

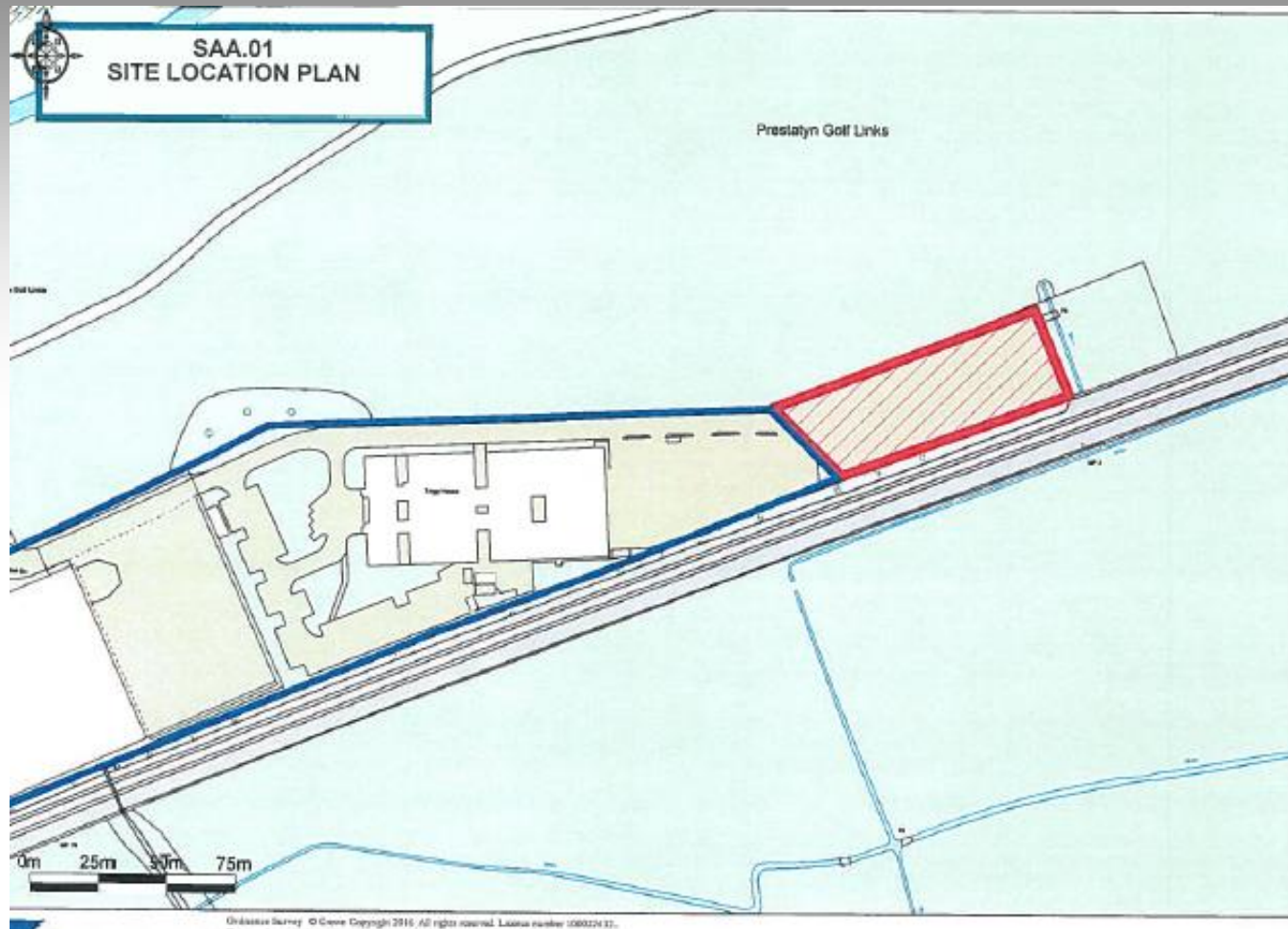
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