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 Application Site

Date 30/10/2013
Centre = 301927 E 382341 N

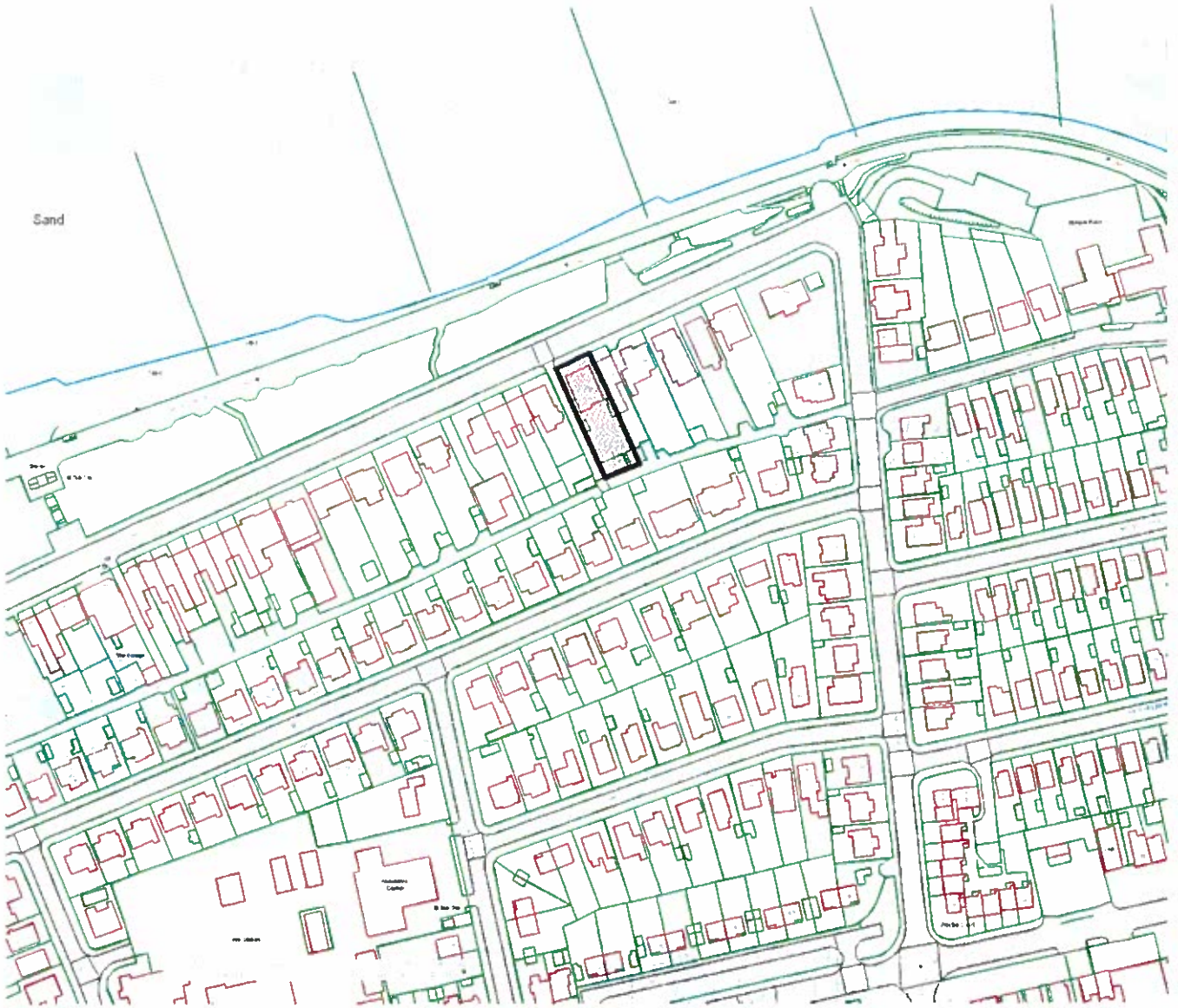
Scale 1/2500



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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Tel: 01824 706800 Fax: 01824 706709

Heading:

