



45/2015/0359

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Streetscene Photos- Brighton Road

WARD : Rhyl East

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

APPLICATION NO: 45/2015/0359/ PF

PROPOSAL: Erection of 8 apartments, alterations to existing access arrangements and removal of 7 trees subject to a Tree Preservation Order

LOCATION: Land adjoining 53 Brighton Road Rhyl

APPLICANT: Mr Bryn Davies Grwp Cynefin

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 – Town Council objection

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

“Object on the grounds that in the opinion of Rhyl Town Council the application is contrary to policy RD1 (i) and (iii) in that the development as proposed does not respect the form, character and design of adjacent buildings and the local historic environment.”

WELSH WATER/ DWR CYMRU

No objection, subject to standard notes to applicant.

WALES AND WEST UTILITIES

No objections to the proposals.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Biodiversity Officer

No objection, subject to conditions.

Tree Officer

No objection to loss of trees owing to age and condition of the trees having regard to the mitigation offered in the updated landscaping plan.

Head of Highways and Infrastructure

Highways Officer

No objections.

Housing Officer

No objection. Current figures show a demand for one bedroom accommodation in Rhyl.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 15/06/2015

REASONS FOR DELAY IN DECISION (where applicable):

- Amended plans required
- timing of receipt of representations
- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the erection of an apartment block, alterations to the access arrangements and the removal of 7 no. TPO trees on land adjoining 53 Brighton Road in Rhyl.
- 1.1.2 The predominantly three storey apartment block would be sited centrally. The rear section of the building would be two storey. The design features include two protruding bays with a substantial amount of glazing to the Brighton Road elevation.
- 1.1.3 The apartment block would comprise of 8 flats, of which 6 would have two bedrooms and 2 would one bedroom. The internal floor space of the flats would range between 47 sq m to 62 sq m.
- 1.1.4 A new access to the site is proposed midway across the site frontage to Brighton Road. The proposed layout plans shows parking for 5 cars to the front of the apartment block. A secondary access is proposed off the lane to the rear of the site onto Churton Road, with parking for 3 cars. The existing stone pillars on the front of the site to the old access would be retained for pedestrian access.
- 1.1.5 To facilitate the development 7 trees are proposed to be removed, including the sycamores along the boundary with no. 51 Brighton Road, and two laburnums and a cherry tree within the site. Compensatory planting is proposed across the site which is shown on a detailed landscaping drawing included at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The site comprises of vacant land between no. 51 and no. 57 Brighton Road. It is a flat site bounded by a 2 metre brick wall to the Brighton Road frontage, a stone wall to the south side (no. no. 51 Brighton Road) and a panel fence to the north (to no. 57 Brighton Road).
- 1.2.2 Along the boundary with no. 51 Brighton Road at present there is a secondary access to Ty Gwyn, a single dwelling to the north-west (rear) of the site. The main access to Ty Gwyn is off Churton Road.
- 1.2.3 The site is located to the east of Rhyl town centre. On Brighton Road the majority of properties are now in use as self-contained flats/apartments, there are also nursing homes, some sheltered housing and Local Authority offices in the area.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl.
- 1.3.2 The trees on the site are covered by a blanket TPO dating back to the Rhyl Urban District Council in 1951. The TPO covers most of the trees along the street frontage of Brighton Road.

1.4 Relevant planning history

- 1.4.1 An application for planning permission to develop the site was made in 2010. The application proposed the erection of an apartment block comprising of 7 flats, alterations to the access and the removal of trees. This scheme was similar to this application, albeit with differences in detailing.
- 1.4.2 It was recommended that planning permission be granted subject to the compliance with a number of conditions and to the completion of a Section 106 Obligation

requiring 2 affordable housing units. It is understood that the original applicant decided not to pursue the scheme and so the Section 106 was not signed or a decision made on the planning permission.

1.5 Developments/changes since the original submission

- 1.5.1 The original scheme has been amended on the advice of Officers to address concerns of the Town Council.
- 1.5.2 Additional landscaping details were also sought to ensure a satisfactory form of development to compensate for the loss of TPO trees on the site.

1.6 Other relevant background information

- 1.6.1 The application is made by Grwp Cynefin Housing Association. The development is being partially funded through the Welsh Government '*Smaller Properties Programme*', which is designed to build smaller affordable housing, to meet the need for accommodation for smaller household sizes across Wales. The Councils Housing Strategy Team have recommended this development for this stream of funding.

