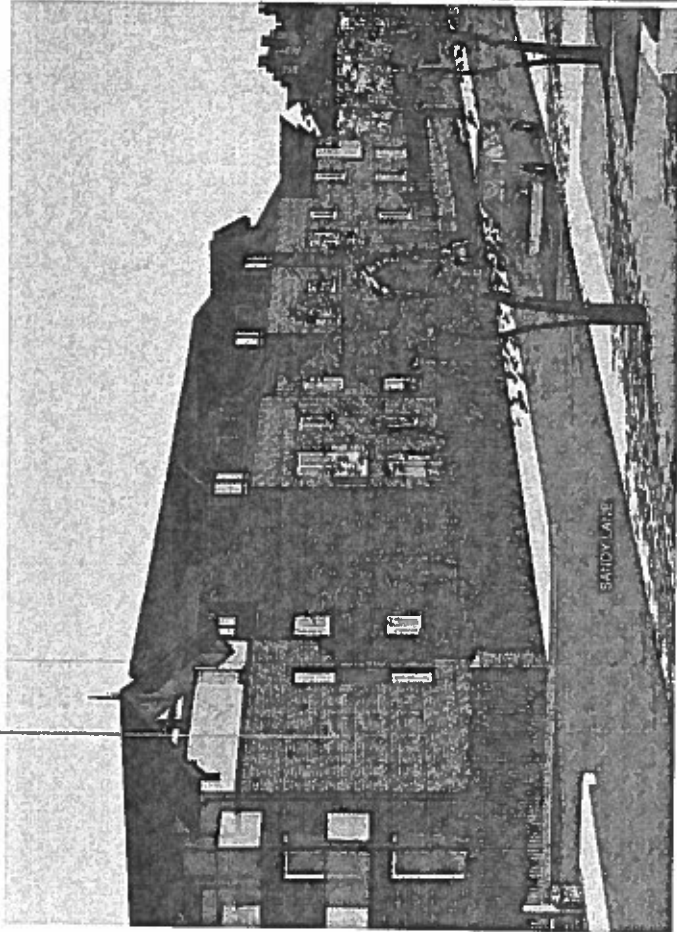


# PROPOSED ELEVATIONS

Variety of roof forms to replicate existing streetscene

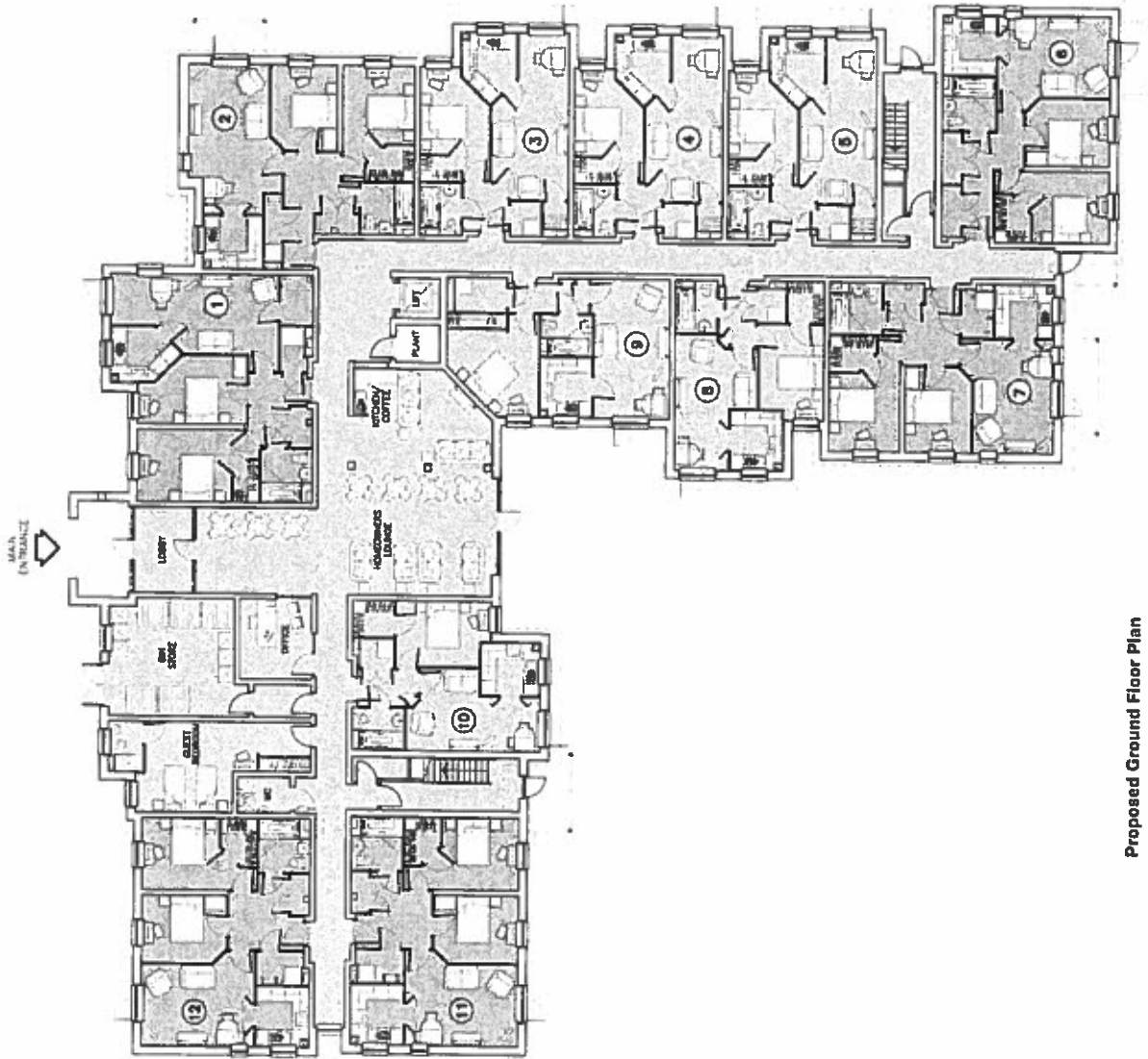


Use of brick and renders to replicate existing streetscape





# TYPICAL FLOOR PLAN



## 4.2 Proposed Floor Plans

### Summary of units provided :-

23 No 1 bed units

16 No 2 bed units

**Totalling 39 No units**

Proposed Ground Floor Plan

FFL 6.1 AOD



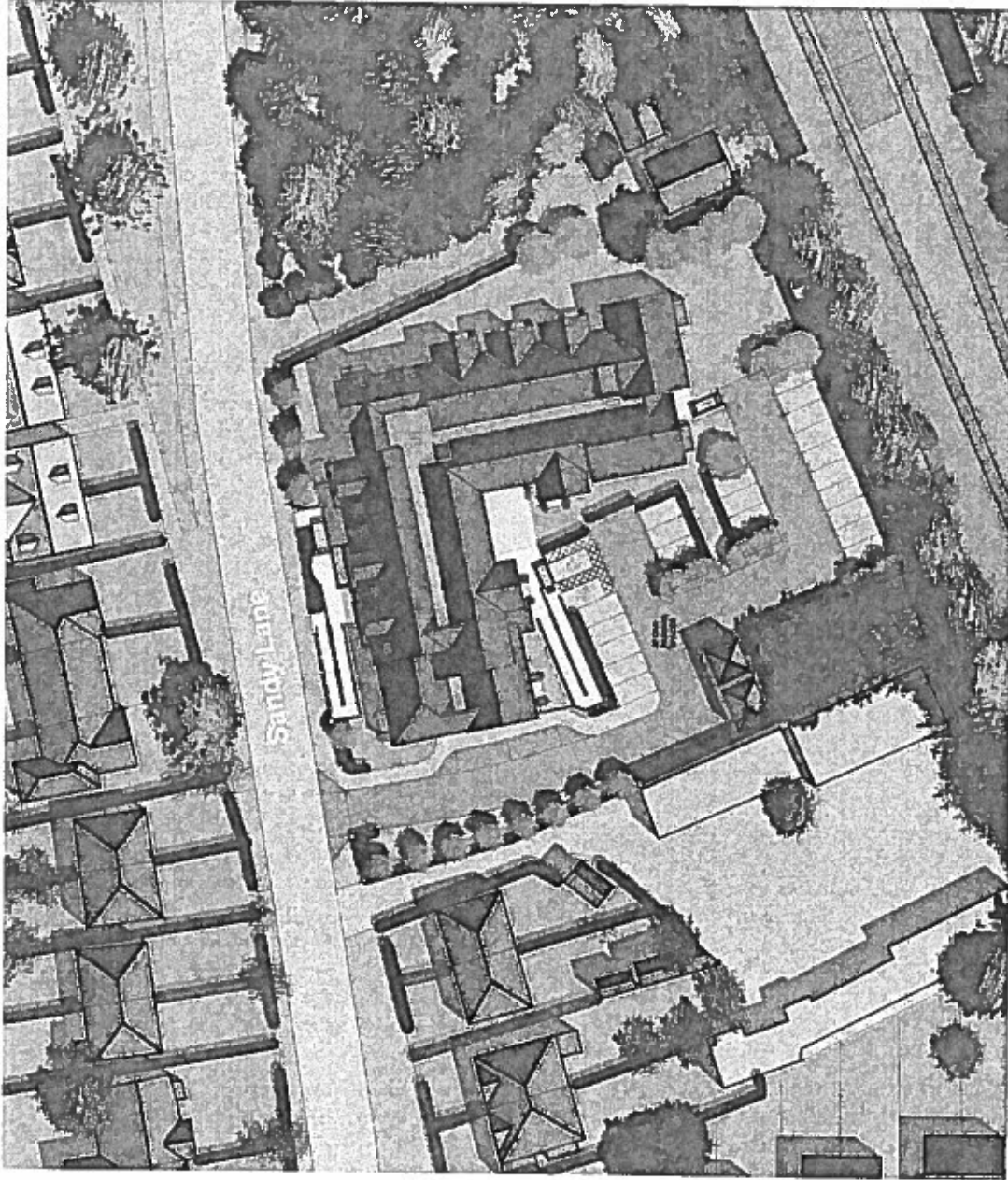


# PROPOSED SITE LAYOUT

## 4.0 Proposals

### 4.1 Proposed Site Plan

- Building is positioned to northern boundary with generous strip of garden in line with established character of Sandy Lane.
- Building alignment allows for required forward visibility when leaving the site by car.
- 'L' shaped footprint responds positively to the streetscape and offers amenity space with a southern aspect to the rear block.
- Use of double parallel pitched roofs to minimise ridge heights.
- Variety of gable and hipped roof configurations to break-up long runs of pitched roof.
- Two storey hipped element to respond appropriately to neighbouring properties.
- Three storey only where no issues of privacy or overlooking of neighbouring residential properties exist.
- Boundary planting supplemented to avoid any overlooking of existing properties / gardens from proposed first floor apartments.
- Supplementary screen planting to boundary where neighbouring non-residential buildings back onto the site.
- FFL of ground floor set at 6.1 AOD for flood risk purposes. Railing with hedge planting to West, North and East boundaries to prevent fast water run of around site. Site landscape designed to achieve level changes from street level to FFL through use of banking, ramps and steps.





<b>WARD :</b>	Prestatyn North
<b>WARD MEMBERS:</b>	Councillors Carys Guy-Davies, Jason McLellan, and Paul Penlington (c)
