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45/2020/0897

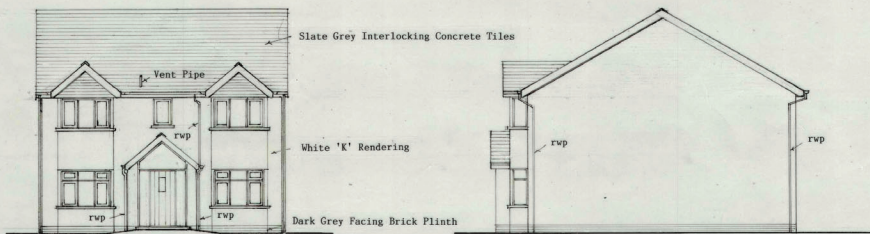
Scale: 1:1250

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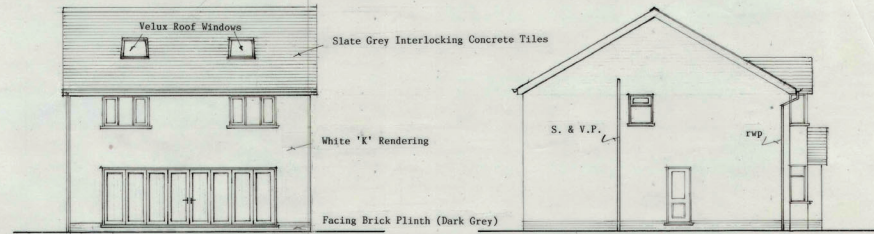
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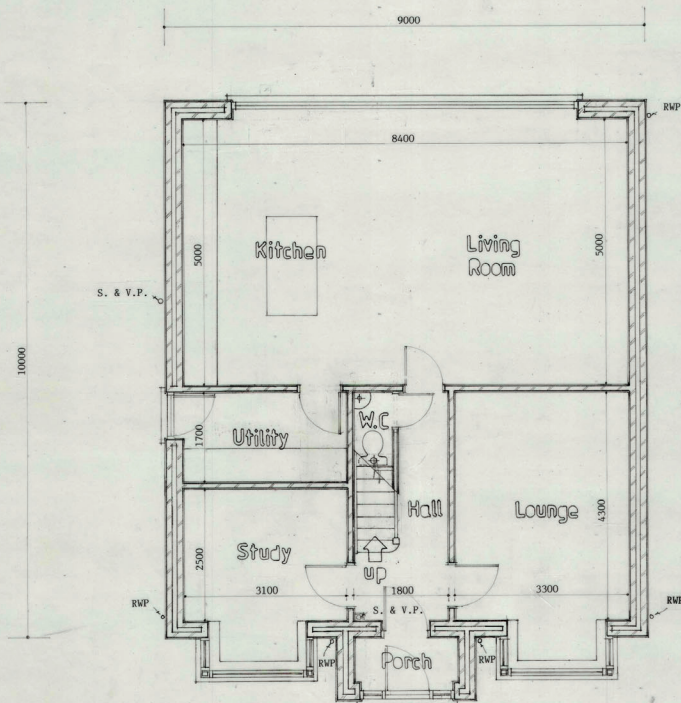
West Elevation

