

FLOOR PLAN

NOTES
 DO NOT SCALE OFF DRAWING
 45 / 284 / C037 / P5

17 JAN 2011

UNION
 CONSULTANTS
 ARCHITECTS
 CIVIL ENGINEERS
 ELECTRICAL ENGINEERS
 MECHANICAL ENGINEERS
 PLUMBERS

Project Name: **Paul Federal Unit at Yeppa Pile Colony, Rm1**

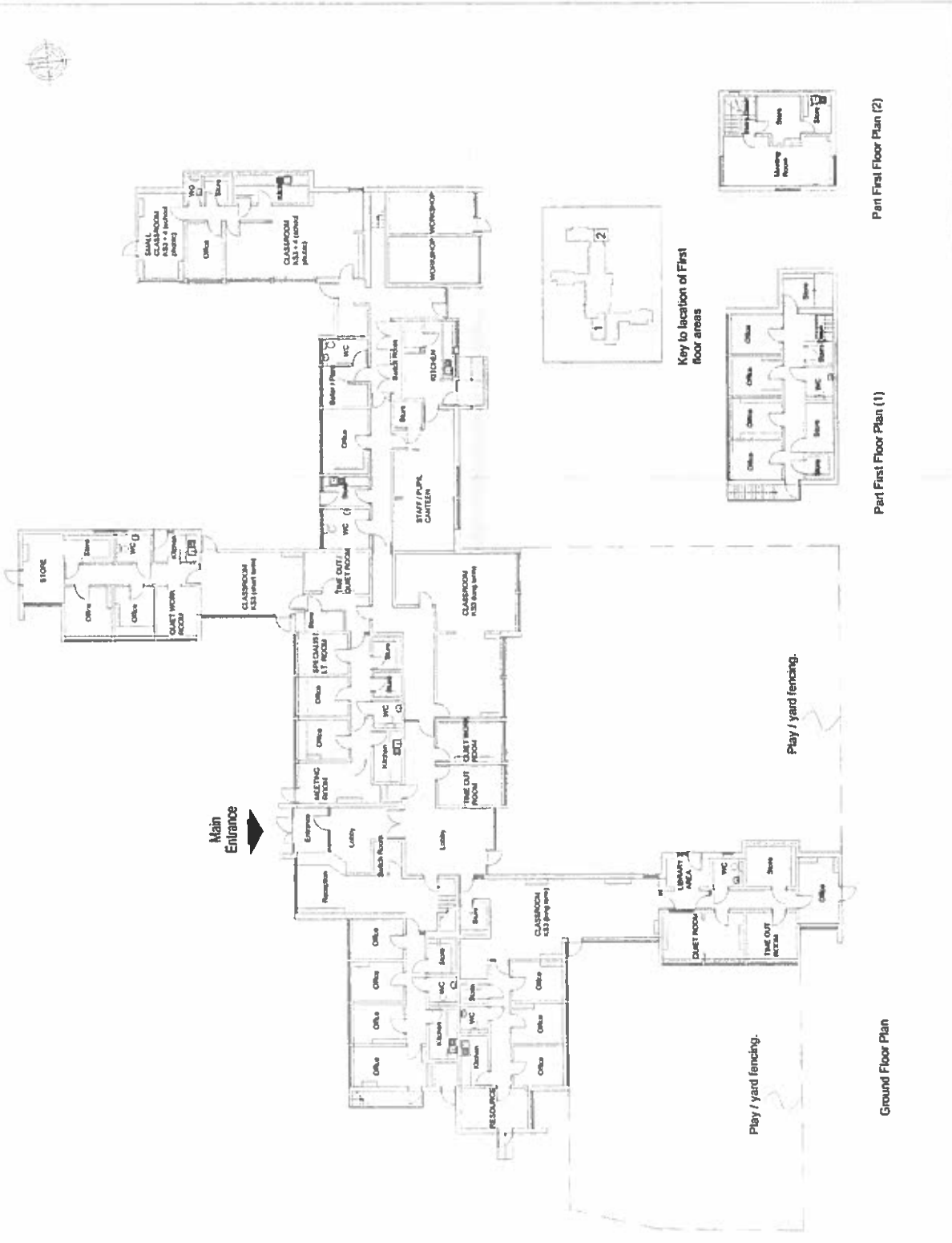
Project No: **PWB - 13 - 015**

Client: **GR**

Scale: **1:100 @ A1**

Discipline: **Floor Plans**

Revision: **AL(0)02**



Heading:

REFERENCE NO. 45/2014/0037/PS
YSGOL PLAS CEFNDY, SOUTH MEADOW,
CEFNDY ROAD, RHYL

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 Application Site

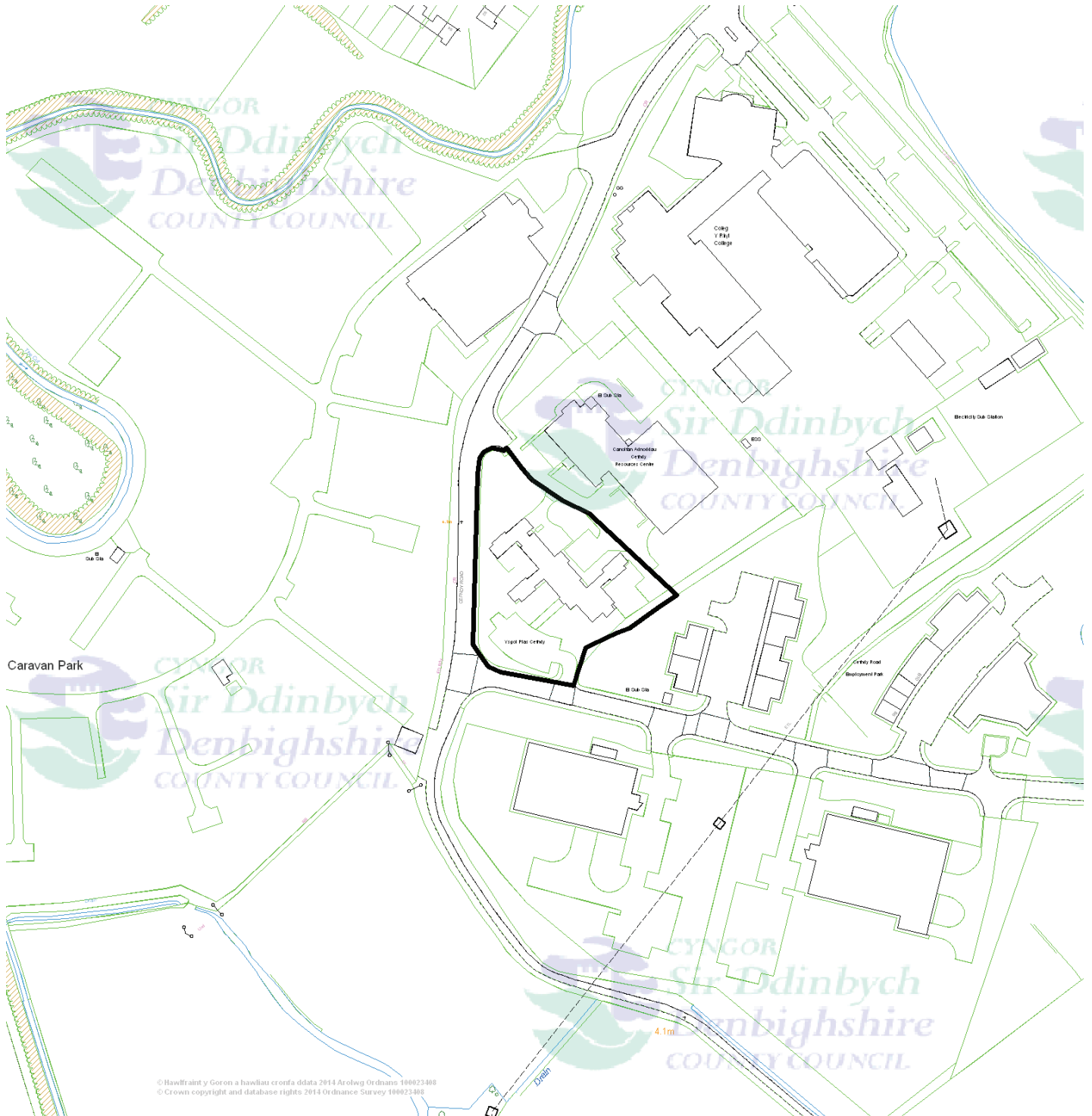


Date 14/7/2014

Scale 1/2500

Centre = 300989 E 380179 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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ITEM NO: 9

