



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Heading:

02/2013/0149

Former Mike Williams Engineering

Lon Parcwr, Ruthin

Graham Boase
 Head of Planning & Public Protection
 Denbighshire County Council
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 Denbigh
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 Application Site

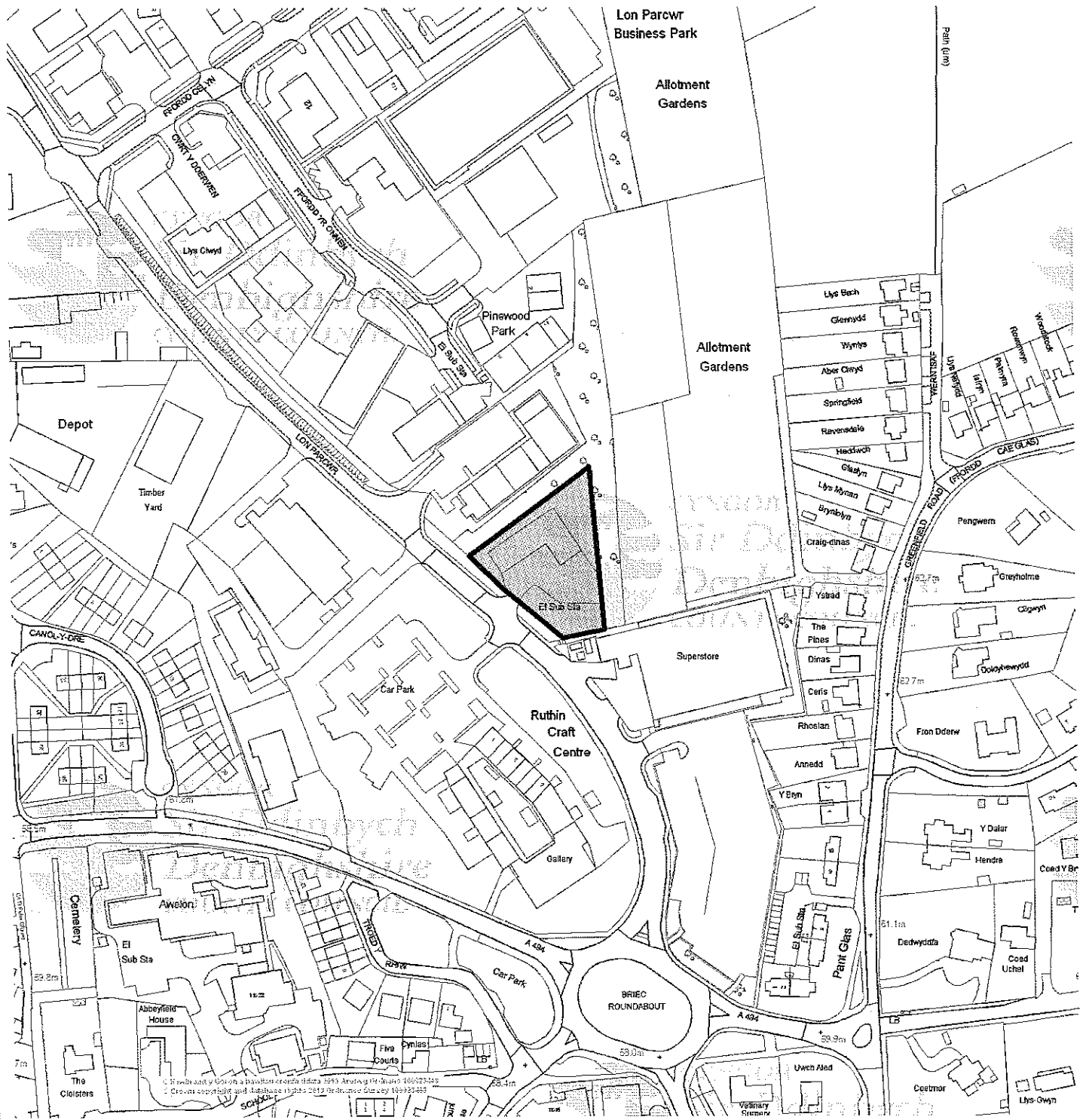


Date 30/4/2013

Scale 1/2500

Centre = 312552 E 358687 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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ITEM NO: 1

WARD NO: Ruthin

APPLICATION NO: 02/2013/0149/ PF

PROPOSAL: Change of use from trade counter/industrial to builders merchants' (sui generis) and erection of new 2.75m high boundary palisade fencing

LOCATION: Mike Williams Engineering Lon Parcwr Ruthin

APPLICANT: Huw Grays Ltd

CONSTRAINTS:

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:

RUTHIN TOWN COUNCIL
"No objection".

