

Heading:

REFERENCE NO. 45/2015/0298/PF

140A VALE ROAD

RHYL

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 Application Site

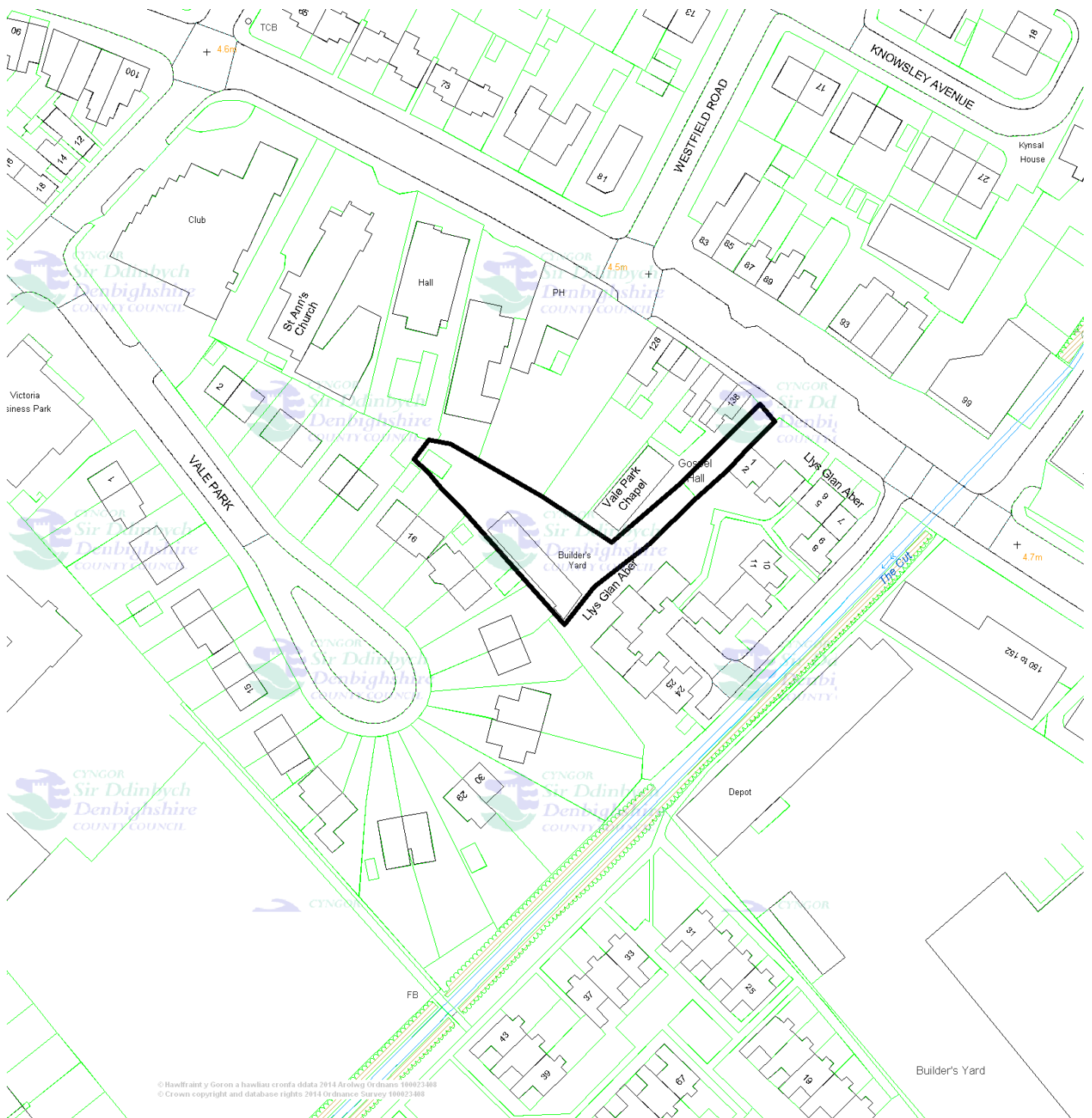


Date 28/5/2015

Scale 1/1250

Centre = 301449 E 380932 