

Heading:

REFERENCE NO. 45/2014/0787/PF
FRONFRAITH, 1 BOUGHTON AVE
RHYL

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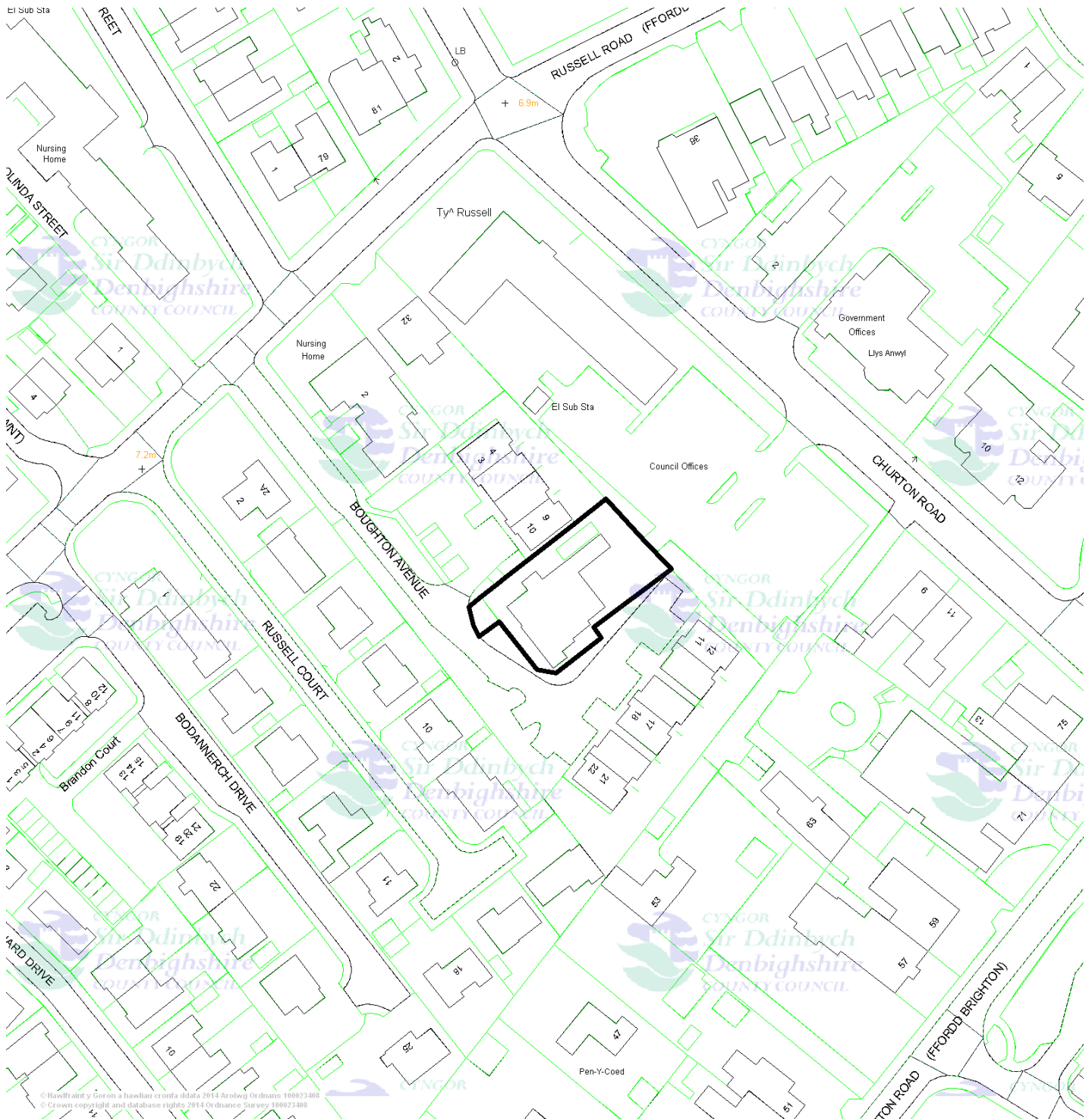
 Application Site



Date 27/8/2014
Centre = 301253 E 381731 N

Scale 1/1250

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: 8

WARD NO: Rhyl East

WARD MEMBER(S): Cllr Barry Mellor
Cllr David Simmons

APPLICATION NO: 45/2014/0787/ PF

PROPOSAL: Conversion, alterations and extensions of existing office to form a residential institution