NATURAL RESOURCES WALES – Flooding/Land Drainage
Have assessed the application as having a low environmental risk.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Transport and Infrastructure

- Highways Officer – No objection subject to a condition relating to the provision of satisfactory loading/unloading, parking and turning facilities.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr R Stewart, Richard Williams (Deganwy Ltd) Builders Merchants, Ruthin
Mrs E Commins, Morgan's Builders Merchants, Ruthin
Mr P Byrne, Craig Y Dinas, Greenfield Road, Ruthin

Summary of planning based representations in objection:

Residential amenity

Increased noise and disturbance from deliveries loading and unloading.

Highways

Inadequate parking provision/highway capacity/danger to highway safety from delivery lorries.

Other matters

Impact on the two existing builders merchants in the town/no long term benefit to the local economy.

EXPIRY DATE OF APPLICATION: 02/05/2013

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes to change the use of this currently vacant unit from its last permitted use as a Trade Counter/Industrial (Use Class B1/B2/B8) to a Builders Merchant. A builders merchant use does not fall within the Use Classes identified in the 1987 Order and is identified as a sui generis use (a use 'of its own kind').
- 1.1.2 The proposed hours of use are from 0730 hours to 1700 hours Monday to Friday and from 0800 hours to 1200 hours on Saturday, with no opening on Sundays or Bank Holidays. The details submitted indicate that the unit will employ 6 full-time staff.
- 1.1.3 The submitted plans show that parking for 6 cars will be laid out adjacent to the building including 1 disabled bay, with a concrete slab over the remainder of the forecourt to the south of the building.
- 1.1.4 The application also proposes to erect a 2.75 metre high palisade fence around the entire perimeter of the site with gates across the existing access which is currently open. The access point into the site remains unchanged.
- 1.1.5 No changes to the building are proposed in the scheme.

1.2 Description of site and surroundings

- 1.2.1 The application relates to a currently vacant building with a floor area of 560 sqm standing to the north of the Tesco store on the eastern side of Lon Parcwr in Ruthin.
- 1.2.2 The site has a frontage to the road of around 50 metres and has employment units to the north and open land to the east which is partly utilised for allotments.
- 1.2.3 The Ruthin Craft Centre stands on the opposite side of Lon Parcwr to the west. The nearest residential properties lie to the east to the other side of the allotments, around 100 metres away from the eastern boundary of the application site.
- 1.2.4 The site is bounded by tree cover to the north, east and west and has a footpath running between it and the Tesco store across to the allotments and residential properties to the east.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the designated Main Employment Area as allocated in Policy EMP 2 of the UDP and is within the defined Development Boundary under Policy GEN 1. The adjacent allotments are allocated by Policy REC 1 for the protection of existing open space.

1.4 Relevant planning history

1.4.1 The main permission for the engineering workshop and construction of accessway was granted in August 1985.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The referral to Committee by Local Members is to allow planning policy/need issues to be addressed.

2. DETAILS OF PLANNING HISTORY:

2.1 2/7628

Erection of engineering workshop and construction of access – GRANTED – 2/8/1985

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 1 – Development within Development Boundaries

Policy GEN 6 – Development Control Requirements

Policy EMP 2 – Main Employment Areas

Policy TRA 9 – Parking and Servicing Provision

3.2 Supplementary Planning Guidance

None

3.3 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 5 November 2012

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

4.1.1 Principle

4.1.2 Scale

4.1.3 Impact on Land Uses including residential amenity

4.1.4 Highways, Parking and Access

4.1.5 Scope for Expansion

4.1.6 The Visual Appearance of the Proposed Fence

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 1 seeks to ensure that development will be mainly located within defined settlements and within main employment areas. Policy EMP 2 allows for use of properties within the defined Main Employment Areas for B1 use, B2 use and B8 use, including builders and plumbing merchants provided that: a) the proposal is of an appropriate scale; b) there is no unacceptable effect on the environment, amenity, highways, residential properties and other sensitive uses; c) adequate servicing, parking and manoeuvring is provided; and d) adequate scope exists for subsequent expansion or intensification.