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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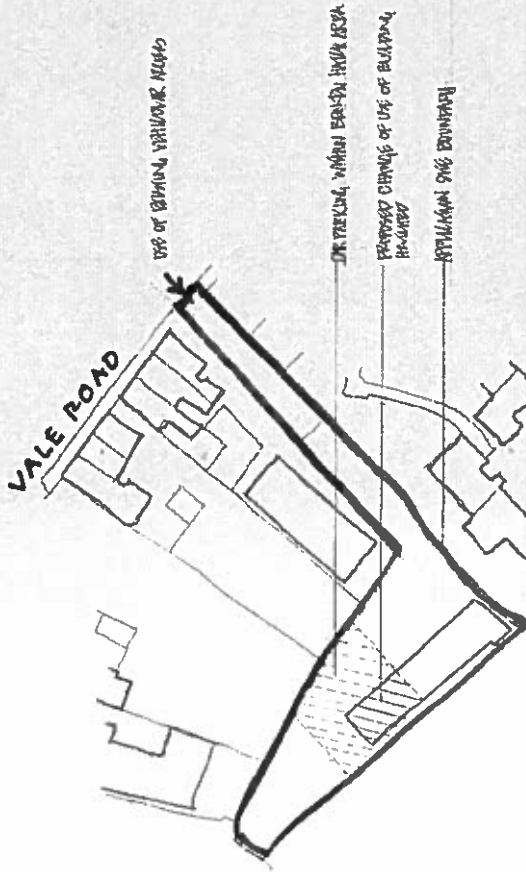
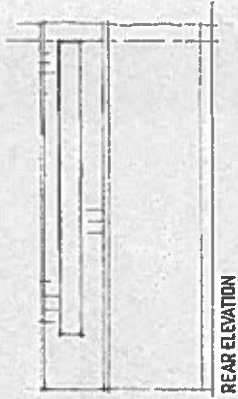
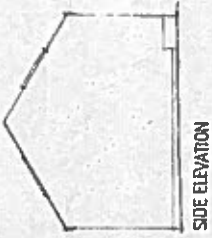
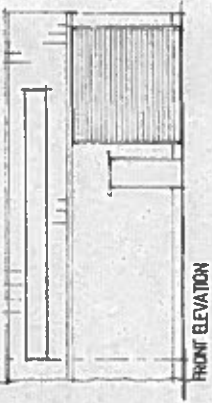
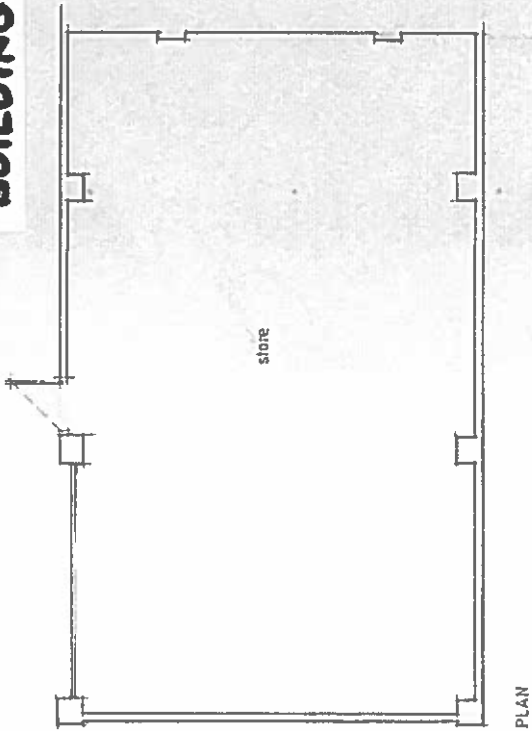