<b>APPLICATION NO:</b>	43/2015/0315/ PF
<b>PROPOSAL:</b>	Demolition of existing structures and erection of retirement living housing, communal facilities, landscaping and car parking
<b>LOCATION:</b>	Site at Sandy Lane Prestatyn
<b>APPLICANT:</b>	McCarthy And Stone Retirement Lifestyles Ltd.
<b>CONSTRAINTS:</b>	C1 Flood Zone
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice – Yes Press Notice – Yes Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Referral by Head of Planning / Development Control Manager

**CONSULTATION RESPONSES:**

**PRESTATYN TOWN COUNCIL**

“No Objections. Parking to be sufficient for development. Construction traffic should be controlled to minimise impact upon neighbours. Sub-letting of retirement living housing to be strictly controlled”.

**NATURAL RESOURCES WALES**

In summary, do not object to the proposal, subject to the imposition of conditions, as it is not likely to adversely affect matters of interest to them.

The response goes into considerable detail on flood risk, groundwater and contaminated land, and protected species issues.

In relation to flood risk, NRW have considered the Assessments provided by the applicants in February 2016, and agree with the proposals for incorporating flood resilience and flood void storage measures into the development, which would need to be secured through planning condition. On the detailing of the emergency access, egress and flood warning measures, NRW suggest referral to the Emergency Planning Team as the appropriate body to advise on the proposals, particularly in view of the likely vulnerability of the users of the development (elderly with potential reduced mobility); however, NRW advise that the ‘tolerable limits’ as set out in the tables in TAN15 will be exceeded and that these risks will need to be considered in determination of the application.

