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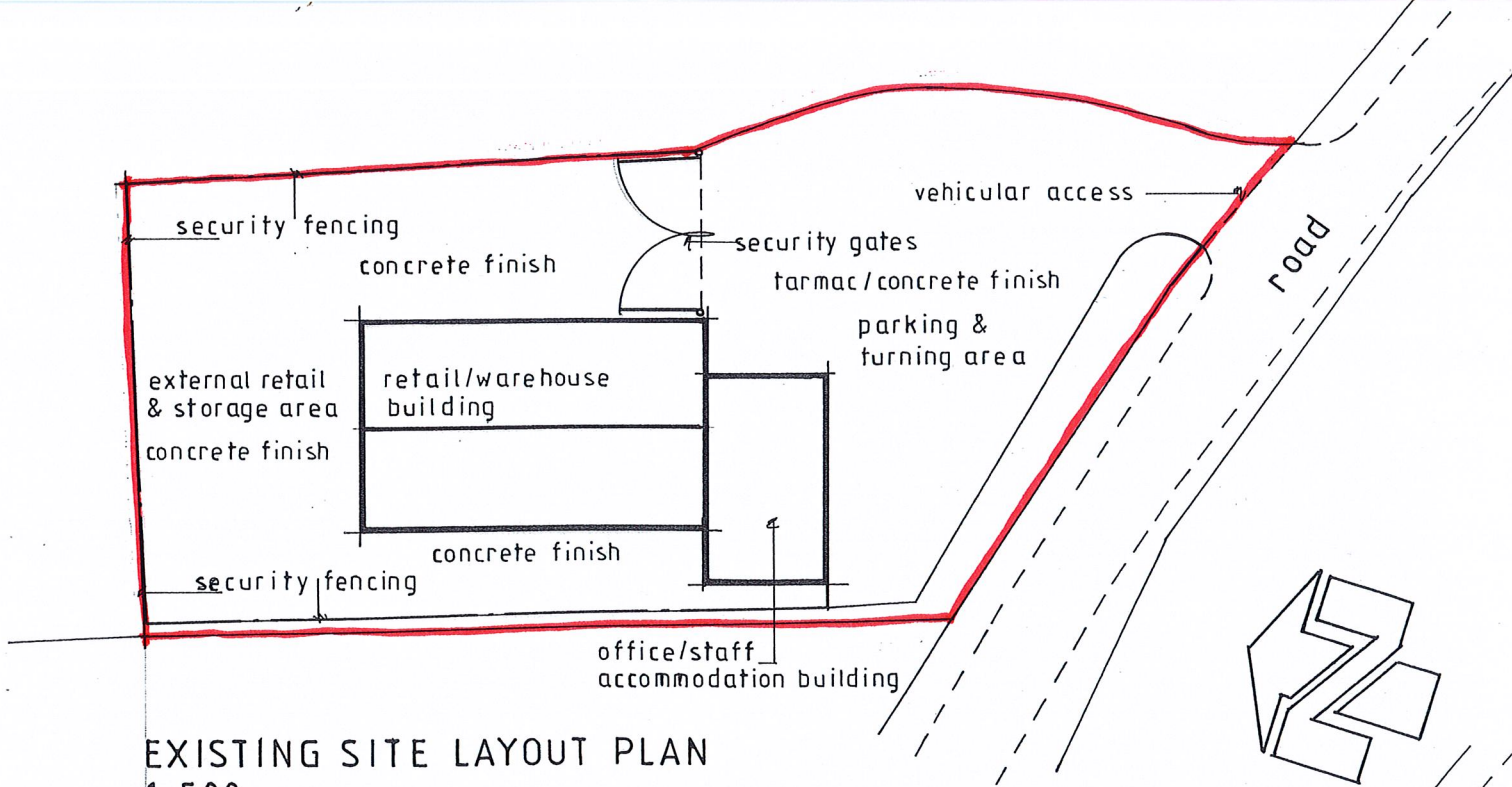