South Elevation

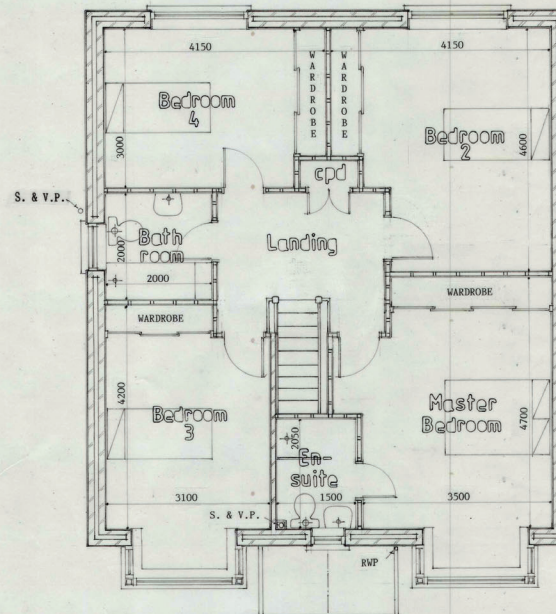


East Elevation

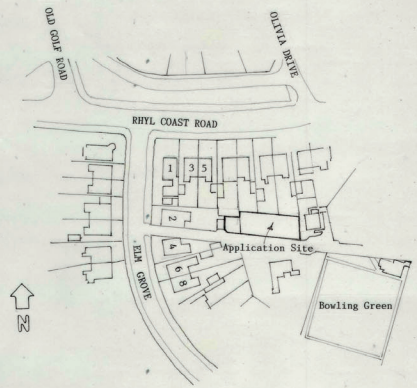
North Elevation



GROUND FLOOR



FIRST FLOOR



LOCATION PLAN SCALE - 1:1250

PROPOSED DWELLING ON LAND AT REAR OF 2 ELM GROVE, RHYL.  
 SCALES 1:50, 1:100.

PLAN No. 3181/1/MAY/2020

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## Eitem Agenda 12 / Agenda Item 12





**Eitem Agenda 12 /  
Agenda Item 12**







**WARD :** Rhyl East

**WARD MEMBER(S):** Cllr Tony Thomas (c)  
Cllr Barry Mellor

**APPLICATION NO:** 45/2020/0897/ PF

**PROPOSAL:** Erection of 1 no. dwelling, detached garage, means of access and associated works

**LOCATION:** Land at rear of 2 Elm Grove Rhyl LL18 3PE

**APPLICANT:** Mr & MrsJ Hughes

**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 – 4 or more objections received

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

“No objection subject to the retention of the existing hedgerow”

Response to re-consultation 22/01/2021

“No objection”.

DWR CYMRU / WELSH WATER

No objection subject to conditions requiring drainage details.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer

No objection.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Alan Evans, 4 Elm Grove, Rhyl.

J. Hutchison, 2, Elm Grove Rhyl.

Kandina Milton, 11 Rhyl Coast Road, Rhyl.

Gordon Milton, 11 Rhyl Coast Road, Rhyl.

Ken Dawes, 9 Rhyl Coast Road, Rhyl.

Melanie Dawes, 9 Rhyl Coast Road, Rhyl.

Summary of planning based representations in objection:

Amenity- impact on adjacent occupiers by virtue of overlooking/loss of privacy

Highways safety- inadequate access

Biodiversity- loss of habitat

Visual amenity- inappropriate development

## **RESPONSES TO RECONSULTATION:**

### In objection

Representations received from:

Alan Evans, 4 Elm Grove, Rhyl.  
Ken Dawes, 9 Rhyl Coast Road, Rhyl.  
Melanie Dawes, 9 Rhyl Coast Road, Rhyl.

Summary of planning based representations in objection:

Original objections maintained.

Amenity- impact on adjacent occupiers by virtue of overlooking/loss of privacy

Highways safety- inadequate access

Biodiversity- loss of habitat

Visual amenity- inappropriate development

**EXPIRY DATE OF APPLICATION: 31/12/2020**

**EXTENSION OF TIME AGREED? 10/02/2021**

### **REASONS FOR DELAY IN DECISION (where applicable):**

- awaiting consideration by Committee
- re-consultation required on amended plans

