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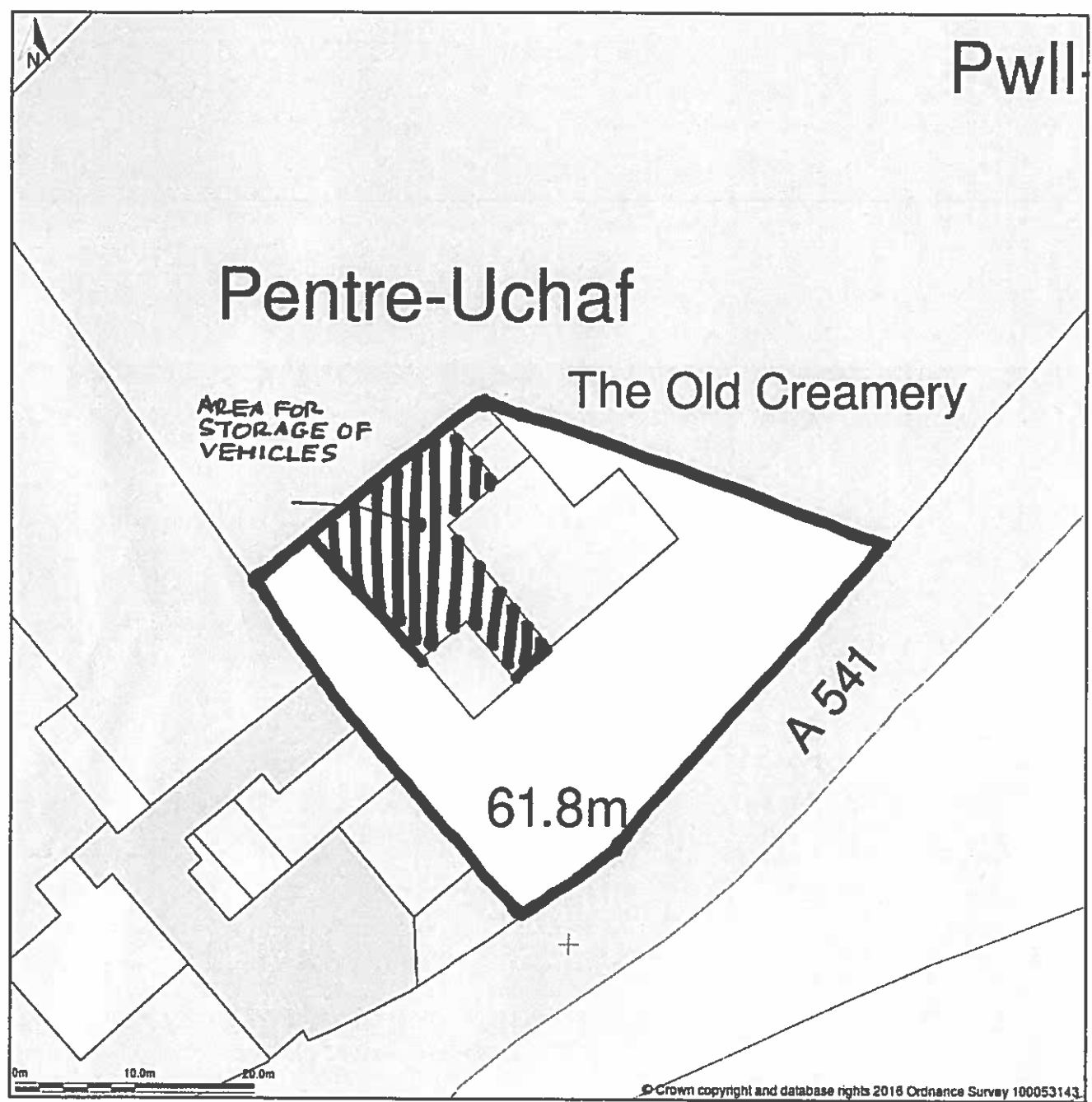
41/2016/1113/PS

Scale: 1:2500

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Workshop, Pentre Uchaf, A541 Rose Garden Bends Bodfari To Cty Boundary, Denbigh, LL16 4DR



Block Plan shows area bounded by: 310926.0, 371800.0 311016.0, 371890.0 (at a scale of 1:500) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**WARD :** Tremeirchion

**WARD MEMBER:** Councillor Barbara Smith

**APPLICATION NO:** 41/2016/1113/PS

**PROPOSAL:** Variation of conditions 2 and 3 of planning permission Code No. 41/2000/1065/PC, to allow for the permission for the Class B2 use of the building to inure for operations other than Mr. D. R. Parsonage, and for operations ancillary to the use of the building to be carried out on the land surrounding the building (retrospective application)