WARD NO: Rhyl South

WARD MEMBER(S): Cllr Chamberlain-Jones
Cllr Cheryl Williams

APPLICATION NO: 45/2014/0037/ PS

PROPOSAL: Variation of Condition No. 1 of original application/approval 45/2008/0601 to further extend permitted use for a further 5 years

LOCATION: Former Children's Resource Centre Ysgol Plas Cefndy, South Meadow Cefndy Road Rhyl

APPLICANT: Denbighshire County Council
Director Of Lifelong Learning

CONSTRAINTS:

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

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

- Referral by Head of Planning / Development Manager

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
"No objection".

NATURAL RESOURCES WALES

Given that the application seeks to temporarily extend the permitted use of the building for a further 5 years (as opposed to a permanent change of use) there are no objections to the proposal.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure
- Highways Officer
No objection.

Planning Policy Officer

Notes the proposals involve continued use on allocated employment site.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 15/07/2014

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes a variation of condition No. 1 on planning reference 45/2008/0601 to allow for the temporary period of the planning permission to use the building as an education facility to be extended for an additional 5 years.
- 1.1.2 The building is used as a Pupil Referral Unit for the Council's Education Department. It also houses the Council's Behaviour Support Service Officers.
- 1.1.3 The original planning permission reference 45/2008/0601 was granted in September 2008 for a temporary period of 3 years. A subsequent application was submitted in 2011 to allow for an additional period of 3 years use which expires in August 2014.

1.2 Description of site and surroundings

- 1.2.1 Located off Cefndy Road in Rhyl, the site is approximately 1 mile to the south of Rhyl Town Centre.
- 1.2.2 To the north and east of the site are Council owned units housing some Council services and some independent businesses.
- 1.2.3 The mono-pitch roof building is sited on an angle fronting a parking area. It comprises of two floors of accommodation.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Rhyl in an allocated employment area. The area is also within a C1 flood risk area.

1.4 Relevant planning history

- 1.4.1 In 2008 planning permission was granted for the temporary change of use of existing offices to education facility, until August 2011.
- 1.4.2 A subsequent application was made in 2011 to allow a further 3-year period for use of the site, to August 2014.

1.5 Developments/changes since the original submission

- 1.5.1 Education Officers originally sought planning permission to change the use indefinitely, however owing to concerns raised by NRW over the long term use of the building in a flood risk area, the application was amended.

1.6 Other relevant background information

- 1.6.1 It is understood the building was originally built as a residential home for young people with learning difficulties in the early 1970's. It housed 24 people and had a range of staff, some who also stayed on site.
- 1.6.2 In the 1990's the use of the building was changed to office accommodation for the Council's Social Services Department.

2. DETAILS OF PLANNING HISTORY:

2.1 45/2008/0601 Temporary change of use of existing offices to education facility until August 2011 (retrospective application) Granted 03/09/2008

2.2 45/2011/0985 Variation of Condition No. 1 on planning permission Code No. 45/2008/0601 to read: "The use hereby permitted shall cease on or before 31 August 2014" to allow a further 3-year period for use of the site. Granted 07/10/2011

3. RELEVANT POLICIES AND 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 PSE2 – Land for employment uses
Policy PSE3 – Protection of employment land and buildings

3.1 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014
TAN 15 Development and Flood Risk

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 2014 (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' (Section 3.1.2). 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., and that these 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 (Sections 3.1.3 and 3.1.4).

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 Landscape
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary of Rhyl where the principle of many types of development may be acceptable, subject to consideration against relevant policies. Policy PSE 2 in the Local Development Plan relates to existing and allocated employment sites and supports Class B1 Business Use, Class B2 General Industrial and waste management facilities and Class B8 Warehousing and Distribution uses within these areas. Policy PSE 3 in the Local Development Plan seeks to protect existing employment land or buildings. The Policy supports proposals that would result in the loss of employment provided that: there are no other suitable sites available for the development; a continuous marketing process of 1 year, alongside all practical attempts possible to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes; and finally, the loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site.

