

45/2022/0533

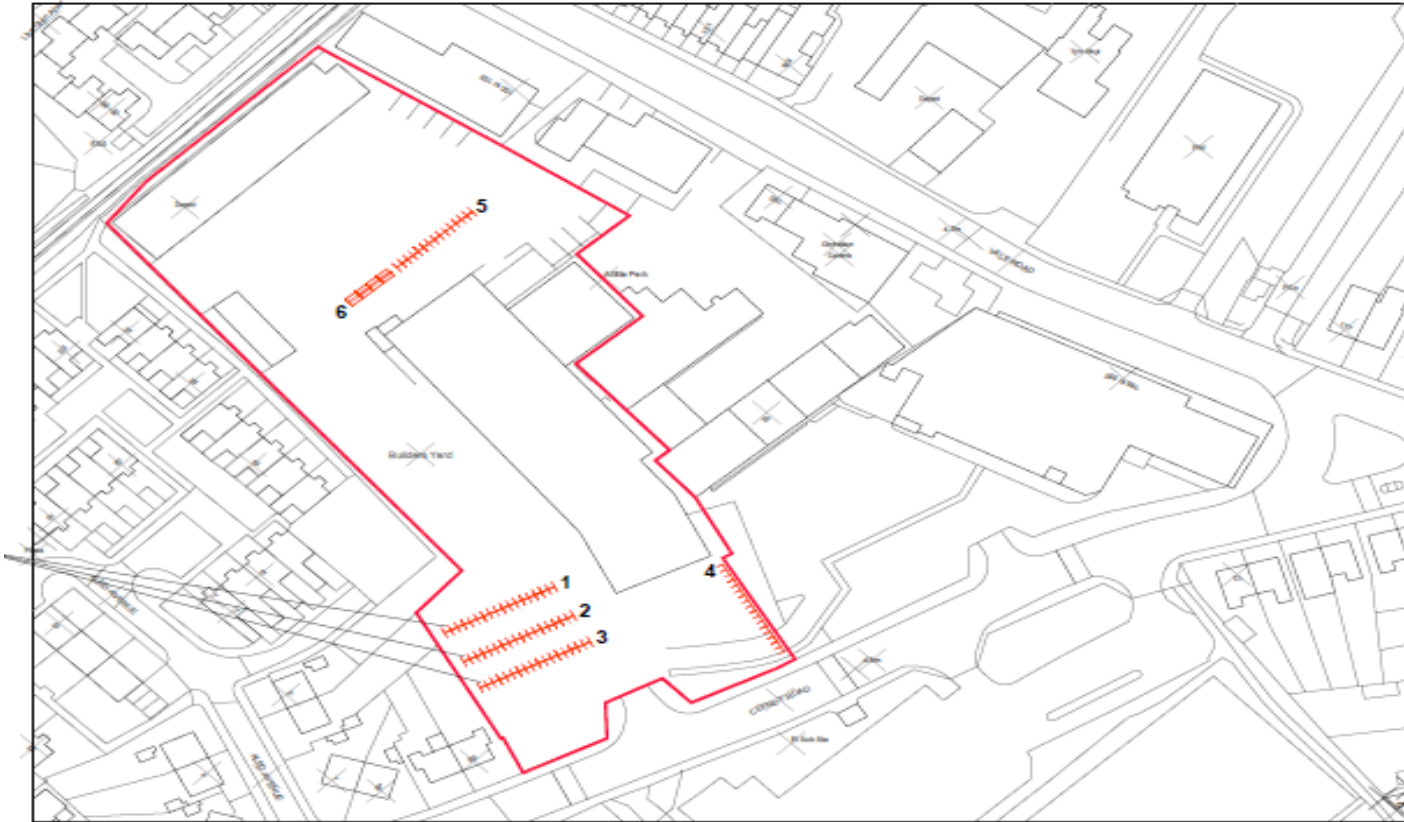


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