



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

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Heading:

45/2012/0774
2 Seabank Road
Rhyl

24



Application Site

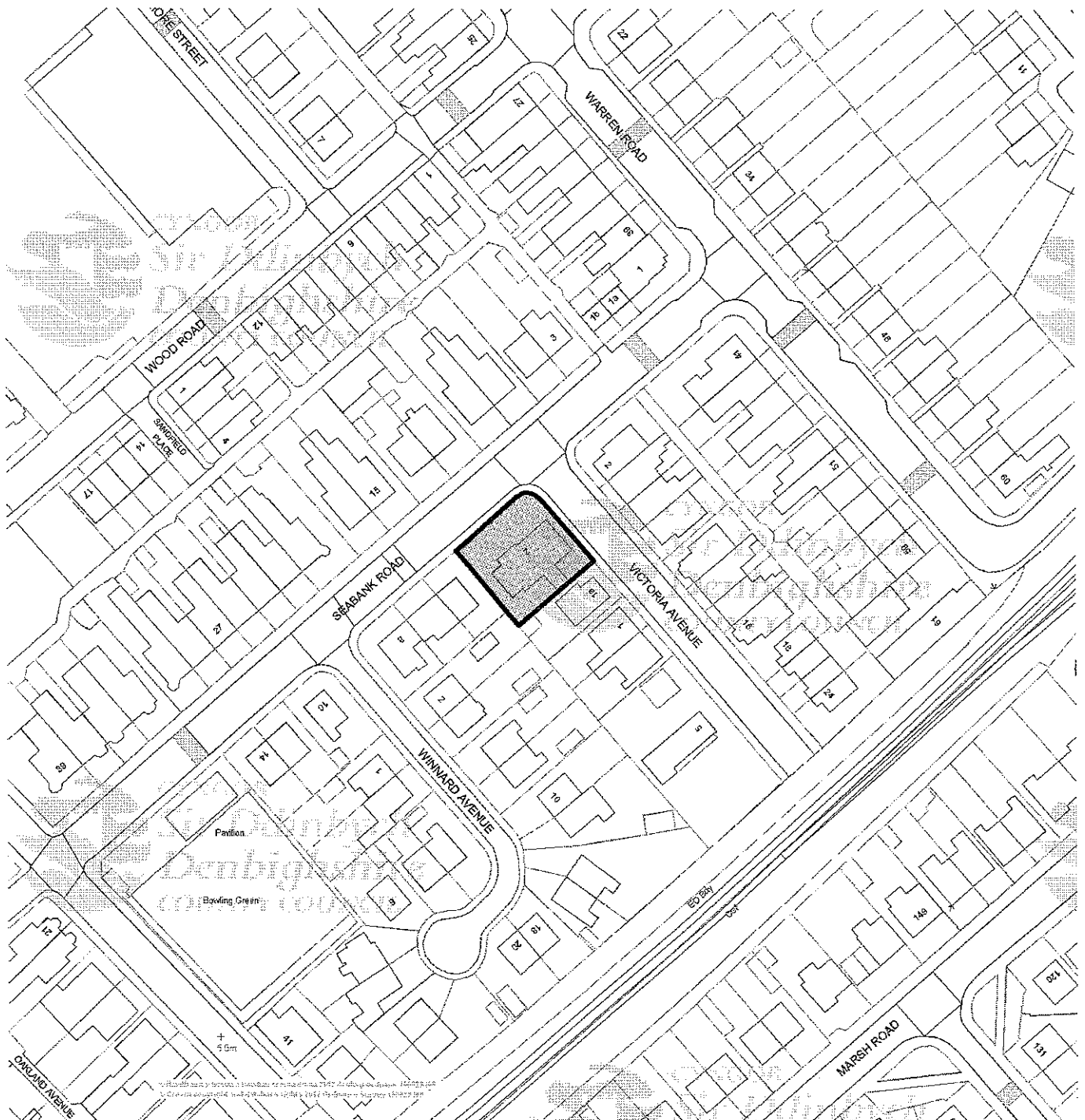


Date 23/8/2012

Scale 1/1250

Centre = 300328 E 380694 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.