In relation to groundwater and contaminated land, NRW recommend a number of conditions should be imposed on any permission setting requirements for a scheme to deal with the risks of contamination, a verification report, long term monitoring, provision for dealing with unsuspected contamination, and piling works.

In relation to protected species, NRW advise that the recommendations in the bat survey report should be adhered to and that details of any lighting scheme should be agreed with the Council.

**REGIONAL EMERGENCY PLANNING SERVICE – NORTH WALES COUNCILS**

Is supportive of the fact that a Flood Risk Management Plan has been drafted for the development, although the Emergency Planning service would not be in a position to deem it

acceptable or otherwise. Requests that revisions are made to the contents of the Flood Risk Management Plan :

1) Removal of references to the Emergency Planning Service instructing evacuation, as per page 9. This responsibility lies solely with North Wales Police, the Local Authority role is to support that evacuation with a welfare response i.e. provide a rest centre.

2) It is questioned whether anyone has the power to 'instruct' evacuation of a dwelling in a forecast or actual flood event, as per page 9. The terminology here and the covenant proposed for the lease could therefore possibly cause a legal issue for the developer to consider. Suggests the terminology should be reconsidered to that of advice or recommendation.

(Officers have requested clarification of the Emergency Planning Service comments and any further advice will be reported in the late information sheets)

#### DWR CYMRU / WELSH WATER

Request imposition of conditions if planning permission is granted, to prevent surface water and land drainage from being connected to the public sewerage network.

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

Has advised that the access arrangements are acceptable.

Land Drainage Section

No response at the time of drafting the report

Biodiversity Officer

Advises that information in relation to bats and nesting birds is satisfactory and suggests conditions will be required for details of bat and bird boxes to be installed, and any lighting scheme. Notes the removal of the non-native species from the native species planting.

Development Plan and Policy

The Housing Officer confirms that there is housing need demonstrated in the area, and incomes in the area have been declining as demonstrated by available data and lack of affordability. The town is considered to be somewhat of a retirement community, indicated through age profile statistics. Households in the Prestatyn market area are geared towards smaller sizes, with 2 person households being the most prevalent, along with one person households, being a reflection of private rented accommodation in the area. The affordable housing commuted sum according to policies would be £339,223.

Economic and Business Development Officer

Considers that the loss of the site would not prejudice the ability of the Prestatyn area to meet a range of local employment needs given the availability of larger employment sites for development in the town's Warren Drive.

#### **RESPONSE TO PUBLICITY:**

In support

Representations received from:

D . Smart - 57 The Avenue, Prestatyn (S)

Mr John Butterworth - 28 Rhodfa Wyn, Prestatyn (S)

Mrs Glennis Butterworth - 28 Rhodfa Wyn, Prestatyn (S)

Mrs Maureen Williams, 8 Russell Drive, Prestatyn (S)

Linda & Martin Parry, 33 Sandy Lane Prestatyn (S)

Stephen, Gillian & James Cairns, 48 Sandy Lane, Prestatyn (S)

Owner, 28 Gwelfryn, Prestatyn (S)

Mr & Mrs McConville, 58 Beverley Drive, Prestatyn (S)

John Usher, 5 Queens Court, Prestatyn (S)

Summary of planning based representations in support:

Principle

Any redevelopment improving the area is welcome / there is a need for this type of accommodation / local support for the provision of this type of accommodation in a convenient location close to amenities / well presented consultation meeting / site is an eyesore / high quality development would fit in with the area

**EXPIRY DATE OF APPLICATION:**

**REASONS FOR DELAY IN DECISION (where applicable):**

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1. Summary of proposals**

1.1.1. The application seeks full planning permission for the demolition of two existing single storey workshop units and the redevelopment of the site by way of 39 one and two bedroom apartments, with associated access and parking.

1.1.2. The site is approximately 0.38 hectares in extent and has been occupied by industrial / employment buildings and a dwellinghouse for many years.

1.1.3. The application is submitted by agents acting on behalf of McCarthy and Stone. The submitted documents indicate the development involves Category II type Later Living retirement housing for the elderly. The applicant company are a national retirement accommodation provider, and typically offer self contained apartments with communal facilities.

1.1.4. The proposals are illustrated on the plans at the front of the report. They involve:

- The demolition of all the existing buildings on the site
- The erection of a single 'L' shaped, 2.5 / 3 storey block located close to the northern (Sandy Lane) boundary and the eastern (woodland area) boundary. The block would contain 39 apartments (12 on both the ground and second floors, and 15 on the first floor; 23 one bed units averaging 49.9 square metres floorspace, 16 two bed units averaging 68.6 square metres floorspace), and there is a communal residents lounge. The documents indicate the proposal is to use a combination of predominantly red brick and red tile hangings with buff coloured render on the external walls, with red roof tiles; and variations including bay windows, feature brickwork, balconies and timber detailing.
- A single vehicular and pedestrian access off Sandy Lane in the north west corner of the site
- A parking area within the site with a total of 27 spaces.
- A single storey substation and a scooter store adjacent to the parking area
- Associated amenity space, landscaping and planting

1.1.5. The application was originally submitted in March 2015 and has been supplemented by additional information, in particular in relation to flooding matters. It is accompanied by a number of plans including the layout for the site, the apartment block detailing and

contextual plans, a Planning Statement, a Design, Access, and Sustainability Statement, a Flood Risk Assessment and additional Flood Risk Management Plan, a Noise Assessment, a Transport Statement, Ecological Reports, an Affordable Housing and Planning Obligation statement, a Statement of Community Involvement, a Ground Investigation Report, and a Community and Linguistic Assessment.

1.1.6. The Planning Statement and the Design and Access Statement provide useful background information in relation to the proposals. The Executive Summary in the Planning Statement refers to the following :

“This planning statement sets out the planning policy considerations which support the provision of Retirement Living apartments for older people on the application site. The development will ensure that residents maintain their independence via a range of communal facilities and a House Manager, allowing them to remain in their own home as frailty increases through later life. This is a very specialised form of accommodation that is currently very limited within Prestatyn, the development of which promotes downsizing and more efficient use of the existing housing stock.

