



**43/2021/0469**



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Eitem Agenda 7

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## Eitem Agenda 7 / Agenda Item 7







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**WARD :** Prestatyn Central

**WARD MEMBER(S):** Cllr Hugh Irving (c)  
Tina Jones (c)

**APPLICATION NO:** 43/2021/0469/ PS

**PROPOSAL:** Variation of condition no. 2 of planning permission code no. 43/2018/0900 to permit amendments to the siting of the residential apartment block and raising of the finished floor level

**LOCATION:** 1 The Dell and Land to rear of The Dell Prestatyn

**APPLICANT:** Denbighshire County Council

**CONSTRAINTS:** 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**

Deferred from June meeting to seek clarity over the changes.

Clarity provided over the changes - no formal response submitted by Prestatyn Town Council however consultations with Mayor and Chair of Town Planning Committee, both have responded objecting to the revised plans summarised as follows:-

Significant changes from original plans which will impact greatly upon residents. The building will be higher and closer which will have an overbearing encroachment to the existing properties.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Ecology Officer

No response received

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Liam Allsup, 9 Elmsway Drive, Prestatyn Jane Eastham, 68 Meliden Drive, Prestatyn Thomas Eastham, 68 Meliden Drive, Prestatyn Josie Luderman, 20 The Dell, Prestatyn Elaine Raven, 56 Meliden Road, Prestatyn Paul Raven, 54 Meliden Road, Prestatyn Joshua Parry, 48 Meliden Road, Andrew Scott, 11 The Dell, Prestatyn

Summary of planning based representations

The majority of the objections relate to the acceptability of the development already granted and are not objections to the amendments sought by this current application.

One representation makes reference to the height of the building now being taller than anything around it, including the bridge; it's not in keeping with any properties locally made worse by increasing the height; privacy of residents on The Dell has gone.

**EXPIRY DATE OF APPLICATION: 08/09/2021**

**REASONS FOR DELAY IN DECISION:** Town Council queries and delayed response.

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1. Summary of proposals**

1.1.1. A Variation of Condition 2 on planning permission Ref 43/2018/0900/PF is sought in order to permit amendments to the siting of the approved residential apartment block and raising of the finished floor level.

1.1.2. It is proposed to bring the footprint of the apartment block further way from the rear boundary of the site with the Prestatyn/Dyserth walkway by 2.5m. It is also proposed to raise the finished floor level (ffl) by 250mm from 15.500AOD as approved to 15.750AOD which in turn increases the height of the building by 250mm.

1.1.3. The reason behind amending the siting is to provide more space between the rear of the apartment block and the Prestatyn to Dyserth walkway which runs immediately to rear of the site. The reason behind amending the finished floor level (ffl) is related to the site drainage following receipt of new information from Dwr Cymru Welsh Water (DCWW) to ensure effective foul and surface water drainage to the site. The design change to raise the ffl by 250mm would ensure the gradients are increased together with increasing the cover over the pipes.