# EXISTING / PROPOSED SITE PLAN

## EXISTING FLOOR PLAN & ELEVATIONS

PROPOSED CHANGE OF USE  
UNIT REAR OF 116 VALE RD  
RHTL  
EXISTING  
SCALE 1:50, 1:100  
DATE FEB 2015

### BUILDINGS AS EXISTING



SITE PLAN  
SCALE 1:500  
NORTH ↑



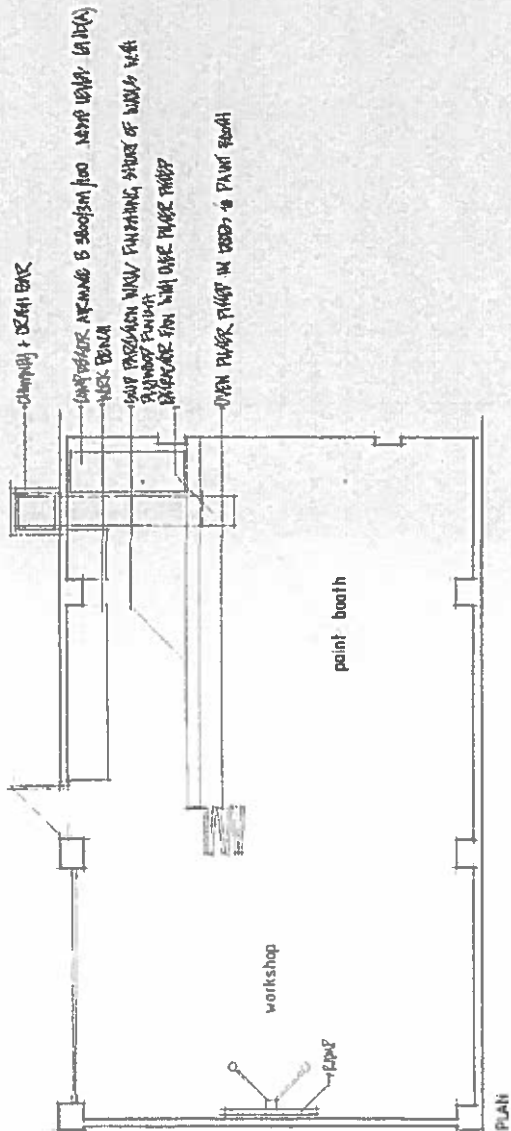
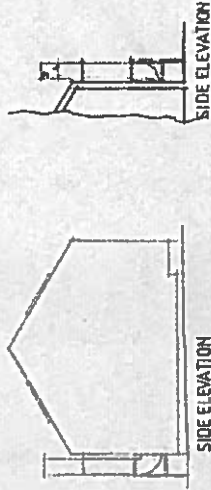
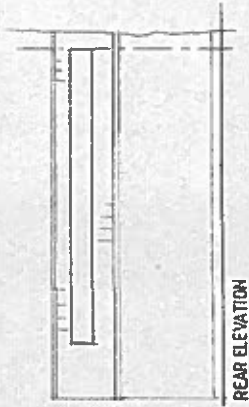
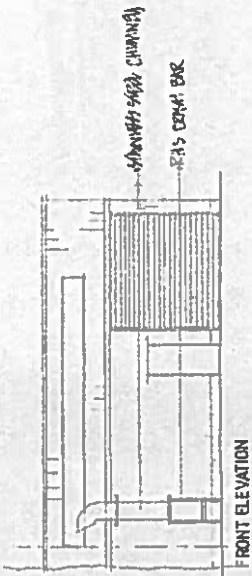