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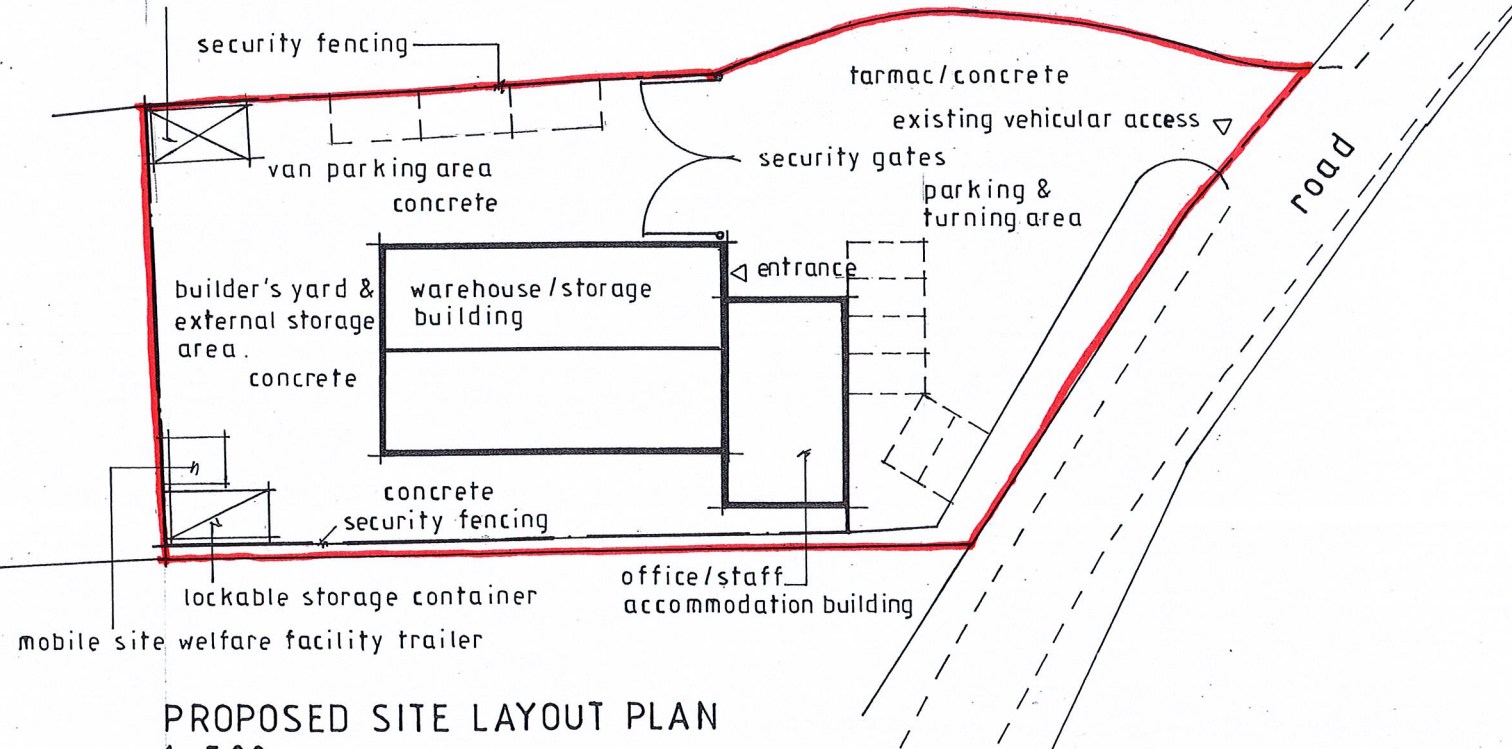