1.1.4. Site plans and elevations of the approved scheme alongside the proposed plans have been provided below :-

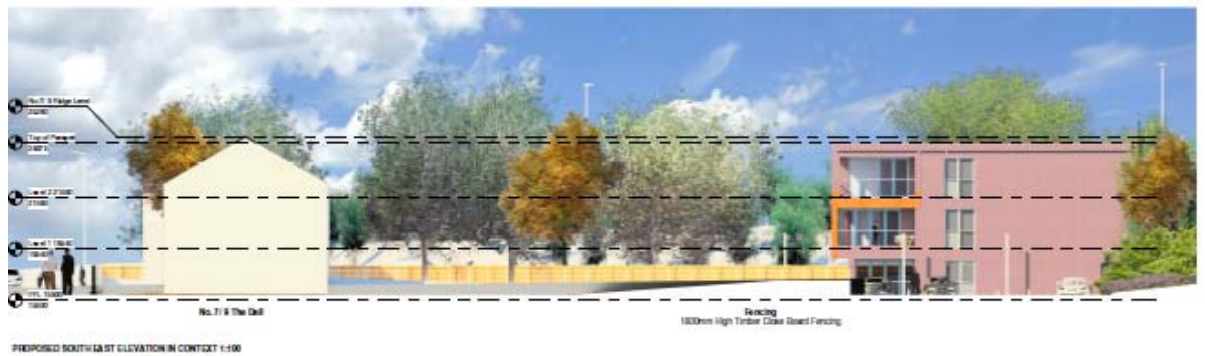
Approved site plan



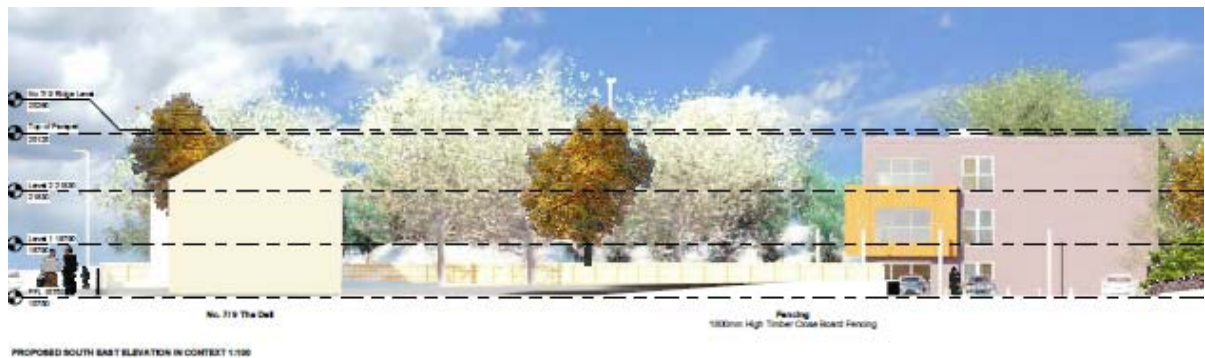
Proposed site plan



Approved elevation and site section with The Dell



Proposed elevation and site section with The Dell





1.2. Description of site and surroundings

- 1.2.1. The application site comprises a predominantly vacant piece of land located to the rear of residential properties fronting The Dell. A detached bungalow property currently occupies the front portion of the overall site. The site is covered in grass, vegetation and trees.
- 1.2.2. The Dell is a residential cul de sac of 2 storey properties, with the exception of 1, The Dell which is a bungalow. The Dell is accessed off Fforddisa.
- 1.2.3. Running along the northern boundary of the site in between the application site and Fforddisa is a band of vegetation and trees running parallel with the road and there is a bitmac footpath route which links to the main Prestatyn to Dyserth Walk Way which runs along the rear (eastern) boundary of the site.
- 1.2.4. Ground levels on the site itself are relatively level with a slight fall in an easterly direction from The Dell, which then rises slightly near the walk way. The application site is at a lower level than the adjacent road, Fforddisa.
- 1.2.5. The predominant land use in the locality is residential with a 'Londis' convenience store located at 2, The Dell which fronts on to Fforddisa. The plans and photographs included within the report indicate the proposal and surroundings.
- 1.2.6. The planning permission granted in 2018 has not been implemented yet. Recent photographs of the site are included below:





### 1.3. Relevant planning constraints/considerations

1.3.1. The site is within the development boundary of Prestatyn on the proposals map of the Local Development Plan (LDP).

1.3.2. The site has no specific use designation in the LDP.

### 1.4. Relevant planning history

1.4.1. Full planning application was granted by the Planning Committee in December 2018 for the construction of a 15 unit residential apartment block together with the construction of a new vehicular access and associated works. The proposal involved:-

- The demolition of the bungalow at no 1, The Dell in order to form a vehicular access off The Dell
- The erection of a 3 storey block containing 15 apartments, with 5 units on each floor.
- The footprint of the proposed apartment block would be rectangular in shape with a footprint measuring approximately 27.5m by 18m.
- The roof of the apartment block would be flat with a height of approximately 8.5m.
- The building would be constructed using a reddish brick and cladding, with aluminium windows.

