

43/2022/0051



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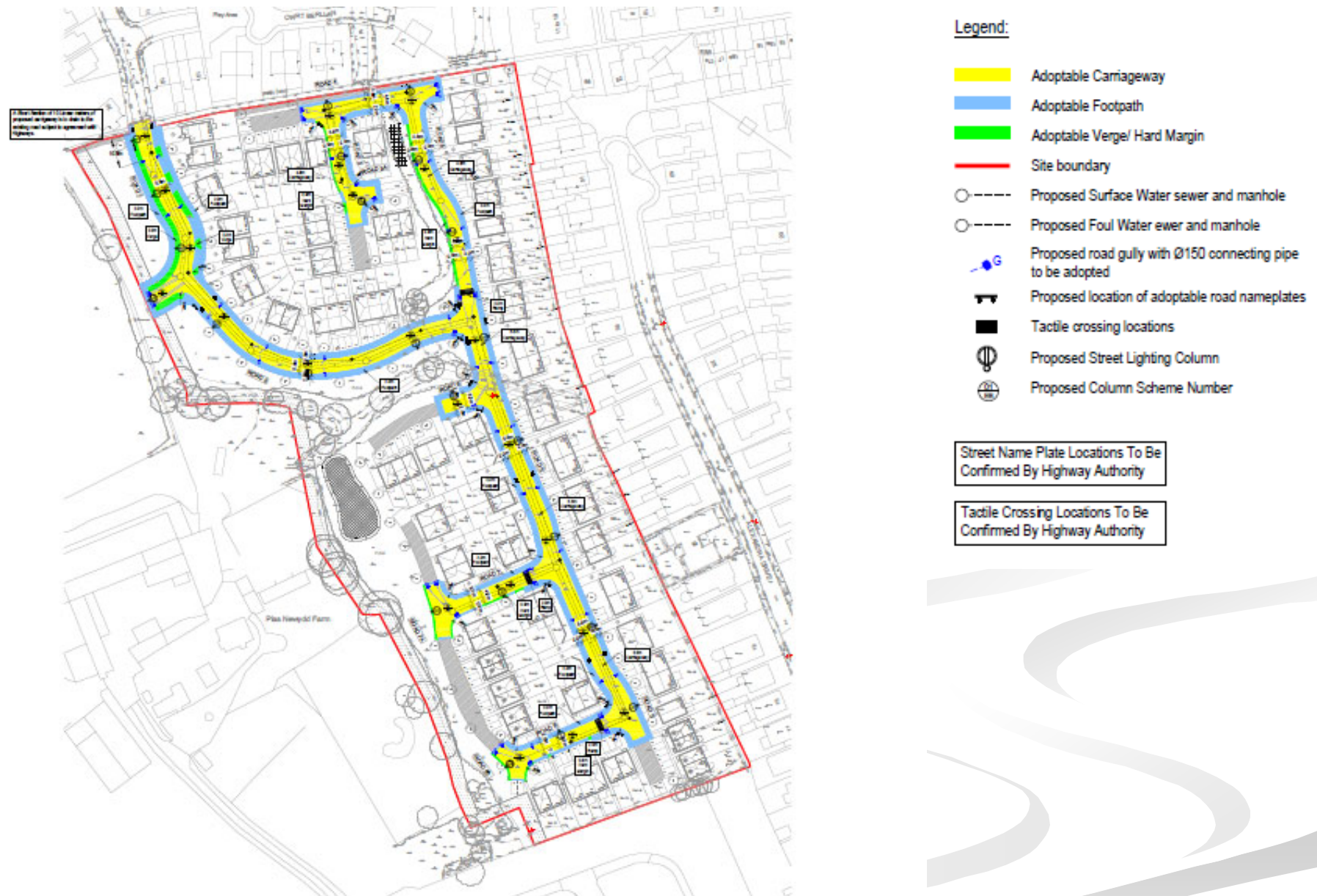
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Aerial photo of site



Approved site
layout plan



Proposed internal road agreement plan



Key:



Site Compound



Wheel Wash Facility



Site Material Storage

Proposed Construction Method Statement Plan



Proposed construction vehicular access off Ffordd
Cae Felin

WARD : Prestatyn South West

WARD MEMBER(S): Cllr Carol Holliday
Cllr Diane King
Cllr Gareth Sandilands

APPLICATION NO: 43/2022/0051/ AC

PROPOSAL: Details of Construction Method Statement & Highway Works submitted in accordance with condition 4 and 5 of Planning Permission 43/2020/0521/PF

LOCATION: Land Adjacent to Alexandra Drive, Prestatyn

APPLICANT: Mr Matt Christie, Castle Green

CONSTRAINTS: PROW

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

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

The following observations were strongly made:

1. Prestatyn Town Council strongly object to this entire development
2. Highways presented no objections - challenge highways findings – strongly object - concerns of speed and increased traffic into a quiet area
3. Police to check out concerns with highways
4. 3 and a half years to build a realistic time scale?
5. Request speed survey
6. Query if access is wide enough
7. Sustainable drainage strategy - SUDS needed
8. Flooding concerns in an area already prone to flooding
9. Query regarding protecting Hedgehogs' habitats
10. No communication or consultation
11. Public Meeting needed to consult with local residents, and members
12. No site visit - Members request a site visit
13. Query on name on Mission Statement

Re-consultation comments:

Members discussed the development and reiterated previous comments and concerns

Noted that no residents meeting until after elections

No further information regarding mixed tenure

Recommended that access is amended

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety

- Highways Officer

The Applicant has now complied with condition 4 and 5 of Planning Permission 43/2020/0521/PF.

Public Protection Officer

Public Protection Officer requested amendments to the Construction Method Statement to include provision to deal with potential need for piling should unexpected ground conditions be encountered; to amend hours of works to limit Saturday working to 8am - 1pm only; and to restrict the idling of engines.

Following submission of a revised Construction Method Statement, the Public Protection Officer confirmed **no objection** to the proposal.

RESPONSE TO PUBLICITY:

Allison Reid, 29 Alexandra Drive, Prestatyn

Summary of planning based representations:

Neither in support or objection to the proposals, but comments made on the housing type and preference for bungalows to be built (not relevant to the details subject to the application).

EXPIRY DATE OF APPLICATION: 23/03/2022

EXTENSION OF TIME AGREED: 20/04/2022

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is an approval of condition application which has been submitted to satisfy conditions 4 and 5 attached to planning permission 43/2020/0521, following the grant of planning permission for a development comprising the erection of 102 affordable dwellings on land adjacent to Alexandra Drive, Prestatyn.
- 1.1.2 Members will remember the Planning Committee resolved to grant planning permission for the affordable housing development at the June 2021 Committee meeting. Planning permission was issued granting planning permission in January 2022, following the completion of a Section 106 to secure 100% affordable housing within the development.
- 1.1.3 The details submitted for this application comprise the following details:
 - Construction Method Statement (including construction traffic routes and measures to management and mitigate impacts on the local area and the environment);
 - Communications Strategy setting out how the developer will engage with the local community during the construction phase; and
 - Highway details relating to the construction of internal estate roads and access into the site and associated street works.
- 1.1.4 The Construction Method Statement sets out the project timescales. It states the construction works would commence in spring 2022, and the construction phase would last 3.5 years.
- 1.1.5 The primary access to the site is off Ffordd Cae Felin and this access is proposed to be used for deliveries of plant and materials.
- 1.1.6 The site compound would be established within the first two weeks of commencement of development, and the Construction Management drawing shows the main site offices, skip locations, storage areas and on site vehicle parking would be located in the north of the site, close to the vehicular access.

1.1.7 The site will be built out in phases, and the first occupation of the dwellings is proposed to be within 9 months of commencement of works.

1.1.8 The Communications Strategy sets out the following commitments:

- Notification of project timescale: – the developer's commits to notify neighbouring properties, the Town Council and Ward Councillors and the local planning authority in writing of construction works at least 14 days in advance of specific key stages of the project construction;
- Point of contact: – the developer commits to providing clear points of contact for members of the public, including the Site Manager, Contracts Manager and Customer Care Team, and contact details will be clearly stated in the notification letters.
- Timescales for enquiries and complaints: – the developer commits to responding to phone calls within 24 hours; emails within 2 working days; and letters within 5 working days.

