

ITEM NO: 5

WARD NO: Prestatyn Central

APPLICATION NO: 43/2012/0504/ PF

PROPOSAL: Erection of a detached dwelling

LOCATION: Plot 11 Melyd Avenue Prestatyn

APPLICANT: Mr & Mrs Darren Hickman

CONSTRAINTS: Scheduled Ancient Monument
B Flood Zone

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

"Committee would reiterate its previous unanimous objection:-

Committee was informed of past history associated with the site that adjoins a nationally recognised Roman Bathhouse. A number of residents has also submitted objections and a petition to Denbighshire County Council Planning Authority.

The current proposals are out of scale and keeping with surrounding property due to significant size.

There are concerns over adequacy of infrastructure including mains sewerage system.

The plot should remain as public open space due to the limited provision in this area. It is hoped that the site can be utilised to enhance and support the adjoining open Roman Bathhouse site.

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection, subject to condition for watching brief.

ENVIRONMENT AGENCY WALES

No objection.

WELSH WATER / DWR CYRMU

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

COUNTY ARCHAEOLOGIST

No objection.

HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objection, subject to condition requiring the completion of parking spaces within plot.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Ms. E. Wares, 46, Melyd Avenue, Prestatyn

G.W. & J.Evans, 70, The Meadows, Prestatyn

M. & A. Lynch, 44, Melyd Avenue, Prestatyn

G.& M.E. Davies, 42, Melyd Avenue, Prestatyn

Petition containing 27 signatures submitted by M Lynch, 44 Melyd Avenue, Prestatyn

Summary of planning based representations:

Visual amenity- Scale and design of dwelling out of keeping with surrounding dwellings/ previous consent was sympathetic/inappropriate dormer and garage features.

Archaeology- Implications of development on adjacent Roman Bathhouse site.

Amenity- overbearing impact on adjacent occupiers.

EXPIRY DATE OF APPLICATION: 19/06/2012

REASONS FOR DELAY IN DECISION (where applicable):

- re-consultations / further publicity necessary on amended plans and / or additional information

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 on Plot 11 Melyd Avenue, Prestatyn.
- 1.1.2 A dormer bungalow with integral garage is proposed to be sited centrally on the plot with an amenity area to the west (rear). Access is proposed on the eastern side of the site as existing. Parking is proposed to the eastern side of the dwelling. (See the plan at the front of the report).
- 1.1.3 The dwelling would comprise of three bedrooms and living accommodation. Materials proposed are facing brick, tiled roof, and upvc windows, doors and rainwater goods.
- 1.1.4 The site plans show the existing boundary treatments on the north and south side of the site to be retained. A 2 metre panel fence would be the preferred boundary treatment to the rear.
- 1.1.5 The application submission includes the following documents:
 - Design and Access Statement (DAS) which refers to the site context and constraints, accessibility, character, community safety and environmental sustainability.
 - Information on how this proposal aims to achieve Code Level 3 of the Code for Sustainable Homes.

1.2 Description of site and surroundings

- 1.2.1 The site is located in a primarily residential area, at the western end of the cul de sac of Melyd Avenue.
- 1.2.2 The Melyd Avenue residential development comprises of bungalows, dormer features within roof areas and two storey dwellings.
- 1.2.3 The application site is bounded to the north by the Roman Baths and to the south by a dormer bungalow (number 44 Melyd Avenue). The dwellings to the west are bungalows on The Meadows.

1.2.4 It is a relatively flat site, the adjacent dwellings are on the same level and the dwellings to the south are sited at a slightly lower level.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Prestatyn. A Roman Bathhouse, which is a Scheduled Ancient Monument is located to the north of the site.

1.4 Relevant planning history

1.4.1 Full planning permission for the development of one dwelling on this site was granted by Planning Committee in November 2006. A subsequent application was made to renew this planning permission in 2011 and granted under delegated powers. The permitted dwelling is a similar design to the neighbouring dwelling to the south.

1.5 Developments/changes since the original submission

1.5.1 The design of the dwelling has been amended to take account concerns of the objectors in terms of scale and mass. The dwelling has also been re-sited to take into account the existence of a drain crossing the site.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 2/PRE/392/78 Residential Development – Granted 11th June 1980.
- 2.2 43/2006/981/PC Erection of 8 no. dwellings (amendments to dwelling design) Granted 30th October 2003.
- 2.3 43/2003/1389/PF Erection of 19 dwellings (amendments to house types) and construction of a balancing pond. Granted 26 March 2003.
- 2.4 43/2006/912 Erection of dwelling on Plot 11. Granted 08/11/2006 Decision made by Planning Committee.
- 2.5 43/2011/0630/ PF Erection of detached dwelling and garage (renewal of planning permission code no. 43/2006/0912) Granted 14/07/2011 Decision made under Delegated Powers.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

- Policy GEN 1 Development within Development Boundaries
- Policy GEN 6 Development Control Requirements
- Policy HSG 2 Housing Development in Main Centres
- Policy TRA 6 Impact of New Development on Traffic Flows
- Policy TRA 9 Parking and Servicing Provision
- Policy CON 11 Areas of Archaeological Importance

3.2 SUPPLEMENTARY PLANNING GUIDANCE

- SPG 21 Parking provision in new developments
- SPG 26 Residential Space standards

3.3 GOVERNMENT GUIDANCE

- Planning Policy Wales Edition 4
- TAN 12 Design
- TAN 22 Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual and landscape impact
- 4.1.3 Amenity impact
- 4.1.4 Highway safety impact
- 4.1.5 Archaeology
- 4.1.6 Sustainable buildings

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of residential development on the plot accords with Policy GEN 1, as the site is located within the development boundary of Prestatyn, where the principle of residential development is acceptable. The planning history is also relevant as the site has had the benefit of outline planning permission granted on appeal in 2006 and 2011, under the same planning policy framework.