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EXISTING SITE LAYOUT PLAN
1:500

skip - for non-hazardous builders debris.



PROPOSED SITE LAYOUT PLAN
1:500

Rev. A - 23/04/20 - Further site details added

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MATISCHOK & ROSS
architectural services

project title
Former Wynnstay Stores, Ruthin.

drawing title
Existing & Proposed Site Plans.

project no.	drawing no.	revision
0863	1	A
date	scale	drawn by
23:03:20	1:500	PM

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WARD : Ruthin

WARD MEMBER(S): Cllr Huw Hilditch- Roberts
Cllr Bobby Feeley
Cllr Emrys Wynne (c)

APPLICATION NO: 02/2020/0251/ PC

PROPOSAL: Change of use of buildings and land from A1 Retail to a Builder's Yard/B8 Warehouse/Storage Use (retrospective application)

LOCATION: Former Wynnstey Stores Park Road Ruthin LL15 1NQ

APPLICANT: Mr Mike Hall G Parry Home Improvements Ltd.

CONSTRAINTS: B Flood Zone Within 67m Of Trunk Road

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

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL- "No objections"

NATURAL RESOURCES WALES-

- No comments to make, do not consider that the proposed development affects a matter listed on the Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018).

WELSH GOVERNMENT AS HIGHWAY AUTHORITY-

- Do not issue a holding direction in respect of this application.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer -
No objection.

- Strategic Planning and Housing Officer (Policy) -

The application site is within the development boundary for Ruthin but not designated for a specific form of land use. It is also outside the town centre boundary and conservation area. Whilst it would be the preferred option to locate the existing/ proposed use in an employment area, see LDP policy PSE2, there is no objection to carry out the existing/ proposed use on the application site. This is however subject to the requirements of LDP policy RD 1.

- Public Protection Officer -

No objection subject to the imposition of conditions relating to the noise from the application site. Support the proposed conditions for the use of the site relating to operational hours, loading/unloading times, deliveries and storage. With regard to the use of machinery and other noise generating activities taking place, Public Protection would like to see these restricted to starting at 0800 hours and suggest a condition to prevent statutory nuisance from occurring which could affect the amenity of neighbouring properties.

- Drainage Officer-

As no works to the site are proposed externally, and the hardstanding has been there since at least 2013, as evidenced by aerial photography, I would consider the 'objection' submitted in relation to the change of use to be unjustified.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

June Cain, 12 Troed Y Rhiw, Ruthin

Gail Banks, 18 Canol y Dre, Ruthin

Ffion & Stevie Roberts, 5 Lon Parcwr, Ruthin

Nick Banks, Nant y Ceirw, Graianrhyd

Summary of planning based representations in objection:

Principle

- Principle of change of use as located so close to residential properties and previous use being mainly for retail with regular opening hours of 8am-5pm Monday to Friday and 8am-12pm on a Saturday and selling sealed or wrapped products, not storing building materials and building waste.
- The site is not within a designated PSE2 site where B8 usage is supported and there has been no justification why an alternative designated PSE2 site is not used instead.
- The use will not enhance the area as the Ruthin Conservation Area is just 15m to south of the site and will encroach on this protected area and the Town Centre.

Visual amenity

- Untidy land with piles of waste materials stored on site and equipment leaning up against fencing.

Drainage

- Drainage concerns from excess surface water run off causing waterlogged grassed area

Storage of waste/materials

- Storage of waste materials at rear of site close to fence causing nuisance to neighbours
- Dust blowing over from site from storage of rubble and large bags of sand and use of machinery and equipment on the site
- Dust from open topped skips and uncovered piles of waste on yard

Noise disturbance

- Noise disturbance due to employees arriving to the site in vans and trucks very early in the morning, by 6.45am 7 days a week
- Noise from employees shouting to communicate and noise of van doors slamming and manoeuvring and reversing around the yard.
- Noise from heavy materials and tools/equipment being loaded onto trucks
- Noise from items being thrown into a skip
- Noise from the use of machines and power tools such as powered circular saws, pneumatic nail guns, cement mixer, power washer, and mini digger

EXPIRY DATE OF APPLICATION: 24/05/2020

EXTENSION OF TIME AGREED? Yes, 17/07/2020

REASONS FOR DELAY IN DECISION (where applicable):

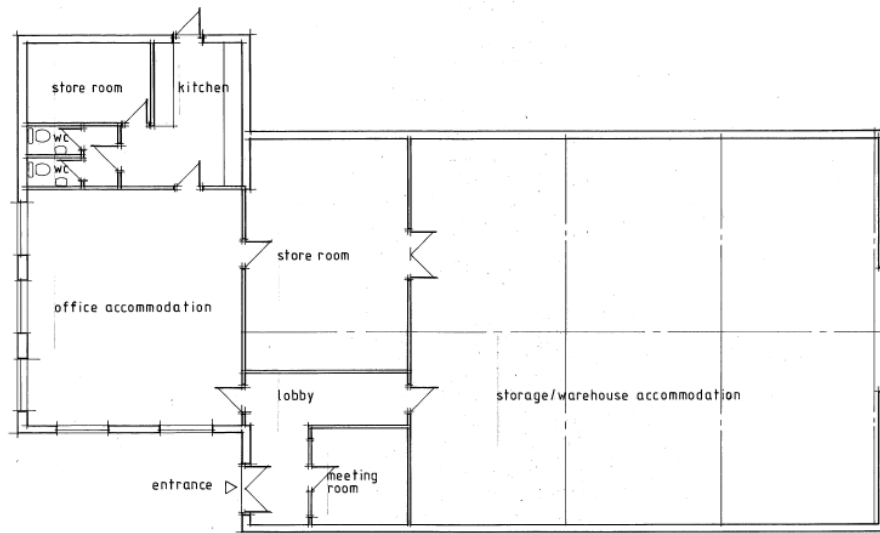
- awaiting consideration by Committee
- delay in consultation process due to Covid 19 restrictions