LOCATION: Fronfraith 1 Boughton Avenue Rhyl

APPLICANT: Habitat Creations

CONSTRAINTS: Tree Preservation Order

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

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

- Recommendation to grant – 4 or more objections received

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
"No objection"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
Highways Officer

No objection. Recommend cycle storage is proposed and parking and access arrangements are secured by condition.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

D. Casement, 6, Russell Court, Rhyl
W. Jones, 11, Boughton Avenue, Rhyl
Mr & Mrs K F & B Cooper, 15 Boughton Avenue, Rhyl
Mr & Mrs H Clarke, 16 Boughton Avenue Rhyl
R & J Williams, 8 Russell Court, Rhyl

Summary of planning based representations in objection:

Highways impact - lack of parking provision/potential overspill into cul-de-sac at Russell Court/use by residents, staff and commercial vehicles
Residential amenity - increased activity leading to increased disturbance/concerns over vagueness of proposed use

EXPIRY DATE OF APPLICATION: 01/09/2014

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 proposal is for the change of use of a B1 Use Class office building to a C2 Use Class residential institution.
- 1.1.2 The C2 use class can include hospitals, nursing homes, residential schools, colleges and training centres. Plans indicate that 14 bed spaces would be provided. 6 parking spaces are proposed within the site, accessed off Broughton Avenue.
- 1.1.3 An extension is proposed to provide a lift shaft. Materials of the extension would match the existing building. An infill conservatory is proposed to the north east elevation.
- 1.1.4 Local residents have questioned what specific use is proposed for the building. The agent has confirmed that an unrestricted use within the C2 use class is sought and no specific use has been confirmed.

1.2 Description of site and surroundings

- 1.2.1 The existing property is located on a residential cul-de-sac. The site adjoins the car park of Denbighshire County Council offices at Russell House.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl.
- 1.3.2 There are a number of trees in the locality that are subject to Tree Preservation Orders.

1.4 Relevant planning history

- 1.4.1 The property was formerly in use as a residential care home.
- 1.4.2 Permission was granted for the change of use of the property from a C2 residential institution to B1 offices in 2001.

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 Change of use from C2 residential institution to B1 offices GRANTED 29/03/2001

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 ASA3 – Parking standards

- 3.1 Supplementary Planning Guidance
SPG 21 - Parking Standards

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

Technical Advice Notes
TAN 18 - Transport

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 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 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 1 states that development within development boundaries will be supported subject to compliance with detailed tests.

The site lies within the development boundary and is not subject to any specific land use designation.

Having regard to the above it is considered that the proposals are acceptable in principle. The specific impacts are addressed in the following sections.

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.

Having regard to the design and scale of the proposed external alterations it is considered that the proposals would have a minimal visual impact on the host building and to the wider locality. It is therefore considered that the proposals are acceptable in relation to visual amenity.

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 property is located on a residential cul -de-sac. The existing use is as an office building. There are existing offices immediately adjoining the site. Previously the

property has been in use as a residential care home until the changes of use to offices in 2001.

Having regard to the history, existing use and other uses within the locality, it is not considered that the proposal would have an unacceptable impact on the residential amenity of neighbouring properties.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development. SPG 21 states that 1 parking space should be provided per 3 bed spaces and 1 cycle storage space per 10 employees.

Concerns have been expressed in relation to parking issues. The Highways Officer has raised no objection. It is recommended that cycle storage be provided. 5 car parking spaces and 1 cycle storage space would be required to meet the standards set out in SPG 21. 6 car parking spaces are proposed. No cycle storage is currently proposed.

The concerns raised in relation to parking are duly noted, however having regard to the above it is considered that the proposals would not have an unacceptable impact on the local highways network subject to condition requiring provision of cycle storage. The proposals are therefore considered to comply with the requirements of the policies listed above.

Other Matters

Concerns are expressed by objectors over the vagueness of the proposed use. The applicants agents have been approached on this matter and have advised that the application seeks an unrestricted C2 use. The Council is considering the application on this basis. Respectfully the property has historically been a residential home (a C2 use) and could have operated up to the 2001 change of use as any use within Class C2 of the Use Classes Order.

5. SUMMARY AND CONCLUSIONS:

In Officers' opinion, the principle of the proposal is considered acceptable, and it is not considered there would be adverse local impacts subject to compliance with planning conditions.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. Prior to the commencement of the use hereby permitted, details of proposed cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The storage details approved shall be completed prior to the commencement of the use and retained at all times.
3. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of the provision of adequate cycle storage in accordance with adopted standards
3. In the interest of highway safety.