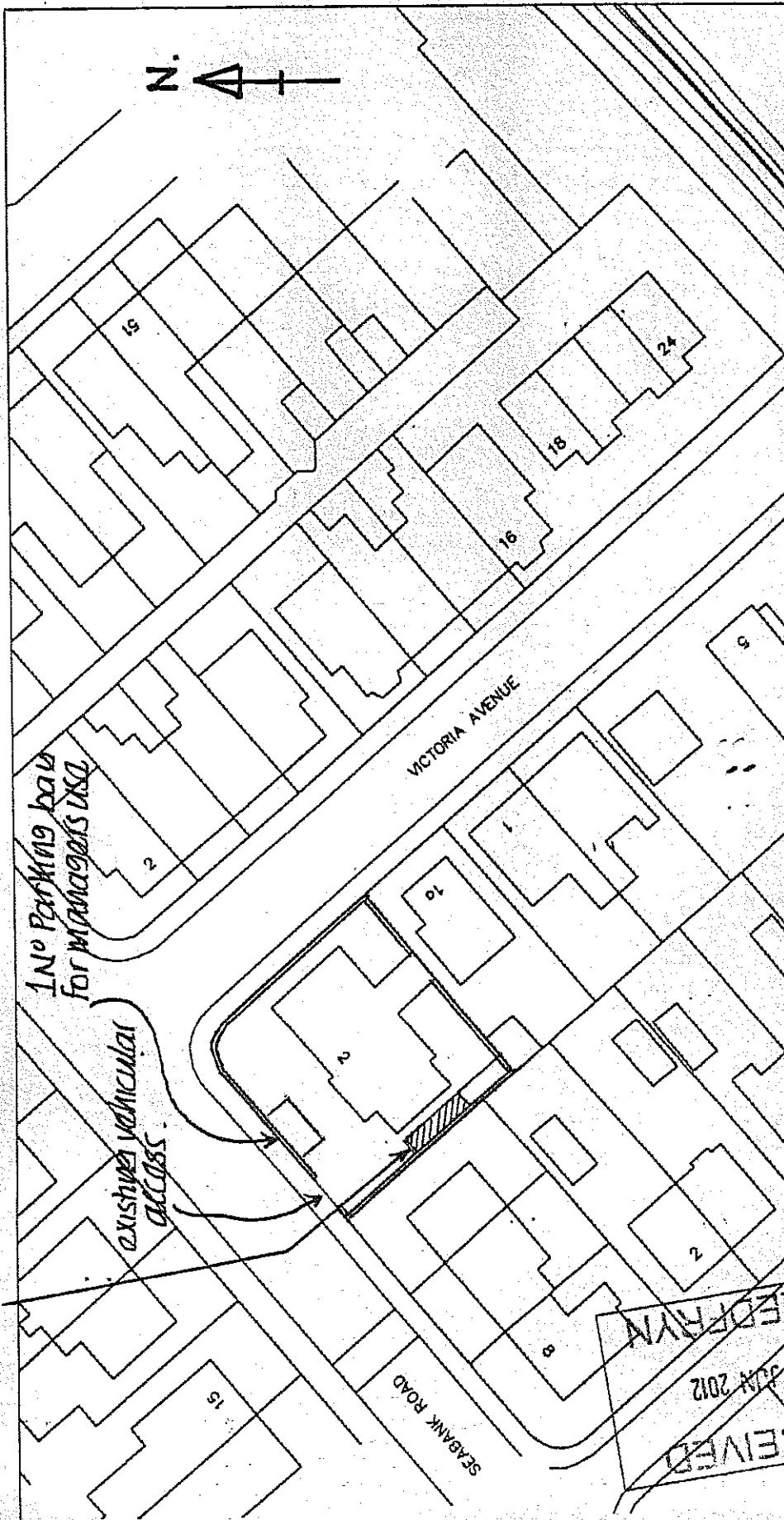


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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych, 100023408, 2011.

SITE PLAN

45 / 2012 / 0774 / P F



extend amenity area for use by managers flat as detailed on DA5 shown hatched.

