

**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**

**RECONSIDERATION OF PLANNING APPLICATION**

**CHANGE OF USE OF RESTAURANT AT FIRST FLOOR LEVEL INTO 2 NO. SELF-CONTAINED FLATS**

**72 QUEEN STREET, RHYL**

**APPLICATION NO. 45/2014/0116/PF**

**1. PURPOSE OF REPORT**

1.1 To seek the resolution of Planning Committee on a planning application considered at Committee on 16<sup>th</sup> April 2014.

1.2 The report will provide Members with the relevant background information and the reason why Officers are requesting the reconsideration of the application.

**2. BACKGROUND**

2.1 The planning application for the change of use of the first floor restaurant at 72 Queen Street to two 2 bedroom flats was recommended for grant of permission by Officers, having regard to planning policies and representations.

2.2 A copy of the Officer report to the April Committee is attached as Appendix 1 to this item. The appendix also includes late representations on the application from the Council's Housing and Community Development Service, which were circulated on the 'blue sheets' before debate on the application.

2.3 At Planning Committee, Councillor Joan Butterfield spoke against the proposal, citing concerns over highway issues, general unease over the type of accommodation to be provided, and potential impact on regeneration strategies and proposals for the area. There was a proposition to grant permission, but no proposition to refuse permission. The vote however ended up 12 - 9 to refuse permission, against Officer recommendation, without any reasons for refusal being advanced prior to the vote.

2.4 On conclusion of the vote, the Head of Planning Services requested Members to offer an indication of possible grounds of refusal and mentioned that there had been reference to highway concerns in debate. It was suggested that Officers would communicate with the Chair, Vice Chair and local Members once the opportunity had been taken to consider the situation, in particular whether a decision should be issued under delegated powers, or whether the matter should be referred back to Committee.

2.5 Officers duly attempted to draft a possible reason for refusal based on the highways impacts of the development, but on detailed scrutiny there appears to be clear Local Development Plan policy and guidance which supports such development in town centre locations, in the form of Policy ASA 3, which is attached as Appendix 2.

2.6 As Officers we are respectful of the views of Members and the fact that Committee voted to refuse planning permission in this case. Notwithstanding this, it is our duty to ensure key issues of interpretation of policy and guidance are thoroughly examined before a final decision is made, and to provide you with our professional advice, even though it may be at odds with the resolution of Planning Committee.

2.7 In the circumstances, therefore, following consultation with the Legal Officer, it is considered that this is a case where there is a clear prospect of a cost award at appeal if the Council were to attach a highways reason for refusal, and in accordance with Section 2.2.10 of the Development Control and Compliance Section Scheme of Delegation it has been decided to refer the application back to Committee so the issues can be fully explored before making a final decision.

2.8 The following section of the report therefore contains further commentary on the issues arising in relation to the proposal, and requests Members to reassess the application.

### **3. KEY ISSUES ON THE APPLICATION**

3.1 The Officer report in Appendix 1 sets out the responses of consultees on the original application, and in Section 4 what are considered to be the main planning issues in relation to the application.

3.2 The issues raised in debate at the April committee were the highways and parking implications, questions over the need for and acceptability of additional flats in this particular location, and potential conflicts with regeneration strategies in the vicinity.

3.3 To assist members consideration of the issues, Officers have sought more detailed comment from the Highways Officer, the Housing and Community Development Service, and the Economic and Business Regeneration Manager / Rhyl Going Forward team. The responses received are as follows –

#### **Highway Officer**

“The Highway Authority consider that the proposals to convert the 1st Floor, existing use as a restaurant, into two 2 bed flats, will generate significantly less traffic and given the town centre location, public transport, pedestrian links and the availability of off-street and on-street parking facilities within the immediate vicinity and within the town do not foresee any highway safety issues arising from the proposals.

Having considered the above, the Highway Authority advise that there would be no sound basis to recommend refusal on highway grounds. “

#### **Housing and Community Development Service**

Support the provision of good quality self contained accommodation as this will meet an increasing demand for one and two bed properties in Rhyl. Welfare reform means there is a demand and providing space standards are met, the proposal meets the Council's Housing Strategy.

#### **Economic and Business Regeneration Manager / Rhyl Going Forward team**

“ The SPG for West Rhyl does not include Queen Street and as such, comments cannot be drawn from this policy/strategy. Sue Lewis has provided comments from the Local Housing Strategy perspective, highlighting the current demand for 1 and 2 bed, good quality, self contained apartments and, although outside of the West Rhyl SPG area, the guidance in this document concurs with this requirement for this kind of property type. However, the West Rhyl SPG is more focussed on the provision of family housing and owner occupation in order to create a more balanced tenure in the area

The Retail and Town Centre workstream contained within The Rhyl Going Forward Delivery Plan (Nov 2011), recognises the difficulties all town centres face, and that a greater mix of uses other than retail, needs to be in the town centre mix including cafes and restaurants, office use and even residential uses. This workstream is scrutinised and discussed at the regular meetings of the Rhyl Going Forward

