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Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

REFERENCE NO. 46/2014/0710/PO
GWYLFA
BRONWYLFA SQ, ST ASAPH

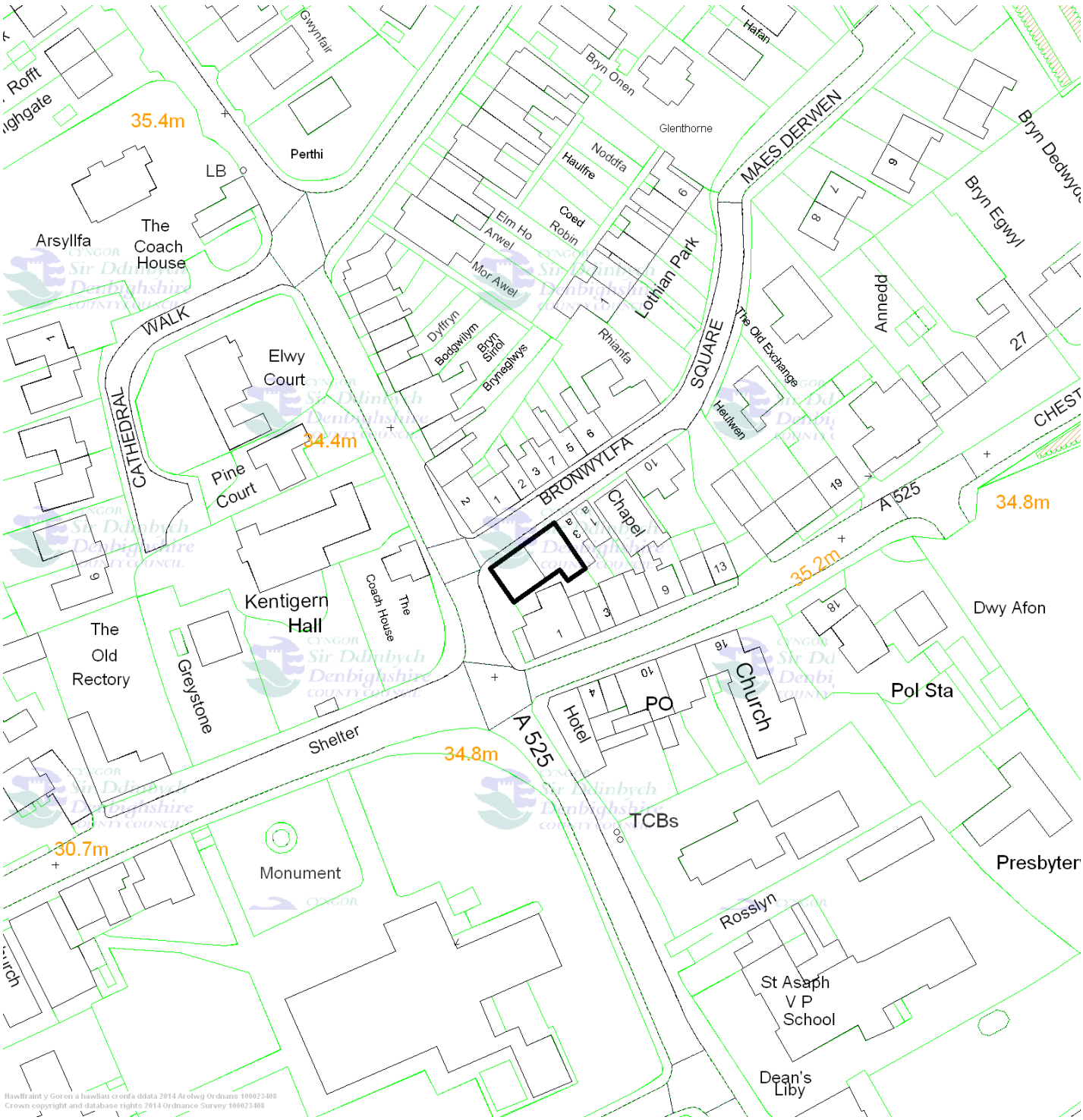
