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45/2019/0337

Scale: 1:1250

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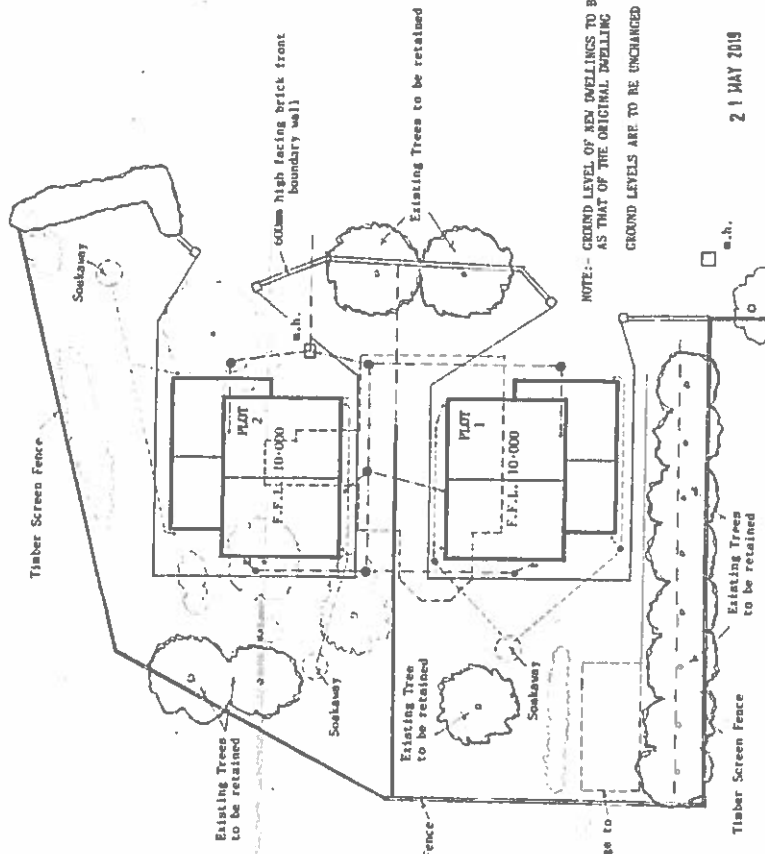


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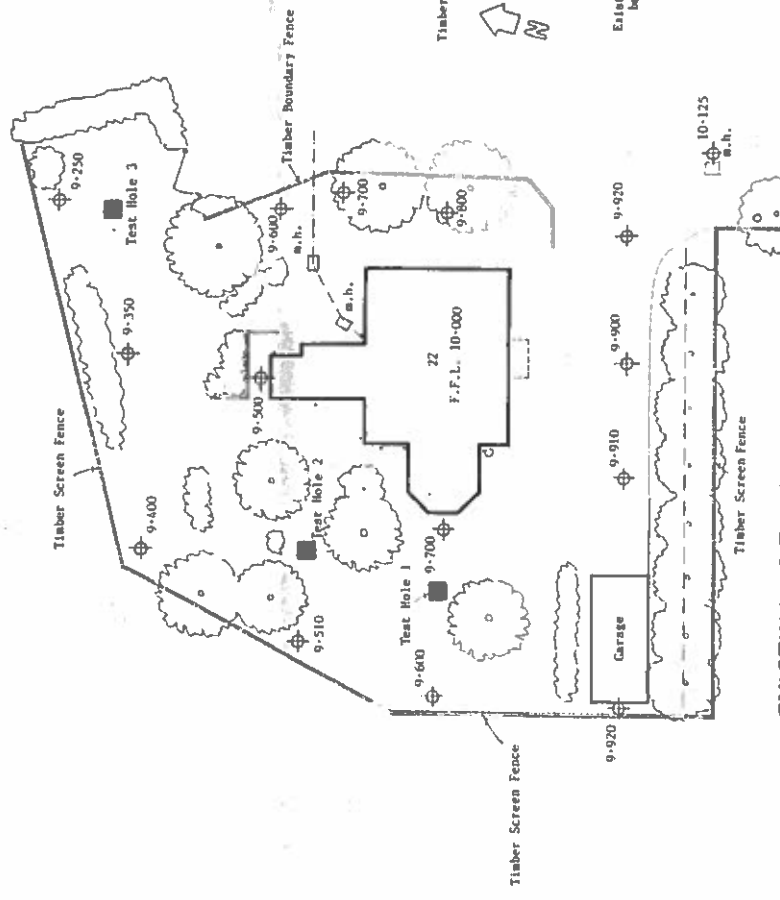
# SITE PLANS