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the erection of a dwelling, detached garage, means of access and associated works on land to the rear of no. 2 Elm Grove in Rhyl.
- 1.1.2 A detached 2 storey dwelling is proposed to be sited relatively centrally on the plot with the front elevation facing westwards and rear eastwards. The dwelling would occupy a footprint of roughly 90 sq metres, comprising of 4 bedrooms on the upper floor and living accommodation on the ground floor. Materials proposed are render, brick and slate effect tiles.
- 1.1.3 The proposed dwelling would have a parking space and a turning area to the front, and private garden to the rear. A detached double garage is proposed on the western boundary of the site, adjacent to the access point.
- 1.1.4 Existing landscaping on the site would have to be removed to facilitate the re-development. Some additional landscaping is shown on the proposed plans, namely a Holly hedge along sections of the rear garden and a Cherry tree to the front.
- 1.1.5 The plans illustrating the proposals are included at the front of the report. Included also is a plan showing the footprint of the proposed dwelling in comparison to that previously approved on the site.

#### 1.2 Other relevant information/supporting documents in the application

- 1.2.1 The site has the benefit of an extant outline planning permission. However the Applicants have acquired the site and a slightly larger parcel of land than was shown on the outline consent.
- 1.2.2 They wish to include a garage at the western end of the site, and make some minor changes to the previously approved layout, moving the dwelling further westward to enable the dwelling to be the required distance from a mains drain crossing the site

hence a full application is now required.

### 1.3 Description of site and surroundings

- 1.3.1 The site is currently an undeveloped garden area to the rear of 2 Elm Grove with some established landscaping and one small tree. The site shares boundaries with residential properties on three sides and fronts onto an un-adopted road to the south.
- 1.3.2 The un-adopted road currently provides access to a dwelling (Pen Yr Ardd), a number of residential garages and a bowling green.

### 1.4 Relevant planning constraints/considerations

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

### 1.5 Relevant planning history

- 1.5.1 The site has the benefit of an outline planning permission. The outline planning permission was granted in 2017 and extended in June 2020 to allow for additional time to submit reserved matters approval.
- 1.5.2 Prior to this permission was granted for outline permission for the erection of a detached dwelling on the site in 2013. This permission lapsed in 2016.
- 1.5.3 Planning permission was granted for the adjacent site Pen Yr Ardd to the rear of 15 Rhyl Coast Road in April 2011.

### 1.6 Developments/changes since the original submission

- 1.6.1 Clarification of landscaping details were sought from the Agent since the original submission. These are now shown on the plans.
- 1.6.2 Bat and Bird mitigation is also now shown on the plans and additional details of the precise nature of the arrangements specified.

### 1.7 Other relevant background information

- 1.7.1 The application was intended to be considered at the January Planning Committee however amendments to the siting required re-consultation with the local community, so Officers sought deferral of the decision.

## **2. DETAILS OF PLANNING HISTORY:**

- 2.1 45/2020/0218/PS Variation of condition no. 2 of outline planning permission code no. 45/2017/0076 to allow a further 3 years for the submission of reserved matters. APPROVED 26/06/2020
- 2.2 45/2017/0076/ PO Development of 0.03ha of land by the erection of a dwelling (outline application including access). GRANTED 07/06/2019
- 2.3 45/2013/0052/ PO Development of 0.03ha of land by the erection of a dwelling (outline application including access and layout). GRANTED 20/03/2013
- 2.4 45/2011/0139 - Erection of a detached dwelling (0.028 ha of land) GRANTED at Planning Committee 13 April 2011 ADJACENT SITE

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### 3.1 **Local Policy/Guidance**

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 VOE5** – Conservation of natural resources

**Policy ASA3** – Parking standards

#### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

### 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 Ecology

4.1.5 Drainage (including flooding)

4.1.6 Highways (including access and parking)

4.1.7 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.

Furthermore the residential use of the site is established, by virtue of previous planning permissions on the site and an extant outline planning permission which must be given substantial weight in the decision making for this proposal.

It is 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.

Individual objections have been received to the application based on the visual amenity impacts of the proposed dwelling. The concerns raised relate to the opinion that residential development on the site would be inappropriate in terms of the character of the area.