1st Parking bay for managers use

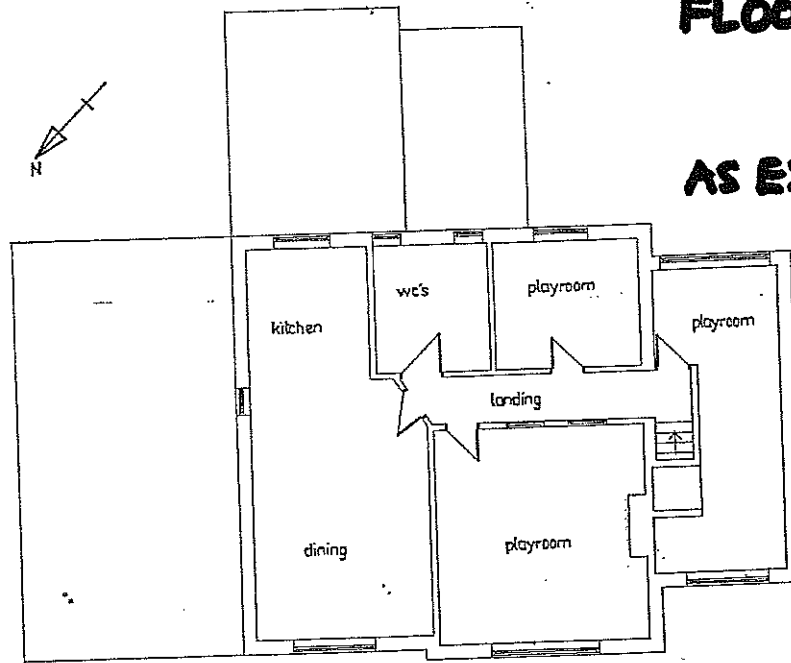
existing vehicular access

2 Scarbunk Rd Rmvt. Proposed Site Plan - DA6 1:500

RECEIVED
19 JULY 2012
EDF RYM

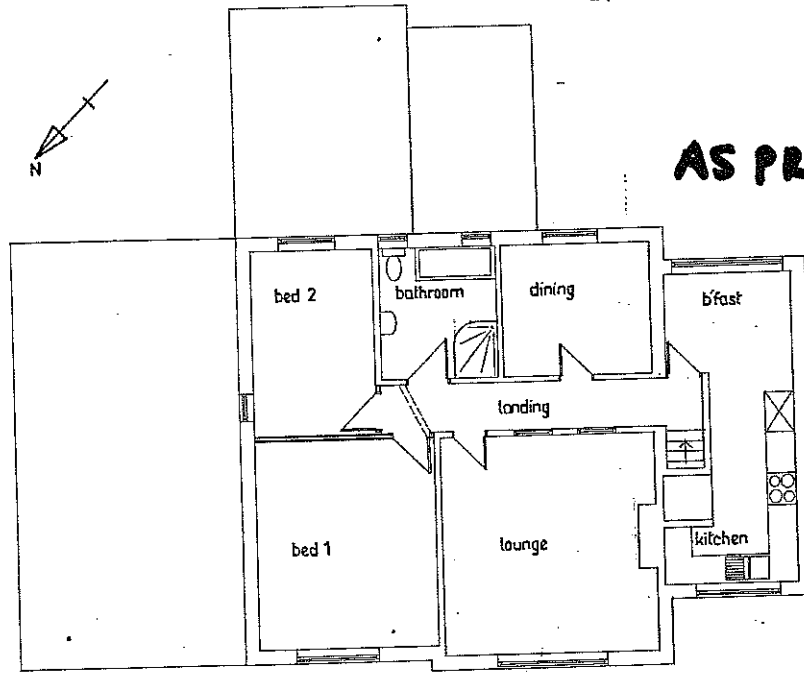
FLOOR PLANS

AS EXISTING



FIRST FLOOR 1:50

AS PROPOSED

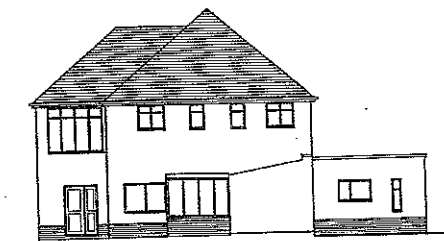


FIRST FLOOR 1:50

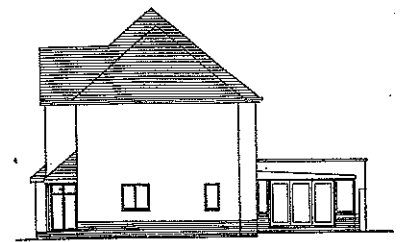
ELEVATIONS (UNCHANGED)



