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43/2018/0158

Scale: 1:1250

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SWEPT PATH ANALYSIS

Legend

Forward Manoeuvre

— Swept path — Vehicle Extents

— Swept path — Wheel Path

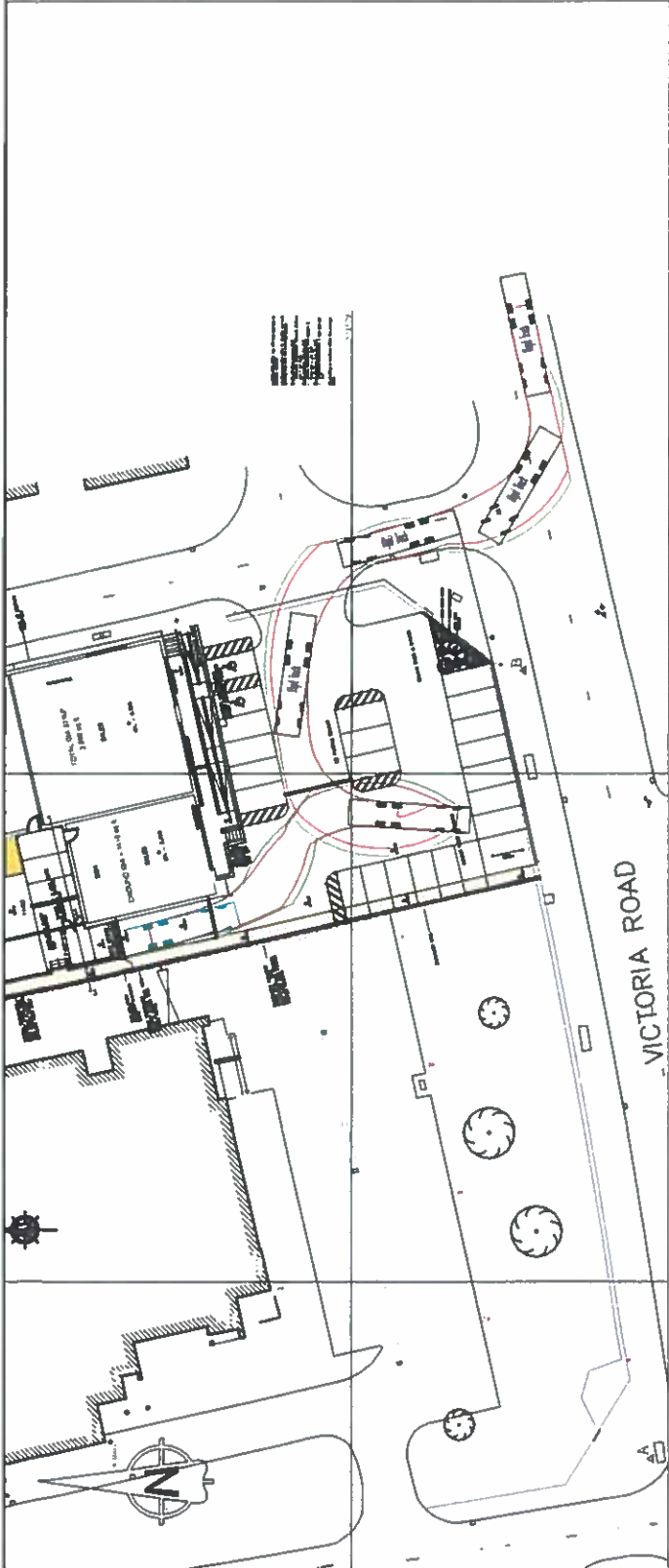
Reversing Manoeuvre

— Swept path — Vehicle Extents

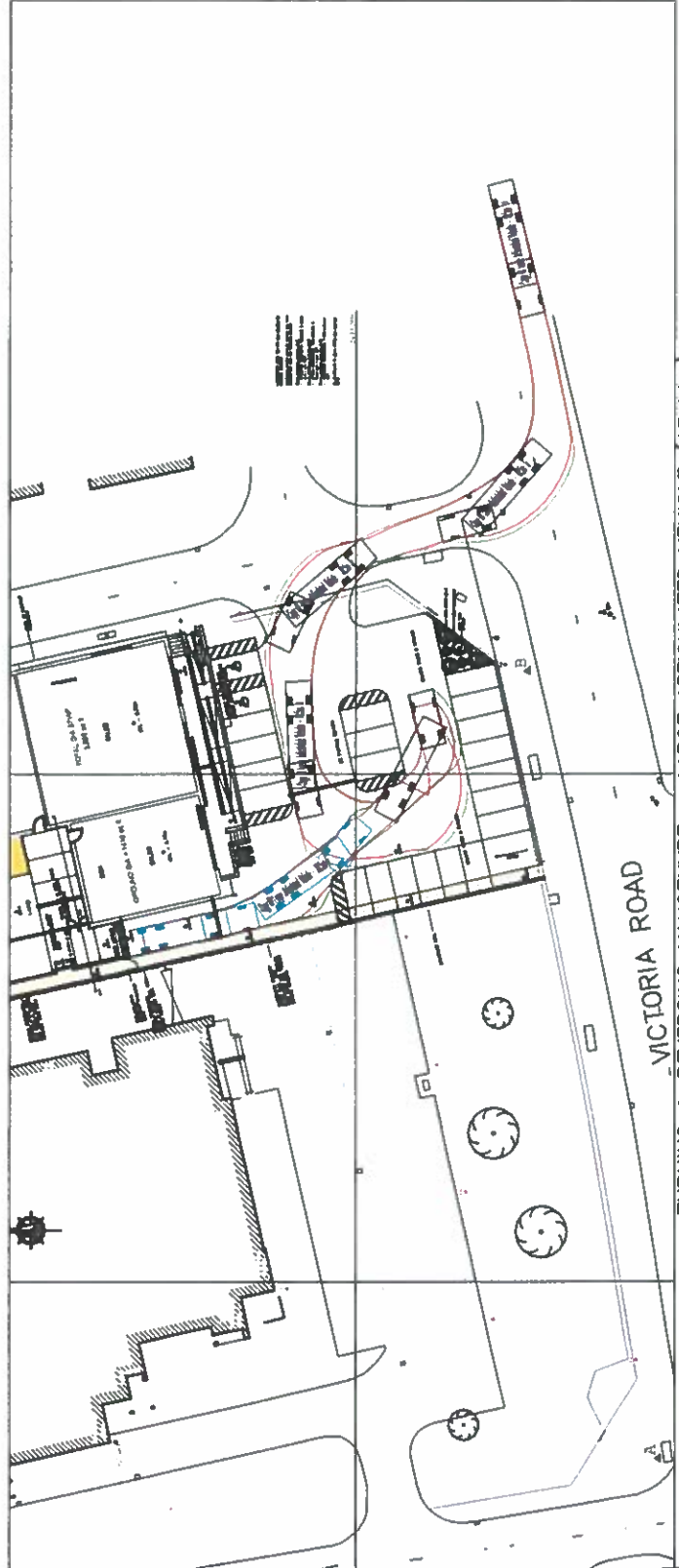
— Swept path — Wheel Path

Notes

1. All dimensions are in metres unless otherwise stated
2. All levels are in metres above Ordnance Datum
3. Vehicles shown for this analysis are the 'Rigid Truck' from Autodesk Vehicle Tracking Library
 Dimensions = 12.00m long x 2.50m wide
 And a copy of the 'Large Articulated Vehicle' from Autodesk Vehicle Tracking Library with trailer dimensions modified to suit information received from Co-op
 Dimensions = 13.44m long x 2.5m wide