2. DETAILS OF PLANNING HISTORY:

- 2.1 Ref 45/2010/0497 (a) Erection of 3-storey building comprising 7 no. two bedroom self-contained flats; (b) Alterations to existing vehicular accesses on Brighton Road, to provide one pedestrian access and one vehicular access; (c) Part removal of TPO trees (involving 0.128ha of land). A resolution was made to grant permission pending the signing of a Section 106 Agreement, however as this was not signed no decision was made on the application.

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 BSC1 – Growth Strategy for Denbighshire
Policy BSC3 – Securing infrastructure contributions from Development
Policy BSC4 – Affordable Housing
Policy BSC11 – Recreation and open space
Policy VOE5 – Conservation of natural resources
Policy ASA1 – New transport infrastructure
Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

Supplementary Planning Guidance Note: Recreational Public Open Space
Supplementary Planning Guidance Note: Access for all
Supplementary Planning Guidance Note: Affordable Housing in New Developments
Supplementary Planning Guidance Note: Residential Development Design Guide
Supplementary Planning Guidance Note: Nature and Protected Species
Supplementary Planning Guidance Note - Residential Space Standards
Supplementary Planning Guidance Note - SPG Trees and Development

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7
Technical Advice Note 10 - Tree Preservation Orders
Technical Advice Note 12 - Design

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, (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 Affordable Housing
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Open Space
- 4.1.6 Highways (including access and parking)

4.2 Other matters

4.3 In relation to the main planning considerations:

4.3.1 Principle

Policy RD 1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria. Policy BSC 1 states that new housing within the county is required to meet the needs of local communities and to meet projected population changes. In order to meet these needs the Local Development Plan has made provision for approximately 7,500 homes up to 2021. Policy BSC1 also states that Developers will be expected to provide a range of house sizes, types and tenure to reflect local need and demand. Chapter 9 of Planning Policy Wales (PPW) sets out Welsh Government's objectives in relation to housing. PPW encourages higher densities on easily accessible sites, where appropriate, but highlights the importance of good design to ensure a high quality environment.

Housing Officers have confirmed that there is a demand the units of the size and tenure proposed.

The proposal is for housing development within the development boundary that meets an identified need and is therefore in compliance with the policies listed above and is considered to be acceptable in principle.

4.3.2 Affordable Housing

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing. Policy BSC4 relates specifically to affordable housing, and requires that all developments of three or more residential units provide a minimum of 10% affordable housing either onsite on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units. The policy also specifies that proposals for 100% affordable housing sites will only be considered on sites of 10 units or less.

The proposal is for the creation of 8 no. residential units. The developer, Grwp Cynefin has indicated that all of the proposed flats would be affordable and would be retained as such in perpetuity.

The proposed scheme would exceed the 10% required provision by delivering 100% of the units on site as affordable. Having regard to this it is considered that the proposals would be acceptable in relation to affordable housing contributions and the policies listed. A condition is suggested to ensure continued compliance is achieved.

4.3.3 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. Chapter 5 of Technical Advice Note 12: Design highlights the importance of good design in relation to quality of life and also the importance of inclusive design.

The application proposes the development of a currently vacant site. A three storey building is proposed, which would be of a similar scale to properties on the adjacent sites. The materials proposed are brick, render and some cladding with a tiled roof. Rhyl Town Council have raised concerns over the design of the proposal. To facilitate the development 7 no trees are proposed to be removed, a compensatory landscaping plans has been submitted with the application to mitigate against the loss of the trees.

There is a mix of development in the area, ranging from large Victorian brick properties to rendered properties and the Councils own flat roofed 1970's building opposite the site. The comments of the Town Council are noted, however, having regard to site and surroundings it is not considered that the proposal could be resisted on visual amenity grounds. The Agent has amended the scheme on the advice of Officers and has taken into account the comments of the Councils Tree Officer in designing the landscaping scheme. Subject to control over the details such as materials and landscaping implementation it is considered that the proposals would have an acceptable visual impact and would not detract from the character or appearance of the area. The proposals are therefore in accordance with the policy requirements set out above.

