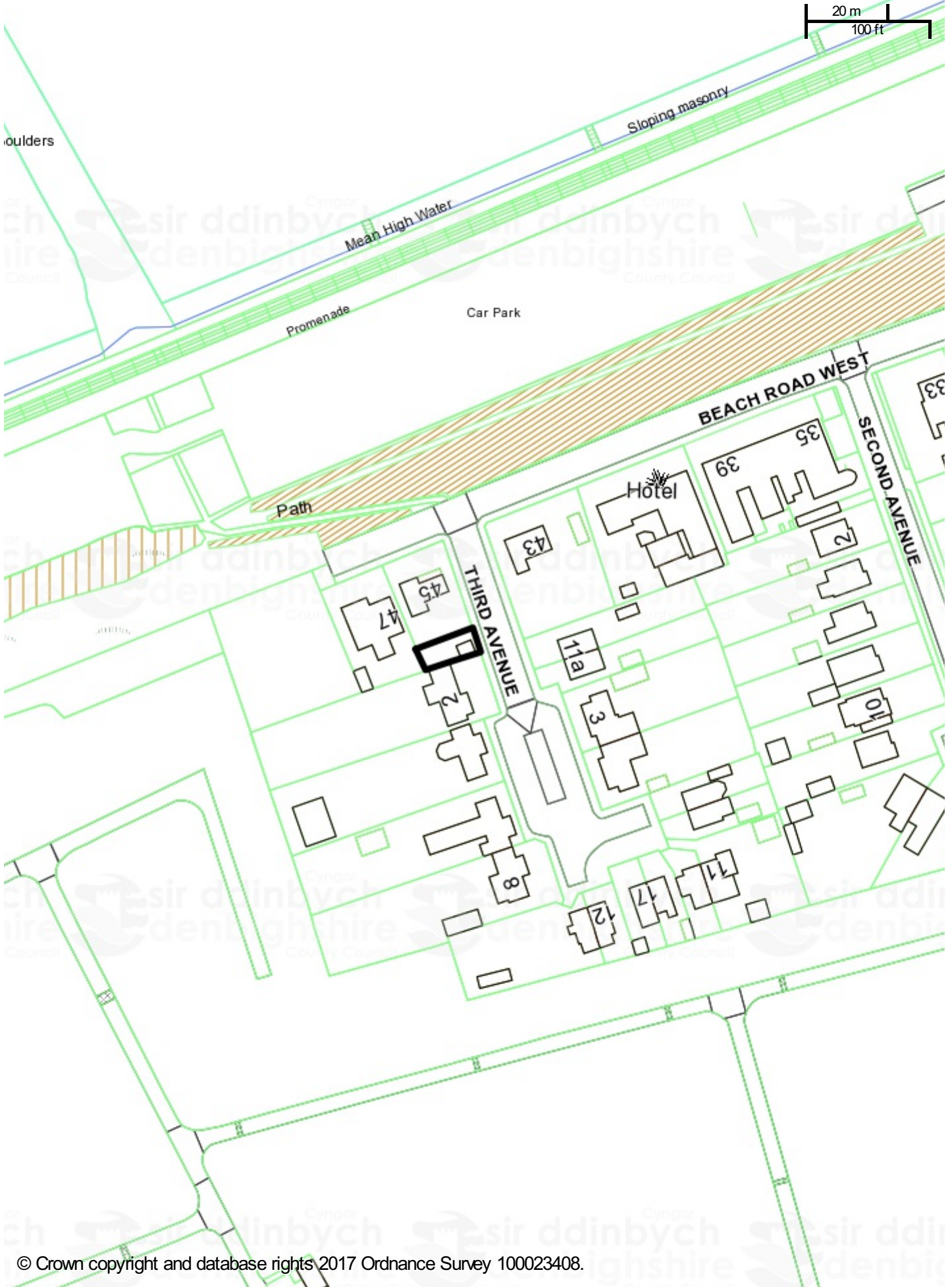


20 m
100 ft



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43/2018/0439