VICTORIA ROAD
TURNING & REVERSING MANOEUVRE – RIGID TRUCK (12.00m)



VICTORIA ROAD
TURNING & REVERSING MANOEUVRE – LARGE ARTICULATED VEHICLE (13.44m)

BY	DATE	NAME OF DESIGN	BY	CHECKED

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HAIGH DEVELOPMENTS LTD
 CLIENT

RESIDENTIAL / COMMERCIAL DEVELOPMENT ON LAND AT FORMER POLICE STATION, PRESTATYN
 PROJECT

SWEPT PATH - WITHIN CAR PARK
 DRAWING

1:500
 DRAWING NO: HA3
 DATE: 15/03/17
 SCALE: AS SHOWN
 5016
 SK17

WARD : Prestatyn North

WARD MEMBER(S): Cllr Paul Penlington
Cllr Tony Flynn
Cllr Rachel Flynn

APPLICATION NO: 43/2018/0158/ PR

PROPOSAL: Details of access, appearance, landscaping, layout and scale of 2 no. retail units submitted in accordance with Condition 1 on outline planning permission ref 43/2015/1241/PO (Phase 2 reserved matters application) and details of finished floor levels of 2 no. retail units submitted in accordance with condition 11.

LOCATION: Land adjacent to Magistrates Court Victoria Road Prestatyn

APPLICANT: Mr Haigh

CONSTRAINTS: C1 Flood Zone
PROW
Article 4 Direction

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - No
Neighbour letters - Yes

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

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

“Objection. Residents concerned about retail development and impact upon highway. Restrictions should be imposed upon size of delivery vehicles. Potential future viability of nearby shops a concern. Over intensification of site”.

NATURAL RESOURCES WALES

No objection

DWR CYMRU / WELSH WATER

No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

No objection subject to the inclusion of conditions requiring the submission of detailed highway arrangements and provision of parking/turning facilities within the site.

Pollution Control Officer

No objection subject to the inclusion of a condition requiring the submission of a noise management plan.

RESPONSE TO PUBLICITY:

None at time of writing report

EXPIRY DATE OF APPLICATION: 29/04/2018

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The report relates to:

- a. A reserved matters application seeking approval of details of access, appearance, landscaping, layout and scale of 2 retail units submitted in accordance with Condition 1 of an outline planning permission for a mixed residential and retail development in this location, granted under application 43/2015/1241/PO.
- b. The approval of finished floor levels of the retail units submitted in accordance with condition 11 of the same outline consent, 43/2015/1241/PO.

1.1.2 Members will recall that outline planning permission was granted in July 2017 for the development of 0.51 hectares of land for the erection of 3 retail units and 20 residential units on this site. The application was made in outline with all matters reserved .

1.1.3 A separate 'Phase 1' reserved matters application was approved at Planning Committee in February 2018 for the residential element of the development.

1.1.4 The current application is now seeking approval of a 'Phase 2' development in respect of the access, appearance, landscaping and layout of the retail element of the approved development, alongside approval of the floor levels of the retail units.

1.1.5 In addition to detailed plans, the submission also includes an updated Design and Access Statement and an Environmental Noise Survey Report. The submission refers to the following:-

2 retail units accessed off Windermere Drive

A single storey flat roof building with a maximum height of approx 6.3m. The proposed building would contain 2 retail units; 1 larger unit measuring 369sq m in floorspace and a smaller unit measuring 130sq m.

The building would have a frontage of 26m wide with entrance/exit to the retail units fronting Victoria Road. There would be a stepped and ramped access to the frontage.

The largest unit has a depth of approximately 25m with the smaller unit having a depth of approximately 14m.

The retail units are shown to be faced in brick and metal cladding system, final colours and specifications would need to be controlled by condition.

A timber framed canopy with polycarbonate roof is proposed to the rear of the units adjacent to the delivery area and plant area.

The illustration below has been provided within the Design and Access Statement.