- The 15 apartments would comprise a mix of 8no. 2 bed apartments and 7no. 1 bed apartments.
- On the ground floor, 5 no. 'Category 3' units are proposed, these being designed for wheelchair users.
- On the first and second floor, 10 no. 'Category 2' units are proposed, these being designed as 'accessible and adaptable' apartments.
- Each floor would be accessed by stairs or lift with a lobby and storage areas provided for each unit
- A vehicular access is proposed off The Dell and some realignment is proposed of the existing foot/cycle path linking to the Prestatyn / Dyserth Walkway.
- Provision of parking facilities for 16 car parking spaces, including 5 for disabled persons.
- Provision of a bicycle storage area
- New boundary fencing with additional hard and soft landscaping.

#### 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. 43/3018/0900/PF Demolition of existing dwelling and erection of 15 no. unit residential apartment block; construction of a new vehicular access and associated works GRANTED Decmber 2018 by the Planning Committee.

43/2019/0097/AC Details of protected species survey submitted in accordance with condition number 4 & 5 of planning permission code number 43/2018/0900 APPROVED 14<sup>th</sup> March, 2019

### 3. **RELEVANT POLICIES AND GUIDANCE:**

#### 3.1. Local Policy/Guidance

The main planning policies and guidance are considered to be:  
 Denbighshire Local Development Plan (adopted 4th June 2013)  
**Policy RD1** – Sustainable development and good standard design  
**Policy BSC1** – Growth Strategy for Denbighshire  
**Policy BSC4** – Affordable Housing  
**Policy BSC11** – Recreation and open space  
**Policy ASA3** – Parking standards

#### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: [Access For All](#)  
 Supplementary Planning Guidance Note: [Affordable Housing](#)  
 Supplementary Planning Guidance Note: [Conservation and Enhancement of Biodiversity](#)  
 Supplementary Planning Guidance Note: [Parking Requirements In New Developments](#)  
 Supplementary Planning Guidance Note: [Recreational Public Open Space](#)  
 Supplementary Planning Guidance Note: [Residential Development](#)  
 Supplementary Planning Guidance Note: [Residential Space Standards](#)  
 Supplementary Planning Guidance Note: [Trees & Landscaping](#)

#### 3.2. Government Policy / Guidance

Planning Policy Wales Edition 11 (February 2021)  
 Future Wales – The National Plan 2040  
 Development Control Manual November 2016  
 Technical Advice Notes  
 Circulars

#### 3.3. Other Material Considerations

None



#### **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

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

4.2. In relation to the main planning considerations:

4.2.1.Principle

The application is made under Section 73 of the Town and County planning Act 1990 (the 1990 Act).

Section 73 allows applications to be made for planning permission without complying with conditions previously imposed on an extant planning permission. Where a Section 73 application is granted, its effect is to grant a new planning permission.

Section 73 applications can be broadly separated into three different application types, based on their intended purpose. These are to:

- extend the time limit of an existing permission (commonly referred to as a 'renewal' application)
- allow 'minor material amendments' to planning permissions
- allow the variation or removal of any other condition attached to a planning permission.

This application is to amend the list of plans and documents attached to condition 2 of planning permission 43/2018/0900/PF to allow for minor amendments to the approved scheme.

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.

Representations have been received which raise concerns about the type of accommodation proposed having regard to its, scale, design, appearance and whether it is appropriate for the character of the area. These concerns were fully assessed and considered as part of the original planning application, granted by the Planning

Committee in December 2018.

A representation makes specific reference to the current proposal and that the height of the building now being taller than anything around it, including the bridge and that it is not in keeping with any properties locally which would be made worse by increasing the height.

The building proposed remains at 3 storey in height, with a flat roof. The amendment now sought requires the siting to be brought forward into the site by 2.5m and the finished floor level to be raised by 250mm from the approved level of 15.500AOD to 15.750AOD. This in turn affects the height of the apartment block also increasing by 250mm, giving an overall height of 8.75m (as approved it is 8.5m).

	Height	Finished floor level	Distance from highway	Distance from rear of 3 and 5 The Dell
<b>As approved</b>	8.5m	15.500AOD	47m	31m
<b>As proposed</b>	8.75m	15.750AOD	44.5m	28.5m

In relation to the siting of the building to its boundaries and with adjacent dwellings, bringing the building forward 2.5m would not result in the appearance of the building looking out of keeping or cramped up against existing development. There is reasonable space remaining within the site for access and parking, servicing, and landscaped areas around the building.