The proposal provides the opportunity to achieve a high quality development that would positively contribute to meeting demonstrable local housing needs in accordance with the Planning Policy Wales (Edition 7, July 2014), Denbighshire Local Development Plan 2006 – 2021 (adopted June 2013), and The Denbighshire ‘Strategy for Older People Development Plan 2004-2005’. In short, this scheme provides numerous wide ranging social and planning benefits, both for potential residents and the community as a whole. In summary, these are:

#### *Sustainability Benefits*

- A highly sustainable form of development that reuses previously developed land within the urban area effectively and efficiently.*
- The provision of much-needed accommodation for older people that helps address the demographic imperative of an ageing population and a housing stock that is ill equipped to deal with its needs.*
- An accessible location and form of development that will lead to less reliance on the private motorcar.*
- A development that serves to underpin local facilities, including the retail functions of the shops close to the site.*
- A land use, which is entirely passive and a “good neighbour”.*
- A building that provides substantial energy efficiency advantages over most open market schemes.*

#### *Balanced View of Policy and Other Material Considerations*

- Specialised housing for older people provides significant planning and social benefits.*
- Sustainable form of development.*
- Optimises use of scarce residential land.*
- Net environmental benefit in streetscene, character and landscape terms.*
- Reduced demand on public sector resources and health services. Residents manage better and spend fewer nights in hospital, reducing the impact on NHS resources.*
- Most residents have family and friends in the locality and are able to remain an important part of the local community.*
- Increases availability of much needed family housing in areas of shortage boosting the supply in the local housing market.*
- Helps underpin local facilities.*

This proposal represents an ideal opportunity for the redevelopment of this site within the built-up area of Prestatyn, in accordance with the Government’s housing and sustainable development policies. It would provide for much needed specialised accommodation for older people within a central location, freeing up existing under-occupied stock.

This specialised form of accommodation also provides older people with a better housing choice, and provides residents with safety, security and companionship whilst removing the heavy burden of property maintenance. Therefore, it reduces the anxieties and worries experienced by many older people living in accommodation that does not best suit their needs.

This proposal is located in an accessible location with good links to Prestatyn Town Centre and is within easy reach of the shops, public transport facilities and other essential services located therein, which all benefit residents in maintaining an independent lifestyle. This specialised form of housing generates extremely low levels of traffic; and the convenience of the location close to public transport opportunities would further reduce the need for car use, not least because purchasers of such housing accommodation generally no longer need or wish to have the 'burden' of car ownership (please see the Transport Statement submitted alongside this planning application).

The proposed development successfully achieves a balance between the potentially competing objectives of development and the conservation of the environment, and thereby satisfies the goal of "sustainability".

This proposal will:

- Accord with Welsh national planning guidance in relation to sustainable development and meeting local housing needs;
- Accord with the relevant and material provisions of the development plan including its housing objectives
- Achieve a high quality design which will enhance both the character and appearance of the locality; and
- Respond positively to the character of the area and the street scene."

## 1.2. Description of site and surroundings

1.2.1. The site is located between Sandy Lane and the main north Wales railway line on the west side of Prestatyn.

1.2.2. The surrounding area north of the railway is mainly in residential use, with a mixture of housing types including 2 and 3 storey units. Land immediately to the eastern boundary is a mature woodland.

1.2.3. The site has been occupied by a range of buildings including two larger structures and a number of prefab units along the eastern boundary, and an old dwelling in the south western side. There is a large expanse of tarmac used for parking purposes. The last known use of the larger buildings as referred to in the documents was a commercial printer. The site is in generally poor condition and parts have become overgrown.

1.2.4. Land levels are relatively flat in this area.

## 1.3. Relevant planning constraints/considerations

1.3.1. The site is within the development boundary of Prestatyn in the Local Development Plan, but has no specific use designation.

1.3.2. There is an old Article 4 Direction applying to the area, which relates to the holding of markets, etc., so is of no direct relevance to the application.

## 1.4. Relevant planning history

1.4.1. The site has been the subject of a number of planning applications. The majority are of limited relevance to the current application, being related to the industrial / workshop use, but there have been previous proposals for residential development, which provide a background to the current proposals.

1.4.2. Of interest are:

- A 1974 outline permission for the erection of OAP flats
- A 1981 outline permission for residential development
- A 1983 permission for sheltered accommodation



- A 1984 refusal for 23 dwellings (intensification of development, inadequate parking, precedent)
- A 1990 refusal for 30 apartments (layout , density, parking)
- A 2006 permission for a general industrial building

1.4.3. None of the permissions for residential development have been taken up.

1.5. Developments/changes since the original submission

1.5.1. Discussions with the agent have been ongoing since submission of the current application, in particular in respect of issues relating to flooding and means of escape for residents in a flood event. Additional information has been provided, including a Coastal Breach Assessment dealing with the extent of flooding at extreme flood events, and a Flood Risk Management Plan setting out evacuation measures in the event of a flood. The details have been the subject of reconsultation.

1.5.2. The agent has requested that the application be presented to the April 2016 meeting of the Committee as there is pressure on the client to progress.

1.6. Other relevant background information

1.6.1. None of specific relevance to this application.

**2. DETAILS OF PLANNING HISTORY:**

Selected applications of relevance to current application.

2/PRE/59/74

Outline application for the erection of approximately 37 old persons flats

Granted 15/08/1974

2/PRE/332/81

Outline residential development

Granted 17/06/1981

2/PRE/52/83

Erection of sheltered accommodation

Granted 28/04/1983

2/PRE/284/84

Erection of 23 no 2 bed houses & 1no. 1 bed flat, drainage and external works

Refused 07/11/1984

2/PRE/458/84

Erection of 19 no 2 bed houses & 1no. 1 bed flat, drainage and external works

Granted 19/02/1985

2/PRE/0452/89

Erection of 30 apartments

Refused 22/02/1990

43/2006/0588

Development of 0.35 ha of land by the demolition of existing buildings/dwelling; erection of 1208sqm general industrial building

Granted 26/07/2006

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

Policy RD 1 Sustainable Development and good standard design

Policy RD 5 The Welsh language and the Social and cultural fabric of communities

Policy BSC 1 Growth Strategy for Denbighshire

Policy BSC 4 Affordable Housing

Policy BSC 11 Recreation and Open Space  
Policy PSE 3 Protection of employment land and buildings  
Policy ASA 3 Parking Standards

### 3.1. Supplementary Planning Guidance

Supplementary Planning Guidance Note 4: Recreational Public Open Space  
Supplementary Planning Guidance Note 8: Access for all  
Supplementary Planning Guidance Note 22 Affordable Housing in New Developments  
Supplementary Planning Guidance Note 25: Residential Development Design Guide  
Supplementary Planning Guidance : Welsh Language Supplementary Planning Guidance

### 3.2. Government Policy / Guidance

Planning Policy Wales Edition 8 2016  
TAN 1 Joint Housing Land Availability Studies  
TAN 2 Affordable Housing  
TAN 5 Nature Conservation and Planning  
TAN 12 Design  
TAN 15 Development and Flood Risk

## 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1. The main land use planning issues in relation to the application are considered to be:

- 4.1.1. Principle
- 4.1.2. Protection of employment land and buildings
- 4.1.3. Affordable housing
- 4.1.4. Drainage / flooding
- 4.1.5. Visual amenity
- 4.1.6. Residential amenity
- 4.1.7. Ecology
- 4.1.8. Highways (including access and parking)
- 4.1.9. Open Space
- 4.1.10. Contaminated land
- 4.1.11. Density of development
- 4.1.12. Inclusive design
- 4.1.13. Impact on Welsh Language and Social and Cultural Fabric

4.2. In relation to the main planning considerations :

#### 4.2.1. Principle

The report deals in detail with a number of issues of principle and detail in the following paragraphs.