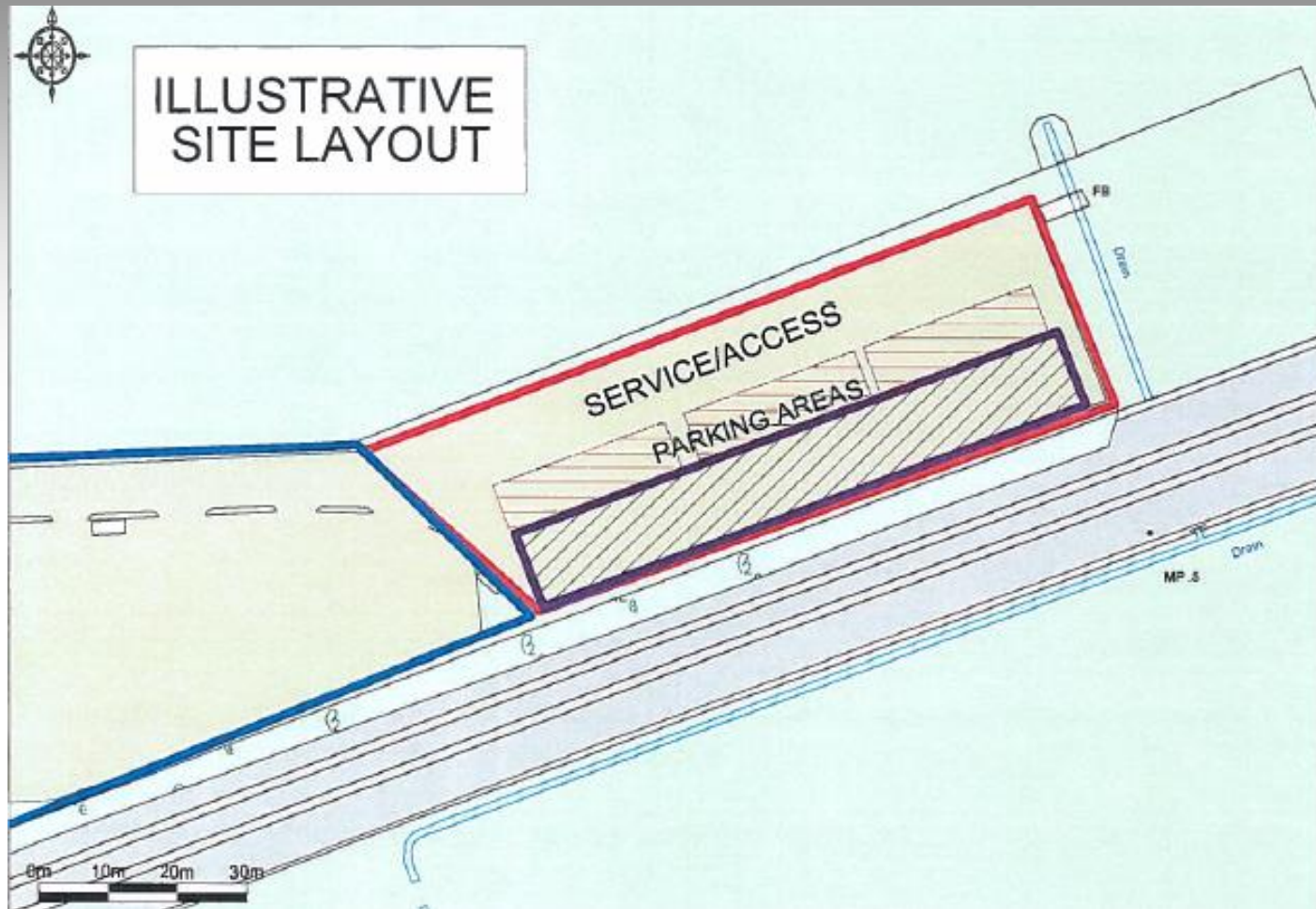
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