45/2013/1179
37 Marine Drive
Rhyl



Application Site



Date 30/10/2013

Scale 1/1250

Centre = 301927 E 382341 N

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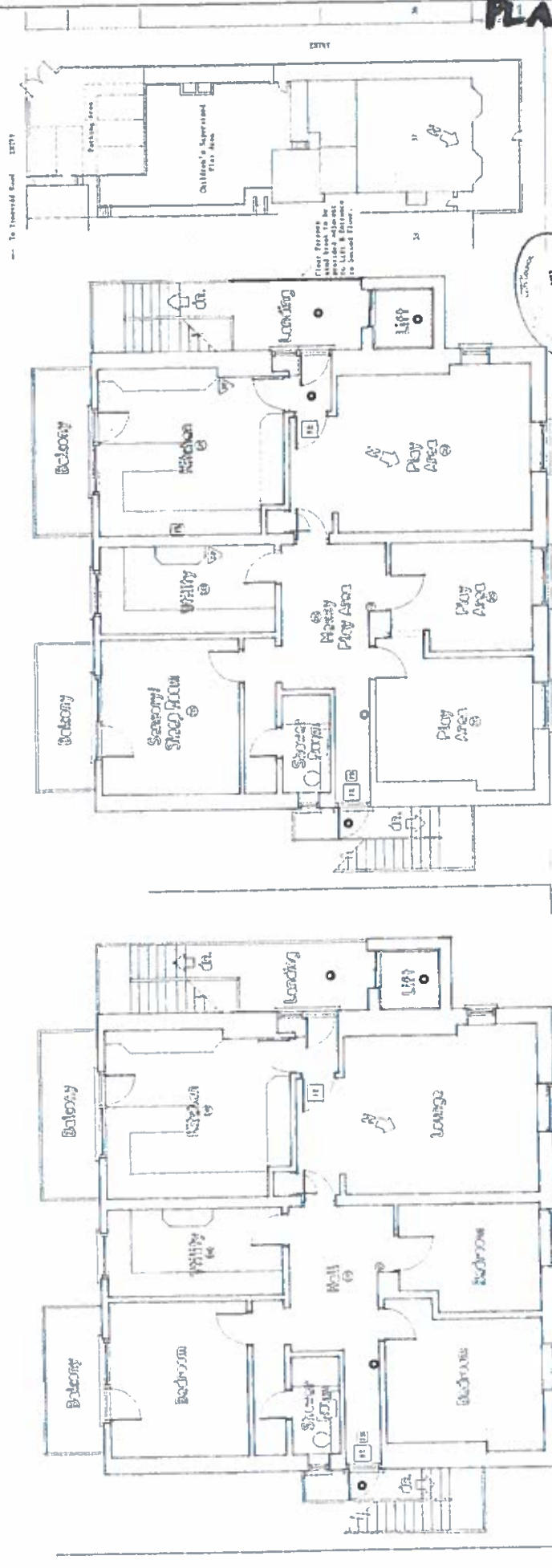
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PROPOSED FLOOR PLANS

4.5 / 2017 / 1113 / P.P

- 1:1 TO 1:10 SYMBOLS
- Swire Direction
 - Arch. Symbols
 - Emergency Light Points
 - Fire Alarm Call Point
 - Fire Exit Signs
 - Push Bar
 - Fire Alarm
 - Def. Powder Fire Extinguisher



1:1 TO 1:10 SYMBOLS
13 SEP 2017

PROPOSED SECOND FLOOR PLAN

EXISTING SECOND FLOOR PLAN

SITE PLAN SCALE - 1:200

PLAN NO. PA/2017/13
 BEACH HOUSE DAY NURSERY, 37 MARINE DRIVE, RHYL.
 SCALE - 1:50

BEACH HOUSE DAY NURSERY, 37 MARINE DRIVE, RHYL.

SCALE - 1:50

ITEM NO: 4
WARD NO: Rhyl East
WARD MEMBER(S): Councillors David Simmons and Barry Mellor
APPLICATION NO: 45/2013/1179/ PF
PROPOSAL: Change of use of second-floor flat to a children's day nursery in conjunction with existing nursery at ground floor level
LOCATION: 37 Marine Drive Rhyl
APPLICANT: Mr & Mrs Tony & Helen Thomas
CONSTRAINTS:
PUBLICITY UNDERTAKEN: Site Notice - No Press Notice - No Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

'No decision due to the applicant being a former member of the Town Council.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Transport and Infrastructure

Awaiting formal response. The Case Officer has indicated verbally that there are some concerns no formal objection.

Pollution Control Officer

Awaiting formal response. The Case Officer has indicated verbally there are concerns over potential increased noise and disturbance, without strict controls over elements of the use.