# PROPOSED PAINT BOOTH AND WORKSHOP

## PROPOSED FLOOR PLAN & ELEVATIONS

PROPOSED CHANGE OF USE  
UNIT REAR OF 116 VALE RD  
RHYL

PROPOSED SCALE 1:50 1:100  
DATE FEB 2015





**WARD :** Rhyl South West

**WARD MEMBER(S):** Cllr Pat Jones (c)  
Cllr Pete Prendergast (c)

**APPLICATION NO:** 45/2015/0298/PF

**PROPOSAL:** Change of use from builders merchants to motor vehicle body shop and spray booth and associated alterations including installation of vent chimney

**LOCATION:** 140A Vale Road Rhyl

**APPLICANT:** Mr Lee Rainford Coastal Cars

**CONSTRAINTS:** None

**PUBLICITY UNDERTAKEN:** Site Notice – No  
Press Notice – No  
Neighbour letters - Yes

**REASON APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Member request for referral to Committee
- Town Council Objection

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL –

“Objection. The Town Council are concerned that the proposals will have negative impact on the residential amenity of neighbouring residential properties (particularly the nearby sheltered accommodation and Ysgol Emmanuel playing field). The Council is concerned as to the fumes to be generated by the business and distributed by the vent chimney from a health and environmental pollution aspect. The Council feel that the proposal would also lead to potential increased noise to the detriment of adjacent residential properties. The Council is also concerned that the development site is not well maintained at present and should be the subject of an order to require it to be improved.”

DWR CYMRU / WELSH WATER

No objections. Standard comments relating to water discharge and sewerage.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer:

No objection to the proposals subject to the inclusion of conditions relating to parking / turning of vehicles.

Pollution Control Officer:

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Adrian Woonton, 19 Llys Glan Aber, Rhyl (O)D. Butters, 10, Vale Park, Rhyl (O)

Summary of planning based representations in objection:

- Air contamination and increased noise

- Smells/fumes and impact on health

**EXPIRY DATE OF APPLICATION: 18/05/2015**

**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 proposes to change the use of part of the existing building and its yard/car park from its last use as a builders' merchant and associated offices to motor body repairs including the creation of a spray booth and a stainless steel vent chimney to the front of the building.
- 1.1.2 The hours of use proposed are 0830 to 1800 hours Mondays to Saturdays and closed on Sundays, with the scheme employing 2 staff. The floor area of the unit is suggested as being 54 sqm which is just under half of the existing building and will use the western section of the structure with car parking to the front.
- 1.1.3 The chimney to be added has a height of 4.1 metres which compares to the eaves of the building of 3.3 metres and the ridge height of 4.9 metres. No other external alterations are proposed, with the internal layout having room for the paint booth and a workshop including a ramp. A compressor and extraction fan for the vent is also indicated as being installed.
- 1.1.4 The application is accompanied by a Design and Access Statement which concludes that:

*"The proposal for the change of use from B8 to B2, to allow for motor vehicle repairs and spraying of vehicles, would not have an adverse impact upon the visual amenity of the locality, the residential amenity of nearby occupiers, highway safety, or flood risk. The proposal will supplement the range of commercial services offered within this part of Rhyl, thereby providing a positive contribution to the local economy and employment pool. The proposal complies with Policies RD 1 and ASA 3 of the Denbighshire LDP and national planning guidance in Planning Policy Wales and TANs, and should therefore be supported."*

1.2 Description of site and surroundings

- 1.2.1 The subject property lies to the south west of Vale Road and is reached by an access road that leads down the side of the florist fronting the main road and alongside the residential accommodation to the east on Llays Glan Aber.
- 1.2.2 The building has a row of residential properties immediately adjacent to its rear (southern) boundary, with a taxi business, public house and Christian meeting room to the north.
- 1.2.3 The eastern end of the building is utilised as offices and is not subject to the proposed change of use.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary but has no specific designation in the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 The site has a history of refusals which have sought alternative commercial uses, including motor body repairs, dating back to the 1980's, and a private hire office /



service workshop in the 1990's.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The Member request for referral to Committee has been made by Councillor Pete Prendergast to allow for assessment of the potential impacts of noise and pollution for residents.