Looking at the wider context, the apartment block would be a stand alone development set back from the road frontage between The Dell and the Prestatyn to Dyserth walkway. Updated site sections have been provided with this application showing the amended siting and increased finished floor level/height which shows the height of the building would remain not dissimilar to the 2 storey semi detached properties on The Dell.

The amendments to the siting, finished floor level and height of the apartment block would not be considered out of character within the area and would not result in any significant adverse impacts on visual amenity. The plans clearly show the scale and height of the building remains in keeping with its surroundings.

#### **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.

Representations have been received raising residential amenity concerns, with particular concerns relating to privacy, outlook and overbearing impact raised. Comments have also been raised in relation to lighting impacting on nearby properties.

One representation makes reference to the height of the building now being taller having a greater impact on the privacy of residents on The Dell. The Town Council have similar concerns.

The approved plan shows the top of the parapet to be 385mm below the ridge height of the adjacent properties and the proposal is to raise the finished floor level so that the top of parapet is closer to the height of the adjacent property ridge height, now 135mm below the ridge heights of 7/9 The Dell.

In respecting the concerns, having regard to the relationship and distance of the

apartments block in relation to the properties on The Dell that back on to the site, which are summarised in the table above, Officers' opinion remains that the impact on these properties would not be unacceptable as a result of the amendments.

The adopted Residential Development SPG suggests the minimum distance which should be sought between the backs of residential properties to limit overlooking etc. should be 21m. This distance is clearly achieved with the amended siting, in this case there remains a distance of 28.5m between the new development and the rear elevations of no's 3 and 5 The Dell, which are the only 2 properties that directly face the front elevation of the proposed apartment block.

Therefore it is considered that following the proposed amendments, the windows and enclosed balconies located on the approved apartment block would not result in any direct overlooking of existing properties or rear gardens.

In conclusion, the amendments to the siting, finished floor level and height of the apartment block would not result in any significant adverse impacts on the level of amenity currently enjoyed by nearby properties and the plans clearly show the scale and height of the building remains in keeping with surrounding properties.

#### 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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 revised scheme proposing amendments to the siting and finished floor level of the apartment block is considered acceptable.

### **RECOMMENDATION: APPROVE-** subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 12th December 2023.
2.
  - i) Proposed elevations and site section (Drawing No. AL(0)120 C) received 5 May 2021
  - ii) Proposed elevations and site section (Drawing No. AL(0)121 C) received 5 May 2021
  - (iii) Proposed ground floor plan (Drawing No. AL(0)111 Rev. E) received 14 September 2018
  - (iv) Proposed first floor plan (Drawing No. AL(0)112 Rev. E) received 14 September 2018
  - (v) Proposed second floor plan (Drawing No. AL(0)113 Rev. E) received 14 September 2018
  - (vi) Perspectives 1,2,3 received 14 September 2018
  - (vii) Highways General Arrangement (Drawing No. V-R6516.00/000 01 A1) received 14 September 2018
  - viii) Access Road and Car Park General Arrangement (Drawing No. V-R6516.00/000 02 A1) received 14 September 2018
  - (ix) Proposed foul and surface water drainage layout (Drawing No. V-R6516.00/100 01 A1) received 14 September 2018 (
  - x) Existing site sections (Drawing No. AL(0)15 Rev. B) received 14 September 2018



- (xi) Existing site plan (Drawing No. AL(0)10 Rev. B) received 14 September 2018
- (xii) Proposed site plan (Drawing No. AL(0)110 J) received 5 May 2021
- (xiii) Existing landscape layout (Drawing No. AZ027.05 Rev. A) received 14 September 2018
- (xiv) Proposed soft landscape layout (Drawing No. AZ027.06 Rev. A) received 14 September 2018
- (xv) Existing site sections (Drawing No. AL(0)16) received 14 September 2018
- (xvi) Location Plan (Drawing No. AL(0)01 Rev. A) received 14 September 2018