RESPONSE TO PUBLICITY:

Representations in objection:

C.H. Jones, 46 Burns Drive, Rhyl, L18 3BW

Andrea and David Jackson, 38 Marine Drive

Summary of planning based representations in objection:

Highway issues

Existing use is reliant on on-street parking/ already on street parking problems in the area/ increased movement of traffic at busy times of day/ safety concerns for pedestrians, children and other road users.

Residential amenity

Unacceptable impact on neighbours from noise and disturbance/intensification of use /in a residential area/ proposed/potential noise from more intensive use of garden.

EXPIRY DATE OF APPLICATION: 07/11/2013

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 seeks permission for change of use of a second floor flat to form an extension to a ground floor day nursery, to increase the number of children from 46 to 60, and staff from 15 to 21, at 'Beach House Day Nursery', 37 Marine Drive.
- 1.1.2 The second floor would be converted with minimal alterations, and one internal opening will be added between two of the rooms.
- 1.1.3 The second floor is accessed via an external lift, which opens onto an external staircase. A perspex screen is proposed on the railings of the staircase at the entrance to operate as a windbreak.
- 1.1.4 The plans at the front of the report show the site and proposed plans.

1.2 Description of site and surroundings

- 1.2.1 The proposal relates to a three storey detached property on the Promenade in Rhyl currently used as a day nursery, with a condition restricting the number of children to 46. There is also a planning condition on the site restricting the number of children playing outdoors in the rear garden area to 16 children at any time.
- 1.2.2 The rear of the site has vehicular access off an un-adopted road off Marine Drive. The 26 metre long rear yard is bounded by a 2 metre high wall on the western side and by outbuildings and a wall on the eastern side. The access to the rear car-parking area is at the south-western corner of the site. There is an existing garage in the south-eastern corner of the site.
- 1.2.3 The site fronts Marine Drive. The property to the east is a B&B, and there are dwellings to the west and the south.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Rhyl as defined on the proposals map in the Local Development Plan. There are no specific use designations for this area in the plan.

1.4 Relevant planning history

- 1.4.1 The property has the benefit of planning permission for use as a children's nursery dating back to 2006. Applications have been granted to increase the number of children at the nursery up to a total of 46. See Section 2 below.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 The DAS states that the second floor flat would be used as a 'Baby Unit' to accommodate 18 babies. Care standards guidelines require one member of staff per baby therefore there would also be 6 additional staff members employed at the site, taking the number of employees to 22.

1.6.2 The nursery operates on a year round basis from Monday to Friday, it opens at 7am and closes at 6pm.

2. DETAILS OF PLANNING HISTORY:

2.1 45/2006/868/PF- Change of use of ground floor flat to children's day nursery for 25 children with living accommodation over. Granted by Planning Committee 04/10/06

45/2007/302/PF- Variation of Condition No. 2 on Planning Permission Ref No. 45/2006/0868/PF to allow increase in number of children from 25 to 32. Granted by Planning Committee 01/08/2007

45/2008/822- Erection of conservatory to rear of existing day nursery and variation of Condition No. 1 on planning permission Ref. No. 45/2007/0302 to read:- "No more than 40 children shall be accommodated at the children's day nursery at any one time". Granted by Planning Committee 13/10/2008

45/2010/0081- Change of use of part of second-floor flat to form extension to ground-floor day nursery to allow increase in the nursery placements to 46 and an increase in the number of children in the external play area to 16. Granted by Planning Committee 14/04/2013

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 - Sustainable development and good standard design

Policy BSC 12 - Community facilities

Policy ASA 3 - Parking standards

3.2 Supplementary Planning Guidance

(all SPG's drafted in conjunction with the former Unitary Development Plan have been carried over for use as general guidance until they are formally reviewed)

SPG 3 - Children's day care

SPG 21 - Parking requirements in new developments

3.3 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 5 November 2012

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW 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, and that these 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 (Sections 3.1.3 and 3.1.4).

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 are considered to be:

4.1.1 Principle

4.1.2 Impact on residential amenity

4.1.3 Highways, access and parking

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy BSC12 of the Local Development Plan relates to the provision of community facilities and offers support for the principle of such development provided it is located within development boundaries.

Policy RD1 is the LDP's 'catch all' development control considerations policy and indicates that development proposals will be supported provided they are acceptable in terms of other plan policies and meet a range of site specific tests including respecting the site and surroundings, landscape and historic environment, the amenities of residents, assessment of impact on access and highways, flooding and drainage, community safety and waste disposal.

