

45 / 2013 / 0299 / P F

NOTES

DO NOT SCALE OFF DRAWING

Rev No.	Date	Amendment	Initials



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Dylunio a Datblygu Sir Ddinbych
 Denbighshire Design & Development

Project Name:

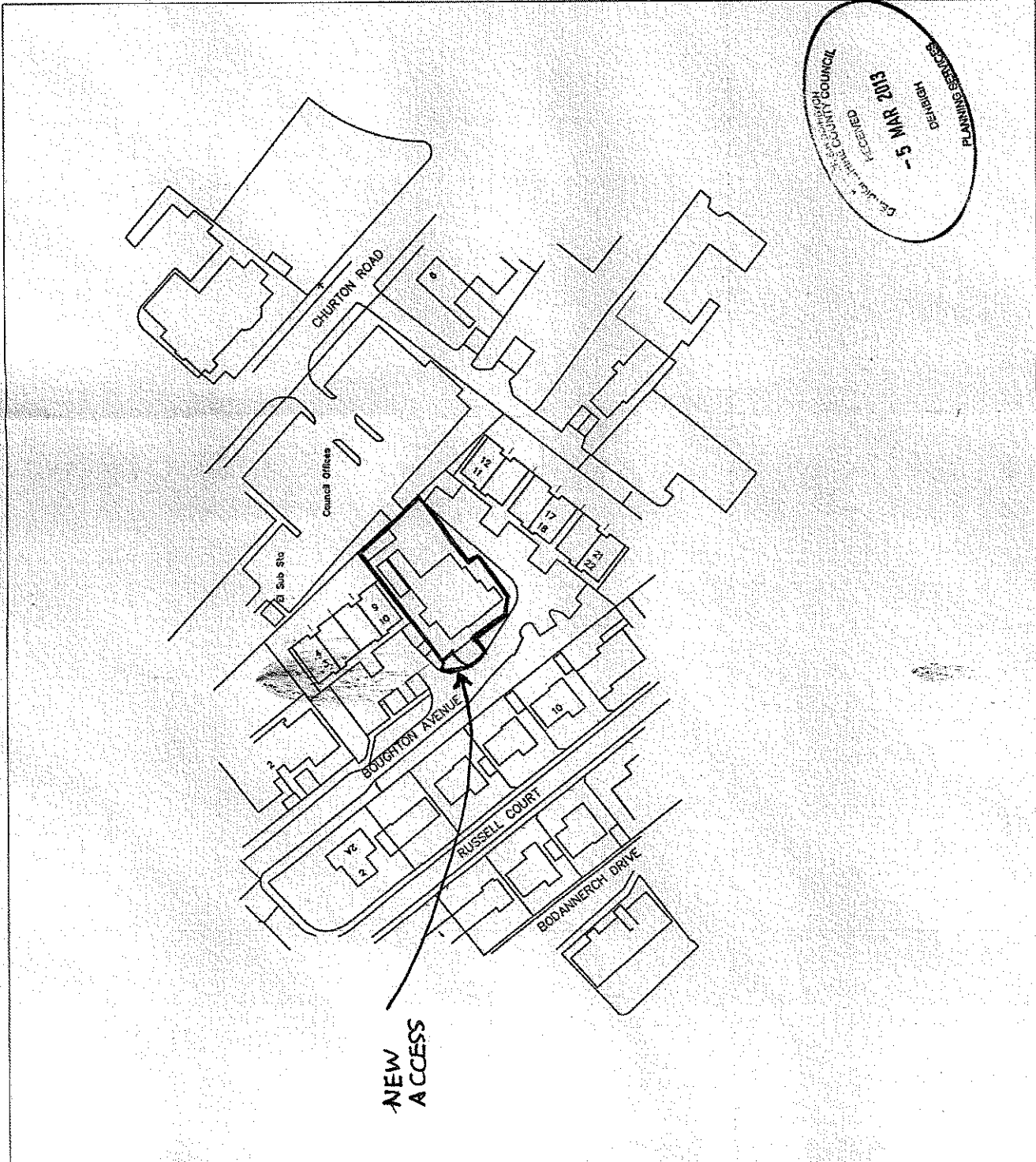
PROPOSED NEW ACCESS
AT FRON FRAITH, RHYL.

Project Number:

Drawing Stage:	Drawn By:	Reviewed By:
	N.H.	
Date:	Scale:	
15/02/13	1/1000	

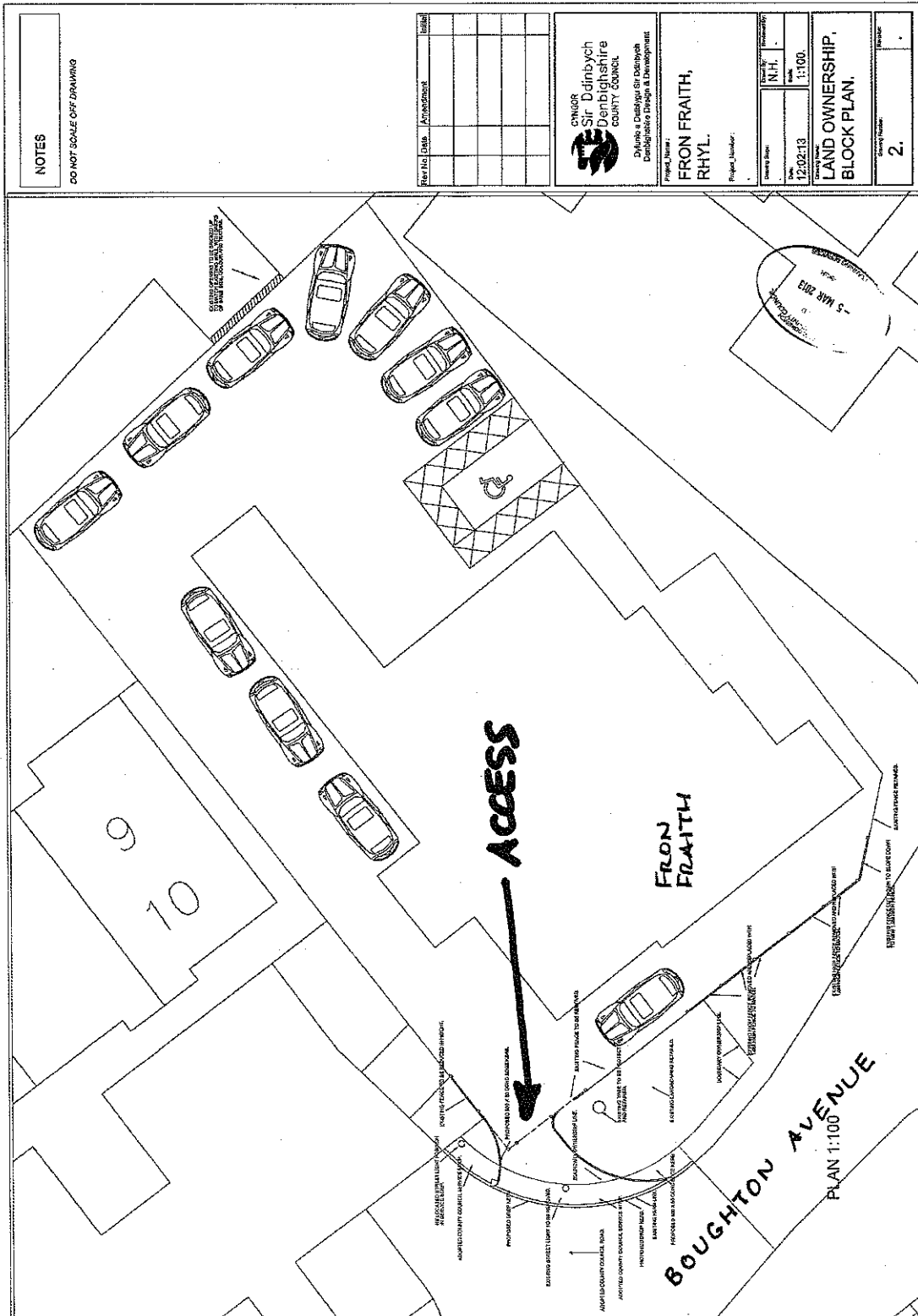
Drawing Name:
LOCATION PLAN.

Drawing Number:	Revision:
1	



BLOCK PLAN

45 / 2018 / 0293 / P F



EOC

ITEM NO: 15
WARD NO: Rhyl East
APPLICATION NO: 45/2013/0299/ PF
PROPOSAL: Formation of a new vehicular and pedestrian access off Boughton Avenue and closing up of access to Russell House
LOCATION: Fronfraith Boughton Avenue Rhyl
APPLICANT: Denbighshire County Council
CONSTRAINTS: Tree Preservation Order
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
- Application by County Council on Council land

CONSULTATION RESPONSES:

RHYL TOWN/COMMUNITY COUNCIL
"No objection".

DENBIGHSHIRE COUNTY COUNCIL CONSULTTEES –

Head of Transport and Infrastructure

- Highways Officer

No objection subject to condition to control the details of the access and parking.

RESPONSE TO PUBLICITY:

In objection:

Representation received:

Fronfraith Property Management Ltd., 15, Boughton Ave (Petition with 21 names and addresses)

Summary of planning based representations in objection:

Residential amenity impacts- noise disturbance of traffic using the access in a quiet residential area (elderly accommodation)/loss of privacy owing to traffic using private driveways.

Visual impact- bins would be detrimental to character of the area.

Other matters:

Land ownership issues- residents in dispute with the Council.