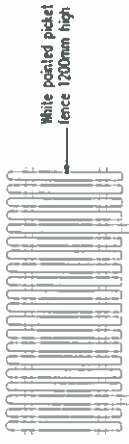
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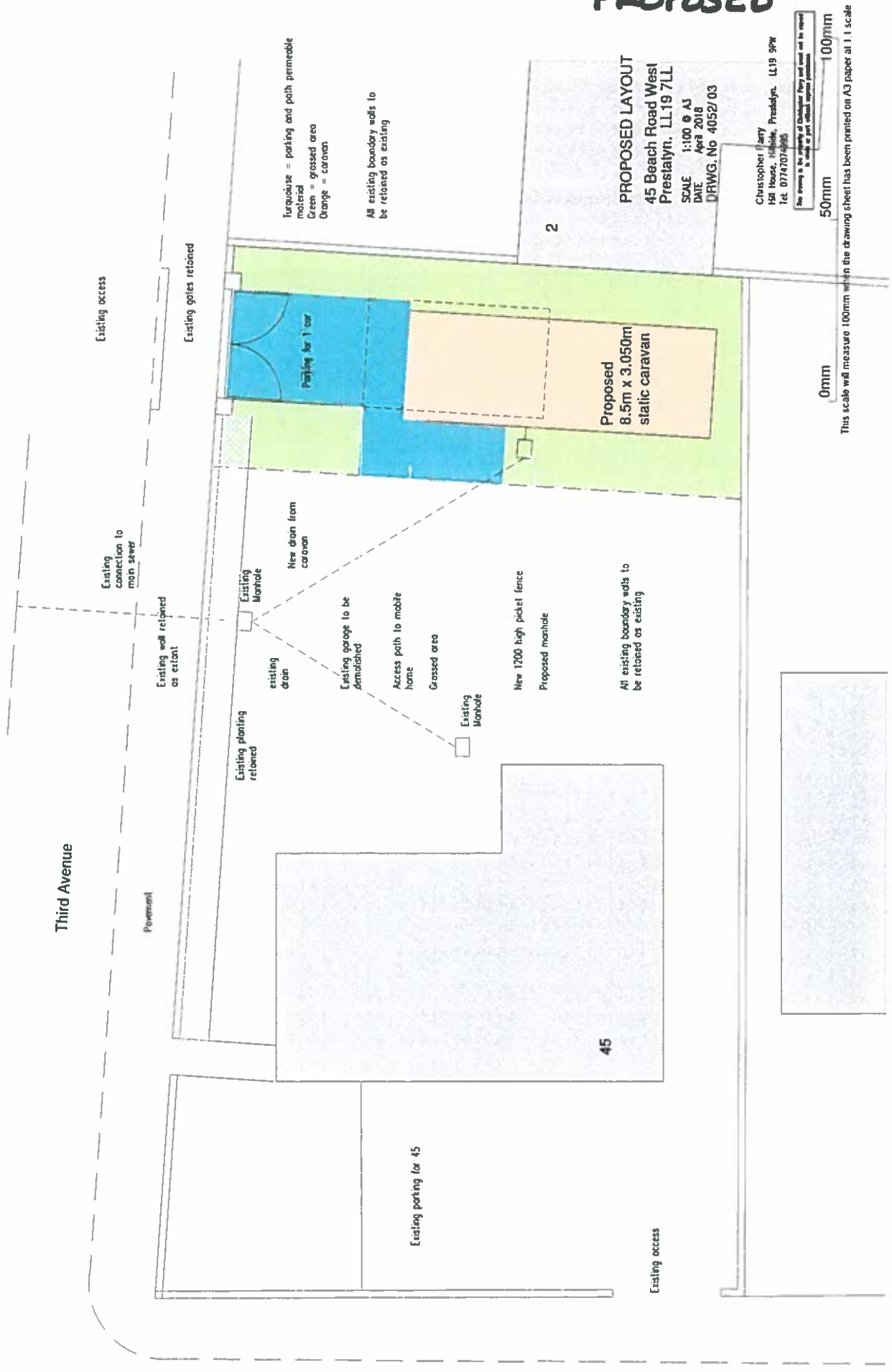