Policy GEN 6 must be applied to assess the detailed impacts of this full planning application, and the detailed issues are considered under these policies as set out below

4.2.2 Impact on visual amenity

Policy GEN 6 contains general considerations to be given to the visual impacts of new development.

A dormer bungalow is proposed, with a brick finish and tiled roof. Three small dormer windows are proposed to the front and one with two windows to the rear. On the cul de sac immediately south and east of the proposed dwelling there are four identical dwellings, there is a mix of dwelling styles and types in the wider residential area.

In Officers opinion whilst fully respecting the basis of the objections raised, the nature of surrounding development and similarity of the design and detailing to that of existing dwellings means a dormer bungalow can be accommodated on the site without detriment to the visual amenity of the area. As mentioned above there are similar dwellings to the south and east, this plot is on the west side and is south of the Roman Bathhouse. The dwelling can therefore be considered to 'round off' the bungalow development. Furthermore the dwelling to the north of Bathhouse is a bungalow with an attached conservatory. It is considered that there are no sound planning reasons to insist the dwelling be identical to the surrounding dwellings or to resist the proposed design.

It is not considered the proposal would conflict with tests of GEN 6 relating to visual amenity.

4.2.3 Impact on residential amenity

Policy GEN 6 sets specific tests to be applied to amenity impacts of development.

The proposed dwelling would be 3.6 metres wider and 0.25 metres higher than the originally approved dwelling. The plans show that the dwelling can be accommodated on the site with adequate amenity space, and parking/turning. Windows are proposed on the front and rear elevations. There is screening proposed on the rear boundary with a minimal height of 2 metres, and it is intended to retain the existing boundary treatment on the side boundaries.

As the application proposes a dormer bungalow, which would be sited centrally on the plot, where there is adequate separation and boundary screening, it is considered that the proposal would not result in a significant loss of amenity for adjacent occupiers by virtue of loss of light or overlooking. The rear dormer contains two bathroom windows, which would be obscure glazed and have limited outlook, which would not result in overlooking of the dwellings to the rear.

It is not considered the proposal would conflict with GEN 6 criteria relating to residential amenity.

4.2.4 Impact on highways safety

Policy GEN 6 and TRA 6 and TRA 9 require consideration of access and highway safety issues.

The proposal includes off road parking to the east of the site, and the dwelling would utilise an existing pavement crossing. Highways Officers have raised no objection to the proposal subject to the inclusion of planning conditions to control the retention of the parking area.

It is not considered there are policy conflicts relating to access and highway safety. The proposal complies with Policy GEN 6, Policy TRA 6 and Policy TRA 9.

4.2.5 Archaeology

Policy CON 11 requires consideration of the archaeological impacts of development prior to a decision being made.

Owing to the location of the site adjacent to the Roman Bathhouse, there may be potential for the site to have some archaeological significance. The site was subject to an archaeological pre-determination evaluation in 2006 and no significant finds were discovered. CPAT have requested a condition be attached to any permission to evaluate the archaeological significance of the site prior to the commencement of development.

It is considered that attaching a condition to any consent to allow a programme of archaeological work would ensure that the archaeological interests are adequately covered.

4.2.6 Sustainable buildings

Planning Policy Wales requires that all new dwellings meet Code Level 3 of the Code for Sustainable Homes and achieve at least 1 credit under ENE 1.

A full Code for Sustainable Homes Assessment has been submitted with the planning application which demonstrates the Code requirements can be met. The proposal is actually set to achieve Code Level 3 and achieve 1 credit under ENE 1.

It is considered the information provided demonstrates that the proposal could meet the relevant sustainable buildings policy requirement.

4.2.7 Other matters

The Town Council have raised points relating to the preferred use of the land, but Officers would respectfully advise that this is not a relevant consideration. The site has had the benefit of planning permission for residential development, and the 2011 permission is still capable of implementation.

5. SUMMARY AND CONCLUSIONS:

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

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. PRE-COMMENCEMENT CONDITION

No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:

(a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.

(b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;

(c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;

(d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;

(e) Proposed positions, design, materials and type of boundary treatment.

3. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years 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.

4. PRE-COMMENCEMENT CONDITION

Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the wall, roof, rainwater goods and windows to be used for the development hereby permitted and no materials other than those approved shall be used.

5. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to the applicant and approved in writing by the local planning authority. The archaeological work will be undertaken to the standards laid down by the Institute for Archaeologists. On completion of site work and any post-excavation analysis a report on the investigation will be submitted for approval to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. tel: 01938 553670.

6. Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

7. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

8. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

9. PRE-COMMENCEMENT CONDITION

The access shall be laid out in accordance with the approved plan and completed to the satisfaction of the Local Planning Authority before any works commence on site.

10. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning facilities of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interests of visual amenity.
5. In the interests of investigation and recording of historic/listed buildings.
6. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
10. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

NOTES TO APPLICANT:

None