FRONT 1:100



REAR 1:100



SIDE 1:100

SES

ITEM NO: 24
WARD NO: Rhyl West
APPLICATION NO: 45/2012/0774/ PF
PROPOSAL: Change of use of first floor of day nursery to form manager's accommodation
LOCATION: 2 Seabank Road Rhyl
APPLICANT: Mr David Green
CONSTRAINTS: 250m Of Landfill Site
C1 Flood Zone
Groundwater Vulnerability 1
EA Floodmap Zone 2
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 / Community Council objection

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"Object. Notwithstanding the application specifies that the occupation of the flat would be by an employee of the day nursery, the creation of the self contained flat proposed would introduce residents above a commercial activity (the children's nursery) and therefore any future occupiers (including the employee) would be directly above the nursery and abutted by outdoor play areas for the children without any external amenity space for the occupiers of the flat. As such, it is considered that due to the nature of the ground floor use the scheme would fail to provide satisfactory amenity standards for future residential occupiers due to noise and disturbance from the ground floor indoor and outdoor uses. As such the scheme is unacceptable and it is contrary to criterion v) of Policy GEN 6 of the Unitary Development Plan".

ENVIRONMENT AGENCY

No objection

CARE STANDARDS INSPECTORATE WALES

No response received

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

PUBLIC PROTECTION

No objection

RESPONSE TO PUBLICITY:

Comments received from:

Paula Jones, 1a Victoria Avenue, Rhyl

Summary of comments:

No objection to the proposal however is concerned that the move towards residential could be a move towards making the property a HMO.

EXPIRY DATE OF APPLICATION: 13/08/2012

REASONS FOR DELAY IN DECISION:

- Awaiting referral to Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the change of use of the first floor of a building used as a day nursery to form manager's accommodation.
- 1.1.2 The property is in use as a Children's day nursery at both ground and first floor level, with outdoor play areas to the front and rear of the property.
- 1.1.3 It is proposed to convert the upper floor to provide a residential unit for use by the manager of the children's day care business. Access to the upper floor is through the existing porch and hallway of the nursery at ground floor level, and the accommodation would provide a kitchen/breakfast room, living room, dining room, 2 bedrooms and a bathroom. It is intended to dedicate an external area to the side of the property for the siting of refuse containers, cycle bays and a clothes drying area.
- 1.1.4 The floor area of the flat would be approximately 80 square metres.
- 1.1.5 The first floor has been used previously as managers accommodation.

1.2 Description of site and surroundings

- 1.2.1 The day nursery is a large, detached 2 storey property located on the corner of Seabank Road with Victoria Avenue.
- 1.2.2 The area is predominantly residential in character with a mixture of single dwellings and flats.
- 1.2.3 The property is bounded by a low brick wall on its front and side boundary with Seabank Road and Victoria Avenue, with a 2m high wall along the boundary with 4 Seabank Road. To the rear there is a low fence and wall along part of the boundary with 1a Victoria Avenue with the rear wall of a single storey playroom extension forming the remaining boundary with this property.
- 1.2.4 To the front of the property is a parking area with a small play area.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl and within a Zone C1 Flood zone as identified on the development advice maps accompanying TAN 15: Development and Flood Risk.

1.4 Relevant planning history

1.4.1 The use of the original children's day nursery was granted in 1981. Subsequent applications have been submitted in the 1990's for extensions to extend the day nursery at ground floor and to create additional day nursery accommodation at first floor. In 2002 permission was granted for an extension at the property to provide owners accommodation, this permission was not implemented.

1.4.2 In 2008, planning permission was refused for the conversion of the upper floor to a self contained flat. This differs from this current application in that the flat proposed was self contained, at it was proposed to be a completely separate dwelling with no link to the children's day care use at ground floor level.

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 2/RYL/23/81 - Private day nursery GRANTED 1981

2/RYL/46/93 - Proposed ground and first floor extension at side to form self contained flat at first floor level and enlarges day nursery GRANTED 17th March, 1993

2/RYL/341/93 – Rear Conservatory extension GRANTED 1993

2/RYL/176/95 - Change of use of first floor domestic accommodation to form part of day nursery GRANTED 31st July 1995

46/2002/0529/PF Erection of first floor pitched roof extension over existing flat roofed element to provide owners accommodation. GRANTED at Planning Committee 25th July, 2002

45/2008/1166/PF Conversion of first floor of day nursery to 1 no. self contained flat REFUSED under Delegated Powers on 18th December, 2008 for the following reason:

" The creation of the self-contained flat proposed would introduce residents above a commercial activity (the children's nursery) and therefore any future occupiers would be directly above the nursery and abutted by outdoor play areas for the children without any external amenity space for the occupiers of the flat. As such, it is considered that due to the nature of the ground floor use the scheme would fail to provide satisfactory amenity standards for future residential occupiers due to the noise and disturbance from the ground floor indoor and outdoor uses. As such, the scheme is unacceptable as it is contrary to criterion v) of Policy GEN 6 of the Unitary Development Plan."