EXPIRY DATE OF APPLICATION: 29/04/2013

REASONS FOR DELAY IN DECISION: Not applicable

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks planning permission for the creation of an access onto Boughton Avenue in Rhyl from the car park of the Denbighshire Fronfraith Council Offices. The access would be located on the north-western corner of the site.
- 1.1.2 To facilitate the creation of the access, 12 metres of the existing 2 metre high timber fencing would be removed and a 3 metre wide splayed access would be created onto the site. A further 13.5 metres of the remaining 2 metre high fence would be reduced to 1m in height.
- 1.1.3 The access would be tarmaced and finished with concrete edged kerbstones. A dropped kerb onto the road would be installed along the width of the splayed access.
- 1.1.4 The plans show a street lamp is proposed to be re-sited and all other existing landscaping, including a mature tree is to be retained.
- 1.1.5 The existing access to the Fronfraith Office site from the car-park of the adjacent office building Russell House would be blocked up if permission for the new access is granted. For the details of the proposal please see the plan at the front of the report.
- 1.1.6 The access would serve a total of 12 parking spaces.

1.2 Description of site and surroundings

- 1.2.1 The site is located off Boughton Avenue, a cul se sac accessed from Russell Road to the east of Rhyl town centre. To the north and south of the site is a complex of retirement properties known as Fronfraith.
- 1.2.2 The existing use of the site is offices, a B1 planning use. It is understood that the Council has used the building for overspill office accommodation in conjunction with the office accommodation at Churton Road.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl. The tree to the south of the access is covered by a Tree Preservation Order (TPO).

1.4 Relevant planning history

- 1.4.1 In March 2001, planning permission for Change of use from Class C2 residential institution to Class B1 offices with car park and provision of access from existing Council car park in Churton Road was granted at Planning Committee.

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 45/2001/0112 Change of use from Class C2 residential institution to Class B1 offices with car park and provision of access from existing Council car park in Churton Road GRANTED at Planning Committee 29/03/2001.

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 TRA 6 - Impact of New Development on Traffic Flows

3.2 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 5 November 2012

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 Residential amenity
- 4.1.4 Highway safety

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 1 states that development will mainly be located within development boundaries. Development is permitted subject to compliance with the general development control criteria as set out in Policy GEN 6.

Policy GEN 6 contains a range of development control criteria to enable assessment of the various aspects of a proposal, including visual impact, amenity impacts, and highways impacts as set out below.

4.2.2 Visual and landscape Impact

GEN 6 part i) seeks to ensure that development respects the site and surroundings in terms of siting, layout and design.

The proposal is for the creation of an access into an existing office building. The boundary treatments will be altered to facilitate the access, some of the landscaped area immediately in front of the fence would be lost but the tree to the south of the access point would be retained. The history file indicates that there was an access in this position prior to the 2001 planning permission.

It is the opinion of Officers that this type of development would not have a detrimental impact on the character and appearance of the area. With respect to the concerns over the visual impact, it is considered that by virtue of the scale and location of the proposal, that the development would have a minimal impact on the wider area. Furthermore it is understood there has been an access point onto the site in this position historically. The proposal is therefore considered to comply with the requirements of criterion i) of policy GEN 6.

4.2.3 Residential Amenity

Policy GEN 6 sets specific tests to be applied to amenity impacts of development; to ensure new development does not unacceptably affect the amenities of local residents, by virtue of noise, activity, fumes, etc.

The proposal is for the creation of an access to an existing office building. There are residential dwellings to the north of the site, which are set back from the access, and more dwellings to the south in the cul de sac of Boughton Avenue.

Whilst it is accepted that the proposal would lead to more traffic on Boughton Avenue, having regard to the existing use of the site and the scale and nature of the proposal, i.e. an access to an office building with some 12 parking spaces, it is not considered that there would be a significantly harmful impact on residential amenity to warrant refusal of the permission. It is considered the proposal complies with criterion v) of policy GEN 6.

4.2.4 Highways Safety

Policy TRA 6 seeks to ensure that development does not unacceptably affect the safe and free flow of traffic and that the capacity and traffic conditions on the surrounding road network are satisfactory.

The application proposes the creation of an access onto Boughton Avenue which is a public highway, the existing access to the adjacent car-park would be blocked up. Highways Officers have considered the proposal and raised no objection to the principle of the development, subject to conditions being attached to the permission.

Having regard to the relevant response, it is not considered the proposal would be contrary to highways policies set out in TRA 6.

4.3 Other matters

Issues raised in the representations include non planning matters such as trespass and bin collection, and disputes over land ownership have also been mentioned. These points are not considered to be material to the decision, however a note to Applicant can be attached to ensure the Applicant is aware of the latter issue in particular.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable and 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. Full details of the vehicular verge crossing shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works and the access shall be completed in accordance with the approved plans before it is brought into use.
3. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the proposed 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. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

3. To provide for the parking of vehicles clear of the highway in the interest of traffic safety.

NOTES TO APPLICANT:

Notes to Applicant:

Representations have been received which raise issues relating to land ownership. This planning permission does not convey any rights to develop land outside the control of the Applicant.

Highways Advisory Notes

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10.
- (ii) New Roads and Street Works Act 1991-Part N Form.
- (iii) Highways Act 1980 Section 184 Consent to Construct A vehicular Crossing Over A Foot way.