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LAYOUT AS PROPOSED



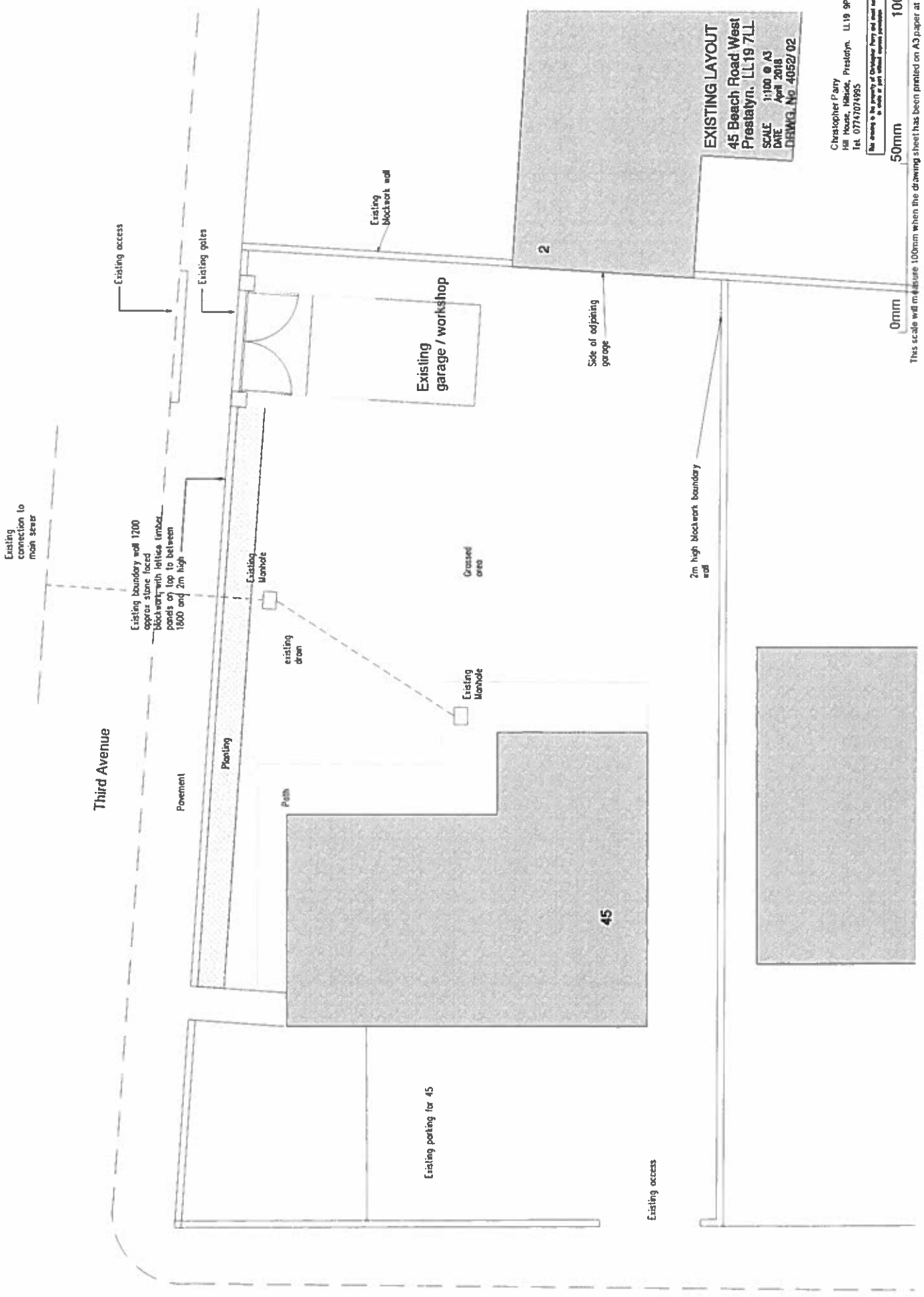
Elevation to fencing



Christopher Perry
121 Riverside, Prestatyn, LL19 3PW
Tel: 07747074985
Site drawings to the authority of Christopher Perry and used will be prepared to comply with all relevant regulatory provisions

Beach Road West

EXISTING LAYOUT



EXISTING LAYOUT
 45 Beach Road West
 Prestatyn, LL19 7LL
 SCALE 1:100 @ A3
 DATE April 2018
 DRAWING NO. 4052/02

Christopher PARRY
 Hill House, Mabele, Prestatyn, LL19 9PW
 Tel. 07747074955
 This drawing is the property of Christopher PARRY and shall not be copied
 in whole or part without express permission.

