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45/2017/0335

Scale: 1:1250

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PROPOSED SITE PLAN



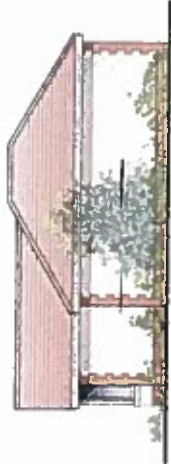
Rev B: July 17: Full extent of red line shown. Proposed dwelling updated to accord with design revisions.
 Rev A: April 17: Site levels and finished floor level of proposed dwelling added.

| | |
|--|---------------|
|  MARSH Planning + Design Ltd Drove Lodge Curran Road Preskillyn LL19 9YF T: 01248 289 775 E: info@marshdesign.co.uk | |
| By Mr. M. O'Loughlin 11a Gillian Drive Rhyll Denbighshire | |
| Title Proposed Site/Block Plan & Street Scene | |
| Ref Land adj. 21 Stanley Park Avenue, Rhyll, Denbighshire LL18 4SB | |
| Scale | 1:200 @ A2 |
| Date | JANUARY 2017 |
| Rev. No. | 1608 / P / 01 |
| Rev. | B |

Proposed Street Scene

Proposed Site Layout

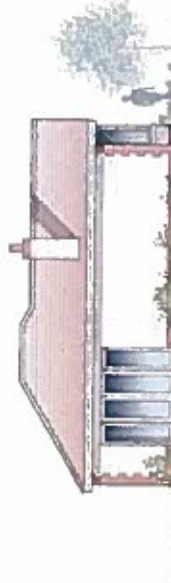
PROPOSED FLOOR & ELEVATION PLANS



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan



Front Elevation

Rev A: July 17: Footprint enclosed, Floor layout updated to suit and elevations revised to accord.

| | |
|---|--------------------|
| <p>MARSH Planning + Design Ltd Dore Lodge Cromart Road Prestatyn LL19 9DT T: 01749 299 773 E: info@marshplanning.co.uk</p> | |
| <p>Mr M. O'Loughlin 11a Gillian Drive Rhyll Denbighshire</p> | |
| <p>Proposed Illustrative Floor Plan and Elevations</p> | |
| <p>Land adj. 21 Stanley Park Avenue, Rhyll, Denbighshire LL18 4SB</p> | |
| Date: | 1/10/16 9:100 @ A2 |
| Scale: | 0.25x |
| Date: | January 2017 |
| Rev No: | 1608 / P / 02 |
| Sheet: | A |

WARD : Rhyl South East

WARD MEMBER(S): Cllrs Brian Blakeley, Brian Jones and Cheryl Williams

APPLICATION NO: 45/2017/0335/ PO

PROPOSAL: 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: 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.

HIGHWAYS OFFICER

No objection subject to conditions.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Miss M A Coe, 33A Trellewelyn Road, Rhyl

T & M Foslin-Higgins, 93 Bryn y Coed Park, Rhyl

In support

Representations received from:

Glenda Roberts, 30 Trellewelyn Road, Rhyl

Alex Wenger, B&W Builders and Decorators, Unit 11 Bay Trading Estate, Kinmel Bay

Matters raised

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.

Proposal would utilise a piece of problem land.

EXPIRY DATE OF APPLICATION: 03/07/2017 extended to 15/09/2017

REASONS FOR DELAY IN DECISION (where applicable):

Amended plans received and reconsultation necessary.
Awaiting consideration at Committee.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application is for outline planning permission for the erection of a dwelling on land adjacent to 21 Stanley Park Avenue in Rhyl. The application seeks approval of the access, layout, and scale of the development, leaving appearance and landscaping for further approval.
- 1.1.2 The plans show details of a bungalow to be sited in the eastern corner of the site. The bungalow would comprise of one bedroom and associated 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 adjacent to the entrance to No. 21, at a point where the frontage to the road measures 8 metres, and it then narrows back parallel with the adjacent curtilage along Bryn Coed Park and has a frontage of around 30 metres along this southern boundary. There is a pathway proposed to the rear of the dwelling to access the late serving the dwellings to the rear (between Kia Ora and no. 93 Stanley Park).
- 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 there are 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, but 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 development of a single dwelling, and permission for a domestic garage in 2014.
- 1.4.2 The dwellings have been resisted primarily on amenity grounds (see full reasons below). However it is to be noted that the applications have been for larger dwellings on a smaller site area than that now proposed.

1.5 Developments/changes since the original submission

1.5.1 The proposed siting of the dwelling was altered following concerns raised by an adjacent occupier over the proximity of the proposed boundary.

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, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 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 (DMM section 9.4).

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 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

Other matters

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's policies, 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 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 illustrative plans show the primary windows would face out to the western and northern sides of the site. The bungalow would have a garden area to the front (west) and a private amenity area measuring over 100sq metres to the north.

Owing to the size and configuration 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, the development would not represent an overdevelopment of the site as there is a significant amount of space to the front and side of the dwelling, meaning the dwelling would occupy a relatively small proportion of the site. Permitted development rights to extend can 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 consequently that the proposal would not pose unacceptable residential amenity impacts or 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. Landscaping / boundary details are proposed as reserved matters and can be addressed at that stage.

Considering the scale and form of the dwelling and the nature of surrounding development it is considered that the proposed design would be appropriate on the site without detriment to the visual amenities of the wider area. It is considered the proposal would accord with Policy RD 1 in terms of visual amenity impacts.

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 an existing vehicular access adjacent to No 21, with a pedestrian access onto Bryn Coed Park. A parking / turning area is shown in front of the dwelling.

Highways Officers have not objected to the proposal, therefore it is considered 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 principles of sustainability are promoted in the Local Development Plan and its policies and are taken into account in the consideration of development proposals. 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.

Comments on boundary walls, etc.

In respecting comments from local residents over activities on the site in the past, including the demolition of brick walls and the quality of replacement fencing, and ownership disputes, these are not matters which have any bearing on the land use planning merits of the application before the committee.

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 by 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- subject to the following conditions:-

1. Approval of the details of the appearance of the building(s) and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Any application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun 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) 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
5. The proposed dwelling shall be a bungalow with a maximum height of 4.6 metres and footprint dimensions as shown on drawing no. 1608/P/0.
6. 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.
7. 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.
8. 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 reasons 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 92 of the Town and Country Planning Act 1990
3. To comply with the provisions of Section 92 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 and to ensure a satisfactory standard of development in the interests of residential amenity.
6. In the interests of residential and visual amenity.
7. In the interests of visual and residential amenity.
8. 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.