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 STRAT 1 General

Policy STRAT 15 Housing

Policy GEN 1 Development within Development Boundaries

Policy GEN 6 Development Control Requirements

Policy HSG 13 Subdivision of existing premises to self contained flats

3.2 Supplementary Planning Guidance

SPG 3 Children's Day Care

SPG 7 Residential Space Standards (Adopted April 2011)

3.3 GOVERNMENT POLICY GUIDANCE

Planning Policy Wales 2011

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle

4.1.2 Residential Amenity Considerations

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of a Children's Day Nursery is long established on the site, since its approval in 1981.

It is of some relevance to the current application that in the past, managers accommodation has been present at first floor level. In recent years, as the children's day care business expanded the first floor was converted to additional nursery accommodation to accommodate additional numbers of children.

This application proposes to revert back to using the upper floor of the premises as a manager's flat. The site is located in the development boundary of Rhyl and therefore the proposal to provide residential accommodation is considered acceptable in principle, in accord with Policy GEN 1.

Policy HSG 13 relates to the subdivision of existing premises into self contained flats and indicates proposals will be permitted provided that the original property is suitable for conversion to the number and type of flats proposed without unacceptably affecting the character, appearance and amenity standards of its immediate locality; meets the Council's approved space and car parking standards; the proposal retains any inherent characteristics of merit in the original dwelling and does not require major works; adequate provision is made for refuse, storage and outside drying areas and in the case of converting the upper floors of commercial premises provides a satisfactory pedestrian access to the living accommodation.

This proposal is to convert the upper floor in to self contained living accommodation, specifically to be used by the manager of the children's day care business operating at ground floor level. The proposal would provide a 2 bed unit, approx 80 square metres in floor area, which exceeds the space standard for a 2 bed unit set out in SPG 7. A bin and cycle storage area with clothes drying area would be provided to the side of the property. Limited parking is available within the site, however on street parking is available within the locality.

In relation to Policy HSG 13 the principle of the proposal is considered acceptable.

4.2.2 Residential Amenity Considerations

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

development.

If the proposal was to provide a separate dwelling unit with no link to the day care use, as applied for in 2008, Officers would have the same amenity concerns as at that time, which related to the introduction of an unconnected residential use above a commercial activity.

The current application is to revert the use of the first floor back to residential accommodation, providing accommodation for the manager of the children's day care business operating at ground floor level. The first floor accommodation would only be accessed from within the building, and would not have a separate access. In contrast to the 2008 application, it is not proposed to provide a separate self contained dwelling, as the application is specifically for managers accommodation, ancillary to the commercial premises at ground floor level. Due to the nature of the proposed use of the upper floor, it is considered acceptable in residential amenity terms.

The proposal does not propose any external alterations to the building, so there would be no adverse impact on the amenity of nearby residents.

With regard to the concerns of the Town Council in relation to amenity standards, it is suggested the concerns would really relate to the use of the unit as a separate dwelling with no link to the commercial use. The application has been specifically applied for as managers accommodation and a planning condition restricting the use of the unit to managers accommodation only would be appropriate to address the Town Council's issues.

5. SUMMARY AND CONCLUSIONS:

- 5.1 With regard to the above considerations, the proposal is considered to comply with the adopted planning policies and it is therefore recommended that planning permission be granted.

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. The living accommodation at first floor level hereby permitted shall be used at all times as living accommodation by the manager or persons employed at the children's day nursery, and at no time shall be used as a self-contained living unit separate from the day nursery.
3. The bin store, drying area and cycle storage area shall be provided in accordance with the approved plan and kept available for this purpose at all times.

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. In the interests of residential amenity.
3. In the interest of residential amenity.

NOTES TO APPLICANT:

None