As the use proposed is a builder's merchant, the proposal would be in accord with Policies GEN 1 and EMP 8 as it is one of the uses listed as being appropriate. In Officers' opinion, the use is clearly acceptable in principle. EMP 2 requires all proposals to satisfy the four criteria referred to and these are assessed in the following paragraphs.

4.2.2 Scale

Criterion a) of Policy EMP 2 requires a proposed use to be of an appropriate

scale and character to the area.

There are no specific representations raising scale as a concern.

The scale of the building with its floor area of 560 sqm and the extent of the site which measures 0.265 ha are modest in the context of other uses in the area, and the nature of the use is considered appropriate given the character of the area which includes employment uses to the north and the Tesco retail store to the south:

4.2.3 Impact on Nearby Land Uses

Criterion b) of Policy EMP 2 requires schemes to not have an unacceptable effect on the environment, amenity and highway network of the area.

There are representations expressing concerns over the potential for noise and disturbance.

The use proposed is not considered likely to have any negative effect on the nearby employment and retail uses. As the nearest residential properties stand over 100 metres away to the east, it is not respectfully considered that the use will cause any substantive harm to the occupiers of those properties, and the use will not have a harmful impact on the nearby allotments either. It must be recognised that the unit does lie in an established employment area where a degree of noise and disturbance associated with such uses should be expected.

4.2.4 Highways, Parking and Access

Criterion c) of Policy EMP 2 as well as the requirements of Policy GEN 6 and Policy TRA 9 seeks to ensure that new development has adequate on-site servicing, parking and manoeuvring space and does not cause harm to highway safety.

There are concerns expressed over the adequacy of the highway network, parking and dangers from larger delivery vehicles.

Council's Highway Officer has not raised any objection in respect of highways subject to a condition relating to parking/servicing/manoeuvring. The site is considered to have a more than satisfactory existing access point with good visibility in both directions with a large turning/servicing area set within the site. Officers would not consider there are any reasonable grounds to oppose the application on the basis of highways issues.

4.2.5 Scope for Expansion

Criterion d) of Policy EMP 2 suggests that there should be adequate scope for expansion or intensification.

The scale of the proposed site and the extent of the existing building is adjudged to allow for such expansion or intensification if so required at a later date.

4.2.6 The Visual Appearance of the Proposed Fence

Policy GEN 6 requires new development to be satisfactory in terms of appearance and to respect the site and surrounding in terms of layout, scale and form.

The proposed fence is a typical form of boundary treatment for an

employment area and is considered to be entirely appropriate subject to control of its colour and appearance.

4.3 Other matters

It is noted that two of the three objections are from existing builders merchants in the town. Respectfully, much of the content of these objections are based on the grounds of increased competition, which does not represent sound basis to refuse consent in planning policy terms. Officers would recommend strongly against opposing the proposals on the basis of commercial competition.

5. SUMMARY AND CONCLUSIONS:

5.1 The use proposed is allowed in main employment areas by Policy EMP 2 and is considered to be an entirely appropriate change of use for the property.

Determination of this application and all others at this Committee has to be made on the basis of the policies of the current adopted Development Plan, which is the Denbighshire Unitary Plan. Given the progress on the Local Development Plan and the possibility of its adoption in the near future, consideration has been given to whether any significant planning policy implications are likely to arise from acceptance of the Officer recommendation on the application. In this case, it is suggested that the recommendation would not be inconsistent with the basic approach in the proposed policies of the Local Development Plan".

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Facilities shall be provided and retained within the site for the loading/unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority. The details shall include the areas designated for the storage of materials on site and the works shall be completed before the development is brought into use.
3. The use hereby permitted shall not operate outside the following times and days: 0730 hours to 1700 hours Monday to Friday, 0800 hours to 1200 hours on Saturdays and at no time on Sundays or Bank Holidays.
4. No development shall commence until the written approval of the Local Planning Authority has been obtained to the precise colour for the boundary fencing hereby permitted.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the free and safe movement of traffic on the highway.
3. In the interests of residential amenity.
4. In the interests of visual amenity.

NOTES TO APPLICANT:

None