A 2.4m high fence is proposed to the rear of the site adjoining the new residential development. Other boundaries would be formed by fencing / panels with tobermore stone walling.

The finished floor levels of the retail units would be 5.75m AOD.

A car parking area for 22 cars is proposed to the front of the site with some landscaping proposed on the corner of the parking area.

Access to the site would be from Windermere Drive with delivery vehicles shown entering the site in a forward gear and manoeuvring within the site to allow them to reverse into the delivery bay to the side of the unit adjacent to the Magistrates Court, as illustrated below:



1.2 Description of site and surroundings

- 1.2.1 The site currently comprises largely vacant land adjacent to the Magistrates Court. The site was previously occupied by a Police Station. The Police Station was demolished in 2015.
- 1.2.2 The site is located off Victoria Road which is a main west – east traffic route in Prestatyn.
- 1.2.3 Excepting the Magistrates Court use, the predominant use in the locality is residential. There is a small parade of shops approximately 150m to the east of the site on Victoria Road.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Prestatyn as defined in the Local Development Plan.
- 1.3.2 The site is located entirely within the C1 Flood Zone as identified on the Development Advice Maps published by Natural Resources Wales.

1.4 Relevant planning history

1.4.1 Outline planning permission was granted in July 2017 for the development of the land for the erection of 3 no. retail units and 20 residential units (see Details of Planning History below). This outline planning permission established the principle of developing the site for up to 20 residential units and up to 3 retail units. Matters which were “reserved” for further approval on both the residential and retail elements of the scheme were access, appearance, landscaping, layout and scale. All of these matters were subsequently approved for the residential element of the development at Planning Committee in February 2018.

1.4.2 The application which is the subject of this report is seeking the approval of the matters of access, appearance, landscaping, layout and scale of the 2 retail units it is proposed to build, along with the finished floor level of the retail units. **Members will appreciate that it is only the acceptability of these details which can be considered as part of this application. The principle of building retail units here has been established through the grant of the outline permission and is not a matter for reconsideration at this stage.**

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 There are other conditions imposed on the outline planning permission which require approval of details of construction methods, drainage and flood mitigation. These have been submitted separately and do not form part of this application.

2. **DETAILS OF PLANNING HISTORY:**

2.1 **43/2015/1241/PO** Development of 0.51 hectares of land for the erection of 3 retail units and 20 residential units (outline application with all matters reserved) GRANTED 13th July, 2017 at Planning Committee.

43/2017/1121/PR Details of access, appearance, landscaping, layout and scale of 20 no. residential units submitted in accordance with Condition 1 on outline planning permission ref 43/2015/1241/PO (Phase 1 reserved matters application); Details of the range of house sizes and types submitted in accordance with condition 10 and Details of finished floor levels of 20 no. dwellings submitted partly in accordance with condition 11. GRANTED 14th February, 2018 at Planning Committee.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy PSE1 – North Wales Coast Strategic Regeneration Area

Policy PSE9 – Out of centre retail development

Policy PSE10 – Local shops and services

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA2 – Provision of sustainable transport facilities

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access for all

Supplementary Planning Guidance Note: Nature and Protected Species

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016
Development Control Manual November 2016
TAN 5 Nature Conservation and Planning
TAN 12: Design
TAN 15: Development and Flood Risk
TAN 18: Transport

3.4 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 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' (PPW section 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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 Access
- 4.1.3 Appearance
- 4.1.4 Landscaping
- 4.1.5 Layout
- 4.1.6 Scale
- 4.1.7 Finished Floor levels

4.2 In relation to the main planning considerations:

Principle

The site is located within the development boundary of Prestatyn, and the principle of a small retail development has been established as acceptable through the grant of the outline planning permission in July 2017. The sole issues to determine at this point are the acceptability of the detailed plans for the retail units.

The proposed retail development would contain 2 retail units, the larger unit measuring 369m² and a smaller unit measuring 130sqm, providing a total of 499m² floorspace.