Application Site

N

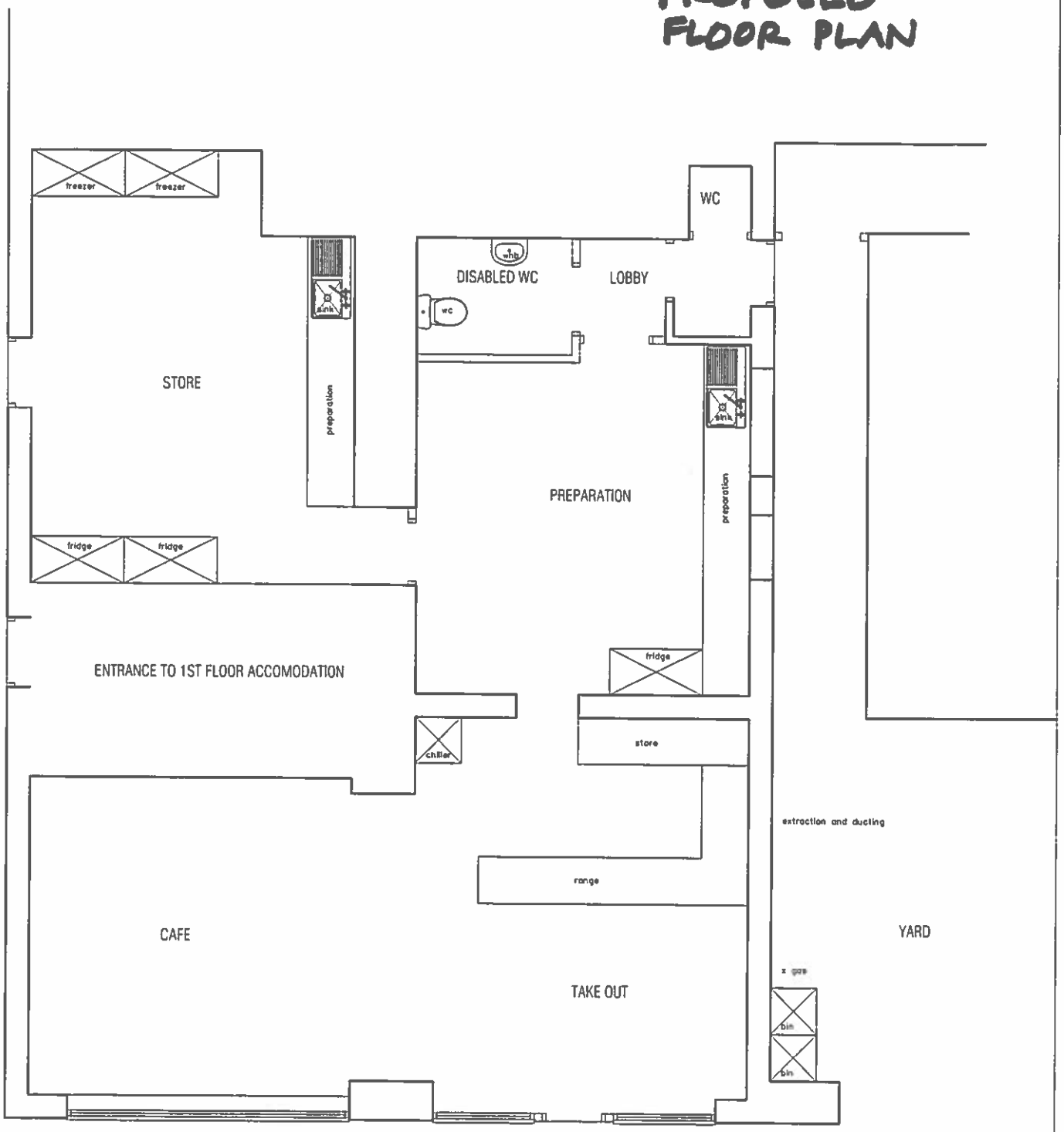
Date 25/9/2014 Scale 1/1250

Centre = 303929 E 374407 N

This plan is intended solely to give an indiction 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.