**LOCATION:** The Old Creamery Mold Road Bodfari Denbigh

**APPLICANT:** Mr John Houlston JBH Repairs

**CONSTRAINTS:** C2 Flood Zone AONB

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

**Scheme of Delegation Part 2**

- Application submitted by Relative of Member of Staff of Planning Service

**CONSULTATION RESPONSES:**

**BODFARI COMMUNITY COUNCIL**

"Following their meeting on 11th January 2017, Bodfari Community Council recommend approval with the comments that, while the community council had no objection in principle to the change of use from B1 to B2, the application appears to put no limit on the area of the site to be used. In addition there are concerns about extra traffic in view of the difficult nature of the National Speed Limit road, and about the visual impact and untidiness of the site in an AONB as well as concerns that the whole site will have adequate hazardous substance protocols and environmental protections in place, considering the proximity of the site to the River Wheeler".

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
HEAD OF HIGHWAYS AND INFRASTRUCTURE**  
No objection.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Mr I Allnutt, Pentre Uchaf, Bodfari  
Catherine Allnutt, Redcroft, 12 Parkfield Road, Liverpool  
Sophie Allnutt, 14 Seldon Close, Winchester

Summary of planning based representations in objection:  
Visual amenity- concerns over the appearance of the site.  
Waste products create health and safety risk.

In support

Representations received from:

Arthur Roberts, Ty Draw Farm, Bodfari  
Margaret Ceri Brooks, Ty Draw Cottage  
Kevin Davies, 129 Crud y Castell, Denbigh  
S Berger, Pentre Ucha Quarry, Bodfari

Christopher Davies, Pen yr Hwylfa Cottage, Brynford  
Frank Ainsworth, The Rose Gardens, Bodfari  
Jane Howard-Brooks, Llys y Wennol, Bodfari

Summary of planning based representations in support:  
Site supports valuable local business which has been in operation for some time.

Other  
John Daniel Sheard, Bawbee Cottage, Mold Road

Summary of planning based comments  
No objection however would not want to see use intensified.

**EXPIRY DATE OF APPLICATION: 02/02/2017**

**EXTENSION OF TIME AGREED: 10/02/2017**

**REASONS FOR DELAY IN DECISION:**

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 The proposal is for a variation of conditions imposed on a planning permission granted in January 2001, which permitted the retention of a mixed use Class B1 (Furniture Workshop) and Class B2 (Vehicle Repair/Bodywork) business.

1.1.2 The original conditions read:

*2. The permission for the Class B2 use of the building on the easterly side of the site shall inure for the benefit of the applicant Mr D.R. Parsonage, only.*

*Reason: In view of the special circumstances of the application and so that the Local Planning Authority can control the use of the site in the interests of residential amenity.*

*3. No operations related to the uses hereby permitted shall be carried out anywhere on the site other than within the buildings.*

*Reason: In the interests of visual and residential amenity*

1.1.3 Condition no. 2 is proposed to be varied to allow for the permission for the Class B2 use of the building to inure for operations other than by the original applicant Mr Parsonage. The reason for this request is that Mr Parsonage is no longer involved in operations at the site. The submission indicates that the current applicant has been operating the site for 14 years without Mr Parsonage.

1.1.4 Condition no. 3 is proposed to be varied to allow for operations ancillary to the use of the building to be carried out on the land surrounding the building. The plan submitted in support of this application indicates the area proposed to be used for these operations is between the workshop and the smaller building to the west and to the rear of the buildings. It measures approximately 180 sq m.

**1.2 Description of site and surroundings**

1.2.1 The site is located on the northern side of the A541 approximately 1 mile to the east of Bodfari as it runs towards Mold.

1.2.2 There are two buildings on the site, a large rendered detached building which houses the garage and a smaller brick building which has permission to be used for storage.

1.2.3 There is an area of hardstanding to the front and side of the buildings. This area is used for the parking and storage of vehicles at present.

1.2.4 The highway boundary of the site is bounded by a mix of wall and a 1m high fence.

### 1.3 Relevant planning constraints/considerations

1.3.1 The site is located outside any development boundary and within the Clwydian Range and Dee Valley AONB.

### 1.4 Relevant planning history

1.4.1 The use of the site for the carrying out of vehicle repairs and bodywork was permitted in January 2001.

1.4.2 Previously the site has been in use for other business / industrial uses, and it is understood its original use was a creamery.

### 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 41/2000/1065 Retention of mixed use on site, Class B1 (Furniture Workshop) and Class B2 (Vehicle Repair/Bodywork). Granted 11/01/2001.