1.1 Description of site and surroundings

1.1.9 The site is made up of agricultural fields situated on the edge of the Prestatyn development boundary with a residential housing estate to the north and east of the site, with Plas Newydd Farmhouse and bungalow to the west, and the a static caravan park to the south.

1.1.10 A public right of way runs along the northern boundary which separates the site from rear gardens of dwellings along Ffordd Cae Felin and Cwrt Berllan, which are part of the larger housing estate to the north.

1.2 Relevant planning constraints/considerations

1.2.1 Outside development boundaries with a public right of way running along the northern boundary.

1.3 Relevant planning history

1.3.1 Planning committee resolved to grant planning permission for an affordable housing development at the June 2021 planning committee, and permission was granted in January 2022 following completion of S.106 agreement to secure 100% affordable housing.

1.3.2 Approval of condition applications have been submitted with details of open space management arrangement and boundary treatments approved in March 2022.

1.4 Developments/changes since the original submission

1.4.1 The Construction Method Statement has been amended to include the following additions / amendments:

- New provision committing the developer to engage with the local community during the construction phase.
- New provision confirming piling operations are not currently proposed, but should unexpected ground conditions be encountered which result in piling works being required, no piling works will commence until details have first been agreed with the local planning authority.
- Amendment to hours of working to restrict them to 8am – 6pm Monday – Friday and 8am – 1pm Saturday, with no working on Sundays or Public Holidays.
- New provision to prevent idling of engines in residential areas whilst site operatives are waiting for the site to open.

1.4.2 A Communications Strategy has also been submitted which sets out the developer's proposals for engaging the local community in more detail, including notification of project timescales, points of contact and timescales for responding to enquiries and

complaints.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 43/2020/0521 - Erection of 102 affordable dwellings, associated roads, open space, landscaping and infrastructure (re-submission of planning application 44/2019/0629). Granted on 19/01/2022. Conditions 4 and 5 are as follows:

4. PRE-COMMENCEMENT CONDITION *No site clearance or construction works 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) the measures to minimise noise and disturbance to neighbouring properties; i) wheel washing facilities; j) a scheme for recycling/disposing of waste resulting from demolition and construction works; k) any proposed external lighting; l) the piling methods, in the event that this form of foundation construction is proposed. The development shall be carried out strictly in accordance with the approved elements of the Construction Method Statement throughout the construction period.*

5. PRE-COMMENCEMENT CONDITION *Prior to the commencement of the development, the detailed layout, design, means of traffic calming within the development, street lighting, signing, drainage / construction of the internal estate road/ access to the site, footway links and associated highway works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with such approved details.*

2.2 43/2022/0076 Details of Open Space Management Company submitted in accordance with condition 9 of Planning Permission 43/2020/0521/PF (approval of condition application). Granted 09/03/2022

2.3 43/2022/0077. Details of Boundary Treatments & Access for Hedgehogs submitted in accordance with condition 12 and 14 of Planning Permission 43/2020/0521/PF (approval of condition application). Granted 09/03/2022

2.4 43/2022/0075 Details of Foul Drainage submitted in accordance with condition 7 of Planning Permission 43/2020/0521/PF (approval of condition application) Granted 22/03/2022

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD5 – The Welsh language and the social and cultural fabric of communities

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC2 – Brownfield development priority

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC11 – Recreation and open space

Policy BSC12 – Community facilities

Policy VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources
Policy VOE6 – Water management
Policy ASA1 – New transport infrastructure
Policy ASA3 – Parking standards

Supplementary Planning Guidance

N/A

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual May 2017

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 18 Transport (2007)

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.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Residential amenity

- 4.1.3 Highways (including access and parking)
- 4.1.4 Pollution prevention and control

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site benefits from planning permission for a residential development comprising 102 affordable dwellings.

The principle of a residential development in this location has therefore been established through the grant of planning permission, and the assessment of the application should be focused on the specific conditional details submitted for approval.

Officers consider the material considerations which relate to the discharge of condition 4 include residential amenity, highways and pollution, prevention and control. Condition 5 relates to the discharge of highway details only.

The material considerations are considered in the sections below.

4.2.2 Residential amenity

The residential amenity impacts of development are regarded as a potential material consideration.