PROPOSED FLOOR PLAN



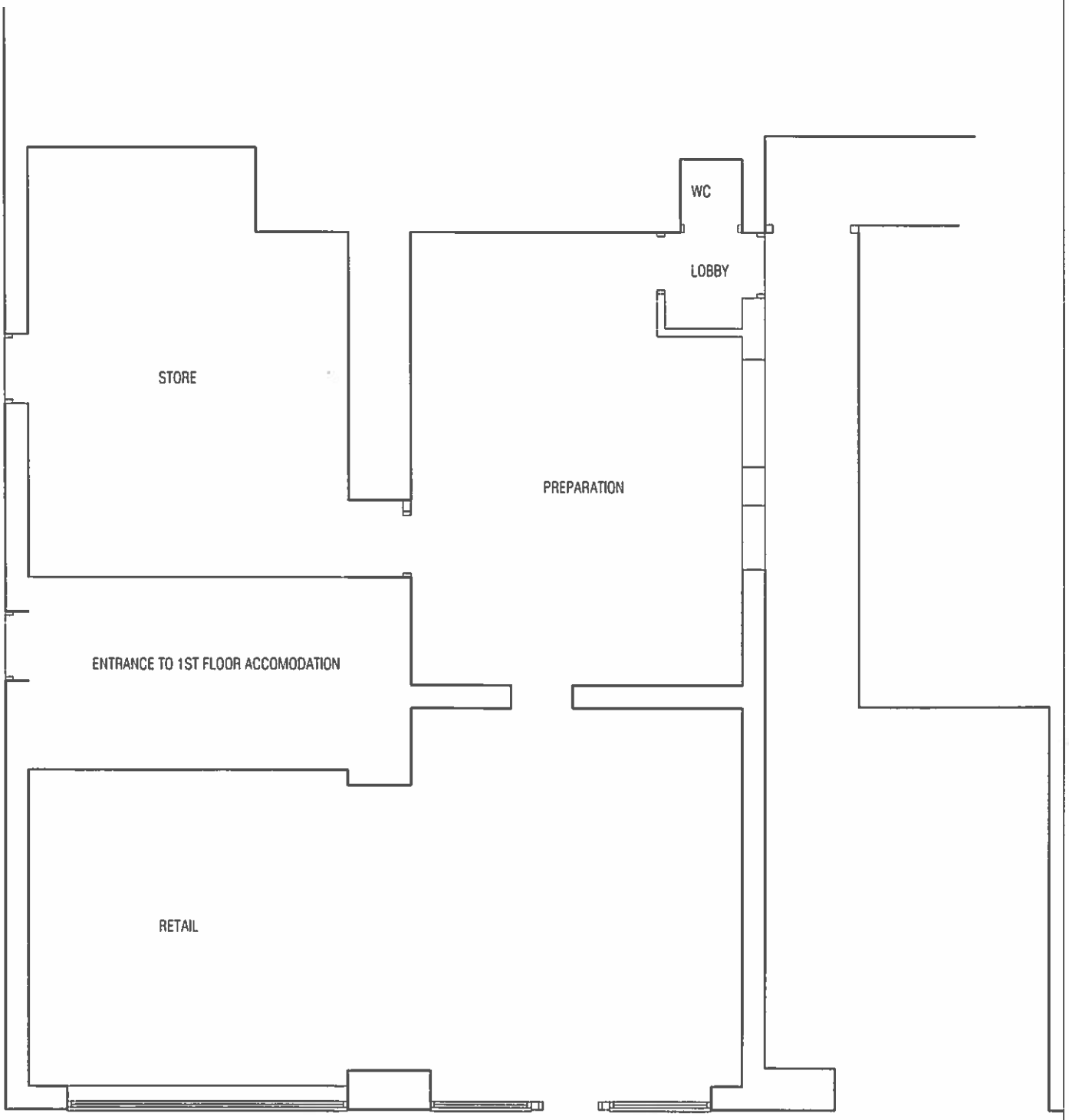
GROUND FLOOR PLAN

Parry Davies Architects. Chartered Architects.