## 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 PSE5** – Rural economy

**Policy VOE2** – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

### 3.1 Government Policy / Guidance

Planning Policy Wales Edition 9 2016

Technical Advice Notes

TAN 6 Planning for Sustainable Rural Communities

## 4. **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4). Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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.

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 Highway Safety

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application site lies outside any development boundary. Local Development Plan Policy PSE 5 outlines the general intent of the Local Development Plan to help sustain the rural economy, through the support of tourism and commercial development, subject to detailed criteria relating to the character and distinctive qualities of the local landscape.

Welsh Government Guidance in TAN6 encourages the development of appropriate scale enterprises in rural areas to build sustainable rural communities. Section 7.3 of Planning Policy Wales seeks to promote diversification in the rural economy, and offers in principle support for suitable small scale enterprises, and the expansion of existing businesses located in the open Countryside provided there are no unacceptable impacts on local amenity.

The commercial use of the premises is already established through the 2001 permission, so the principle of a B1 and B2 use has been accepted. The proposal is for the variation of conditions on the 2001 permission which restricts the use of the site to an individual and limits the use of the area surrounding the buildings. The reason the condition was attached related to amenity impacts. Amenity issues are therefore considered to be the key considerations and are reviewed in the following sections of the report.

4.2.2 Residential amenity

Paragraph 3.1.7 of PPW states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. It is also advised that the Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

It is understood that the current Applicant has been operating from the site since 2005/6. The planning use of the site remains as approved in 2001 albeit that the name of the principal operator has changed. No objections have been received on residential amenity grounds.

Owing to the separation distances to the neighbouring occupiers, and the nature of the use, it is not considered that variation of the condition would give rise to significant impacts on the amenity of adjacent occupiers. It is considered there would be no policy conflicts as a result of granting the variation.

4.2.3 Visual Amenity

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications.

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The use of the site is established and has been operating for a substantial period of time. The vehicle repairs take place within the building and there are vehicles (including longer term repair jobs) parked at the rear and side of the building. The Applicant has advised that he is willing to screen the rear and side of the site. He also advises that the parking to the front of the building is predominantly used during the working day.



The site has been in operation for some time. Whilst the storage / parking of vehicles in the open has some visual impact, the area involved is not extensive and in Officers' opinion was not excessively untidy at the time of the site visit. With respect to the opinions of the JAC and the objectors, Officers consider the use and associated storage that the application is seeking would not appear visually obtrusive or harmful to the AONB. To allay fears of the use becoming unregulated the condition can be reworded with a requirement for screening added. A condition can also be attached to require the removal of vehicles in the area in front of the building whilst the use is not in operation. Subject to these conditions, it is considered that the proposals would not have an unacceptable landscape and visual impact.

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

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 relating to consideration of highways safety and transport implications of development proposals.

Access to the site would be from the existing entrance off the A road. Concerns have been raised by the Community Council over the highways safety implications of the variation of the condition.

Highways Officers in their assessment of the application have considered that this is an existing use and the proposals would not result in an increase in intensity or activity on the site. Highway Officers have raised no objection to the proposal. Hence it is not considered that the proposal conflicts with the highways considerations of Policy ASA 3 or PPW.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation

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

5.1 It is the opinion of Officers that the variation proposed is reasonable having regard to relevant planning policies, and it is therefore recommended for grant.

**RECOMMENDATION: APPROVE VARIATION OF CONDITIONS 2 and 3** - subject to imposition of the following conditions:-

1. The permission for the Class B2 use of the building on the easterly side of the site and associated vehicle storage area shall inure for the benefit of the operators of the garage only.
2. The area hatched red on the approved plan shall be only used for the storage of vehicles in connection with the B2 use of the site.
3. No later than three months from the date of this consent, a screen fence shall be erected in the location marked A-B on the plan attached to this certificate, and a screen / gate shall be erected in the location marked C-D, in accordance with such detailing as may be submitted to

and approved in writing by the Local Planning Authority within one month of the consent. The approved screens shall be retained as approved at all times thereafter.

4. The land between the buildings and the A541 boundary, as coloured blue on the plan attached to this certificate, shall not be used for the parking, storage or servicing of any vehicles associated with the B2 use outside the business hours of that use.

The reasons for the conditions are:-

1. To enable the Local Planning Authority can control the use of the site in the interests of residential amenity.
2. In the interests of visual and residential amenity.
3. In the interests of visual amenity.
4. In the interest of visual amenity.

**NOTES TO APPLICANT:**

You are reminded that the remainder of the conditions of the original planning permission are still applicable on the site. The conditions relate to the storage or materials or machinery, permitted development, access arrangements and opening hours. The original certificate of decision is attached to this consent for your information.