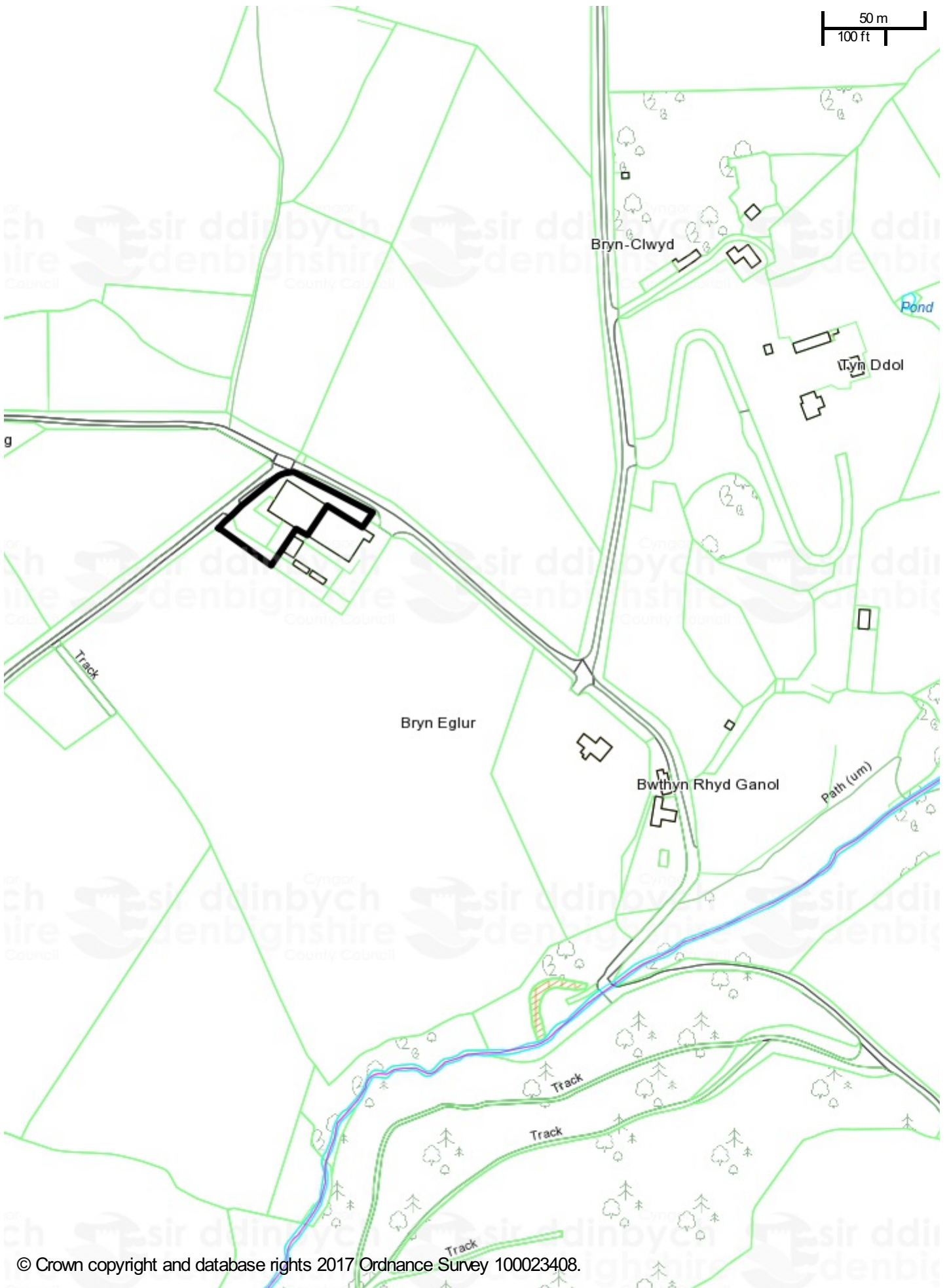


50 m
100 ft



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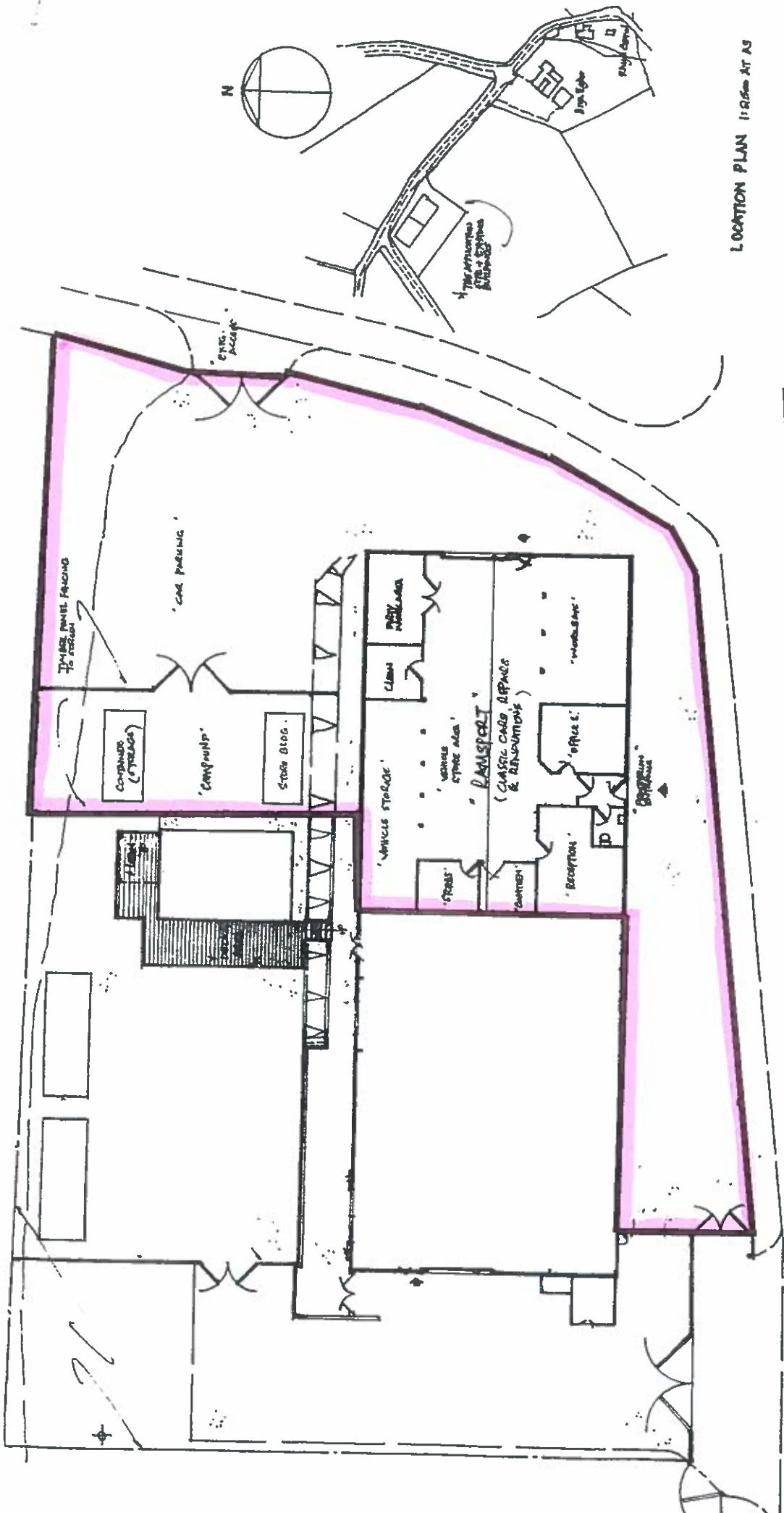
23/2019/0259

Scale: 1:2500

Printed on: 7/5/2019 at 11:24 AM



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LOCATION PLAN 1:1000 AT A3



SITE & PLAN LAYOUT 1:250 AT A3

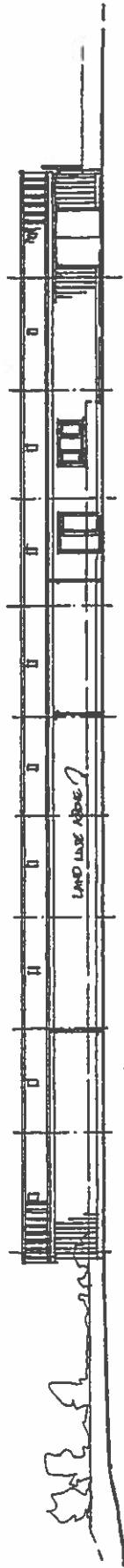
SEE PNG. 19/12 FOR ELEVATIONS.