4.2.2 Access

"Access" in relation to reserved matters, means the accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. "Site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for

such permission has been made.

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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. Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The highway impacts of a development proposal are a material consideration.

Concerns have been raised in relation to the highway impact of the development by the Town Council.

The plans have been reviewed by the Highway Officers, and there has been dialogue between Officers and the applicants in relation to the highway aspects of the proposal.

The retail units would be accessed off a single access point to be formed off Windermere Drive, and a plan has been submitted to demonstrate how delivery vehicles would enter, manoeuvre and exit the site. To the front of the retail units, a car parking area for 22 vehicles is proposed.

In Officers' opinion, the proposal demonstrates that the access arrangements for the retail units is acceptable and that the existing highway infrastructure is capable of accommodating the development. The general layout of the proposed site access arrangements demonstrate compliance with the visibility standards set out in TAN 18. In relation to the site layout and parking, having regard to the details provided and guidance identified above, it is considered that the highways arrangements and parking provision are acceptable.

4.2.3 Appearance

"Appearance" means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

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.

In terms of design detailing for the new retail units the proposal involves the use of brickwork and metal cladding.

The design details proposed in relation to the retail units are considered acceptable and in keeping with surrounding development. Final colours and specifications of the external materials have not been provided at this point and a planning condition

would therefore be required to retain control over the final detailing.

Subject to approval of final colours and specifications it is considered that the appearance of the development would be respectful of the location.

4.2.4 Landscaping

“Landscaping” in relation to a site or any part of a site for which outline planning permission has been granted to, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:

- (a) screening by fences, walls or other means;
- (b) the planting of trees hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the layout out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features.

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.

The proposal involves the loss of a tree and shrubs along the frontage of the site with Victoria Road in order to accommodate the car park.

In relation to soft landscaping, details have been provided indicating a small landscaped area on the corner of the car parking area to include a replacement tree with some low level shrubs.

In relation to hard landscaping, the car park and other pathways would be surfaced with tarmac.

In relation to boundary treatments, the boundary to the rear of the units would be a 2.4m high wall and fence providing an effective screen between the development and new residential properties. Along the western boundary a 2.4m high tobermore stone wall with fence panels is proposed to the edge of the retail unit which would continue as a powder coated fence towards Victoria Road at a lower height of 1.8m going down to 1.1m adjacent to the highway. A 1.1m high tobermore stone boundary wall is proposed along the frontage of the site.

Whilst it is unfortunate that an existing tree and shrubs would be lost to accommodate the car park, appropriate replacements are proposed in alternative areas. All hard and soft landscaping details proposed are considered acceptable and appropriate for the area to soften the visual appearance of the development, to protect the amenities of existing residents and to provide a sufficient level of amenity for future occupiers of the dwellings approved in close proximity.

It is therefore considered that the landscaping of the development would be respectful of the location.

4.2.5 Layout

“Layout” means the way in which buildings, routes and open spaces within the

development are provided, situated and orientated in relation to each other and to building and spaces outside the development.

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.

A concern has been raised by the Town Council that the proposal represents over-intensification of the site.

In relation to spacing and separation distances, the retail units have been sited and orientated to front Victoria Road, with the service area to the rear separated from the residential properties by a 2.4m high boundary screen. The main access/exits to the retail units would be from the main frontage facing Victoria Road with access steps and ramp also on to be located on that elevation. A window for display purposes is shown within the side elevation on Windermere Drive.

The layout of the site has been carefully considered in the context of surrounding development and the dwellings have been sited in a way to respect the pattern of development in the area.

It is therefore considered that the layout of the development would be respectful of the location, and whilst respecting the comments of the Town Council, the proposal does not represent an over-development. It is a significant consideration in this context that the outline consent actually allowed for the development of 3 retail units and not 2, as now proposed.