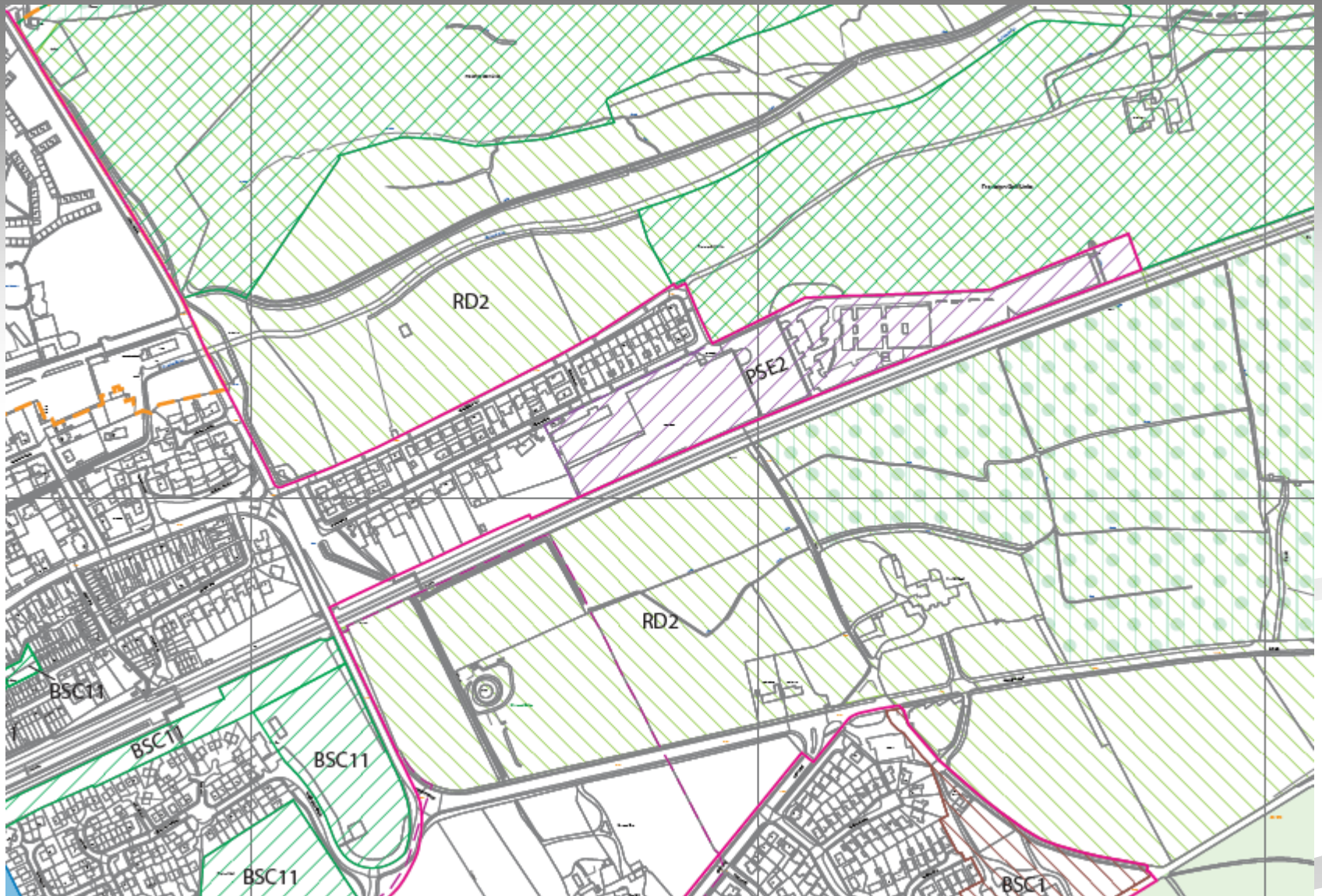
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Location Plan



