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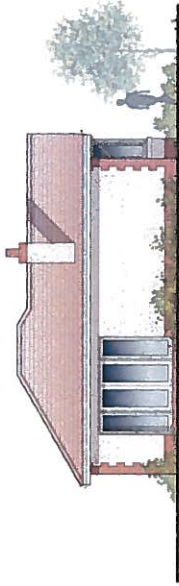
45/2017/0335 - Land adjacent to 21 Stanley Park Avenue, Rhyl

Scale: 1:1250

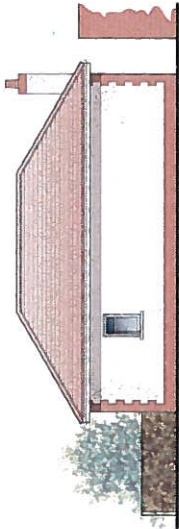
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ILLUSTRATIVE FLOOR & ELEVATIONS PLAN

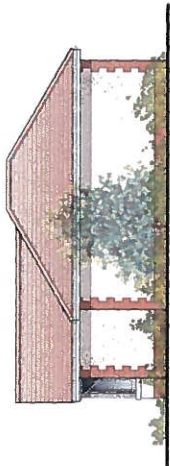
 <p>MARSH Planning + Design Ltd Deva Lodge Gronant Road Prestatyn LL19 9DT T: 01745 289 775 E: info@marshplanning.co.uk</p>	
For	<p>Mr M. O'Loughlin 11a Gillian Drive Rhyl Denbighshire</p>
Title	<p>Proposed Illustrative Floor Plan and Elevations</p>
Site	<p>Land adj. 21 Stanley Park Avenue, Rhyl, Denbighshire LL18 4SB</p>
Scale	<p>1:50 & 1:100 @ A2</p>
Date	<p>January 2017</p>
Drawn	<p>ELM</p>
Fig. No.	<p>1608 / P / 02</p>



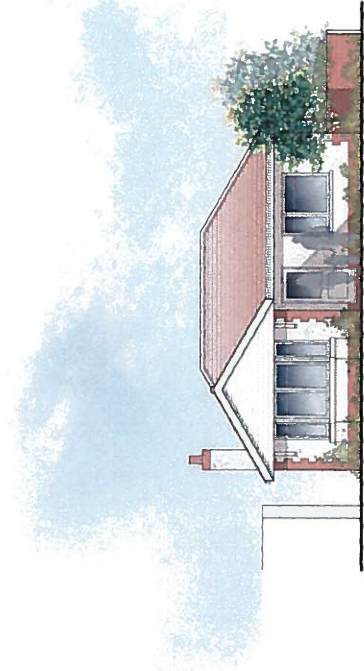
Side Elevation



Rear Elevation



Side Elevation



Front Elevation



Ground Floor Plan



WARD : Rhyl South East

WARD MEMBER(S): Brian Blakeley
Cheryl Lynne Williams
Brian Jones

APPLICATION NO: 45/2017/0335/ PO

PROPOSAL: Datblygu 0.05 hectar o dir drwy godi 1 annedd (cais amlinellol yn cynnwys mynediad, gosodiad a graddfa) / Development of 0.05 ha of land by the erection of 1 no. dwelling (outline application including access, layout and scale)

LOCATION: Land adjacent to 21 Stanley Park Avenue Rhyl

APPLICANT: Mr Milo O'Loughlin

CONSTRAINTS: PROW
Article 4 Direction

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 / approve – Town Council objection.

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

“Objection on the grounds of over intensification”

DWR CYMRU/WELSH WATER

No objection subject to notes to applicant.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

BIODIVERSITY OFFICER

No objection subject to conditions.

HEAD OF TRANSPORT AND INFRASTRUCTURE - HIGHWAYS OFFICER

No objection subject to conditions.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Miss M A Coe, 33A Trellewelyn Road, RhyIT & M Foslin-Higgins, 93 Bryn y Coed Park, Rhyl

In support

Representations received from:

Glenda Roberts, 30 Trellewelyn Road, Rhyl

Other matters

Brick walls were demolished when applicant acquired land, replaced with poor quality fencing, boundaries should be reinstated around site.

Applicant showing land outside his control.

EXPIRY DATE OF APPLICATION: 03/07/2017 extended to 14/07/2017

REASONS FOR DELAY IN DECISION (where applicable): Awaiting consideration at Committee.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Full planning permission is sought for the erection of a dwelling on land adjacent to 21 Stanley Park Avenue in Rhyl.

1.1.2 A bungalow is proposed to be sited on the eastern corner of the site. The bungalow would comprise of one bedroom and living accommodation. It would have a low pitched roof and primary windows to the front and northern side.

1.1.3 Access to the site would be provided on the Stanley Park Avenue frontage to the west of the site. The proposed dwelling would be provided with amenity space stretching into an area to the northern side of the site. Complimentary hard and soft landscaping is proposed around the site.