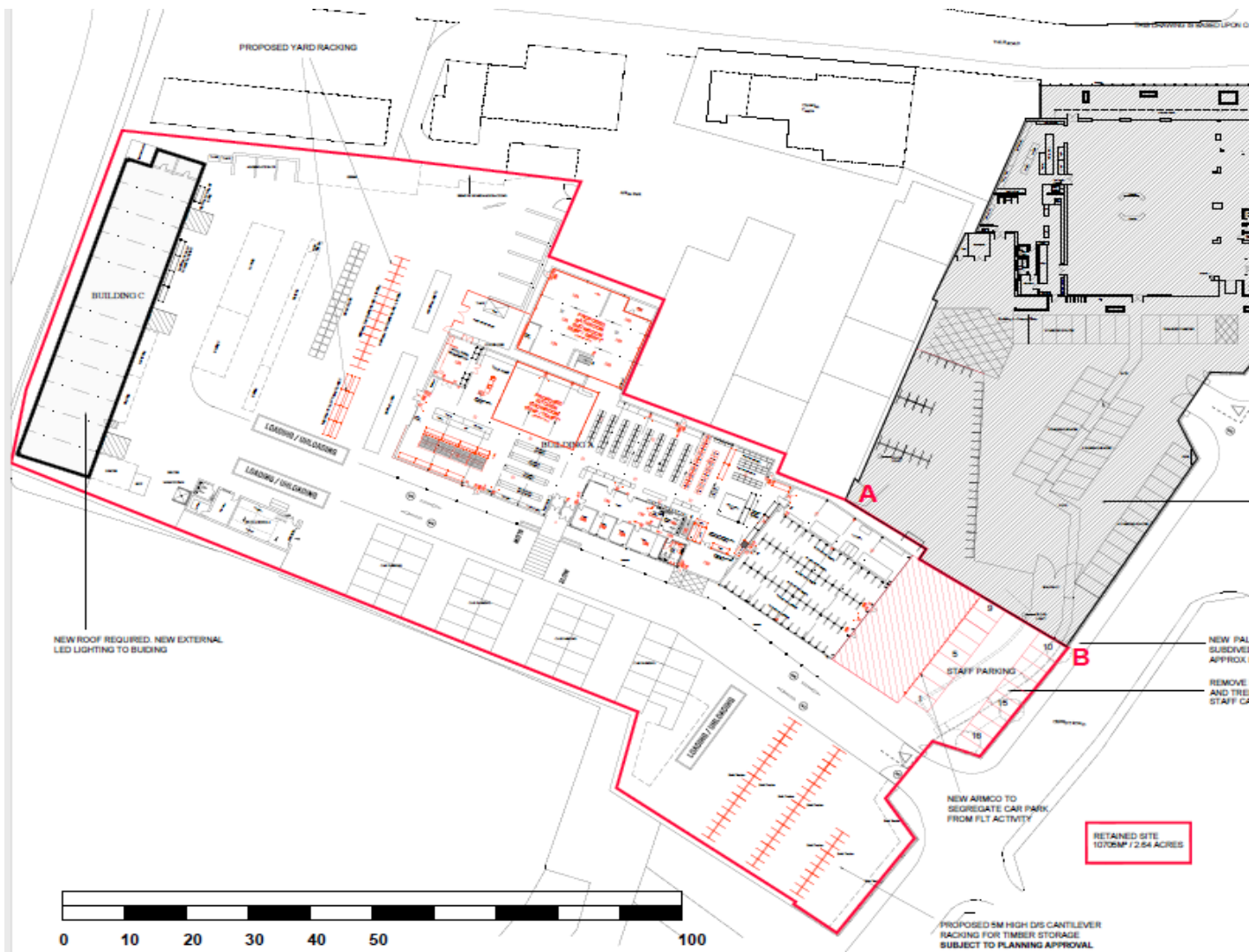
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