CHANGE OF USE OF AGRICULTURAL STORAGE BUILDING
 TO VEHICLES STORAGE & REPAIR, THE OLD SHEDS / HEN FARM,
 BRYN EDUR, LLANRHAEADR, by R. Wilding Eng.
 DATE: REC: 2014, DWS: No: 14/104, EWS: 1 A' UPDATED: AUG 19

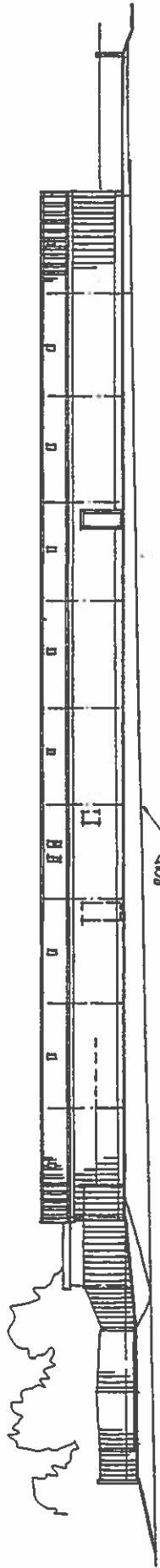
J. BARORE ARCHITECTURAL CONSULTANTS
 01753 742516 e: jbar@plans@outlook.com

ELEVATION PLANS

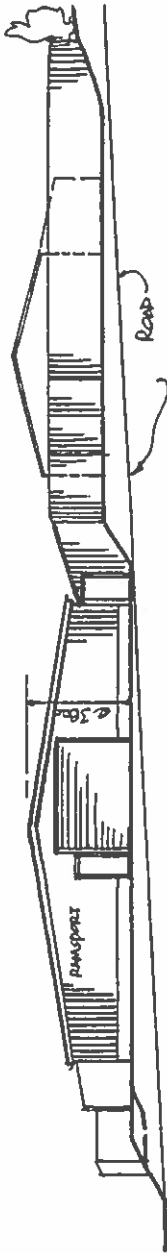
'RAMSPORT'



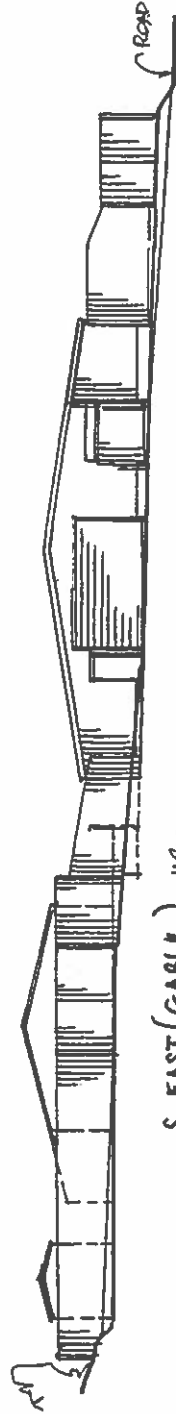
S. WEST (REAR) 1:200



N. EAST (ROAD) 1:200



N. WEST (ROAD) 1:200



S. EAST (GABLE) 1:200

Existing Elevations to remain unchanged



J. BARGHIEL ARCHITECTURAL CONSULTANTS
TEL: 07973 134236, e: jomb@plans@outlook.com

CHANGE OF USE OF AGRICULTURAL STORAGE BUILDING
TO VEHICLES STORAGE. REPAIR & RENOVATION
(RAMSPORT)
THE OLD SHED & HEN FARM, BRYN EGLUR,
LLANRHAEADR, NR. DENBIGH.