Studio 55:20 North Wales Buisness Park Abergele LL18 7LJ Tel 01745 585517 E-mail PDPArchitects@aol.com

PROJECT TITLE	DATE	SCALE	DRWN	CHK
GWYLFA BRPNWYLFA SQUARE ST ASAPH	JULY 2014	1 50 @ A3	RSG	
DRWG TITLE: PROPOSED GROUND FLOOR PLAN	DRWG. NOS. 14.5517/2			REV

EXISTING FLOOR PLAN



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PROJECT TITLE	DATE	SCALE	DRWN	CHK
GWYLFA BRPNWYLFA SQUARE ST ASAPH	JULY 2014	1:50 @ A3	RSG	
DRWG TITLE: EXISTING GROUND FLOOR PLAN	DRWG. NOS. 14.5517/1			REV

Emer O'Connor

ITEM NO:

WARD: St Asaph East

WARD MEMBER(S): Cllr Dewi Owens

APPLICATION NO: 46/2014/0710/ PF

PROPOSAL: Change of use of Class A1 shop to Class A3 restaurant and takeaway

LOCATION: Gwylfa Bronwylfa Square St Asaph

APPLICANT: Mr Steven Owen

CONSTRAINTS:

PUBLICITY UNDERTAKEN:
Site Notice – Yes
Press Notice – Yes
Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL
"Objections:
1. There already exists a high density of hot food outlets in the vicinity and the impact of another will reduce trade at existing outlets which are already suffering financial hardship.
2. The shopping and trading experience would be enhanced by having a variety of different shops.
3. The restaurant would increase traffic and parking at a busy junction."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
- Highways Officer
No objection

Pollution Control Officer
No response received

Conservation Architect
No objection

RESPONSE TO PUBLICITY:

In objection
Representations received from:
E. Jones, 7, Bronwylfa Square, St. Asaph Lowri Williams, Jacobs Ladder, Mount Road, St. Asaph
Sandy Ding, 1B High Street, St. Asaph (letter has 6 additional names on without addresses)

Summary of planning based representations in objection:
No need for A3 use- overconcentration of A3 uses in St Asaph as existing.
Residential amenity issues- potential for noise and disturbance.
Highways- parking and traffic stafety issues.
Hygiene issues- potential for vermin from proposed use.
Crime and anti-social behaviour- could be an issue of youths gathering at property.
Inappropriate development in proximity to a school.

EXPIRY DATE OF APPLICATION: 04/09/2014

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 relates to the use of, the former 'Simply Drinks' shop in St Asaph. The application proposes the change of use of the class A1 shop, to a class A3 restaurant and takeaway.

1.1.2 No external physical alterations are proposed to accommodate the change of use. Internally the unit will be divided into a sit down 'café' area and a takeaway. The remainder of the ground floor will serve as a storage area and kitchen.

1.1.3 There is first floor accommodation in the unit which will be accessed as existing from the northern side off Bronwylfa Square.

1.2 Description of site and surroundings

1.2.1 The site is located on the eastern end of St Asaph centre. It lies opposite the A525 mini-roundabout with a frontage to Mount Road and Bronwylfa Square.

1.2.2 Simply Drinks operated from the shop previously, it is understood they ceased trading in April 2014.

1.2.3 To the south of the site is an A3 café Jacobs Ladder, which fronts Mount Road and Chester Street. On both sides of Chester Street there are a range of retail uses.

1.2.4 The eastern end of the town centre is detached from the main retail uses on the High Street as the Cathedral and St Kentigerns Hall lie between them.

1.2.5 To the north of the site, the area is primarily residential.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of St Asaph, and is designated a PSE 8 area, (which is Town Centre) in the Local Development Plan.

1.3.2 The site is also with the St Asaph Conservation Area.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The application is supported by a Design and Access Statement and information from the applicant regarding the type of business they propose to operate. They have also carried out some surveys in the locality to gauge interest in their proposed Fish and Chip Shop and have submitted this to support their case. They have advised that they

propose to operate within the hours of 09.00-21.00 Monday to Saturday and 11.00-20.00 on Sunday.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy PSE8 – Development within town centres

3.1 Supplementary Planning Guidance
SPG Conservation Areas

3.2 Government Policy / Guidance
Planning Policy Wales Edition 7 July 2014

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW 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., and that these 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 (Sections 3.1.3 and 3.1.4).