PLANNING ASSESSMENT

1. THE PROPOSAL:

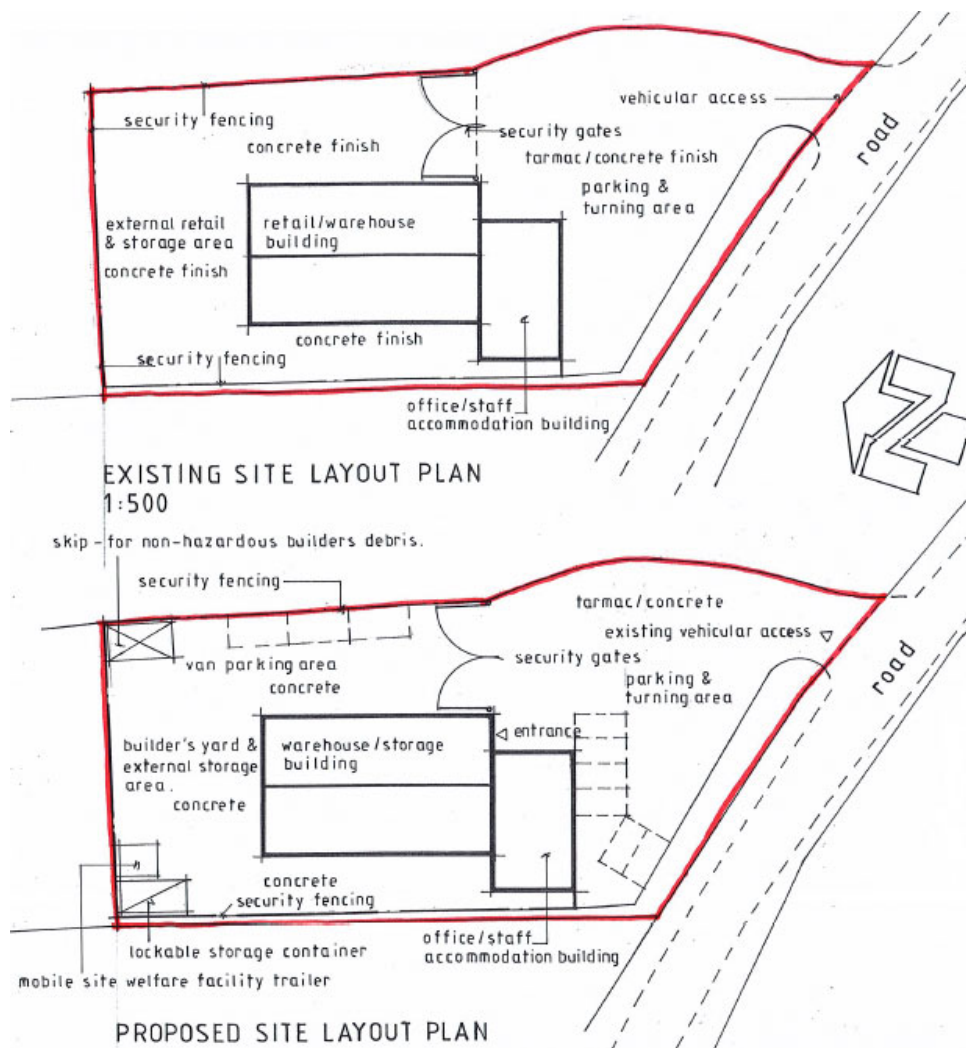
1.1 Summary of proposals

- 1.1.1 The application seeks retrospective planning permission for the change of use of buildings and land from A1 retail/B8 Warehouse use to B1 builder's yard /B8 Warehouse/Storage use at the former Wynnstay Stores Building and Warehouse Building, Park Road, Ruthin.
- 1.1.2 The application has been submitted as a result of an enforcement warning notice following a complaint.
- 1.1.3 The use of the building had changed from 22nd November 2019 and was completed on 1st February 2020.
- 1.1.4 The building comprises a storage/ warehouse space, office accommodation, lobby, meeting room, store room and kitchen and toilet facilities.