In brief, in relation to the principle of what is involved in this application:

The main Local Development Plan Policy relevant to the principle of residential development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns

and villages. The site is located within the development boundary of Prestatyn, which is designated as a 'lower growth town' in the adopted Local Development Plan. Whilst the site is not allocated for a specific purpose in the LDP, residential development would not be inconsistent with the strategy of the Plan. The applicants also suggest the development offers an opportunity to make a contribution to the Council's five year housing supply situation.

There is a separate policy in the Local Development Plan which seeks to protect employment land and buildings. PSE 3 sets specific tests for the consideration of applications involving the loss of employment sites, which also need to be addressed to determine the acceptability of the principle of demolishing the workshop buildings and changing the use of the site to residential. Compatibility of the development with PSE 3 is a matter to be weighed in the consideration of the application, and is addressed in section 4.2.3 of the report.

TAN 15 outlines tests of principle to be reviewed in relation to the acceptability of development of land in flood areas. These are the subject of assessment in section 4.2.4 of the report.

#### 4.2.2. Protection of employment land and buildings

Policy PSE 3 of the Local Development Plan looks to protect employment land or buildings from development which would result in their loss, which will only be supported provided that:

- i) there are no other suitable sites available for this development; and
- ii) a continuous marketing process of 1 year, alongside all practical attempts possible to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes; and
- iii) the loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site.

The supporting text to PSE 3 confirms that all employment sites are covered by the policy, and refers to potential concerns in relation to pressure on the Council to allow alternative and higher value land uses on employment land, which if uncontrolled, will reduce the scale, range and type of employment land in the County.

At Welsh Government level, there is general advice in TAN 23 paragraph 1.1.6 that the traditional land use classes B1 to B8 must continue to be planned for in a sustainable way as these form the basis for development plan policies. Paragraph 4.6.8 of TAN 23 stresses the need for local planning authorities to avoid releasing land for other uses where there is strong evidence of likely future demand for B1 to B8 uses, and that in some areas older lower-cost employment areas may be required especially for small and new firms who cannot afford newer and more prestigious accommodation. The same paragraph of TAN 23 concludes that the loss of such areas may cause harm to local economies and should be avoided.

An assessment of the three criteria of Policy PSE 3 follows:

*i) There are no other suitable sites available for this development*

The supporting documents refer to retirement living housing having a very particular set of locational criteria when selecting a site, and that in accordance with the 5 criteria, no other suitable sites are available within Prestatyn.

*ii) a continuous marketing process of 1 year, alongside all practical attempts possible to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes*

The supporting documents refer to up to date evidence of marketing of the site from Richard Baddeley and Company, which confirms the site has been marketed since November 2012, with no conditional or unconditional offers having been made. The agents suggest the site has been vacant for a number of years and has no reasonable prospect of being used for employment purposes.

*iii) the loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site.*

The supporting documents suggest the provision of the 39 apartments in the town centre of Prestatyn will greatly enhance the vitality and viability of local shops and services. They refer to research on the value of the type of development to the viability of local businesses and employment in town centres. The submission argues that retirement living housing is considered a 'passive' land use and a 'good neighbour' and is arguably a more suitable land use for the site than a B2 employment use. It also suggests the proposal will generate employment opportunities including a house manager, day to day servicing staff, and at construction stage. The Economic and Business Development Officer has commented that the loss of the site would not prejudice the ability of the Prestatyn area to meet a range of local employment needs given the availability of larger employment sites for development in the town's Warren Drive.

On the basis of the information provided, Officers would suggest the proposals are not in conflict with PSE 3.

#### 4.2.3. Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units is provided.

The Development Plan and Strategy Officers have confirmed there is housing need demonstrated in the area, and that households in the Prestatyn market area are geared towards smaller sizes, with 2 person households being the most prevalent, along with one person households, being a reflection of private rented accommodation in the area. The calculated affordable housing commuted sum is £339,223.

The original planning application contained a detailed Planning Obligations and Affordable Housing Statement which reviewed national and local planning policy in relation to provision of affordable housing. The Statement set out the context for the developer's conclusion that the scheme could not make any contribution to the provision of affordable housing or any other planning contributions. It drew attention to advice in TAN 2 which sets a requirement for Local Planning Authorities to balance the need for affordable housing against site viability and to take account of the feasibility of delivering affordable housing. This refers to the possibility of exceptional circumstances where affordable housing may be provided off site or through a financial contribution in lieu of on site provision. As the provision of affordable housing is normally administered through a Planning Obligation, the Statement also refers to the tests to be applied to the use of Obligations in Welsh Office Circular 13/97. It acknowledges the Local Development Plan policies and Supplementary Planning Guidance in relation to affordable housing, and that there is recognition that there may be circumstances where on site provision would be unsuitable and payment of a financial contribution in lieu may be acceptable.

The Affordable Housing Statement provides detailed information on the nature and operation of retirement housing and why it was considered there are difficulties likely to arise from mixing different types and forms of housing alongside private sheltered housing.

There are interesting matters to consider in relation to affordable housing provision. Initially, it is worth recognising that the development would provide 39 one and two bedroom apartments in a town where there appears to be a clear demand for such small units, and in particular for elderly persons. The development would also contribute positively to the Council's 5 year housing supply figures.

In relation to the applicants' outline of the nature of the elderly persons accommodation, Officers take the view that a privately run retirement living complex in a single building is not compatible with the provision of affordable units, so it is not considered unreasonable to accept a commuted sum approach in lieu of on-site provision. This is in accord with the planning policy and Supplementary Planning Guidance.