1.1.4 The plans are included at the front of the report.

1.2 Description of site and surroundings

1.2.1 The site is a vacant parcel of land which was originally part of the side garden to the adjacent dwelling at 21 Stanley Park Avenue.

1.2.2 The site has an existing vehicular access at the front (west) of the site where the frontage to the road measures 8 metres, and then spans back parallel with the adjacent curtilage along the side road of Bryn Coed Park and has a frontage of around 30 metres along this southern boundary.

1.2.3 The site is abutted by houses to the north and east with a row of brick lock up garages to the north east and has further bungalows and houses across the roads to the west and south.

1.2.4 The site currently contains no buildings but does have a concrete driveway leading in off the vehicular access point with metal gates across, and is bounded by a low stone wall of around 1 metre in height along the road sides.

1.2.5 Permission was granted for the erection of a garage on the land in 2014 however this has not been implemented.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the Rhyl development boundary as defined in the Denbighshire Local Development Plan.

1.4 Relevant planning history

1.4.1 There have been three previous refusals on the site for the residential development of a single dwelling, and permission for a residential garage in 2014.

1.4.2 The dwellings have been resisted primarily on amenity grounds (see full reasons below). However it is noted that the applications have been for larger dwellings on a smaller site area.

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 45/2014/1239 - Erection of detached dwelling: Refused 14/01/2015 for the following reasons:

1. It is the opinion of the Local Planning Authority's that the proposed development would result in a cramped form of development which is out of keeping with the character of the area. The proposal is therefore contrary to criteria i) of Policy RD 1 Local Development Plan advice as contained in Planning Policy Wales Edition 7.

2. It is the opinion of the Local Planning Authority's that the proposed development would result in an adverse impact on the amenity of existing and future residents. The development of the site in such close proximity to 21 Stanley Park Avenue would have a negative impact on the outlook of this property and in respect of future occupiers of the proposed dwelling would not provide reasonable levels of privacy as a result of overlooking from first floor windows in the side elevation of the neighbouring dwelling at 21 Stanley Park Avenue. The proposal is therefore contrary to criteria vi) of Policy RD 1 Local Development Plan advice as contained in Planning Policy Wales Edition 7.

2.2 45/2014/1093 - Erection of a single storey pitched roof double garage: Granted 24/05/2014.

2.3 45/2008/1133 - Development of 0.03 ha of land by the erection of 1 dwelling (outline application including layout and scale): Refused 13/11/2008 for the following reason:

1. It is considered that the residential development of the site in the manner proposed would result in a cramped form of development out of character with the area. The development of the site in close proximity to adjacent properties would be overbearing and detrimental to neighbouring residential amenity and would not provide reasonable levels of privacy and amenity for occupiers of the proposed dwelling. The proposal is therefore contrary to criteria i) and v) of Policy GEN 6 of the Denbighshire Unitary Development Plan and advice as contained in paragraphs 9.3.3 and 9.3.4 of Ministerial Interim Planning Policy Statement 01/2006 'Housing'.

2.4 45/2007/1454 - Development of 0.028 hectares of land by erection of 1 dwelling (Outline application): Refused 18/01/2008 for the following reasons:

1. The Council does not consider that it has been satisfactorily demonstrated that a new dwelling could be positioned within the site so as not to have an adverse impact on the area or not to result in an unacceptable loss of privacy or amenity or be overbearing to the adjacent dwellings. As such the proposal is unacceptable as it is contrary to criteria (i) and (v) of Policy GEN 6 of the adopted Denbighshire Unitary Development Plan and advice as contained within paragraphs 9.3.3 and 9.3.4 of Ministerial Interim Planning Policy Statement 01/2006 Housing.

2. The Council does not consider that it has been satisfactorily demonstrated that the site is capable of accommodating a satisfactory access with sufficient parking and turning facilities to serve a new dwelling without having an adverse impact on the appearance of the site or on highway safety. As such the proposal is unacceptable as it is contrary to criteria (i) and (vi) of Policy GEN 6 of the adopted Denbighshire Unitary Development Plan.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC2 – Brownfield development priority

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC11 – Recreation and open space

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

Residential Space Standards SPG
Residential Development SPG
Parking Requirements in New Developments SPG

3.3 Government Policy / Guidance
Planning Policy Wales Edition 9 2016

Well-being of Future Generations (Wales) Act 2015

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, December 2016 (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 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, towards the aim of sustainability, and be fairly and reasonably related to the development concerned.

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 are considered to be:

- 4.1.1 Principle
- 4.1.2 Residential amenity impact
- 4.1.3 Visual Amenity
- 4.1.4 Highway safety
- 4.1.5 Open Space

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the LDP which is relevant to the principle of housing development in towns is BSC1 which seeks to make provision for new housing in a range of locations, concentrating development within identified development boundaries. Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria. The proposal would be acceptable in terms of the general principles of these policies, subject to an assessment of impacts which is set out in the remainder of the report.