The proposal involves the continuation of use of the building as a Class D1 education facility. The use has been established since it was granted planning permission albeit temporarily in 2008.

In relation to Policy PSE 2, on existing allocated employment sites, only uses in Classes B1, B2 and B8. However it is noted that this is an established use, in operation since the adoption of the LDP.

Policy PSE 3 offers support for proposals that would result in the loss of employment land or buildings provided 3 policy tests are complied with. These tests are addressed as follows:

Test 1. There are no other suitable sites available for this development.

The applicant has stated that they have considered alternative accommodation options in Rhyl but have been unable to find a suitable alternative. The use must be sited in this area to avoid excessive transportation costs. For various reasons, mainly the very specific nature of the use, the applicants indicate they have been unsuccessful in securing an alternative site.

Test 2. A continuous marketing process of 1 year, alongside all practical attempts possible to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes

The unit has not been marketed as it has been used by the Applicants since 2008.

Test 3. The loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site.

The Local Development Plan has only recently been adopted, with all employment allocations having been thoroughly reviewed during the Examination in Public. Therefore all employment designations are considered to be deliverable within the plan period and are based on an up to date and robust evidence base. Denbighshire's Employment Land Review has established that there is a provision of just 1.8ha of employment land available in Rhyl, although the Applicants claim that there are vacant units on the adjacent business park.

The proposal raises difficulties for Officers as the site is on allocated employment land. The application is for the continued use of the site as a community facility, and is for a temporary period only. The proposal will offer employment opportunities, on a similar level to the previous uses of the site. Therefore on balance it is considered that these factors may merit support for a further 5 years, purely on a temporary permission basis to recognise the conflict with planning policies.

4.2.2 Visual amenity

Policy RD 1 sets specific tests to be applied in assessing the visual impacts of development. Development should respect the site and surroundings in terms of siting, layout, scale, form, character, materials, aspect, micro climate and intensity of use of land/buildings and spaces around and between buildings.

The application proposes no changes to the site layout or the existing building. In terms of the layout, the proposal is considered acceptable in relation to Policy RD 1.

4.2.3 Residential amenity

Policy RD 1 sets specific tests to be applied to amenity impacts of development. Development should not unacceptably affect the amenity of local residents, other land and property users or characteristics of the locality by virtue of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution and provides satisfactory amenity standards itself.

The site is located away from existing residential properties, with employment units/uses located on all boundaries of the site. In light of the existing use of the site and the distance from residential properties, it is not considered that the use would have any adverse impact on residential amenity.

4.2.4 Drainage (including flooding)

Policy RD 1 requires assessment of the physical or natural environmental considerations relating to land stability, drainage and liability to flooding, water supply and water management. TAN 15 guides development in respect of vulnerability and the degrees of flood risk.

Information on flood consequences issues have been addressed in the application. This concludes that subject to existing mitigation measures and flood plan arrangements, the development should be acceptable for the temporary period of 5 years.

The site is located within a C1 flood zone, and the use is in the TAN 15 'highly vulnerable development' category. The application has been considered by Natural Resources Wales.

Considering that this is an existing use, the flood risks in this area are reasonably well understood by the Applicants, and the mitigation measures and availability of first floor refuse space are likely to afford some protection from flooding. Natural Resources Wales have raised no objection on the basis of the use being proposed for a period of 5 years only.

In Officers' opinion, on the basis of the above assessment and mitigation, there are no flooding grounds to justify a refusal of the temporary permission.

4.2.5 Highways (including access and parking)

Policy RD 1 requires consideration of access and highway safety issues.

The proposal is to utilise the existing access to the site, no changes are proposed to the site layout which can accommodate 22 cars.

There are no objections to the proposal on highway grounds.

5. SUMMARY AND CONCLUSIONS:

5.1 It is the opinion of Officers the temporary continuation of the use and its particularly sensitive nature may be justifiable grounds for a further short term extension of the permission albeit the potential policy conflicts. Therefore Officers are recommending Members approve the variation of the planning condition to allow for an extended period of use to 2019.

RECOMMENDATION: - Approve variation of condition on condition:

1. The use hereby permitted shall cease to operate no later than 31st July 2019.

Reason for the condition :

1. The use is contrary to adopted planning policy and is only acceptable on a temporary basis.

NOTES TO APPLICANT: None.