Following the submission of a revised Construction Method Statement (CMS), Public Protection Officers have no objection to the details submitted.

The Town Council have raised concerns with the length of the construction phase and communications with local community.

Measures are proposed in the CMS to minimise impacts on neighbouring residential areas, including restricting hours of operations to 8am – 6pm Monday to Fridays, and 8am – 1pm Saturday mornings, measures to manage noise and vibration, focusing lighting on the construction compound only, avoiding peak times for deliveries, preventing idling of vehicles on public roads, limiting the use of radios to prevent noise spill, and general good working practices within the site.

The applicant has also committed to engaging with the local community throughout the construction phase and has submitted a communications strategy outlining the proposals for engaging the local community, including notification of project timescales, points of contact and timescales for responding to enquiries and complaints.

Whilst there will inevitably be some disturbance experienced by local residents as a result of construction activities for a major housing development, Officers consider the measures put forward in the CMS are sufficient to manage and mitigate the impacts to an acceptable level.

Officers conclude the details submitted are sufficient to meet the requirements of conditions 4 with respect to residential amenity.

4.2.3 Highways (including access and parking)

The highway impacts of development are regarded as a potential material consideration.

SPG sets out the maximum parking standards for new developments.

Highways Officers have raised no objection to the proposal and have confirmed the details submitted confirms with the conditions 4 and 5 with respect to highway matters.

The Town Council has raised concerns on highway grounds.

The vehicular access into the site and the new internal estate roads will be sized and constructed in accordance with highway standards, and the main internal estate road will be adoptable carriageway and footway meaning it meets the standards of being adopted by the Highway Authority has a public highway and pavements meet adoptable highway standards.

The CMS deals with construction management, including construction traffic routes.

Construction traffic will enter the site off Ffordd Cae Felin. The access will be used by site operatives and for the delivery of plant and machinery. A construction compound will be established for the parking and vehicles and for storage of plant and equipment.

Measures are proposed in the CMS to minimise impacts on the public highway, including managing the timing of deliveries to avoid peak times and to phasing deliveries, wheel washing facilities and road sweeping, use of hoarding and signage to protect pedestrians and good site working practices.

Having regard to the details submitted and the provisions in the CMS to minimise disruption to the public highway and to pedestrians, and the advice of the Highway Officer, Officers conclude the details submitted are sufficient to meet the requirements of conditions 4 and 5 with respect to highways matters.

4.2.4 Pollution prevention and control

The potential for the pollution of land, air or water and associated impacts of development are regarded as a potential material consideration.

The Town Council have raised concerns, including management of surface water and flooding.

Measures are proposed in the CMS to prevent and minimise potential for pollution of land, air and water as a result of construction activities. This includes measures for the monitoring and control of dust, smoke and other airborne pollutants, measures to prevent spill, measures to prevent contaminated surface water runoff, washdown water or other foul or contaminated drainage from discharging to ground or watercourse, secure storage of hazardous substances etc. and general good working practices throughout the construction phase.

Officers would note that construction operations will need to adhere to a raft of other environmental and health and safety rules and regulations in addition to planning controls.

Having regard to the details submitted and the provisions in the CMS to manage, minimise and prevent the potential for pollution of air, land and water and the need to adhere to other statutory requirements, Officers conclude the details submitted are sufficient to meet the requirements of conditions 4 with respect to pollution prevention and control.

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 Members are reminded that the principle of a residential development in this location has been established through the grant of planning permission, and the assessment of the application before Committee should be focused on the details submitted for approval against the provisions of condition 4 and 5 imposed on the planning permission.

5.2 Having regard to the details submitted and the views of statutory consultees, Officers consider the details submitted are sufficient to satisfy the requirements of condition 4 and 5 imposed on planning permission 43/2020/0521 and recommend the application should be approved. Members are reminded that approving the conditional details as proposed affords control on the lawful progress of already approved development on this site. Without evidenced highway or other environmental reasons to refuse these conditional details there are risks that the Council could be seen to be frustrating the progress of lawful development. Such unreasonable behaviour could result in costs being awarded against the Council in any subsequent appeal or legal challenge.

RECOMMENDATION: APPROVE

There are no conditions.