3. The development shall be carried out in strict accordance with the reasonable avoidance measures set out in Section 9.1.2 of the Ecological Report (Document Reference:2320826 received on 14/09/2018).
4. No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained in relation to the provision for roosting bats and nesting birds within the development and shall include the number, location, and specification of these features. The approved measures shall be implemented in full.  
**Condition discharged by 43/2019/0097/AC dated 14th March, 2019**
5. In the event that the mature ash tree to the south of the application site (T12) is removed as part of the development proposal, a bat survey should be undertaken prior to the felling of the tree. The survey should be submitted to the Local Planning Authority prior to the removal of the tree with mitigation details provided and the development shall proceed in accordance with such approved details.  
**Condition discharged by 43/2019/0097/AC dated 14th March, 2019**
6. Prior to the installation of any lighting, an external lighting/internal light spillage scheme, designed to avoid negative impacts on Bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with the approved details.
7. Works which could result in the damage or destruction of active bird nests must take place outside of the bird breeding season which runs March - August (inclusive), or immediately following a nesting bird check conducted by a suitably qualified ecologist.
8. No species listed on schedule 9 of the Wildlife and Countryside Act (1981), as amended, or species listed on the Invasive Alien Species of Union concern (EU Regulation 1143/2014 on invasive alien species) shall be included in the planting scheme.
9. **PRE COMMENCEMENT**  
Prior to the application of any external materials, full details and samples of the all external wall materials to be used in the construction of the apartments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
10. Prior to the development hereby permitted being brought into use a full hard and soft landscaping scheme including final details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with such approved details and completed prior to the occupation of any of the units hereby approved.
11. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the completion 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.
12. **PRE COMMENCEMENT**  
No development shall be permitted to commence until revised Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The revised AMS should fully consider the car parking, access drive, underground services and drainage system. The development shall proceed in strict accordance with such approved details.

13. Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at or beyond manhole reference SJ06824.
14. Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 5 litres per second.
15. **PRE COMMENCEMENT**  
Prior to the commencement of the development, the detailed layout, design, street lighting, signing, drainage and construction of the internal estate road, access to the site, realignment of existing foot/cycle route within the site and associated highway works shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with such approved details.
16. **PRE COMMENCEMENT**  
No works in connection with the development hereby approved shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:
  - a) the arrangements for the parking of vehicles of site operatives and visitors;
  - b) the location of any construction compound and measures to reinstate the land following completion of the works
  - c) the hours of site works and deliveries
  - d) the proposed routing of delivery vehicles, and directional signing along public roads where necessary
  - e) the location of areas designated for the loading, unloading, and storage of plant and materials;
  - f) the proposals for security fencing or hoardings around the site
  - g) pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses
  - h) wheel washing facilities;
  - i) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - j) any proposed external lighting
  - k) the piling methods, in the event that this form of foundation construction is proposed.

The construction phase works shall be carried out strictly in accordance with the approved elements of the Statement.
17. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 0.6 metres above the level of the adjoining carriageway.
18. Prior to the development being brought in to use, full details of the facilities for the parking and turning of vehicles within the site shall be submitted to and approved in writing by the Local Planning Authority. The car parking and turning areas shall be laid out and completed in accordance with the approved plan prior to the occupation of any of the apartments and shall therefore be retained for parking and turning purposes at all times.
19. **PRE COMMENCEMENT**  
No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for securing compliance with the Council's Policies and Supplementary Planning Guidance in relation to Open Space. The development shall proceed strictly in accordance with the approved arrangements.
20. The development shall be carried out in strict accordance with the remediation measures set out in the Remediation Strategy Report (Document Reference: R2485-R02-V1) received 14/09/2018).

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of nature conservation.
4. In the interests of nature conservation.
5. In the interests of nature conservation.
6. In the interests of nature conservation.
7. In the interests of nature conservation.
8. In the interests of nature conservation.
9. In the interests of visual amenity and character of the area.
10. In the interests of landscape, visual and residential amenity.
11. In the interest of landscape and visual amenity.
12. In the interest of landscape and visual amenity.
13. To prevent the hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution or detriment to the environment.
14. To prevent the hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution or detriment to the environment.
15. 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.
16. To ensure suitable arrangements are in place to control construction stage works, in the interests of residential amenity and highway safety, and to minimise the impact of this phase of the development.
17. To ensure that adequate visibility is provided at the proposed point of access to the highway.
18. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
19. To ensure compliance with the Councils open space policy.
20. To prevent pollution of the environment.