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/Impact on Conservation Area
4.1.3 Residential amenity
4.1.4 Highways (including access and parking)
4.1.5 Fear of crime
4.1.6 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site lies within an area defined Town Centre in St Asaph. Policy PSE 8 allows for development proposals within town centres provided they enhance the vitality and viability of the town centre and they do not result in an unacceptable balance of retail and non-retail uses. The policy recognises that town centres can appropriately accommodate non retail uses, but states that it is essential that the primary function of the town centre is not eroded by incremental development.

Guidance within Planning Policy Wales considers retailing within town centres, distinguishing between primary and secondary shopping centres. Primary shopping centres are characterised by a high proportion of retail uses while secondary frontages are areas of mixed commercial development including for example banks and restaurants. These uses are recognised as important services within town centres. Within the LDP, St Asaph has no

primary/principal shopping frontage, and therefore non retail uses may be permitted provided they enhance the vitality and viability of the town centre and they do not result in an unacceptable imbalance of retail and non-retail uses.

The proposal is for an A3 use for a vacant property which is currently making no contribution to the town centre. Whilst the site is adjacent to an existing A3 use, Jacobs Ladder cafe, this daytime café use is different to the proposed fish and chip shop. It is also acknowledged that there are a range other A3 uses within St Asaph, however it is considered that they are relatively spread out throughout the town, and that if permitted the proposal would not result in an unacceptable imbalance of retail and non retail uses on the eastern side of the town, as Class A1 retail use would remain the dominant use overall within this particular PSE 8 town centre area.

Whilst fully respecting the comments of the Town Council and objectors, Officers opinion is that owing to the character of the PSE8 area, and having regard to the actual number of Class A3 uses in proximity to the application site, there are no reasonable land use planning grounds to refuse permission. The change of use proposed is considered acceptable in line with the abovementioned retail policies of the LDP and Planning Policy Wales.

4.2.2 Visual amenity/ Impact on Conservation Area
Policies RD 1 requires due consideration of the impact of proposals on the historic environment.

As the scheme proposes no external changes and will utilise the same shop front, it is not considered that the application is contrary to any of the LDP policies or SPG relating to the Conservation Area.

4.2.3 Residential amenity
Policy RD 1 requires consideration of impacts on amenity, including those of occupiers of nearby residential property.

The site is located in the town centre, close to a junction with an A road. The hours of operation are proposed to be no earlier than 09.00 hrs and no later than 21.00 hrs on any day.

It is not adjudged that the scheme will cause any harm to local amenity given the location of the site within the defined town centre area. Therefore the proposal complies with RD1 criteria relating to amenity.

4.2.4 Highways (including access and parking)
Policy RD 1 requires due consideration of the impact of development on the local highway network.

There was no parking available for the previous use and none is proposed for the A3 use. It is noted that no objection to the proposal is raised by the Highway Officers. There is a public car park close to the site at the Cathedral and on street parking available on Mount Road.

Given the proximity of the public car park along with on-street parking it is not considered that the change of use proposed gives rise to any highways issues or conflicts with policy.

4.2.5 Fear of crime
Local Development Plan Policy RD 1 test (xii) requires account to be taken of personal and community safety and security in the design and layout of development and public and private spaces, and to have regard to implications for crime and disorder. This reflects general advice in Planning Policy Wales (Section 3.1).

The application proposes a change of use to a Fish and Chip takeaway and café; the hours of operation are set out in the supporting documentation.

Given the town centre location, the nature of the use and proposed hours of operation it is not considered that the change of use would have such detrimental impacts on community safety to warrant refusal of the proposal.

4.3 Other matters

The main planning considerations cover most of the points raised in representations. However one issue raised relates to the proximity to schools and the appropriateness of the change of use. Whilst the Courts have held that this is a reasonable planning consideration, there is currently nothing in the Local development Plan policy to cover the issue and although it is understood Officers are developing Supplementary Planning Guidance on Takeaways for consultation, and there will be a section within this on proposed exclusion zones for A3 uses near to schools, to date this guidance has not been finalised. Owing to this timing of the application, Officers consider it would be pre-mature to refuse the application based on this reason.

5. SUMMARY AND CONCLUSIONS:

5.1 On the basis of current planning policies and guidelines it is considered that that proposal is acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.

The reason for the condition is:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.