The site is located within the development boundary of Rhyl in the LDP. This site has previous refusals for residential development under the Unitary Development Plan however these related to the detailed impacts rather than the principle and it is noted that the Applicant has acquired an extra parcel of land to the north of the proposed bungalow in this application and also a smaller scale bungalow is proposed to address these issues. The principle of the proposal is acceptable, and the detailed impacts are considered below:

4.2.2 Residential amenity impact

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 Residential Space Standards SPG sets out the minimum internal floor space and garden areas required for new dwellings and advice is provided within the Residential Development SPG on siting generally. The Town Council are concerned that the proposal would represent an over-intensification of development on the site.

The application proposes a bungalow to be sited to the eastern side of the site. The primary windows face the front and northern side of the site. The bungalow would have a garden area to the front and a private amenity area measuring over 100sq metres to the north.

Owing to the size of the site and siting of the proposed dwelling Officers consider that the development would not have an unacceptable impact on the residential amenity of occupiers of existing or adjacent dwellings. With respect to the comments of the Town Council there is a significant amount of space to the front and side of the site which Officers consider negates the issue of over-intensification. Permitted development rights are proposed to be removed to ensure control is retained over future alterations in the interests of amenity of the adjacent occupiers owing to the slightly unusual shape of the site. It is considered that the proposal would not conflict with the relevant amenity related planning policies.

4.2.3 Visual Amenity

Policy RD 1 contains general considerations to be given to the impacts of development. Among these considerations is the impact on the visual amenity of the area. There is a general requirement for development proposals to respect the site and surroundings by virtue of siting, scale, form, character, materials and spaces in and around buildings. Public views into and out of townscapes and across the open countryside should also be respected.

A low profile bungalow is proposed, to be finished in brick and render. The dwelling would have a single gable projecting forward of the front elevation, to match adjacent bungalows. There is a mix of development styles locally ranging from bungalows opposite the site to two storey terraces to the north and north east. Limited landscaping or boundary details have been shown on the proposed layout plan.

Considering the scale and form of the dwelling and the nature of surrounding development it is considered that the proposed design can be accommodated on the site without detriment to the wider area. A condition can be attached to control the site layout, landscaping and boundary treatments. Hence the proposal would accord with Policy RD 1 in terms of visual amenity.

4.2.4 Highway safety

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).

The plans show access would be from the adjacent road with a second access onto Bryn Coed Park. An area is shown in front of the dwelling which could be utilised for parking.

Highways Officers have not objected to the proposal, therefore Officers would consider the proposal would not give rise to unacceptable adverse impacts on highway safety.

4.2.5 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings. At the time of this report being prepared, for single dwellings the payment of a commuted sum of £1237.22 was required.

The development is therefore considered to be able to comply with the requirements of Policies BSC 3 and BSC 11 via a suitable condition.

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 been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. 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 Whilst concerns have been raised by adjacent occupiers over matters not relevant to planning (i.e. boundary wall issues) and the Town Council relating to over intensification, it is the opinion of officers from assessment of the relationship with nearby dwellings and the mixed character of development in the area that there are no strong grounds to warrant resisting the planning permission. The application is recommended for grant.

RECOMMENDATION: GRANT- for the following reasons:-

1. The development to which this permission relates shall be begun no later thaninsert DATE (5 years)
2. 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) Proposed elevations and floor plan (Drawing No. 1608/P/02) received 9 May 2017
 - (ii) Proposed site/block plan and street scene (Drawing No. 1608/P/01 Rev. A) received 9 May 2017
 - (iii) Existing elevations, site and location plan (Drawing No. 1608/S/01) received 3 April 2017.
3. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.
4. No site clearance works or development shall take place until the written approval of the Local Planning Authority has been obtained to a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of implementing the planting;
 - (b) proposed materials to be used on any driveway(s), paths and other hard surfaced areas;
 - (c) Proposed positions, design, materials and type of boundary treatment, including screen walls and fences, and the timing of implementing the treatment;The timing of the carrying out of the planting, landscaping, erection of screen walls and fences relative to the different elements of the development.
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 dwelling hereby approved shall not be occupied until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's policies and Supplementary Planning Guidance in relation to the provision of Open Space.

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. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of residential and visual amenity.
4. In the interests of visual and residential amenity.
5. In the interests of visual and residential amenity.
6. In the interest of compliance with adopted open space policies.

NOTES TO APPLICANT:

Highways Note to Applicant

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10.
- (ii) New Roads and Street Works Act 1991 - Part N Notice.

Dwr Cymru / Welsh Water Note to Applicant:

You are advised that you may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption""- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that 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 the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Open Space Note to applicant

In relation to Condition 5 you are advised that a commuted sum payment of £1237.22 is required towards the provision of Open Space in accordance with Policy BSC 11 in the Denbighshire Local Development Plan. Please note the amount payable is correct at the time of issuing this planning permission however it may change. For further information please refer to the Local Development Plan and Open Space Calculator which is available on our website at www.denbighshire.gov.uk.