PROPOSED GROUND FLOOR LAYOUT PLAN

- 1.1.5 The existing access and parking area is proposed to remain the same size but with 6 allocated parking bays and 3 van parking spaces along the security fencing to the rear eastern side of the site. The rear of the building is proposed to be a builder's yard and external storage area. It was originally an external storage area for the retail unit.



1.1.6 The storage and distribution internal floorspace area has increased by 100sqm by removing the original 200sqm of A1 shop use.

1.1.7 The change of use is proposed to employ 4 full time office staff and 36 full time site operatives.

1.1.8 The hours of opening for storage and distribution and 'other' use are from 0730 to 1730 Monday to Friday and 0800-1230 Saturday, closed Sundays and bank holidays.

1.1.9 There is a skip to the rear yard area collected monthly for general builder's debris.

1.2 Other relevant information/supporting documents in the application

1.2.1 Planning Statement and photos of the improvements made to the front of the building provided by applicant.

1.3 Description of site and surroundings

1.3.1 The site is an existing detached warehouse building located to the north of Park Road in the northern industrial part of Ruthin. There is parking provided to the east side of the building near the entrance. The west side of the building is used for external storage.

- 1.3.2 To the west of the site is a residential estate Canol y Dre which has rear garden fences which back onto a rear alleyway which abuts the boundary of the site. To the east is the car park area for the Ruthin Craft Centre.
- 1.3.3 Directly to the north of the site is The Mill Childcare Centre and other industrial units including a timber yard and JCB depot which are within the allocated PSE2 employment use area as defined in the LDP. The Llys Awelon care home is directly opposite on the other side of Park Street to the south.



PSE2 employment area shown pink hatched to the north of the site outlined in red.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located within the development boundary of Ruthin as described in the LDP. The site abuts the PSE2 employment use area as defined in the LDP but is not within it.

1.5 Relevant planning history

- 1.5.1 There are a number of applications over the years that relate to the establishment and alteration of the 'retail unit', the most recent extension granted in 2011. A recent lawful development certificate for the use of the site as Class A1 retail was granted in 2018.

1.6 Developments/changes since the original submission

- 1.6.1 Additional information provided by Agent on queries raised by Case Officer.
- 1.6.2 Amended site plans showing more detail of the proposal.

1.7 Other relevant background information

- 1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

02/2017/1130 Lawful Development Certificate for the existing use of the site as Class A1 Retail, GRANTED 17/01/2018.

02/2011/1253 Erection of extension to warehouse and covered porch area, GRANTED 20/12/2011

2/11024 - Proposed Use Of Building Granted Planning Permission Under 2/9623 Granted 20/4/90

2/9623 - Erection Of Building For Storage In Connection With Retail Premises Granted – 21/10/88

2/8875 - Siting Of Portakabin To Be Used As A Retail Shop For A Temporary Period Granted 11/9/87

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy PSE2 – Land for employment uses

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Parking Requirements In New Developments

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:

TAN 4 Retail and Commercial Development (2016))

TAN 11 Noise (1997)

TAN 12 Design (2016)

TAN 18 Transport (2007)

TAN 23 Economic Development (2014)

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)

4.1.5 Drainage (including flooding)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary of Ruthin. The site has an existing commercial use (A1), with ancillary storage (B8). Policy PSE 2 of the Local Development Plan supports development of existing employment sites by way of uses within Class B1 (Business Use), B2 (General Industrial and Waste Management facilities) and B8 (Warehousing and Distribution). Within Policy PSE2's definition of employment areas is reference to 'land with employment related planning permission'.

Representations from members of the public have been received which question the principle of the development and suggest that such a use should be directed to a PSE2 allocated employment site as the proposed use is not appropriate adjacent to residential properties. The representations also raise concern that an appropriate justification for siting the proposed use in this location has not been made, in particular why a more suitable alternative site was not available.

From the perspective of the interpretation of the relevant adopted LDP Planning Policy, it is important to note that the Strategic Planning and Housing Officer does not raise an objection to the proposal.