4.3.4 Residential amenity

Policy RD1 sets specific tests to be applied to amenity impacts of development. Policy BSC 7 and SPG Residential Floor Space Standards also require amenity issues to be considered for proposals to subdivide properties in to self-contained flats. SPG Note 'Residential Space Standards' is one of a series of Supplementary Planning Guidance Notes (SPGs), amplifying the development plan policies and other issues with the aim of improving the design and quality in new developments. It sets basic internal floor and external space standards for new development and conversions.

The scale and mass of the proposal is similar to that of the adjacent buildings. There are windows proposed in all elevations, although the side windows serve the entrance hall area and the windows to the habitable room windows are high level. The flats range in internal floor space from 47 sq metres to 62 sq metres. To the rear of the building it is proposed to provide an external drying area, and a landscaped garden area.

Considering the scale of the development and fenestration detailing it is considered the proposal would not have a significant impact on the amenity of the adjacent occupiers. Whilst the flats fall marginally short of the adopted floor space standards in SPG it is noted that there is communal storage space within the building for buggy and wheelchair stores which would normally require space within each unit. Furthermore the units have been developed in line with Welsh Government housing design quality standards, and for this type of shared access development. The failure to meet minimum floor space standards is noted, however having regard to the other factors listed above it is considered that the level of amenity afforded to the potential future occupiers is not unacceptable.

4.3.5 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

The proposal includes the creation of 8 no. new residential units.

It is considered that the proposals would be acceptable in relation to open space subject to the requisite contributions being secured. It is considered that this could be done through an appropriately worded condition.

4.3.6 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations 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. The acceptability of means of access is therefore a standard test on most planning applications. 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 sets a maximum requirement for parking to be 1.5 spaces per 1 bed dwelling. This is a maximum requirement and mitigating circumstances such as access to off-site parking and provision of public transport will be taken into account.

The proposal includes parking 8 cars to the front and rear of the proposed flats. Restricted on street parking is available on Brighton Road. The site is located close to the town centre within walking distance to local shops and facilities, and a bus and train station. The Head of Highways has raised no objection.

Whilst it is noted that only one space is proposed to be provided per unit the town centre location has to be considered. It is the opinion of Officers that it would be difficult to resist the proposal for parking reasons alone particularly where planning policies are in place to reduce reliance on the private car and promote sustainable means of transport. As such it is not considered that the proposal would have an adverse impact in terms of the local highways network.

4.3.7 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Surveys have been undertaken and submitted to support the application. The surveys cover Bats and Birds. There are no objections expressed by the Councils Biodiversity Officer over the impact on ecological interests from the proposals.

On the basis of the comments of the Biodiversity Officer it is not considered that there are any significant ecological issues of concern in this instance.

5. SUMMARY AND CONCLUSIONS:

5.1 In conclusion the proposal is considered acceptable under the relevant policies and therefore recommended for grant.

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. The development shall not begin until arrangements for the provision of Open Space as part of the development, in accordance with the Council's Policies and Supplementary Planning Guidance, has been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out strictly in accordance with the approved arrangements.
3. The development shall not begin until arrangements for the provision of Affordable Housing as part of the development, in accordance with the Council's Policies and Supplementary Planning Guidance, has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out strictly in accordance with the approved arrangements.
4. Notwithstanding the approved plans, no development shall be permitted to commence until the formal approval of the Local Planning Authority has been obtained for the external materials to be used for the walls and roof materials, and boundary wall and mortar details. The development shall be carried out strictly in accordance with the approved details.
5. All planting, seeding or turfing, screen walling and fencing, and boundary treatment comprised in the approved details of landscaping shall be completed strictly in accordance with the timescale set out therein. Any trees or plants which within a period of 5 years from being planted 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 the Local Planning Authority gives written approval to any variation. All screen walls and fences shall be maintained and retained as approved unless the Local Planning Authority gives written approval to any variation.
6. The access shall be laid out strictly in accordance with the submitted drawing and completed before the development is brought into use.
7. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and completed before the development is 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 compliance with adopted open space policies.
3. In the interest of compliance with adopted affordable housing policies.
4. In the interest of visual amenity.
5. In the interests of visual and residential amenity.
6. In the interest of free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
7. To provide for the parking and turning 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.

NOTES TO APPLICANT:

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets

may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

On the 1st October 2012 the Welsh Government introduced the Welsh Ministers Standards and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on the Developer Services Section of our website - www.dwrcymru.com

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.