Programme Board. The objectives for this workstream have only recently been agreed and emanate from the Rhyl Town Plan which was adopted by Cabinet on 25th March 2014. The objective which is pertinent to this situation is as follows

**To increase footfall in the prime retail area by promoting new uses such as employment, leisure and residential uses in vacant and under used property previously used for retailing in adjacent streets**

The difficulty for this particular property is that it is not empty and is currently used as a restaurant providing employment. The Town Centre strategy which is an associated document to the Town and Area Plan (currently in draft form) details the desire to develop the night time economy in the town, and activity as a restaurant contributes greatly to this aspiration.

To summarise, if the property were long term vacant and falling into disrepair then a change of use could be supported by this service, however as this is not the case at this present time the Economic and Business Development Service could not support it. Whether this helps in terms of a Planning decision I am unsure.”

**3.4 In relation to the Highways issues:**

- Factually, there is no vehicular access to the site. There is space on the site to accommodate cycle parking, and this could be subject to a planning condition.
- Queen Street is a one way street with double yellow lines on both sides outside the property, so on street parking is not therefore possible. Public parking is however available a short distance away on West Parade.
- The first floor of the property has been in use for some time as a restaurant, and will have attracted considerably more intensive use than the two flats would generate.
- The Highway Officer does not consider there is a sound basis for refusal on highway / parking grounds
- Policy ASA 3 of the Local Development Plan sets a requirement for appropriate parking spaces for cars and bicycles, but accepts that consideration will be given to particular circumstances in determining parking provision – including sites located in densely populated areas, where access to and availability of public transport is secured, where parking is available within reasonable distance of the site, and alternative forms of transport are available in the area. Officers would suggest the four considerations specified in ASA 3 are applicable in this case and that absence of on site parking would not stand test on appeal.
- In respecting Members’ concerns, Officers would recommend strongly against pursuing a refusal of permission based on an absence of on site parking for the two flats.

**3.5 In relation to the need for and acceptability of additional flats in this area –**

- The Officer report to Committee identified specific planning policies in the Development Plan, and Supplementary Guidance on Space Standards and the West Rhyl Regeneration Area which encourage a balanced range of units and tenures, and set minimum floorspace standards.
- The proposed two bedroom flats meet / exceed the floorspace and external amenity space standards in approved SPG 7 – ‘Residential Space Standards’
- The proposals comply with the terms of Policy BSC 7 of the Local Development Plan in relation to the conversion of existing premises to self contained flats

- The Housing and Community Development Service support the application as they state it would provide good quality self –contained accommodation, meeting an increasing demand for one and two bedroom properties in Rhyl, and they accept the proposals meet with the Council's Housing strategy.

- A refusal of permission on grounds such as adding to an imbalance of a particular type of accommodation or provision of low quality accommodation would require production of clear evidence that this is the case, and support from key consultees such as the Housing Officer.

- Again, in acknowledging Members' concerns, Officers would recommend against pursuing a refusal of permission based on a perceived imbalance of housing stock and poor quality accommodation.

### **3.6 In relation to conflicts with regeneration strategies in the locality –**

- The response from the Economic and Business development team helps to clarify the threads of different Council guidance and strategies for the centre of Rhyl. Officers' interpretation of the various documents in the context of the Queen Street application is that :

\* the West Rhyl SPG does not apply to the Queen Street area

\* The Rhyl Going Forward Delivery plan contains a 'Retail and Town Centre workstream' which has an objective recently agreed (emanating from the Rhyl Town Plan) of promoting new uses such as employment, leisure and residential uses in vacant and underused property previously used for retailing; however, in the case of the first floor of the application property, this has never been in retail use, is 'underused' and no longer required in connection with the restaurant / takeaway use, and residential use is one of the new uses actually promoted by the objective.

- Officers view with respect to the concluding paragraph of the Economic and Business team's comments is that the proposed residential use of an underused first floor used previously in conjunction with a ground floor takeaway / restaurant is compatible with the strategy and objective outlined in the abovementioned documents, and that this would not form a sound basis for a refusal of planning permission.

## **4. RECOMMENDATION**

4.1 Having regard to the contents of the report, and in acknowledging Members' concerns over aspects of the proposal, it is recommended that Planning Committee adopt the original recommendation of the Planning Officer and grant planning permission for the development, subject to the addition of the following planning condition:

*3. Neither of the flats shall be permitted to be occupied until there has been submitted to and approved in writing by the Local Planning Authority, facilities for the secure parking of bicycles within the site, and the approved arrangements have been implemented.*

*Reason – To ensure satisfactory arrangements for the parking of cycles in the interests of accessibility.*

**GRAHAM H. BOASE**  
**HEAD OF PLANNING & PUBLIC PROTECTION**