The Local Development Plan policies reflect the general framework set in Planning Policy Wales for assessment of applications against material planning considerations.

SPG3 refers to children's day care facilities normally being located to serve the local population, being accessible by a choice of means of transport, and within development boundaries. It indicates that proposals should not be situated in such a location as to cause disturbance to surrounding uses, particularly within residential areas, and should not pose any danger to highway safety.

This is an application to enable expansion of an existing use. The principle of the use has been established in 2006, therefore the localised impacts are the key considerations and are reviewed in the following sections.

4.2.2 Impact on residential amenity

Test vi of Policy RD1 of the LDP requires consideration of the impact of development on the amenity of local residents, including by way of increased activity, disturbance and noise.

The proposals are to increase the number of children attending the nursery from 46 to 64. The DAS refers to the use of the first floor area as a 'Baby Unit' to be used in conjunction with the existing nursery which caters for a range of ages. There are objections raised from neighbours. The concerns are over the generation of additional noise and disturbance from a more intense use of the nursery and the use of the garden as a play area for the number of children involved. The Public Protection Officer has raised some concerns over the more intensive use and residential amenity impacts of the increased numbers of comings and goings.

Having regard to this background, the concerns of the Pollution Control Officer, and the location of the property in close proximity to residential uses, Officers consider there may be a legitimate basis for concern. Whilst it is noted that the extension of the use to the second floor is proposed to cater for babies only, in Officers opinion the age of the end users cannot be controlled by planning condition, therefore what falls to be considered is a increase in numbers of children attending the nursery from 46 to 62, also an increase in staffing levels from 16 to 22. Officers have concerns over the scale of the use and increased activity around dropping off / picking up times at the front of the property, and the use of the rear garden as a play area for the children potentially for more play time per day, in terms of impact on adjacent occupiers. Whilst up to now the scale of the use may have been considered acceptable in this location, the more intensive use on a daily basis appears likely to go well beyond a reasonable limit for such disturbance, and as such is considered to conflict with the amenity considerations of planning policy RD1.

4.2.3 Highways, access and parking

Tests vii and viii of Policy RD1 of the LDP require proposals to provide safe and convenient access, including adequate parking and manoeuvring space and that development does not have an unacceptable effect on the local highway network. Policy ASA3 requires provision of appropriate parking spaces with development proposals, having regard to the nature of the locality, access to public transport or

alternative means of transport, and availability of parking in the area.

There are objections to the proposals on traffic impact grounds from neighbours. The concerns are over the generation of additional traffic, on street parking and associated dangers on the un-adopted road to the rear of the site. The applicants have noted there are five off road parking spaces to the rear of the site, they offer a minibus pick up service, most staff walk to work and parents utilise the 'loading and unloading' time restricted parking to the front of the site for pick up/ drop off. The Highway Officer has some concerns over the application, but has not formally objected. The concerns stem from the fact that vehicles are sometimes parking for longer than the loading and unloading times, they are loading/unloading out of season and the parents are parking on the pavement and loading/unloading in a dangerous manner. Whilst these issues are to be noted, it is not one over which the Council has control over the behaviour of individuals and is a police matter.

The planning issue to address in relation to the application is whether the additional traffic likely to be generated by car based patrons would lead to unacceptable movement/ and conflicts between of vehicles and demand for on street parking in the area around the site. As the Highways Officer takes the view that the proposals would not cause any significant parking/traffic problems, Officers would not consider these are reasonable grounds to oppose the application.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal to use the second floor of the day nursery in conjunction with the existing use, thereby increasing the number of children using the property from 46 to 62, raises issues over impacts on residential amenity from the intensification of use, and highways/access and parking implications.

5.2 In Officers' opinion there are legitimate concerns over the potential for additional noise and disturbance from the activity associated with the use, from both the drop off and pick up of children, and the intensity of the use of the rear garden as a play area, adjacent to residential uses. The more intensive use would be likely to have an adverse impact on the neighbours' enjoyment of their properties and would therefore be contrary to planning policies RD 1 and advice contained in SPG No. 3.

RECOMMENDATION: - REFUSE for the following reason:-

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

1. In the opinion of the Local Planning Authority that the intensification of use and activity at the property from an additional 16 children would lead to unacceptable additional levels of noise and disturbance for occupiers of nearby dwellings, contrary to test vi of Policy RD1 of the Denbighshire Local Development Plan which seeks to ensure new development does not unacceptably affect the amenity of local residents.

NOTES TO APPLICANT:

None