PLG. No: 19/12.1, 2015:
READ IN CONNECTION WITH DWG. No: 14/60.1, 201.1A

WARD : Llanrhaeadr Yng Nghinmeirch

WARD MEMBER: Councillor Joseph Welch

APPLICATION NO: 23/2019/0259/ PC

PROPOSAL: Retrospective application for the change of use of part of an agricultural building and associated hardstanding to Mechanic Workshop for Specialist Motorsport/Classic Car Business

LOCATION: Hen Shed Llanrhaeadr Denbigh LL16 4PW

APPLICANT: Mr R Atkinson Rcc Import Ltd

CONSTRAINTS: None.

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

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

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

LLANRHAEDR YNG NGHINMEIRCH COMMUNITY COUNCIL-
“Objection for the following reasons:

1. The Structure Interface of the property is a construction of agriculture farm building and not a Commercial Building which does not comply with Building Regulations which is a Fire and Security issue for the site building.
2. The application is outside the Local Development Plan for the area.
3. There is no Local Proven Need proven.”

NATURAL RESOURCES WALES-

No objection but recommend drawing the developer’s attention to advice about foul drainage arrangements.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Public Protection Officer-

No comments

Highways Officer-

No objection to the proposal and are of the view, given this is a retrospective application and the business has been in operation since 2012 without any highways related issues arising, and also the nature of the business with appointments being made on a booking basis, it is considered that the proposal would not give rise to an increase in traffic being generated throughout the day.

RESPONSE TO PUBLICITY:

No representations received.

EXPIRY DATE OF APPLICATION: 19/05/2019

EXTENSION OF TIME AGREED? N/A

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 retrospective permission for the change of use of part of an old agricultural building and associated hardstanding area to a 'mechanic workshop for specialist motorsport/classic car business'. The site is in open countryside approximately 1.5km from the village of Pentre Llanrhaeadr.
- 1.1.2 The application has been submitted to seek to regularise the planning situation and provide for the long term security for of the business.
- 1.1.3 The information with the application indicates the business occupying the premises is known as Ramsport, and was established in 2012. It specialises in the restoration/maintenance of top end classic cars, rally cars and other race cars. Clients are taken on an appointment only basis.
- 1.1.4 The business is open Monday to Friday 8.30am- 5.30pm and is closed on weekends.
- 1.1.5 The business employs 7 full time staff at the site.
- 1.1.6 The submitted plans show the part of the building in use for the repair / renovation of classic cars (approximately 425square metres), a fenced off compound area immediately to the north in which there is located a storage building and storage containers, and a 'forecourt' area indicated on the plans as 'car parking' which is accessed off an existing entrance onto the public highway.

1.2 Description of site and surroundings

- 1.2.1 The site is located to the south-east of the village of Pentre Llanrhaeadr. It is surrounded on all sides by agricultural land, with the nearest dwelling Bryn Eglur located approximately 150m to the south east of the site.
- 1.2.2 The building itself is a former hen rearing shed of some 800 square metres floorspace. It is understood it was used in connection with the agricultural business at Bryn Eglur .
- 1.2.3 The building retains most of its original form. It has been split into two units with Ramsport occupying the northern side. The use of part of the southern section of the building for residential purposes is the subject of a separate application for a Certificate of lawfulness of use / development, and there are ongoing planning compliance investigations into the use of other buildings within the site.
- 1.2.4 The site is accessed via the original agricultural access on the western side of the site. There is a hardstanding area adjacent to the access and parking available for staff and customers. There is limited landscaping to the front of the entrance into the building.
- 1.2.5 There is a fence adjacent to the building which screens workshop areas outside of the main building.

1.3 Relevant planning constraints/considerations

- 1.3.1 The application site is located within open countryside and outside of any development boundaries as annotated in the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 It is understood the use of this shed for the storage of chickens ceased in late 2003. It was then that the applicant began to use it- this shed and a building to the rear for Class B8 storage and distribution of white goods. An application to continue the use of both sheds for this purpose was refused in July 2005 due to the scale of the use and its impact on the surrounding highway network. A further application for continuation of this use was refused in 2006. The unauthorised storage and distribution use ceased some years ago.
- 1.4.2 An application for change of use of the building to a mechanics workshop was submitted in 2015 but the application was invalid and was not pursued.
- 1.4.3 Officers are currently handling an application seeking a Certificate of Lawfulness of existing use / development in relation to a use of part of the southern section of the building as a single dwellinghouse. Officers do not consider it necessary to delay the determination of this standalone proposal for the business use due to the aforementioned certificate of lawfulness application as the assessments for both applications are distinct from each other.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 The application has arisen from compliance investigation following receipt of complaints.