50mm
 100mm

This scale will measure 100mm when the drawing sheet has been printed on A3 paper at 1:1 scale

Beach Road West

CARAVAN DETAIL

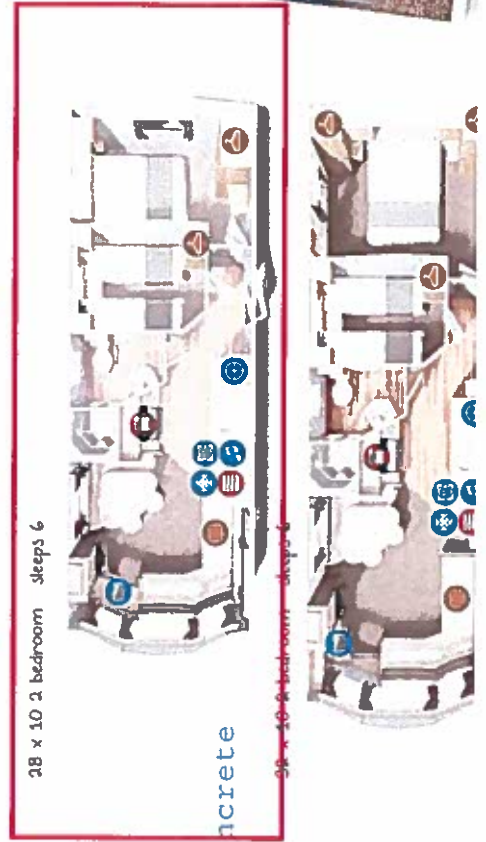


Illustration of typical carava siting

- Icon Key
- TV Space
 - Fold-out Bed
 - Fridge and Freezer
 - Optional MP3 Player
 - Electric Fire
 - Washer/dryer Space
 - Dishwasher Space
 - Cooker
 - Hob
 - Storage Cupboard
 - Handrobe
 - Eater

28' x 10' static van as proposed

Overall height of van will be 3m and it will be sited on a concrete base which will be the same size as the van.



WARD : Prestatyn North

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

APPLICATION NO: 43/2018/0439/ PF

PROPOSAL: Demolition of existing garage and change of use of domestic curtilage to accommodate a static caravan for use as a holiday let

LOCATION: 45 Beach Road West Prestatyn LL19 7LL

APPLICANT: Mr & Mrs Bradbury

CONSTRAINTS: C1 Flood Zone

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL
"No objection"

NATURAL RESOURCES WALES

Objects to the proposed development as submitted and consider that the Flood Consequence Assessment (FCA) submitted is insufficient as it has failed to demonstrate that the consequences of flooding can be acceptably managed over the development lifetime.

DWR CYMRU / WELSH WATER
No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Highways Officer
No objection

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 14/9/2018

REASONS FOR DELAY IN DECISION:

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the demolition of an existing garage and change of use of part of the domestic curtilage to accommodate a static caravan for use as a holiday let at 45 Beach Road West in Prestatyn.
- 1.1.2 The caravan is proposed to be sited to the rear (south) of the existing dwelling. The newly created plot on which the caravan is shown to be sited is rectangular in shape and measures some 87sq.m in total. The caravan would be sited centrally on this plot, with a small parking area for 1 car indicated to the front of the caravan. Access to the site is off Third Avenue which abuts the east of the site.
- 1.1.3 Illustrative plans have been provided of a two bed static caravan. It would be sited on a concrete base measuring 8.5 metres by 3.050 metres. The caravan would be connected to the existing mains drainage and services serving the main dwelling.