Illustrative Site Plan



Extract from LDP Proposals Map - Prestatyn



Access off Warren Drive



Trigg House Offices and Access road to the site



Application site – where the caravans are located



Access roads – Marine Road East and Warren Drive

WARD : Prestatyn East

WARD MEMBER(S): Councillors Andrea Tomlin (C) and Elen Heaton

APPLICATION NO: 43/2016/0717/ PO

PROPOSAL: Development of 0.3 hectares of land by the erection of industrial / commercial units and associated servicing areas (outline application with all matters reserved)

LOCATION: Land at Trigg House Warren Drive Prestatyn LL19 7HU

APPLICANT: James Industrial Ltd.

CONSTRAINTS: Article 4 Direction
C1 Flood Zone
Article 4 Direction

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - Yes
Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

Original response (2016)

"No objection"

Re-consultation response (2021)

"Observations – one objection has been noted on the DCC portal. Are these units mobile?"

NATURAL RESOURCES WALES

No objection

DWR CYMRU / WELSH WATER

No objection subject to the inclusion of conditions

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

No objection, please advise applicant of the Parking Standards SPG

Flood Risk Engineer

No comments

Strategic Housing & Policy Officer

No objection, the site is allocated employment land within the LDP

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr & Mrs C L Franklin, 27 Warren Drive, Prestatyn

Mr and Mrs Hamblett-Roberts, 16 Marine Road East, Prestatyn

Mr D Wilcock and Mrs G Whitehouse, 26 Warren Drive, Prestatyn
Gerald Turner, 32 Marine Road East, Prestatyn

P. & J. Mason Loftus, 22, Marine Road East, Prestatyn

Clare Young, 17 Marine Road East, Prestatyn

Summary of planning based representations in objection:

Drainage and flood risk concerns

The site is located within a flood risk area; existing drainage outlets not being able to cope with new development; With minimal rainfall, roadways already hold large pockets of water and there appears to be worsening evidence of subsidence over the main sewer running under Warren Drive; To subject both routes to an increased volume of heavy construction traffic and subsequent increased daily commercial traffic from occupancy of industrial / start-up units will worsen the existing flooding and subsidence being experienced.

Highway Concerns

The plans do not propose any improvements at the junction of Warren Drive and Marine Road East or the exit into the main Coast Road and there is already a large amount of traffic at all times of the day; The access junction onto Marine Road East is already wholly inadequate and at times, dangerous. During the holiday season, congestion and tailbacks of significance occur from the local Holiday Camp traffic, visiting traffic to Prestatyn Golf Club and staff commuting to and from Trigg House. Further development, as proposed, would compound an already significantly problematic issue of road danger, collisions and potential fatality; There will be an inevitable and considerable increase in traffic affecting essentially residential service roads; The delivery/exit of caravans to the Trigg House site by a low loader vehicle is anti-social use of the site and a definite contributing factor to the rapidly deteriorating condition of the road surfaces; A traffic survey/impact study should be conducted to be considered when determining this proposal, there already exists a very strong case for speed restriction within this location; The existing road infrastructures are in a poor state of repair.

Other matters

To subject both routes to an increased volume of heavy construction traffic and subsequent increased daily commercial traffic from occupancy of industrial / start-up units will worsen the existing flooding and subsidence being experienced.

General comments

The site is located approximately 8 miles from the A55, questions what small start-up business would consider locating here; there are vehicle weight restrictions which could affect commercial logistics and restrict access to the site; working patterns and business have changed since the Covid-19 pandemic, many businesses are closing down, questions demand for such uses.

EXPIRY DATE OF APPLICATION: 07/09/2022

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Outline planning permission is sought for the development of 0.3 hectares of land by the erection of industrial / commercial units and associated servicing areas. The application is in basic outline form with all matters reserved for further approval.
- 1.1.2 An illustrative site plan has been submitted to indicate how the site could be developed. The plan shows a single building along the southern boundary of the site backing on to the railway line with parking and servicing area to the front.

- 1.1.3 Building parameter information has been submitted with the application, indicating minimum and maximum dimensions for the width, length and height of the building which is: -
Width - Minimum 10m and a Maximum 12m
Length - Minimum 80m and a Maximum 96m
Height – Minimum 6m and a Maximum 11m

- 1.1.4 A Flood Consequences Assessment (FCA) along with Coastal Breach Assessment (CBA) has been submitted in support of the application.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 None

1.3 Description of site and surroundings

- 1.3.1 The site comprises of 0.3ha of hardstanding, formerly used as overflow car parking space in connection with the offices at Trigg House. Recently, the site owner has begun storing static caravans on the site.
- 1.3.2 The site is relatively level and is located at the far end of the rear car park that serves Trigg House. The site is bound by fencing and trees/shrubs with the railway line to the south and Prestatyn Golf Course to the north and east. Trigg House and its car park is located to the west.
- 1.3.3 The main access to the site would be from an existing vehicular access off Warren Drive which is located on the corner adjacent to the old warehouse buildings. There is an existing access road leading alongside Trigg House which leads to the application site.

1.4 Relevant planning constraints/considerations

- 1.4.1 The application site is located within the development boundary of Prestatyn and is allocated by Policy PSE 2 in the LDP as land for employment uses.
- 1.4.2 The site is located within Zone C1 as defined by the Development Advice Maps (DAM) contained within TAN 15: Development & Flood Risk.