It is noted that Planning Policy PSE 2 supports proposals for new employment uses on **allocated** employment sites and sites with existing employment related permissions. It does not however prevent employment uses (such as that now proposed) from being established on sites that are **not allocated** for employment purposes.

The site in question has existing consent to be used as an agricultural and country supplies store – a mix of retail, storage and distribution. In officers opinion there are no policies in the adopted LDP that protect this specific type of use in this location and therefore there is not a requirement, in this instance, to provide a justification for the change of use. In simple terms a change from one commercial use to another in this location, subject to controls, is acceptable.

With respect to the comments of the objectors, it is not considered that given the sites planning history and the nature of the former use, that there is justification to resist the proposal on principle. The Strategic Planning and Housing Officer does not raise an objection to the proposal and does not consider that if granted it would undermine the employment or retail strategy of the adopted Local Development Plan. On that basis Officers consider that the proposal is acceptable in principle, subject to an assessment of the impacts of the proposal.

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.

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.

Representations have been received in relation to visual amenity including untidy land and the storage of materials against the boundary fence which impacts negatively on the occupiers of adjacent properties. It is noted, that when the use first started at the site there was a greater amount of waste. The applicants have advised that this was during the refit of the building to make it suitable for their purposes. Officers have subsequently visited the site, and observed it in the condition shown in the photographs below:



Members are advised that the site was formally used for storage and distribution (B8 use) for over 20 years, and that building/agricultural materials and storage containers were previously sited on it.

In Officers opinion the visual impact of the current proposal on the surrounding area would be similar to the previous use. However, given the potential for the site to store some waste within it, it is considered reasonable to control through planning condition that no waste materials are stored on the site outside of the agreed areas. It is

therefore considered that the visual impact of the proposal would not be unacceptable subject to the imposition of appropriate planning conditions.

4.2.3 Residential amenity

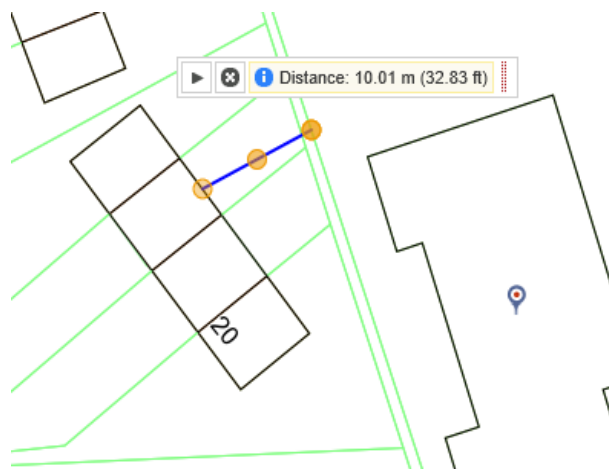
Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the 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..

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

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.

Representations have been received on the application in relation to the noise disturbance to residential properties at Canol y Dre as a result of the new use as a builders yard including the loading of vehicles early in the morning, use of heavy machinery and power tools on the site and noise from materials being loaded and moved around the site. The dust generation has also been raised as an issue in relation to the new use of the site, including dust blowing over from the site from the use of machinery and the storage of uncovered rubble and large bags of sand and open topped skips.

The immediate locality of the site is characterised by a mix of residential and employment uses including a children's nursery to the north. To the west is the Canol y Dre housing estate which is separated by an alley way between the fences and properties have approximately 6-10m of garden depth from the rear elevation to the boundary of the site.





To the left of the photograph is the site, to the right the rear garden boundaries of dwellings on Canol Y Dre. A rear access alley separates the boundary of the site from the boundary of the dwellings.

Having regard to the comments received regarding the noise issues at the site, Officers acknowledge that there may be some additional noise generation through the different movements of the day to day operation of the site compared to the previous use when Wynnstay Stores occupied the site. This includes the loading and unloading of building materials as opposed to farming materials which may be heavier/larger/hard materials and the times of the day when the site would need to be accessed by employees- i.e early to collect materials for the jobs they are working on that day and so that they can travel to the site.

A Public Protection Officer has dealt with a number of noise complaints at the site and is of the opinion that the use of the site as a builder's yard could be acceptable providing there is no early loading/unloading of vehicles at the rear of the site which would disturb the occupiers of the properties adjacent. They have agreed that this can be controlled through the imposition of an appropriately worded planning condition to prevent any loading or deliveries at the rear of the site including the use of a forklift truck or noise generating equipment before 0800.