## AS PROPOSED



## PROPOSED SITE PLAN

## AS EXISTING



## EXISTING SITE PLAN

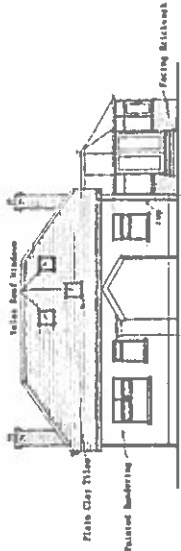
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RESIDENTIAL DEVELOPMENT AT 22 AVONDALE DRIVE, RHYL.  
SCALE - 1:200

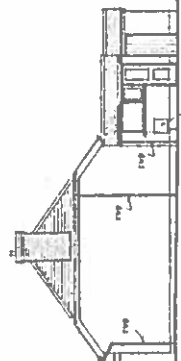
PLAN No. 3061/11/JAN/19

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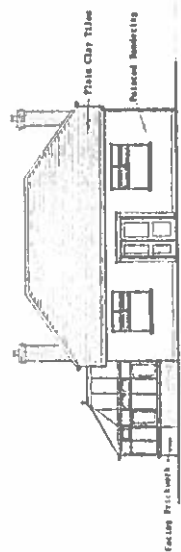




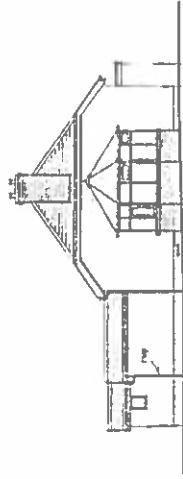
North Elevation



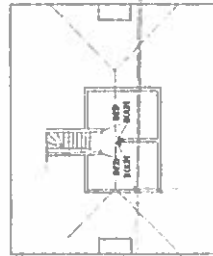
East Elevation



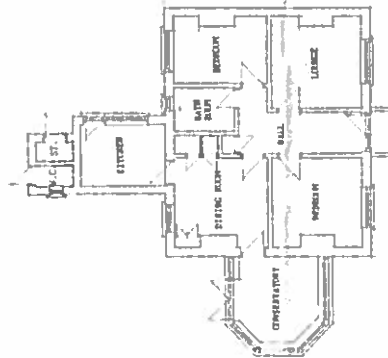
South Elevation



West Elevation



FIRST FLOOR PLAN



GROUND FLOOR PLAN

22 AVONDALE DRIVE, RHYL - PLANS & ELEVATIONS AS EXISTING.

SCALE - 1:100.

PLAN No. 101/17/10/11/19

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**WARD :** Rhyl South East

**WARD MEMBERS:** Cllr Brian Blakely  
Cllr Brian Jones  
Cllr Cheryl Williams

**APPLICATION NO:** 45/2019/0337/ PF

**PROPOSAL:** Demolition of existing dwelling, erection of 2 detached dwellings, alterations to existing vehicular access and associated works

**LOCATION:** 22 Avondale Drive Rhyl LL18 4EL

**APPLICANT:** Mrs Eirwen Brierley

**CONSTRAINTS:** None.

**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 – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

*"Objection the Town Council considers that the development will represent over intensification of the site and create highway issues on an unadopted narrow road."*

DWR CYMRU / WELSH WATER

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

No objection.