1.5 Relevant planning history

- 1.5.1 None

1.6 Developments/changes since the original submission

- 1.6.1 The application was submitted in 2016 but until recently had not been pursued by the applicant, however no changes have been made to the application.

1.7 Other relevant background information

- 1.7.1 None

2. DETAILS OF PLANNING HISTORY:

- 2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy PSE2 – Land for employment uses

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

TAN 11 Noise (1997)

TAN 12 Design (2016)

TAN 15 Development and Flood Risk (2004)

TAN 23 Economic Development (2014)

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 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

Policy PSE 2 of the Local Development Plan supports development of existing employment sites on the proposals maps, by way of uses within Class B1 (Business Use), B2 (General Industrial and Waste Management facilities) and B8 (Warehousing and Distribution).

The policy referred to above is in general conformity with the approach to development in Planning Policy Wales (PPW 11) and TAN 23 (Economic Development) supporting sustainable economic development. PPW also contains a preference for the re-use of land which meets with the definition of 'previously developed land', in preference to development of greenfield sites.

The application site is brownfield land (previously developed land) located within the development boundary of Prestatyn and is allocated within the LDP for employment use.

The application proposes development of employment units on land allocated for employment uses, therefore there are no objections to the principle. Officers would suggest the acceptability of the particular proposal therefore has to rest on assessment of the local impacts, which are reviewed within the following sections of the report.

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 (iv) 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 Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration. There are no objections to the proposal based on potential visual impacts arising from the development.

There are no objections to the proposal based on potential visual impacts arising from the development.

The application has been submitted in outline form only with all matters reserved for further approval. An indicative layout of the site included with the application shows

how the site could be developed along with minimum to maximum building size parameters (included at the front of this report). From the details provided, Officers consider that the site could be developed to a satisfactory standard with sufficient space available to accommodate the employment units, parking and servicing requirements.

Should outline planning permission be granted, details of the layout, appearance, landscaping, scale and access would be dealt with through a Reserved Matters application.

In conclusion, Officers do not consider the proposal would give rise to unacceptable impacts on visual amenity subject to appropriate detailing to be considered at reserved matters stage.

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..

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

There are no objections to the proposal based on potential residential amenity impacts arising from the development.

The application has been submitted in outline form only with all matters reserved for further approval. An indicative layout of the site included with the application shows how the site could be developed along with minimum to maximum building size parameters (included at the front of this report). From the details provided, Officers consider that the site could be developed to a satisfactory standard with sufficient space available to accommodate the employment units, parking and servicing requirements.

Should outline planning permission be granted, at reserved matters stage details of the layout, appearance, landscaping and scale of the site and building would be required along with access details.

There are no immediate neighbours in close proximity to the site itself. There are residential properties on the access roads leading to/from the site on Marine Road East and Warren Drive.

In conclusion, Officers do not consider the proposal would give rise to unacceptable impacts on residential amenity having regard to the character of the area.

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 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 (PPW 11) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Representations have been received from local residents with concerns about flood risk and the adequacy of drains in the area with concerns that new development will make it worse.

The site lies within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note (TAN) 15: Development & Flood Risk (2004). The application is supported by a Flood Consequences Assessment and Coastal Breach Assessment.

Foul water is shown to connect to the existing public system. No details have been provided with the application relating to surface water drainage.

Dwr Cymru/ Welsh Water (DCWW) have not raised any objections to the proposal to connect the foul water to the existing public sewer system subject to the inclusion of conditions, which includes the need for a detailed drainage strategy for the site.

Approval will be required from the SUDs Approval Body (SAB) which is a completely separate process to planning and is covered by drainage legislation. SAB will control, and will only be approved if the drainage details are acceptable and kept below greenfield run off rates. The development could not proceed without SAB first being in place. It is stressed that these regulatory controls are parallel to and outside of the planning process.

Given the comments of the technical consultees, it is considered reasonable to assume that an acceptable drainage scheme can be achieved on the site and delivered through the SuDS Approval Body process. The proposals are therefore considered acceptable in relation to drainage.