2. **DETAILS OF PLANNING HISTORY:**

2.1 34/1927 Erection of poultry house, GRANTED 13/04/1977

2.2 34/8463 Erection of additional poultry shed and extension to existing one, GRANTED 27/01/1987

2.3 23/2004/0940 Change of use of existing agricultural building to storage and distribution (retrospective application) REFUSED on 24/03/2005

Reason:

1. *The proposal, by reason of the scale and nature of the use, impact on local landscape and inadequate surrounding road network would conflict with criterion i), ii) and iv) of Policy GEN 6 and criterion a), d) and g) of Policy EMP 5 and Planning Guidance (Wales) TAN (WALES) - Agricultural Rural Development.*
2. *The site is approached by means of narrow unclassified roads, that are substandard in width and alignment to serve the use. The proposal would result in a material increase in the volume and type of vehicular traffic using these roads with consequent additional dangers to all highway users.*

2.4 23/3005/1403 Continuation of use of former agricultural building as storage and distribution (retrospective application) REFUSED at Planning Committee on 22/03/2006

Reasons:

1. *The proposal, by reason of the scale and nature of the use, impact on local landscape and inadequate surrounding road network would conflict with criterion i), ii) and ivv) of Policy GEN 6 and criterion a), d) and g) of Policy EMP 5 and Planning Guidance (Wales) TAN (WALES) - Agricultural Rural Development.*
2. *The site is approached by means of narrow unclassified roads, that are substandard in width and alignment to serve the use. The proposal would result in a material increase in the volume and type of vehicular traffic using these roads with consequent additional dangers to all highway users.*

2.5 23/2015/0016 Change of use of agricultural to vehicle/caravan storage and vehicle repairs/renovations specifically classic vehicle restorations (retrospective application) INVALID

2.6 23/2019/0268 Existing lawful development certificate for the change of use of part of building to a single dwellinghouse.

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 PSE4 – Re-use and adaptation of rural buildings in open countryside

Policy PSE5 – Rural economy

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Re-use and adaptation of rural buildings

Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

Technical Advice Notes

Technical Advice Note 6 - Planning for Sustainable Rural Communities

Technical Advice Note 18 – Transport

Circulars

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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

Policy PSE 4 of the Local Development Plan establishes a presumption in favour of the conversion of rural buildings outside development boundaries for employment

use. Policy PSE 5 lends further support to developments which help to sustain the rural economy with employment proposals supported subject to compliance with four criteria, namely:

- i) the proposal is appropriate in scale and nature to its location; and
- ii) any suitable existing buildings are converted or re-used in preference to new build; and
- iii) proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities; and
- iv) within the AONB/AOB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas, take full account of and seek to enhance the nature and distinctive qualities of the local landscape. In line with national policy any proposals that are considered to be detrimental to the quality of the AONB and World Heritage Site will be refused.

The Community Council have raised concerns regarding the appropriateness of the commercial development within an agricultural building, the location of this form of development in the open countryside, and the need for the use.

Having regard to the concerns raised by the Community Council, there are planning policies in place which allow for the conversions of buildings in the open countryside to commercial use. The introduction of a commercial use is therefore considered acceptable in principle in relation to policies PSE 4 and 5.

It is a consideration in relation to the application that the business currently employs 7 full time staff and attracts an international client base which would, it is considered, have a positive benefit for the economy of the local area.

With respect to the comments about the need for this development in the area, there is no Planning Policy requirement to establish need for a commercial use in an existing building.

Having regard to the above, Officer opinion is that the acceptability of the use should rest on the assessment of localised impacts of the use which is assessed in the following sections of the report. The criteria of Policy PSE 5 as above are considered to have been met.

4.2.2 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

No representations have been received raising visual amenity issues.

The proposal involves the use of an existing agricultural building with limited external changes impacting on its character. The application offers an opportunity for the Authority to secure improvements to the appearance of the open land surrounding the building, through appropriate hard and soft landscaping.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for

example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

No representations have been received raising residential amenity issues.

The closest residential properties to the site are located approximately 150m to the north west (Fron-deg) and south east of the site (Bryn Eglur).