Officers have discussed the issue of affordable housing with the applicants in light of the policies of the Local Development Plan and Supplementary guidance, as the Council continues to attach a high priority to the provision of affordable housing in association with new developments. It is pleasing to report that the negotiations have resulted in an offer of £140,000 as a commuted sum payment, for use in connection with affordable housing and open space, the split to be determined by the Council. Whilst the offer falls short of the calculated affordable housing commuted sum of £339,233, in the context of the applicant's viability assessment, and the other positive factors from the provision of small apartments, Officers consider this to be a reasonable 'gain' from the development, being a substantial sum to put towards suitable affordable provision elsewhere in the town.

#### 4.2.4. Drainage / flooding

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding. Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and is supplemented by TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed, and includes specific 'justification' and 'acceptability' criteria to be applied to development proposals for residential development.

In terms of consultation responses, following the submission of additional information in February 2016, NRW have commented at length on the flooding issues arising in relation to the proposals, as the site is in a C1 Flood Zone, identified on Welsh Government's Development Advice map referred to in TAN 15. In respect of :

##### Flood risk

NRW have considered the contents of additional information provided by the applicants in early 2016, in the form of a Flood Consequences Assessment, informed by a Coastal Breach Assessment. Their conclusion is that the proposals, including raising the finished floor levels above the breach tolerance for a tidal breach generally satisfy the matters in section A1.14 of TAN 15 (guidance relating to frequency thresholds for different types of development). NRW recommend imposition of a condition to ensure the development is carried out in accordance with the Flood Consequences Assessment.

##### Emergency Access and Egress

NRW have assessed the projected levels of inundation of the principal Access and Egress routes to and from the site under flood conditions, as considered in the Flood Consequences Assessment, in relation to the tolerances set out in section A1.15 of TAN 15. They conclude that flood depths along these routes (Sandy Lane in particular) are likely to exceed the tolerances, and the flood hazard at the two 'extreme flood event' scenarios modelled would be significant / extreme which would be dangerous to most / all people including emergency services. They refer to recent Welsh Government advice stating escape / evacuation routes should be operational under all conditions, and that this matter is a material consideration in determination of the application. As NRW state they are not the appropriate body to advise on

the appropriateness of the flood evacuation measures or the safe access / egress aspects of a development proposal, they advise that consultation with the Emergency Planning Service is essential.

Officers have duly consulted with the Regional Emergency Planning Service. The Service's response was received immediately before the deadline for completion of the report for the April Committee. It welcomes the submission of the Flood Risk Management Plan, but indicates the Service are not in a position to deem it acceptable or otherwise, and they have challenged the wording of sections of the Plan. Officers have advised the agents of the response and have sought further advice from the Service in clarification of their position, so any developments will be reported in the late information sheets for consideration prior to any debate on the application.

The flooding issues require careful assessment in relation to the general advice in PPW and the detailed contents of TAN15, all in the context of the information provided by the applicants and responses from NRW and the Regional Emergency Planning Service.

#### TAN 15

It is not challenged that the site is located within a C1 flood zone. In terms of the Development Categories in TAN 15, the existing industrial use falls within the 'less vulnerable development' category and the proposed use (as all residential premises) is in the 'highly vulnerable development' category.

#### - Justification criteria

Section 6 of TAN 15 sets out specific planning considerations to be given to new development in C1 flood zones and states that this should only be permitted if it is determined by the Local Planning Authority to be justified in that location. The relevant section (6.2) states that development can only be justified if it can be demonstrated that:

i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or**,

ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

#### **and,**

iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

#### - Acceptability criteria

In summary, the criteria to be met in order for development to be considered acceptable are:

- Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).
- The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with the Environment Agency (now Natural Resources Wales).
- The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.
- Effective flood warnings are provided at the site
- Escape/evacuation routes are shown by the developer to be operational under all

- conditions
- Flood emergency plans and procedures produced by the developer must be in place.
  - The development is designed by the developer to allow the occupier the facility for rapid movement of goods/possessions to areas away from floodwaters.
  - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.
  - No flooding elsewhere.
- Developer is required to demonstrate that the site is designed to be flood free for the lifetime (A1.5) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.
  - In respect of the residual risk to the development it should be designed so that over its lifetime (A1.5) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3 m/second on access roads and 0.15m/second in properties, and the maximum rate of rise of floodwater would not exceed 0.1m/hour (

Having regard to the **justification criteria** in paragraph 6.2 of TAN15, Officers' view is that :

- the proposals comply with test i. in that the provision of 39 apartments would assist the Growth Strategy for the County in Local Development Plan Policy BSC1, which is to provide new housing to meet the needs of local communities and population changes, and it would contribute to expanding the range of accommodation in the town.
- Housing development in existing settlements concurs with the aims of Planning Policy Wales, and the site meets with the definition of 'previously developed land' in PPW, hence the proposals comply with test iii.
- The potential consequences of a flooding event for the particular type of development have been considered, and are reviewed below under the 'acceptability' criteria heading.

Officers' conclusion is that the proposals meet the justification criteria in section 6 of TAN 15

Having regard to the **acceptability criteria** in TAN 15, Considerations outlined in Section 7 and Appendix 1 of TAN 15 in relation to the assessment of flooding consequences have been addressed by key technical consultees in the form of NRW and the Regional Emergency Planning Service.

In informing the Council on the acceptability of the proposals in terms of justification criteria iv. , NRW's position on flood risk is clear in stating the proposals generally satisfy the matters in section A1.14 of TAN 15, which is guidance relating to frequency thresholds for different types of development. NRW recommend imposition of a condition to ensure the development is carried out in accordance with the Flood Consequences Assessment.

The main issue of concern in relation to test iv. appears to be the acceptability of the proposals in respect of Emergency Access and Egress. This consideration is the one of the 'acceptability criteria for flooding consequences' set out in section A1.12 of TAN 15 , which indicates a site should only be considered for development if a number of conditions can be satisfied. The one of relevance is ;

'...- escape / evacuation routes are shown by the developer to be operational under all conditions.'

,A1.15 contains a table with indicative guidance on what are considered tolerable conditions for different types of development in respect of maximums for depth of flooding, rate of rise of floodwaters, speed of inundation and velocity of floodwaters. The explanatory



text repeats that the figures are indicative and reflect conditions in which, given the presence of adequate warnings and preparation, appropriately equipped personnel could undertake emergency activities. It suggests each site must be considered individually and a judgement taken in the context of the particular circumstances which could prevail at a site.

The basis of TAN 15 advice in respect of the residual risk to residential development is that it should be designed so that over its lifetime (A1.5) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3 m/second on access roads and 0.15m/second in properties, and the maximum rate of rise of floodwater would not exceed 0.1 m/hour (table in A1.15).