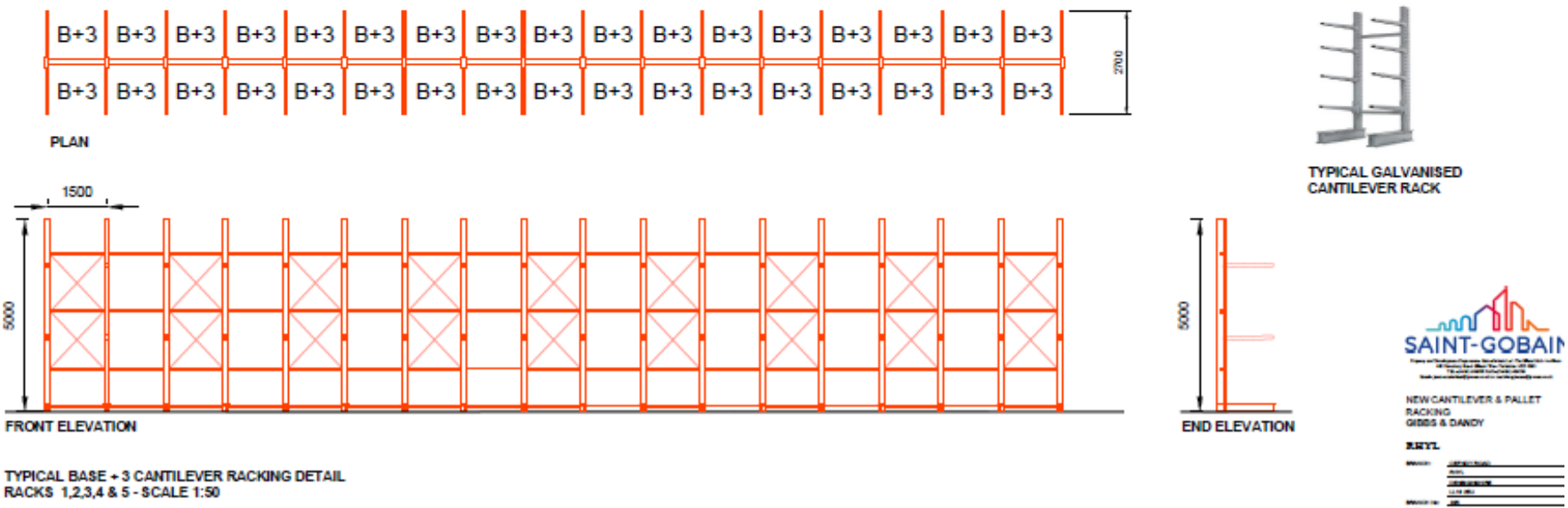
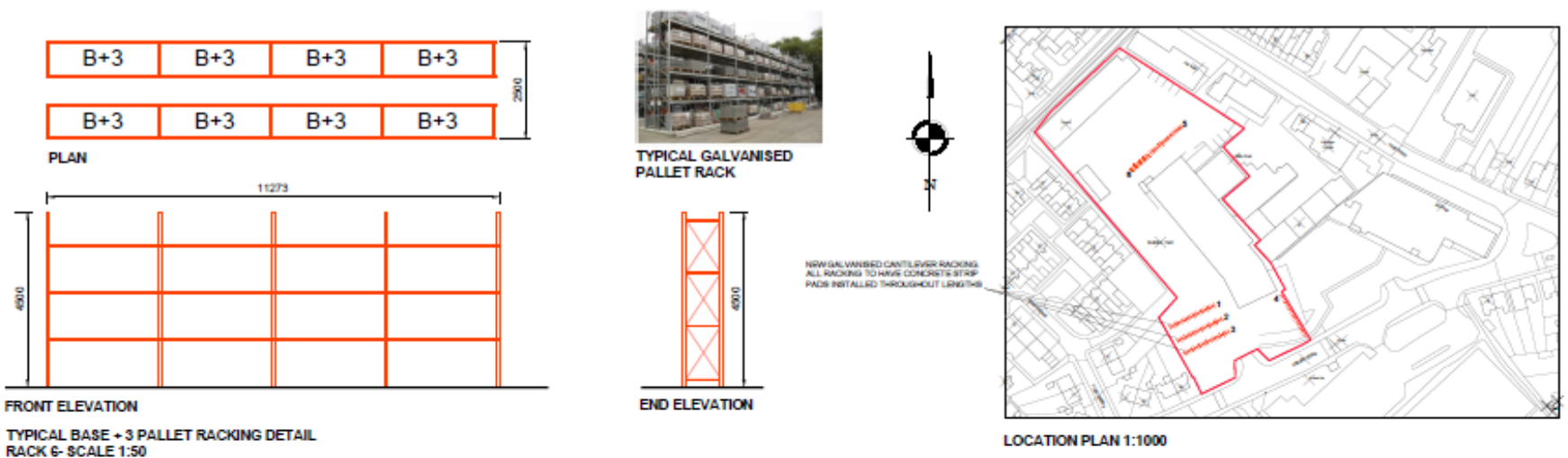