1.2 Description of site and surroundings

- 1.2.1 The existing dwelling is located on Beach Road West on the northern periphery of Prestatyn. To the side of the site is Third Avenue. The newly created plot shown to house the caravan would be accessed from Third Avenue via an existing gated access.
- 1.2.2 The land on which the caravan is proposed to be sited currently forms part of the rear curtilage of 45 Beach Road West. There is currently a shallow pitched roof garage on the application site. The site is bounded by a pre-cast stone effect concrete wall topped with timber panels.
- 1.2.3 Beach Road West comprises of a mix of dwellings which face northwards to the sea. No 45 and the neighbouring dwelling to the east are similar style dwellings with some historic interest although both have been subject to alteration. There is also a mix of dwelling styles on Third Avenue.
- 1.2.4 To the west of the site and further south of Beach Road West is Lido Beach Caravan Site, a long-established static site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Prestatyn as defined within the Local Development Plan.
- 1.3.2 The site is located within a Zone C1 flood risk area as defined by the Development Advice Maps of TAN 15: Development and Flood Risk.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None

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 PSE12 – Chalet, static and touring caravan and camping sites

Policy VOE5 – Conservation of natural resources

Policy ASA2 – Provision of sustainable transport facilities

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Caravans, Chalets & Camping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Note No. 15 Development and Flood Risk

3.3 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 Visual amenity

4.1.3 Residential amenity

4.1.4 Drainage (including flooding)

4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria and other relevant policies.

Local Development Plan Policy PSE12 states that proposals for new static caravan sites will not be permitted. The policy justification states that whilst static sites are an important source of holiday accommodation, such sites are often seen as being visually intrusive, and there is specific reference to this being the case in the main resort areas such as Prestatyn. It goes on to note that there is already an over provision of caravan type development particularly in the North of the County, much of which is of low quality and there is reference to much of the coastal area being exposed with little tree cover which makes the assimilation of caravan sites into the landscape difficult.

The proposal is, in effect, to create a static holiday site, albeit for 1 caravan. In this case, the proposed involves hiving off part of the private garden area of an existing residential dwelling.

The site is located within the development boundary of Prestatyn. Whilst there is a presumption in favour of development within the development boundary, there is specific policy within the adopted LDP for Static Caravan Sites which has to be applied to this proposal, albeit that it is only for one caravan. This policy states that new static caravan sites should not be permitted.

Taking the relevant planning policies into consideration, it is the opinion of Officers that the principle of the proposal is not acceptable. Officers are of the view that should this application be granted this could set an unwanted precedent for use of other garden areas of residential dwellings being sub-divided to allow for the siting of static caravans. Static caravan provision, as set out in the policy, is already well catered for elsewhere. The detailed impacts of the proposal are considered further below.

4.2.2 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 representations raising visual amenity concerns.

The application proposes the change of use of part of the rear curtilage of a dwelling and the siting of a static caravan. This is a mainly residential area between the sea and Lido Beach Caravan Site. On Beach Road West there is a mix of dwelling types and sizes. The static caravan would front Third Avenue, a cul de sac of 2 storey dwellings and would be viewed between the host dwelling no. 45 Beach Road West and no. 2 Third Avenue.

Whilst there are static caravans in the vicinity of the site (located at Lido Beach Caravan Park), it is the opinion of Officers that the subdivision of the curtilage of no. 45 and the use of land for the siting of an independent static caravan would appear at odds with the residential character of the immediate area. The caravan would not be viewed ancillary to the dwelling owing to the separate access, subdivision of the curtilage and proposed nature of the use. The caravan would appear a prominent and cramped visual feature within the cul de sac of Third Avenue and in Officers' opinion would have a negative impact on the character of the area, contrary to Policy RD 1.

4.2.3 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 representations raising visual amenity concerns.

To facilitate the development, the garden area of no. 45 Beach Road West would be reduced to 7.5 metres in depth at the closet point to the newly created boundary. There would be over 100sq metres of amenity space remaining for the dwelling should the subdivision of the garden be permitted. The caravan would be within 1.5 metres of the boundary with the adjacent dwelling to the south, although this part of the boundary is abutted by a garage wall at No.2 Third Avenue.