The applicant's submitted Coastal Breach Assessment provides information on potential flood hazards at the post development site in a 0.5% and 0.1% (200 to 1 and 1000 to 1 chance in any year event) during a tidal breach and overtopping event, including allowance for climate change. In the 0.5% scenario, the Assessment refers to the entire site and surrounding area experiencing severe flooding with depths up to 1.1metre, and a flood hazard rating for the site classified as 'Danger for Most', with velocities up to 1m/s contributing to flood risk. In the 0.1% scenario, the Assessment indicates maximum flood depths across the site increase to around 1.7metres, and the flood hazard rating for the majority of the site area is 'Danger for All', albeit the portion where the majority of the development is proposed is lower and considered 'Danger for Most'. It states velocities of 1.4m/s contribute to flood risk across the site.

NRW comment on the TAN 15 A1.15 tolerances in terms of projected levels of inundation of the principal Access and Egress routes to and from the site under flood conditions, as considered in the applicant's Assessment. NRW note the contents of the Assessment, and advise that flood depths along the key access routes and egress routes will exceed the 'tolerable limits' in A1.15. They strongly recommend consultation with the Emergency Planning Service so they can comment on the issues, including the adequacy of the developer's flood evacuation measures and safe access / egress aspects of the proposals particularly given the likely vulnerability of the users of the development (i.e. elderly with potential reduced mobility). NRW remind the Council that the risks identified need to be considered in the determination of the application, and they refer to advice from Welsh Government to all Chief Planning Officers (January 2014) which restates advice in TAN 15 A1.12 that to satisfy the acceptability criteria for flooding consequences, escape / evacuation routes should be 'operational under all conditions', and are a material consideration.

As noted, the Regional Emergency Planning Service response welcomes the Flood Risk Management Plan and suggests revisions are necessary to the contents. The Service have stated they would not be in a position to deem the Plan acceptable or otherwise.

Having regard to the flood information in the submission and the responses to hand at the time of completing this report from NRW and the Regional Emergency Planning Service, Officers consider there is a significant question over the acceptability of the proposals in terms of the emergency access and egress in times of extreme flood events. The guidance in TAN 15 A1.15 on maximum depth of flooding is 0.6m, and maximum velocity of floodwaters is 0.15m/s inside a property and 0.3m/s on access roads. The modelled information for the relevant 'extreme' events indicate maximum depths of flooding of 1.1m and 1.7m and maximum velocities of 1m/s and 1.4m/s. These are figures considerably in excess of the guidance, and suggest a high level of hazard for residents and emergency services.

Officers recognise that contingency measures may be incorporated into a Flood Management Plan to show how residents may be warned and evacuated in the event of a flood event. However, given the extent to which the 'tolerances' in TAN 15 A1.15 would be exceeded in an extreme flood event, it is difficult to see how the proposals demonstrate one

of the key 'Acceptability criteria for flooding consequences' in TAN 15 that escape / evacuation routes would be 'operational under all conditions'. In a situation where NRW note the hazard on Sandy Lane is categorised as a "Danger for all", representing an extreme flood hazard that would be dangerous to all, including the Emergency Services, there is clearly a potential risk to life which is difficult to overlook. This risk is a significant negative factor to weigh in the consideration of the application.

Any additional information received from the Regional Emergency Planning Service and the agents will be reported to Committee in the late information sheets.

#### 4.2.5. Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

There are no consultee responses raising comment on visual amenity issues. Private individuals supporting the application express the view that the development would improve the area and that high quality development would fit in with the area.

Officers' view is that the proposals offer an opportunity to significantly improve the quality of the environment in this area. The site is an eyesore with limited prospects for improvement without redevelopment. With regard to the design detailing and the layout, it is considered that some care has been taken to develop a scheme which respects the character of the locality. The proposed main block contains interesting design features, and the landscaping / planting would be of a high standard.

#### 4.2.6. Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

There are no local concerns expressed over the impact of the development on the residential amenities of occupiers of adjacent properties.

Having due regard to the detailing of the main block and distances to existing dwellings to the west and north along Sandy Lane, Officers view is that there would be no unacceptable impact on the amenities of occupiers in the form of overlooking and loss of privacy, or through the development being overpowering. The presence of the railway immediately to the south of the site raises issues of noise for occupiers of units closest to the main line, but this is reviewed in the Noise Assessment and proposals for suitable enhanced glazing can be delivered through a suitable planning condition.

#### 4.2.7. Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such

interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Natural Resources Wales and the Biodiversity Officer raise no objections to the ecological implications of the development. Additional information was submitted following requests for reptile and other surveys, and the consultees suggest the imposition of conditions to ensure the implementation of the recommendations in the bat report, and to control external lighting.

Subject to the inclusion of conditions as requested by the NRW and the Biodiversity Officer, it is considered that the proposals would not have adverse impacts on ecological interests.

#### 4.2.8. Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

This is a full planning application showing details of the proposed access and parking arrangements for the site. There are no concerns from consultees or private individuals to the highway implications on the road network, to the scale of development or to the detailing of the scheme. The Highways Officer has no objections to the proposals.

Officers consider the proposals are acceptable in terms of highway considerations. The site has been in employment use for many years and the accesses have been subject to varying scales and intensity of use. This is a near town centre location and the nature of the development is such that car ownership would be relatively low, hence there would be limited demand for parking spaces. The 27 spaces shown on the layout plan, with provision in a store building for battery / mobility vehicles, is considered adequate to accommodate the likely number of vehicles of residents, staff and visitors.

#### 4.2.9. Open Space

Policy BSC 11 requires proposals for all new residential development to make provision for recreation and open space either through provision on site, or through a commuted sum payment where this approach may be justified, for example where it is demonstrated that that development would not be financially viable should the full requirement for open space be provided on site or where it is impractical to provide the full requirement on site. If applied to a development of 39 units, the current Open Space calculator accompanying Supplementary Planning Guidance on Open Space sets out a standard of 1435 sq.m Community Recreational Open Space and 717 sq.m Children's play space; or a commuted sum payment of £48,251.42.

There are no representations in relation to the issue of open space / amenity space provision within the site.

The submission sets out the rationale for the provision of amenity / open space in connection with of this type of specialised accommodation. It highlights that residents of this form of housing tend to spend considerable time in their apartments, hence attention is paid to providing pleasant views / scenery from all rooms. The proposal is to provide some 1579 square metres of landscaped amenity green space for the enjoyment of residents, which is considered appropriate for this form of development.