LOCATION PLAN 1:1000

Location Plan



Proposed Site Layout Plan



Proposed Racking detail



Views from Cefndy Road



Views from Aled Avenue



View from Aled Avenue

WARD : Rhyl South West

WARD MEMBER(S): Cllr Peter Prendergast (c)
Cllr Diane King

APPLICATION NO: 45/2022/0533/ PS

PROPOSAL: Erection of additional external yard racking (retrospective application)

LOCATION: Roger W Jones Ltd. Cefndy Road Rhyl LL18 2EU

APPLICANT: Saint Gobain Building Distribution

CONSTRAINTS: C1 Flood Zone
PROW
Article 4 Direction

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
No objection

Public Protection Officer
Verbally advised no objection however consideration should be given to mitigation measures.

RESPONSE TO PUBLICITY:

In objection

Representations received from:
Leanne Wilkinson, 17 Aled Avenue, Rhyl
Vikki Roberts-Hall, 3 Aled Avenue, Rhyl
Ashley Faulkner, 95 Cefndy Road, Rhyl
Paul Hatherly, 11 Aled Avenue, Rhyl

Summary of planning based representations in objection:
Visual amenity- height and proximity would result in intrusive feature into the street scene, and from neighbouring properties.
H&S - proximity of racking to the boundary would introduce a risk to public safety during high winds/storm's.
Residential amenity- noise and disturbance

EXPIRY DATE OF APPLICATION: 03/08/2022

EXTENSION OF TIME AGREED: 07/11/2022

REASONS FOR DELAY IN DECISION (where applicable):

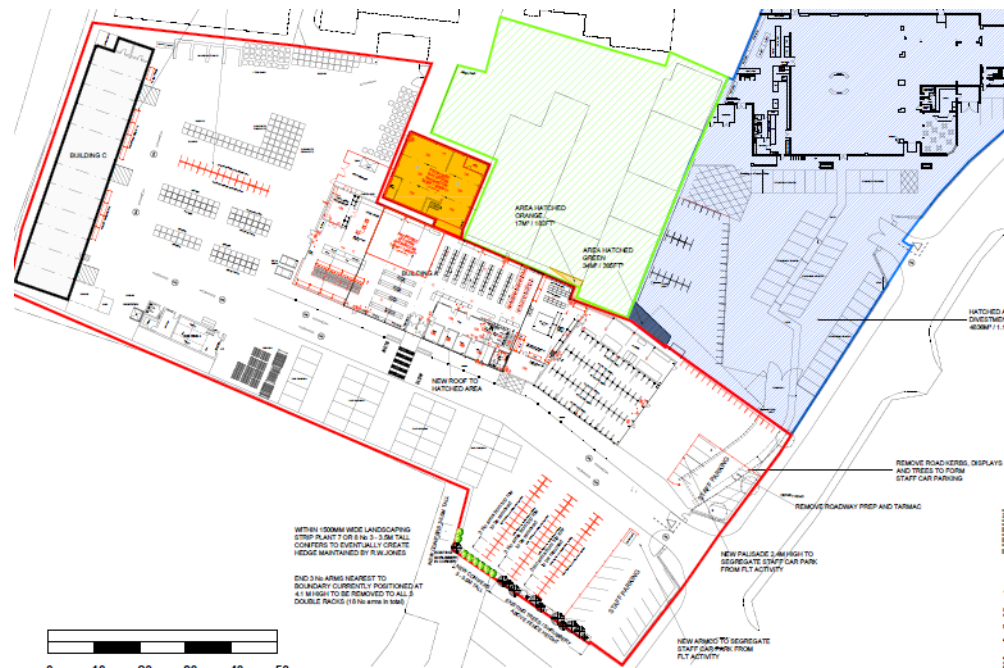
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the retention of external yard racking at Roger Jones Builders Merchants on Cefndy Road in Rhyl. The racking has been erected on the site.
- 1.1.2 The racking comprises of galvanised steel frames (cantilevered racking) for the storage of timber. It measures 5 metre in height. Three of the racks measure approximately 25 metre in length and two would be approximately half the length. A slightly different style of rack is also proposed at the rear of the site to accommodate pallet storage, this would be 4.5 metres in height.
- 1.1.3 Three sections of racking are located to the west of the entrance to the site, and two at the rear of the yard (*as per snip of the Site Layout Plan)