The applicant confirmed that the use of machinery and power tools on the site was while the building was being renovated after being first occupied and no trade tasks will be performed on the site.

Having regard to the comments made about the dust generation from the waste materials stored on site, the applicant has confirmed that this was a result of the initial works to the building to make it suitable for their operation. A skip is located to the north east corner of the site, approximately 38m away from the residential properties at Canol y Dre. A net has been put on top of the skip to contain materials and will be emptied regularly.

As the works to the building have now been completed and no trade tasks are proposed to be performed on the site and there is a skip proposed 38m away from the rear of the dwellings adjacent, it is considered the impact on residential amenity through noise and dust generation would be acceptable subject to the imposition of reasonable conditions on any decision to ensure that there are no negative impacts on the amenity of the occupiers of the adjacent properties.

For the above reasons, it is considered that the proposals would not have an unacceptable impact on residential amenity subject to the imposition of appropriately worded conditions.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments

These policies reflect general principles set out in Planning Policy Wales (PPW 10) and TAN 18 – Transport, in support of sustainable development.

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.

No representations have been received regarding highways impacts.

The proposed use of the site as a builder's yard involves the retention of the existing access and parking area associated with the former Wynnstay Stores. Parking will be provided for vans along the eastern boundary of the fence.

The Highways Officer has reviewed the proposals and has raised no objection to the change of use. It is considered that as the existing parking and access arrangements are to be retained, it is considered the impact on the local highway network would not be unacceptable.

4.2.5 Drainage (including Flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (PPW 10) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Planning Policy Wales (PPW 10) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are

defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Representations have been received regarding drainage concerns including waterlogged soils at the children's nursery site to the north of the application site.

The application is not proposing to alter or expand the existing external yard area nor does it propose increasing the size of the building. The surface water discharges to an existing drain or soakaway system which has been in place since the erection of the building in the 1970s.

The Drainage Officer has reviewed the proposals and considers the concerns raised by the objector to be a private issue between two separate landowners and the duty to pursue the matters further would sit with the complainant. As no works are proposed to the site externally and the hardstanding has been there for a while during the previous occupants of the site operated the site, it is considered that the proposed change of use would not have an unacceptable impact on the existing drainage at the site which is not proposed to be changed. It is recommended that a note is included on any decision to advise the applicant to discuss the drainage issues with the nursery site and to try and mitigate the drainage issue.

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 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 application is considered to be acceptable subject to conditions to control the noise generation activities and storage of materials which could impact negatively on the residential amenity of the occupiers of the properties adjacent to the site.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. 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) Existing floor plan (Drawing No. 2) received 23 March 2020(ii) Proposed floor plan (Drawing No. 3) received 23 March 2020(iii) Existing and proposed site plans-revised (Drawing No. 1 Rev A) received 23 April 2020(iv) Location plan received 23 March 2020

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

Opening hours, bank holidays

2. The uses hereby approved shall not be permitted to operate outside of the hours of 0730 to 1730 Monday to Friday; 0800 to 1230 on Saturdays; and there shall be no operation on Sundays or Bank Holidays.

Reason: In the interests of the amenities of occupiers of property in the vicinity of the site.

Loading/unloading times, deliveries

3. All loading/unloading activities including deliveries shall not take place at the rear of the building until after the hour of 0800 and shall not take place outside the approved business hours of operation.

Reason: In the interests of residential amenity.

Storage/waste

4. There shall be no external storage of uncovered or loose building waste material within the site, and all waste shall be kept within the skip as shown on the approved site plan.

Reason: In the interests of residential and visual amenity.

5. Any skips used in connection with the hereby approved use shall only be located along the eastern boundary of the site with a net on top to contain dust and shall be emptied regularly. There shall be no more than two skips within the site at any one time.

Reason: In the interests of residential amenity.

6. No materials or equipment exceeding the height of the fence to the western boundary shall be stored leaning up against the western boundary at any time.

Reason: In the interests of residential amenity.

Machinery noise

7. No noise generating equipment shall be permitted to be used on site including cement mixers, grinders, circular saws, electric drills, pneumatic nail guns, or any sawing and hammering undertaken before the hour of 0800 or outside of business operation hours.

Reason: In the interests of residential amenity.