In factual terms the proposals are not seeking to provide on-site Community Recreation Open Space and Children's play space, and there is an offer of a commuted sum payment to the Council to be split as the Council determines for Affordable Housing and open space. The applicants are arguing special circumstances apply here and that the specialist nature of the development is a relevant consideration in relation to the application of planning policy. Taking all these matters into account, Officers would concur that strict adherence to the open space standards for provision of on-site community recreation open space and childrens' / equipped play space would be inappropriate in relation to a retirement living scheme, and the provision of 1575sq.m of landscaped amenity space around the apartment block is considered a reasonable and acceptable approach. As mentioned in section 4.2.3 in relation to affordable housing, the applicants have made a 'without prejudice' offer of £140,000 as a commuted sum payment and have advised that the allocation within this sum for affordable housing and open space would be a matter for the Council to determine.

#### 4.2.10. Contaminated land

The need to consider the potential impact of contaminated land in relation to development proposals is contained in Chapter 13 of Planning Policy Wales, which requires planning decisions to take into account the potential hazard that contamination presents to the development itself, its occupants and the local environment; and assessment of investigation into contamination and remedial measures to deal with any contamination. Where there may be contamination issues, the Council must require details prior to determination of an application to enable the beneficial use of land. Planning permission may be granted subject to conditions where acceptable remedial measures can overcome such contamination. Otherwise, if contamination cannot be overcome satisfactorily, permission should be refused.

Natural Resources Wales have no objections to the proposals but having regard to the submissions, the history and location of the site, they have recommended that permission should only be granted if a number of conditions are imposed. These are standard conditions requiring suitable investigation, risk assessment, mitigation and monitoring in connection with the development. There are no other representations on the application in respect of contamination issues.

In light of the NRW comments, Officers suggest it would be necessary to condition any permission to attach the suggested conditions to address contamination issues.

#### 4.2.11. Density of development

Local Development Plan Policy RD1 test ii) seeks to ensure the most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate a lower density.

There are no representations in relation to the number of apartments proposed or the density of development.

The total site area is indicated as 0.38 hectares on the application form. The proposal for 39 apartments would represent a density of just over 100 units per hectare, which is a relatively high figure in the County, but given the central location in a town and the actual detailing of the development, Officers would not consider that this is in any way inappropriate or contrary to the guidance in RD1.

#### 4.2.12. Inclusive design

Local Development Plan Policy RD1 test (vii) sets out the need to provide safe and convenient access for disabled persons. The requirement to embody the principles of inclusive design in development proposals is set out in Planning Policy Wales (Section 3.4) which outlines accessibility considerations to be given to all development proposals, reflected in TAN 12 Design, TAN 18 Transport, and through the obligation to submit Access Statements as part of most planning applications.

The submission indicates that a range of measures will be implemented to achieve relevant levels of accessibility for residents of the retirement apartments. This includes provision of access ramps, dropped kerbs, level thresholds, lifts, wide corridors and door widths. Due regard will be had to the requirements of Building Regulation legislation in the further development of the detailed plans.

Officers' view on the issue is that the site is relatively flat and that the units will be easily accessible.

#### 4.2.13. Impact on Welsh Language and Social and Cultural Fabric

The requirement to consider the needs and interests of the Welsh Language is set out in Policy RD 5 in the Local Development Plan.

The Community and Linguistic Statement submitted with the application concludes that the proposed development will have a positive impact, not only on the use of the Welsh language within Prestatyn, but also further safeguard the future of Prestatyn as a thriving community that responds to the needs of its entire population.

There are no representations expressing views on the potential impact of the development on the needs and interests of the Welsh language.

In Officers' opinion, the proposed development on this site would not by virtue of its size, scale, and location cause significant harm to the character and language balance of the community.

## 5. SUMMARY AND CONCLUSIONS:

5.1. The proposals raise a number of planning policy issues and it is clear from assessment of these and other material considerations that the determination of the application requires the weighing up of positive and negative factors.

5.2. The recognisable positive aspects of the application are –

- The site is within the development boundary of Prestatyn, where the principle of residential development is consistent with the housing strategy policies of the Local Development Plan.
- The provision of apartments would meet a recognisable local demand for 1 and 2 bedroom accommodation in Prestatyn and would make a positive contribution to the Council's 5 year housing supply position.
- The site is an eyesore with buildings in poor condition and with no realistic prospect of adaptation to continued employment use. The proposals offer recognisable regeneration benefits, with high quality built development.
- An offer of a £140,000 commuted sum payment for use by the Council for affordable housing and open space.
- There are no concerns raised over the highways, ecological, or contaminated land implications, subject to the inclusion of conditions.

5.3. The main negative aspects of the development are :

- The proposals fall short of meeting the commuted sum requirements for a 39 apartment development in terms of affordable housing and open space, although there are viability arguments to support underprovision
- The questions over the acceptability of the proposals in terms of the emergency access and egress in times of extreme flood events. The projected maximum depth of flooding and the maximum velocity of floodwaters are considerably in excess of the guidance in TAN 15, and suggest a high level of hazard for residents and emergency services.

5.4. In concluding the report, Officers recognise there are clear benefits from the development, but in balancing the different considerations, on the basis of the information in front of the Council, it is respectfully suggested that the flooding implications are of such significance that they have to be accorded considerable weight here.

5.5. Ultimately therefore, the recommendation is to refuse permission. It is concluded that the proposals fail to demonstrate one of the key 'Acceptability criteria for flooding consequences' in TAN 15 can be met, which requires that escape / evacuation routes should be 'operational under all conditions', as the information provided suggests the depth of flooding and velocity of floodwaters would be significantly above the indicative figures in TAN 15 A1.15 and would give rise to a level of hazard to all, including Emergency Services on Sandy Lane, which would be unacceptable.

**RECOMMENDATION: REFUSE-** for the following reasons:-

The reasons is :-

1. It is the opinion of the Local Planning Authority that the proposal fails to demonstrate that a key 'Acceptability criteria for flooding consequences' in TAN 15 Development and Flood Risk can be met in that that escape / evacuation routes would not be operational under all conditions . The information submitted with the application indicates the maximum depths of flooding and maximum velocity of floodwaters in extreme flood events on Sandy Lane would be significantly above the indicative figures in TAN 15 A1.15 and would give rise to unacceptable danger and hazards for all, including emergency services. The proposal would be contrary to the requirements of criterion xi) of Policy RD 1 of the Denbighshire Local Development Plan, and to principles and advice contained within Planning Policy Wales Edition 8 and Technical Advice Note 15: Development and Flood Risk, in relation to the assessment of flooding consequences.

**NOTES TO APPLICANT:**

None