1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application is supported by a justification statement which refers to the following:

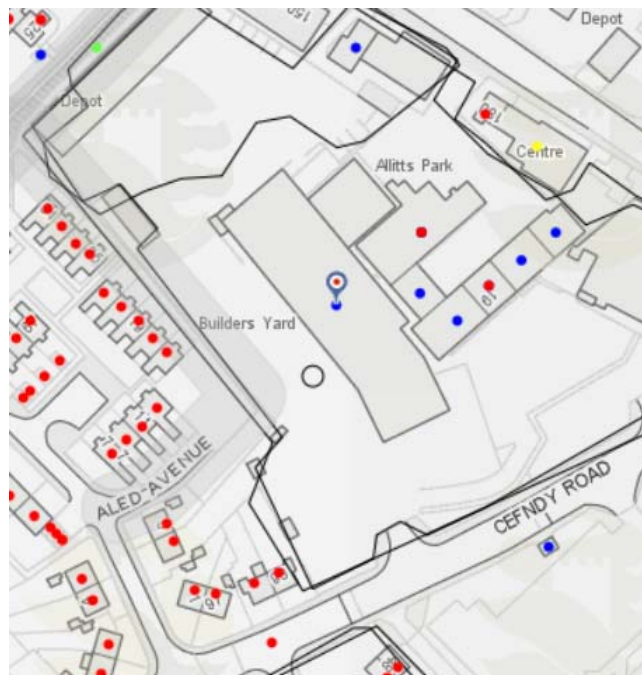
We are currently in the process of selling off our showroom as well as some of the car park space and creating a one stop shop for our customers and colleagues in our main branch. In addition to this move, we have 4 additional benefits listed below which is a key benefit for our customers and colleagues as well as our stake holders.

- **Timber** – 5 Racking bays for us to store our timber on, giving us the space we need for a new staff car park for 40 work colleagues due to the sale of our showroom/staff car park.
- **Theft** – To protect our timber stock from being stolen, having it on racking makes it harder for the opportunists to steal our products. Roger W. Jones has had 8 attempted break ins in the last the 2 years that we know of and it has been mainly timber products that have been targeted.
- **Health and Safety** – We have a great culture and reputation on all health and safety processes at branch for our customers and colleagues, having our timber on racking and not on ground level will only enhance the safety process even further at branch.

- **CO2 carbon footprint** – We will reduce our carbon footprint for 2022 by saving 56,890 kw of energy by selling our showroom/car park, this will only be possible by having the additional racking bays to create the additional space at branch.
- RWJ are to commence manufacturing timber joists in November 2022. This will allow for 2 new staff members in addition to the existing 33 No currently employed.
- The racking to the rear yard has been reconfigured on site The rear yard racking is positioned so articulated vehicles can safely manoeuvre around the perimeter of the stock, load/unload as necessary and exit through the rear gates
- We will be looking at our Fork lift truck reversing beepers to be changed to white noise sounders, in place now we have put a reduction of forklift activity in the front yard area until 07.30am and no loading / unloading in front yard until 08.00 am.

1.3 Description of site and surroundings

- 1.3.1 The site is an existing Builders Merchants located off Cefndy Road in Rhyl. The site has a frontage to Wellington Road but as mentioned about is being subdivided as a result of a new business model.
- 1.3.2 The west of the site is bounded by dwellings; at the front of the site these are located on Cefndy Road and to the side (west) these are located on Aled Avenue. The boundary to these dwellings comprises of palisade fencing with some interspersed landscaping. Opposite the site is Christ the Word Secondary School



View of the site/racking from Aled Avenue



1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the development boundary.

1.5 Relevant planning history

1.5.1 There is planning history associated with the site as a Builders Merchants none is of particular relevance to this application for the racking.