The plans show a dwelling with relatively standard design characteristics common to those in the residential area around the site, including use of render and brick on the walls, concrete tiles and detached garages. The principle of residential development is established in the area and on the site previously. Therefore 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.

Individual objections have been received to the application based on the residential amenity impacts of the proposed dwelling, by virtue of a loss of privacy, overbearing impact and a loss of light.

The application proposes the erection of a 4 bedroom two storey dwelling. All habitable room windows are proposed to face east and west on the site. There is over 100 sq metres amenity space proposed for the dwelling to the rear of the site. The proposed dwelling would be 14.5 metres from the side elevation of Pen yr Ardd to the east (there are no existing windows on the side elevation of Pen yr Ardd). The rear of a number of properties on Rhyl Coast Road face onto the development site on the north side. The proposed dwelling would be approximately 14 metres to these dwellings at its closest point. To the east, the rear of 2 Elm Grove would be approximately 28.5 metres from the proposed dwelling.

Based on the separation distances involved, and the detailing of the fenestration with no habitable room windows on the northern side of the dwelling, it is the opinion of Officers that the proposal would not impact significantly on the amenity or existing or proposed occupiers. A condition can be attached to ensure no windows are installed without the further grant of planning permission to ensure the approved arrangement is retained. Subject to controls Officers consider there are no significant policy conflicts in respect of on residential amenity impacts in this instance.

#### 4.2.4 Ecology

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, and TAN 5 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.

Individual objections concerns over the loss of habitat and biodiversity on the site.

The site has not been identified as having potential to support protected species. It is located within a relatively populated area. Whilst there would be a loss of a tree and some landscaping on the site, plans show new landscaping proposed including a Holly hedge and Cherry tree. Whilst the comments of the Town Council are noted, it would be difficult to develop the site without the loss of some landscaping. The landscaping and biodiversity enhancements included within the design of the dwelling for bat and bird species are welcomed and negate the need for previously suggested conditions.

#### 4.2.5 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.

Individual objections raise concerns over the drainage implications of the development. Dwr Cymru Welsh Water have no objections to the proposal subject to

the imposition of planning condition and exploration of Suds for surface water drainage. The site lies outside of any designated flood zone as defined by NRW.

Given the response of Dwr Cymru in relation to the drainage details and protection of their assets it is considered the proposal raises no significant policy impacts in terms of drainage or flooding.

#### 4.2.6 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 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.

The Highway Officers have no objections to this application or the previous permissions on the site. Whilst the track is narrow with no passing places, the small scale nature of the development is considered. It is unlikely to significantly increase traffic movements using the access/track and therefore no unacceptable highway related issues are likely to arise from the proposal.

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

#### 4.2.7 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 with no public open space being proposed 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, Unilateral Undertaking or Planning Agreement.

#### 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 a dwelling on a site where there is an existing planning permission in place in Rhyl. The site is within the development boundary and there are no 'in principle' issues involved in the development.

5.2 In respecting comments raised in relation to potential issues, Officers are satisfied that the development will not give rise to significant impacts. The proposals are 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 10th February 2026
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) Dwelling as proposed (Drawing No. 3181/1/MAY/2020) received 6 November 2020
  - (ii) Proposed garage and site plan (Drawing No. 3181/2/MAY/2020) received 12 January 2021
  - (iii) Location plan received 6 November 2020
  - (iv) Existing site plan received 2 December 2020
  - (v) Landscaping and drainage plan (Drawing No. 3181/4/MAY/2020) received 12 January 2021
  - (vi) Bat access details received 11 January 2021
3. No development shall take place until a fully detailed scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the occupation of the dwelling.
4. Notwithstanding the provisions 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 windows additional to those shown on the approved plans shall be inserted at any time in the dwelling hereby permitted.
5. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development 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 otherwise agreed in writing

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. In the interest of the management of the management of foul and surface water.
4. In the interest of residential amenity.
5. In the interest of biodiversity enhancement and visual amenity.