It is considered that as the majority of the works on the classic cars are undertaken within the building, there are no significant noise nuisance issues likely to arise. It is relevant to mention that the existing use should be assessed in the context that the previous use of the building as a hen shed would have generated a potential for considerably more noise and disturbance, and over a 24 hour period. Officers are not aware of any residential amenity objections from residents relating to noise since the business has been in operation in 2012. The Council's Public Protection Officer has assessed the application and considers the information submitted is acceptable and raises no objection to the proposal.

Clearly, the application offers the opportunity for the Council to impose controls over the hours and days of use, and to oblige repair and testing of engines to be contained within the building. On this basis, it is therefore considered that the proposal is acceptable.

4.2.4 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

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 (PPW) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

No representations have been made in relation to highways impacts.

There are no access / highway alterations proposed. It is considered that the traffic flow arising from the proposed use is not any greater than that associated with the previous agricultural use and that it does not create any increased danger to the users of the highway. Highways Officers have raised no objection to the proposal and are of the view, given this is a retrospective application and the business has been in operation since 2012 without any highways related issues arising, and also the nature of the business with appointments being made on a booking basis, it is considered that the proposal would not give rise to an increase in traffic being generated throughout the day and is considered to be acceptable in respect of highway impacts.

Other matters

Building Regulations matters

The Community Council have expressed concerns that the 'Structure Interface of the property is a construction of agriculture farm building and not a Commercial Building which does not comply with Building Regulations which is a Fire and Security issue for the site building.'

In noting the above comments, Members will appreciate that compliance with the Building Regulations is not a matter for consideration when assessing the merits of a planning application. Nonetheless, it would be standard practice to include a basic note to the applicant on any permission drawing attention to the need for building regulation approval, and to the fact that planning permission gives no guarantee that this separate consent would be forthcoming.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 The principle of the proposal is considered to be in accordance with planning policy and the localised impacts are considered to be acceptable, subject to appropriate conditions being attached to any permission.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 22nd May 2024.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Site & Plan Layout (Drawing No. 14/60 Rev A) - Received 25 March 2019
 - (ii) Existing and Proposed Elevations (Drawing No. 19/12) - Received 25 March 2019
 - (iii) Location Plan - Received 21 March 2019
3. The hours of operation of the business shall be limited to between 08:30 hours and 17:30 hours Monday to Friday with no working on weekends or Bank Holidays.
4. The roller shutter doors of the workshop building shall be closed at all times vehicles are being worked on, including when engines are being tested, and any grinding or impact wrench machinery, etc is being operated.
5. Notwithstanding the submitted plans, no external lighting shall be installed anywhere within the site without the formal written approval of the local planning authority to the detailing of the proposed lighting, including emergency/security lighting, how light spill is to be minimised, and to a management plan for the control of the lighting. The details shall include the design of the lighting and associated columns / means of fixture to buildings, their position, height, the means and intensity of illumination, hooding, the extent of lumination and the anticipated spread of light, and where relevant, the hours of operation and ideas for the use of lower intensity lighting at night. The lighting strategy shall be implemented and managed strictly in accordance with the approved details.
6. The use forming the subject of this permission shall not be permitted to continue beyond 31st December 2019 unless:
 - a) The written approval of the Local Planning Authority has been obtained to a detailed scheme of hard and soft landscaping for the site, to include a detailed layout showing the location of parking areas for staff, visitors and restored vehicles, proposals for additional tree / shrub planting and related grassed areas, proposals for the storage of waste material arising

from the use with associated screening, any additional fencing / screening, and any changes to the surfacing of any of the hard surfaced areas.

b) The approved scheme has been fully implemented

Any trees / shrubs which die, are damaged or removed within a period of 5 years from being planted shall be replaced with ones of similar species in the next available planting season.

7. There shall be no storage of items to be used in connection with, or arising from the restoration of vehicles, including scrap material, machinery, materials and waste, on any part of the site outside the building, other than in accordance with the plans approved under condition 6 of this permission.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of the amenities of occupiers of residential property in the locality.
4. In the interests of the amenities of occupiers of residential properties in the locality.
5. In the interests of residential amenity and to protect ecological interests.
6. In the interests of visual amenity.
7. In the interests of visual amenity.