1.6 Developments/changes since the original submission

1.6.1 Additional information was sought from the Application to justify the site and consider mitigation, as per the Public Protection Officers advice. The following suggestions have been put forward;

- Regarding work/deliveries and access to the new 5m racking, we can restrict working with a fork lift in this area till 7.30 am and not to take in any deliveries in this area till after 8.00am
- Landscaping mitigation along the western boundary.
- Fitting the forklifts on site and side loader forklift with white noise beepers

1.6.2 Following deferral at the previous planning committee the plans have been revised to remove the top three 'arms' adjacent to the boundary with the residential properties. This will prevent storage being above 4 metres in height. Additional planting is also shown as being a row of conifer trees at a height of 3.5 metres.

1.7 Other relevant background information

1.7.1 Cllr Prendergast has requested the application be considered by Committee to allow a full discussion on the impacts of the proposal on the amenity of adjacent residents, and its impact on the visual amenity of the area. The application was subject to a site inspection panel prior to the previous planning committee, and then was deferred at committee with members asking Officers to seek amendments to the scheme. The scheme has been

amended as detailed above in section 1.6. For reference, the notes of the site panel meeting are set out here;

1.7.2 The application was subject to a Site Inspection Panel meeting at 09.30am on Friday 30th September 2022.

In attendance were:
CHAIR – Cllr Mark Young

VICE CHAIR – Cllr Peter Scott
LOCAL MEMBER – apologies sent

GROUP MEMBERS –
Conservative Group – none (although it is noted Cllr Peter Scott was in attendance)
Green Group – Cllr Jon Harland
Labour group – Cllr Alan James
Plaid Cymru Group – None
Independent Group – Cllr Merfyn Parry

RHYL TOWN COUNCIL – Pat Jones

The Officer present was Paul Griffin (Development Management)

The reason for calling the site panel was to allow opportunity to view the storage racks on the site in relation to nearby existing properties.

At the Site Inspection panel meeting, Members considered the following matters:

1. The detailing of the proposal.
2. Relationship to the surrounding properties.
3. Character of the area and visibility of the site.

In relation to the matters outlined:

1. Members studied the proposed site location plan, and viewed the racks in situ from a range of vantage points, including outside of the site. Officers clarified that it was only the racking (the operational development involved in erecting the storage racks) that was subject of the application, not the overall use of the site for open storage.
2. Members observed the position of the racks in relation to the site boundary and adjacent residential properties. It was noted that whilst the racks themselves were approximately 1.5m from the site boundary, when loaded with timber, the racks were effectively much closer to the boundary. Members also observed the height of the racks in relation to the boundary.
3. Members looked at the character of other development in the area and considered the potential impacts that any uncontrolled, free standing storage would have on neighbours.

2. DETAILS OF PLANNING HISTORY:

2.1 N/A

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy PSE3 – Protection of employment land and buildings

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

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 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary of Rhyl, where new development will, in principle, be supported provided that it meets the criteria of other policies in the Local Development Plan and material planning considerations.

The site is a well-established Builders Merchants within the development boundary. Officers consider the existing use of the site, and historic use of the parts of the site subject to this application for timber storage has to be given some weight with the following considerations.

The assessment of the detailed impact is set out in the following sections.

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.

The application proposes the retention of 5 metre high racking for the storage of Timber and building products. The racking would be seen from Cefndy Road in the context of the Builders Merchants. It would be set back from 13 metres from the road frontage. It is noted that the racking would only be 4 metres high where it is adjacent to the residential boundaries. 3.5 metre high conifer trees are also proposed to help screen the view of the racking from the adjacent dwellings.

The character of the area is mixed; the west of the site is bounded by housing, the east by commercial uses fronting Wellington Road and the south by Cefndy Road and a school beyond.

The most prominent section of racking is roughly a similar height to the dwellings on Cefndy Road, and Aled Avenue which abut the site. There is palisade fencing along the boundary with these dwellings interspersed by some planting. The racking to the rear of the site would be well within the existing 'yard' area.