In relation to flood risk, Natural Resources Wales (NRW) have been consulted and have raised no objection to the proposal. There are queries relating to the FCA, however NRW recognise that the proposed development is to be constructed on an existing car park area. Figure 2 of TAN15 considers that "general industrial", "employment" and "commercial" development should be treated as "less vulnerable" development. Figure 2 of TAN15 also considers that "car parks" should also be treated as "less vulnerable" development. There is a case therefore, that the proposed development could be classed as "like for like" development in terms of development vulnerability and although the FCA has failed to demonstrate that the

site and proposed development would remain flood free during critical flood events, they we do not raise concerns with the proposed development.

Officers however consider it appropriate to impose a condition requiring the submission of a Flood Risk Management Plan containing arrangements for the management of a flooding event including advance warning measures, on site features to assist / facilitate evacuation, and detailed arrangements for the evacuation and safe movement of occupiers/users, having regard to the potential depth and velocity of water in an extreme flooding event.

In conclusion, the proposal is considered acceptable in relation to drainage and flood risk terms subject to the inclusion of conditions.

4.2.5 Highways (including access and parking)

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. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments

These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

There are local representations concerning the highway impacts of the proposal as the local roads are already busy and inadequate and would cause further highway safety issues in the area.

The Highway Officer's has raised no objection to this outline planning permission subject to the applicant being aware of the need to comply with the Councils parking standards (as set out in SPG guidance) in developing up the detailed plans for the site required by the reserved matters application. Highways Officers have had regard to the scale of the proposal, the employment designation of the site and historic uses of the site and are satisfied that the proposal would not lead to any significant highway concerns.

Highways Officers see no reason to object to the proposed development, subject to appropriate details and control at detailed reserved matters stage.

Other matters

Concerns have been raised in relation to the construction works and local impacts arising from it. The submission of a Construction Method Statement is suggested in the event that planning permission is granted to ensure satisfactory construction management details.

Other general comments question the need for employment units in this area and specific location. The site owner is seeking outline planning permission for

employment development on a site allocated for employment uses in the local development plan, there is no basis for the Local Planning Authority to question need in this case.

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 report sets out the main planning issues which appear relevant to the consideration of the application on an allocated employment site within the adopted LDP and concludes that the proposal is acceptable having regard to relevant policies and guidance.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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) Illustrative site layout received 7 September 2016
 - (ii) Site Location Plan (Dwg. No. SAA. 01) received 7 September 2016
 - (iii) Upper & Lower limits received 7 September 2016
 - (iv) Flood Consequences Assessment (Betts Associates dated August 2016) received 7 September 2016
 - (v) Coastal Breach Assessment (Waterco dated August 2016) received 7 September 2016
 - (vi) Email from agent dated 19 August 2021 confirming position with application
5. The illustrative site layout plan (Received 7 September 2016) has been treated solely for illustrative purposes only.
6. The employment units hereby permitted shall be Class B1, B2 or B8 uses only and no other uses.

Biodiversity

7. No development shall take place until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
8. The development shall not be occupied until the written agreement of the Local Planning Authority has been obtained to detailed proposals showing an external lighting/internal light spillage scheme, designed to avoid negative impacts on bats. The approved measures shall be implemented in full.

Drainage & Flood Management

9. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
10. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
11. No units shall be occupied until the written approval of the Local Planning Authority has been obtained to a fully detailed Flood Risk Management Plan containing arrangements for the management of a flooding event including advance warning measures, on site features to assist / facilitate evacuation, and detailed arrangements for the evacuation and safe movement of residents, having regard to the potential depth and velocity of water in an extreme flooding event. The approved Flood Risk Management Plan shall be made known to all residents and shall be implemented strictly as approved in a flood event. The Flood Risk Management Plan shall be made known to all users of the site and shall be implemented strictly in accordance with the approved Plan in the event of a flood.
12. The development hereby permitted shall not be allowed 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) measures to minimise noise and disturbance to neighbouring residential properties / properties in the vicinity of the site;
 - i) wheel washing facilities;
 - j) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - k) any proposed external lighting.
 - k) 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.

The reason(s) for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt and to ensure a satisfactory standard of development.
5. For the avoidance of doubt.
6. For the avoidance of doubt.
7. In order to maintain and enhance biodiversity.
8. In the interest of the biodiversity of the area.
9. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
10. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
11. In the interest of flood risk management.
12. In the interests of protecting public and residential amenity, pollution prevention and control, and of the safety and the free flow of traffic on the adjoining highway.