Biodiversity Officer

No objection.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

John Summers, 15 Avondale Drive, Rhyl

Cliff & Janette Howes, 11 Avondale Drive, Rhyl

Summary of planning based representations in objection:

Highways and access Issues-

Additional dwelling will result in increased use of a substandard access track and access.

Parking-

Proposal will result on off-site parking to the detriment of other residents.

**EXPIRY DATE OF APPLICATION: 13/07/2019**

**EXTENSION OF TIME AGREED? 06/08/2019****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 the erection of two dwellings in place of an existing dwelling at 22 Avondale Drive in Rhyl.
- 1.1.2 Two detached 2 storey dwellings are proposed to be sited centrally on the plot with their front elevations facing eastwards. The dwellings would occupy a footprint of roughly 96 square metres each, comprising of 3 bedrooms on the upper floor and living accommodation and integral garages on the ground floor. Materials proposed are render, brick and Marley slate effect tiles.
- 1.1.3 The proposed dwellings would have parking spaces and a turning area to the front, and private gardens to the rear. Circulation space is proposed around all sides.
- 1.1.4 Three of the more mature trees and some landscaping on the site would have to be removed to facilitate the re-development but the remainder of the existing mature trees to the rear of the site are proposed to be retained.
- 1.1.5 The plans illustrating the proposals are included at the front of the report.

**1.2 Description of site and surroundings**

- 1.2.1 Located off a track on the northern side of Dyserth Road, No.22 Avondale Drive lies within a residential area comprised of a mixture of ages and styles of detached dwellings with houses to the rear and side (fronting Llys Twyi, the development at the rear) and bungalows and a dormer bungalow to front and along the access track.
- 1.2.2 The site is currently occupied by a 4 bedroom dormer bungalow. It is surrounded by long established landscaping and boundary features. The curtilage is bounded by wood panel fencing of varying heights around 2 metres high, which runs around most of the boundary. The Avondale Drive frontage is defined by a partly rendered wall with hedgerow behind.
- 1.2.3 The access road Avondale Drive comprises of an unadopted track bounded by fencing and trees on both sides.

**1.3 Relevant planning constraints/considerations**

- 1.3.1 The site is located within the development boundary of Rhyl in an area without any other specific designation in the Local Development Plan.

**1.4 Relevant planning history**

1.4.1 There is no planning history on the site.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 In support of the application, the Agent has advised that the Applicant has right of access to the site and over the shared unadopted Avondale Drive.

**2. DETAILS OF PLANNING HISTORY:**

2.1 None.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy BSC1** – Growth Strategy for Denbighshire

**Policy BSC3** – Securing infrastructure contributions from Development

**Policy BSC11** – Recreation and open space

**Policy ASA3** – Parking standards

**Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

3.3 Other material considerations

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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 Drainage (including flooding)
- 4.1.5 Highways (including access and parking)
- 4.1.6 Open Space

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the Local Development Plan which is relevant to the principle of housing development in towns and villages 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.

As the site is within the development boundary of Rhyl as defined in the Local Development Plan, the principle of the development proposed would be acceptable in terms of BSC1. The residential use of the site is established, albeit by way of a single dwelling. It is therefore considered the determination of the application should rest on assessment of the local impacts of the proposal, which are reviewed in the following sections of the report.

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.

The Development Management Manual advises at paragraph 9.4.3 as to what can be considered a material consideration, and states that the effects of a development on the neighbourhood and environment can be a material consideration. It is therefore considered that the impact of a proposal on the visual amenity of an area is a standard material consideration.

No objections have been received to the application based on the visual amenity impacts of the proposed dwellings.

The plans show two dwellings with design characteristics common to those in the residential area to the rear of the site, including use of render and brick on the walls, concrete tiles and integral garages. In Officers' opinion this approach is acceptable in visual terms.