Considering the siting, spacing and window arrangements it is considered that the proposal would not harm the residential amenity of the adjacent occupiers and there would be no conflict with Policy RD 1.

4.2.4 Drainage (including 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 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 drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales Section 13.2 and 13.4 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, providing a detailed framework within which risks arising from different sources of flooding should be assessed.

The site lies entirely within Zone C1 as defined by Welsh Government's Development Advice Map (DAM) as referred to under TAN15: Development & Flood Risk. C1 zones are areas of the floodplain which are developed and served by significant infrastructure, including flood defences. In C1 zones development can take place subject to application of the justification tests, including acceptability of consequences.

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.

In relation to the justification tests, the site is located within the development boundary of Prestatyn. However, as mentioned above there is a policy conflict with the principle of the development as the LDP seeks to resist new static caravan development. Hence it is considered that the proposed development would not be justified in relation to the tests of section 6.2 of TAN 15.

In relation to potential consequences of a flooding, a limited Flood Consequences Assessment (FCA) has been submitted with the application. The FCA acknowledges that the site is at flood risk and has presented a number of measures that would be implemented in the development to reduce risks. This includes anchoring the caravan to a concrete base, and ensuring that residents sign up to Natural Resources Wales' (NRW) free Flood Warning service available for this community.

NRW has been consulted on the application as the statutory consultee on flood risk matters. They have significant concerns that the development and its users will introduce new highly vulnerable development to an area of flood risk. They have advised that the site is located close to the Coastal Frontage of Prestatyn, and

although the area benefits from flood defence infrastructure, the flood risks to this community are likely to increase considerably over the next 100 years with the continuation of sea level rise and climate change. Outputs from Denbighshire's updated Strategic Flood Consequences Assessment shows that when the effects of climate change and failure of flood risk assets are considered over the next 100 years, the site could be affected by very significant flooding depths which would pose a significant flood hazard to the development and users of it.

Considering the severity of the flood risks in this location over the development lifetime, NRW do not consider that mitigation measures could be realistically included in this development to manage the flood risks to an acceptable level. NRW have objected to the application and consider it unlikely that any FCA would be able to demonstrate that new highly vulnerable development on this site can satisfy the requirements of TAN15.

Therefore it is considered that the application fails to comply with the relevant tests of TAN 15 and planning policy tests in relation to flood risk.

4.2.5 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).

There are no representations raising highway related concerns.

The proposed plans show an access off Third Avenue for the static caravan. An area is shown in front of the caravan which could be utilised for parking.

Highways Officers have not objected to the proposal, therefore Officers would consider the proposal would not give rise to unacceptable adverse impacts on highway safety.

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.

RECOMMENDATION: REFUSE- for the following reasons:-

The reasons for the conditions are:-

1. It is the opinion of the Local Planning Authority that the proposal to change the use of part of the residential curtilage of 45 Beach Road West to accommodate a static caravan for holiday purposes is unacceptable in principle as it would be contrary to the provisions of Policy PSE 12 of the Local Development Plan.
2. It is the opinion of the Local Planning Authority that the proposal to change the use of part of the residential curtilage of 45 Beach Road West to accommodate a static caravan for holiday purposes would be out of keeping with and have a detrimental impact on the visual amenity of the residential area immediately surrounding the site, also setting an unwelcome precedent for similar developments which the Council would find difficult to resist. The proposal fails to comply with criteria i) of Policy RD1 in the Local Development Plan.
3. It is the opinion of the Local Planning Authority that a proposal for a static caravan for holiday purposes is not justified development in relation to the requirements of paragraph 6.2 of TAN 15, and the consequences of flooding are not acceptable when assessed against the guidance contained within TAN 15, Development and Flood Risk. Therefore the proposal fails to comply with the tests and acceptability criteria of TAN 15, and is contrary to criteria xi) of Policy RD 1 in the Local Development Plan, and to principles and advice contained within Planning Policy Wales (Edition 9, 2016).