4.2.6 Scale

“Scale” means the height, width and length of each building proposed within the development in relation to its surroundings.

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.

The proposal does involve the raising of ground levels/finished floor levels to comply with flood risk requirements, but it is apparent from the plans that the actual built height of the retail units would be at an acceptable level and lower than surrounding residential properties and comparable to the Magistrates Court building to the west.

It is therefore considered that the scale of the development would be respectful of the location and in keeping with the character of the area.

4.2.8 Finished Floor Levels

Condition 11 on outline planning permission 43/2015/1241/PO requires the approval of finished floor levels of the development. This condition was imposed to deal with

possible flood risks.

It is proposed to set the finished floor levels of the 2 retail units at 5.75m AOD. Natural Resources Wales have been consulted and have raised no objection to the proposed details.

It is therefore considered that Condition 11 can be approved.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 The access, appearance, landscaping, layout and scale of the 2 retail units are considered acceptable.

5.2 The finished floor levels of the 2 retail units are considered acceptable.

RECOMMENDATION:

RECOMMENDATION A:

PART APPROVAL OF RESERVED MATTERS IN RELATION TO 2 RETAIL UNITS - subject to the following conditions:-

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission

- (i) Proposed elevations and perspective (Drawing No. P03B) received 1 March 2018
- (ii) Proposed ground floor plan and section (Drawing No. P02B) received 1 March 2018
- (iii) Boundary elevations (Drawing No. P00) received 1 March 2018
- (iv) Proposed site plan and details (Drawing No. P01B) received 1 March 2018
- (v) Swept Path Analysis (Drawing No. SK17) received 5 March 2018
- (vi) Existing site plan (Drawing No. EX01) received 16 February 2018
- (vii) Location plan (Drawing No. EX00) received 16 February 2018

2. Prior to the application of any external materials full details of the wall and roof materials of the retail units shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with such approved details.

3. Prior to the use of the retail units commencing a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall include:

- Details of hours of delivery and store opening times;

- A Noise Barrier near the service yard area;
- Management of waste;
- Audible delivery vehicle signals.

The retail units shall operate in strict accordance with the approved Noise Management Plan.

4. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing

5. No highway works shall take place until the written approval of the Local Planning Authority has been obtained in relation to the details of the widening of the existing vehicular accesses and associated highway works including the detailed design, layout, construction, drainage, street lighting. The development shall proceed strictly in accordance with the approved details before the development is brought into use.

6. Facilities shall be provided and retained within the site for the loading/unloading, parking and turning of vehicles in accordance with the approved plan and shall be completed before the development is brought into use.

7. No external lighting shall be installed on the retail units or within the car park until the written approval of the Local Planning Authority has been obtained to the detailing thereof. The lighting shall be installed in accordance with the approved details.

8. The access ramp hereby approved shall be constructed and completed in accordance with the approved plans before the use retail units are brought in to use.

Reasons

1. For the avoidance of doubt and to ensure a satisfactory standard of development
2. In the interests of visual amenity
3. In the interests of residential amenity
4. In the interests of visual amenity
5. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. To ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
7. In the interests of visual amenity
8. To ensure adequate access is provided for all users

RECOMMENDATION B:

PARTIAL APPROVAL OF CONDITION 11 (finished floor levels) IN RELATION TO 2 RETAIL UNITS: subject to the following condition:

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

- (i) Proposed elevations and perspective (Drawing No. P03B) received 1 March 2018
- (ii) Proposed ground floor plan and section (Drawing No. P02B) received 1 March 2018
- (iii) Boundary elevations (Drawing No. P00) received 1 March 2018
- (iv) Proposed site plan and details (Drawing No. P01B) received 1 March 2018
- (v) Swept Path Analysis (Drawing No. SK17) received 5 March 2018
- (vi) Existing site plan (Drawing No. EX01) received 16 February 2018
- (vii) Location plan (Drawing No. EX00) received 16 February 2018