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..

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

The Development Management Manual advises at paragraph 9.4.3 as to what can be considered a material consideration, and states that the effects of a development on the neighbourhood and environment can be a material consideration. It is therefore considered that the impact of a proposal on the visual amenity of an area is a standard material consideration.

The application proposes the replacement of the existing dwelling on the site with two 3 bedroom two storey dwellings. All habitable room windows are proposed to face east and west on the site. There is substantial amenity space on the site for each house and spacing around the two dwellings.

Based on these considerations it is the opinion of Officers that the proposal would not impact on the amenity or existing or proposed occupiers and there are no policy conflicts in respect of on residential amenity impacts in this instance.

#### 4.2.4 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. Drainage and liability to flooding should therefore be regarded as potential material considerations.

There are no adverse representations raising drainage concerns. Dwr Cymru Welsh Water have no objections to the proposals.

#### 4.2.5 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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 (PPW 10) and TAN 18 – Transport, in support of sustainable development.

Planning Policy Wales (PPW 10) confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the

public interest, towards the goal of sustainability. The highway impacts of a development proposal are a material consideration.

There are private individual objections expressing concerns over the highways impacts of the proposals, in terms of the use of the track for the additional dwelling and general activity around the site. This concern is also reflected by the Town Council in their response. Respectfully, issues raised relating to the legal use rights over the track are civil matters not applicant to consideration of the highways merits of the application.

The Highway Officers have no objections. They have confirmed that Avondale Drive is an unadopted street, and although narrow with no passing places, they consider that the small scale development of one additional dwelling will not significantly increase traffic movements using the access and therefore do not envisage any unacceptable highway related issues arising from the proposals.

On this basis Officers consider there are no strong highway grounds to resist the planning application.

#### 4.2.6 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 new 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.

The application proposes the creation of 1 no. new residential unit alongside one replacement; no public open space is proposed to be accommodated on site.

It is considered that the proposal would be acceptable in relation to open space subject to the requisite contribution of £1237.22 (as per OS Calculator) being secured by virtue of a S106 or Unilateral Undertaking.

#### 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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 The proposal is to erect two dwellings on the site of an existing dormer bungalow in Rhyl. The site is within the town boundary and there are no 'in principle' issues involved in the development.



5.2 In respecting comments raised in relation to potential highways issues, Officers are satisfied that the development will not give rise to significant highway safety impacts.

5.3 The proposals are therefore recommended for grant.

**RECOMMENDATION: -**

5.4 It is therefore recommended to grant permission subject to:

- Completion of an Agreement under Section 106 of the planning act to secure an open space contribution of £1237.22 (as per OS Calculator).
- In the event of failure to complete the Agreement within 12 months of the date of the resolution of the grant of permission, the application would be reported back to the Committee for determination against the relevant policies and guidance at that time.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than .....insert DATE 2024
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) Protected Species Survey - Received 10 May 2019
  - ii) Percolation Test - Received 21 May 2019
  - iii) Existing and Proposed Site Plan (Drawing No. 3061/1/JAN/19) - Received 21 May 2019
  - iv) Existing Floor Plans and Elevations (Drawing No. 3061/3/JAN/19) - Received 1 May 2019
  - v) Plot 1 Proposed Floor Plans and Elevations (Drawing No. 3061/2a/JAN/19) - Received 21 May 2019
  - vi) Plot 2 Proposed Floor Plans and Elevations (Drawing No. 3061/2/JAN/19) - Received 10 May 2019
  - vii) Location Plan - Received 10 April 2019
3. The facilities for the parking and turning of vehicles within the site shall be completed in accordance with the approved plan before the development is first brought into use, and shall be retained as approved at all times thereafter.

The reasons for the conditions 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. To ensure the development is served by a safe and satisfactory access and parking/turning facilities, and in the interests of the free and safe movement of traffic on the adjacent street.