As mentioned above, the racking would be seen in the context of the existing Builders Merchants. It clearly has a presence in the streetscene owing to its scale and form, but whether this presence is harmful enough to warrant refusal is debatable. It is not uncommon to see this type of storage on these sites. Officers do not consider that the visual impact of the racking would be so harmful to warrant refusal of planning permission.

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..

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.

Concerns have been raised by neighbours and Members over the amenity impacts of the racking.

The application proposes the retention of 5 metre high racking for the storage of timber and building products. The racking would be located approximately 1.5 metres from the boundary with dwellings to the west of the site. The closest dwelling would be no 93 Cefndy, the side elevation of this dwelling faces the site. It is noted that the racking would only be 4 metres high where it is adjacent to the residential boundaries. 3.5 metre high conifer trees are also proposed to help screen the view of the racking from the adjacent dwellings.

The Applicant has advised that access to the racking by personnel/staff is forbidden. The structures are loaded and unloaded by fork lights and mechanical means. Mitigation suggested by the Applicant to address neighbours concerns are mentioned above, i.e. additional landscaping, restricted hours of operation within the area to the front of the site and a landscaping buffer. Historic records show the area of the site on which the racking has been erected has historically been used for timber storage.

The racking is for timber/ materials storage only, it does not allow for elevated views into gardens or the rear of dwellings, thus giving rise to loss of privacy. Operationally it would be difficult to prove if it resulted in additional activity on that portion of the site as the Applicants maintain the existence of racking results in less vehicle movements overall on the site. Clearly loading and unloading would occur from the racking, historically this would have taken place somewhere else on the site. Whether the racking represents and overbearing feature for the adjoining residents is the most relevant consideration. The very nature of the racking is open storage, hence the overbearing impact would be markedly less than a solid structure adjacent to the dwellings. However its presence in close proximity to the side elevation and private garden of no. 93 and to a lesser extent no. 95 Cefndy Road does require careful consideration. Whether the racking would have an overbearing impact on the occupants of these dwellings is debatable, it is located at the rear of their gardens at a distance of some 20 metres at least. The fact neighbours can see the racking would not in itself be reason to refuse the application.

In Officers opinion, given the existing nature of the site, the nature of the proposal and the distances to the existing dwellings, Officers do not consider that there would be a impact on the amenity of the neighbouring dwellings so harmful as to justify refusing consent.

4.2.4 Other matters Health and Safety

Concerns have been raised over the safety of the racking. The Applicants have stated that there are Health and Safety measures in place to inspect the racking and timber weekly for H&S and insurance purposes. Furthermore the site would be subject to Health and Safety regulations in the same manner as any other work place. It is not considered within the remit of land use planning to assess H&S 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 Whilst respecting the concerns raised by residents and Members, and acknowledging the potential overbearing impacts on no. 93 in particular, Officers are of the opinion that given the use of the overall use of the site and historic use of the area for timber storage, and mitigation put forward by the Agents which would be conditions, Officers consider it would be difficult to resist the application on amenity grounds alone. As such the application is recommend for approval.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 9th November 2027
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) New yard racking details (Drawing No. 395 023A) received 13 October 2022
 - (ii) Existing site layout (Drawing No. 395 024A) received 13 October 2022
 - (iii) Proposed site layout (Drawing No. 395 016K) received 13 October 2022
 - (iv) Location plan (Drawing No. 395019) received 9 June 2022
 - (v) Justification letter received 13 October 2022
3. The application relates to the installation of 5 no. timber and materials racks only as shown on the approval plan ""Proposed site layout (Drawing No. 395016K) received 13 October 2022"".
4. Within 1 month of the date of this permission the following mitigation measures shall be put in place on the site unless otherwise agreed in writing by the Local Planning Authority;
All Forklifts and side lifts operated by the applicants on site shall have white noise beepers.
Access to the Racking to the south west of the site shall be limited to after 7.30 for work and 08.00 for deliveries ceasing at 18.00 Monday to Saturday.
5. The approved landscaping scheme (as shown on approved plan 395016K) shall be implemented within the first planting season following the approval and maintained thereafter. Any plants/trees that die within 5 years shall be replaced with the specimen of the same type and height.

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 clarity.
4. In the interests of amenity of adjoining occupiers.
5. In the interests of amenity of adjoining occupiers.