**2. DETAILS OF PLANNING HISTORY:**

2.1 2/RYL/223/80 - Erection of warehouse/workshop extension: Refused 09/04/1980.

2.2 2/RYL/622/80 - Commercial vehicle repair and servicing workshops and sales depot: Refused 27/01/1981.

Reasons – additional non-conforming site leading to congestion on the site and road; Introduction of a general industrial use in a primarily residential area, detrimental to the visual and general residential amenities of adjacent residential property.

2.3 2/RYL/0008/89/E - Use of premises as a builders' yard / light industrial: Established Use Certificate issued 09/10/1989.

2.4 2/RYL/0297/91/P - Demolition of 2 shops and hall construction of new hall & 12 flats: Refused 05/11/1991.

2.5 2/RYL/0359/92/P - Change of use to private hire office service workshop: Refused 10/11/1992.

2.6 2/RYL/0413/92/P - Change of use to private taxi hire office and service workshop: Refused 07/01/1993.

Reason – Noise and disturbance detrimental to residential amenity of occupiers of nearby residential properties.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy ASA3** – Parking standards

3.1 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (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 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 Highways (including access and parking)

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

As the scheme relates to an existing business use within the town development boundary, an alternative employment use may be appropriate in principle, subject to detailed consideration of the impacts of the change of use on the site and its surroundings.

##### 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.

There are no representations relating to the visual impacts of the proposals.

In Officers' opinion, the proposed changes to the existing building are minimal, with the addition of a front chimney vent considered not to raise any substantial visual issues as it would be located between the eaves and ridge of the commercial property onto which it is proposed.

##### 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.

There are objections on residential amenity grounds from Rhyl Town Council and occupiers of nearby residential properties, raising concerns in relation to noise and fumes from the proposed use. The building is sited only 7 metres from the rear of the closest house to the rear on Vale Park, and it is to be noted that the two individual objections are from the occupiers of residential properties which abut the site and the access road.

In considering the issues, due regard needs to be had to the existing long established use as a builders' yard, which clearly can give rise to a level of noise and disturbance from the arrival of vehicles, loading operations and general day to day activity. However, it is considered the use of the building for the carrying out of motor body repairs has the potential to result in a higher level of noise along with the accompanying fumes that would be generated from the spraying of vehicles as highlighted by the need to install an extraction system. On this basis, having regard to the close proximity of residential properties, it is considered that the change of use as proposed would lead to an unacceptable increase in noise, disturbance and fumes

which would be harmful to the amenity of the occupiers, contrary to criteria i) and vi) of Policy RD 1 of the Local Development Plan.

#### 4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and 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 (Section 8) and TAN 18 – Transport, in support of sustainable development.

The Highway Officer has no objections to the proposals subject to inclusion of a suitable condition relating to the internal parking / turning arrangements. There are no other representations on highway or parking matters.

In Officers' opinion, it is not considered that the change of use will result in any significant detriment in respect of parking or the highway network.

### **5. SUMMARY AND CONCLUSIONS:**

- 5.1 Whilst recognising the existing use as a builders yard is capable of generating a degree of noise and disturbance, it is concluded that the proposed use would have an unacceptable adverse impact on the amenities of adjacent residential occupiers, contrary to Policy RD 1 of the Local Development Plan.

### **RECOMMENDATION: REFUSE-** for the following reason:-

1. The operation of a motor body repair shop with associated spray booth and fume extraction system is considered likely to result in a level of noise and disturbance which would be harmful to the residential amenities of occupiers of nearby residential properties which are located in close proximity to the site. The change of use proposed is therefore considered contrary to criteria i) and vi) of Policy RD 1 of the Denbighshire Local Development Plan as it would not respect the site and surroundings in terms of the intensity of use of land/buildings and would unacceptably affect the amenity of local residents by virtue of increased activity, disturbance, noise, dust and fumes.

### **NOTES TO APPLICANT:**

None