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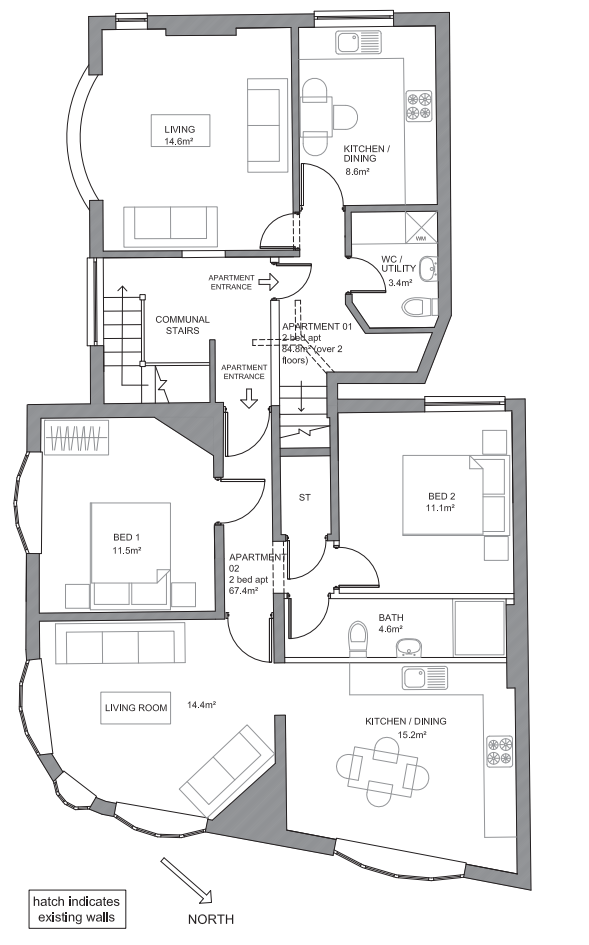
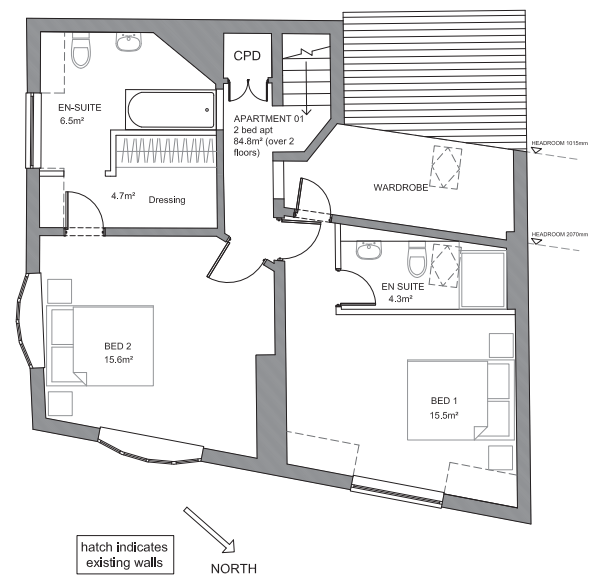
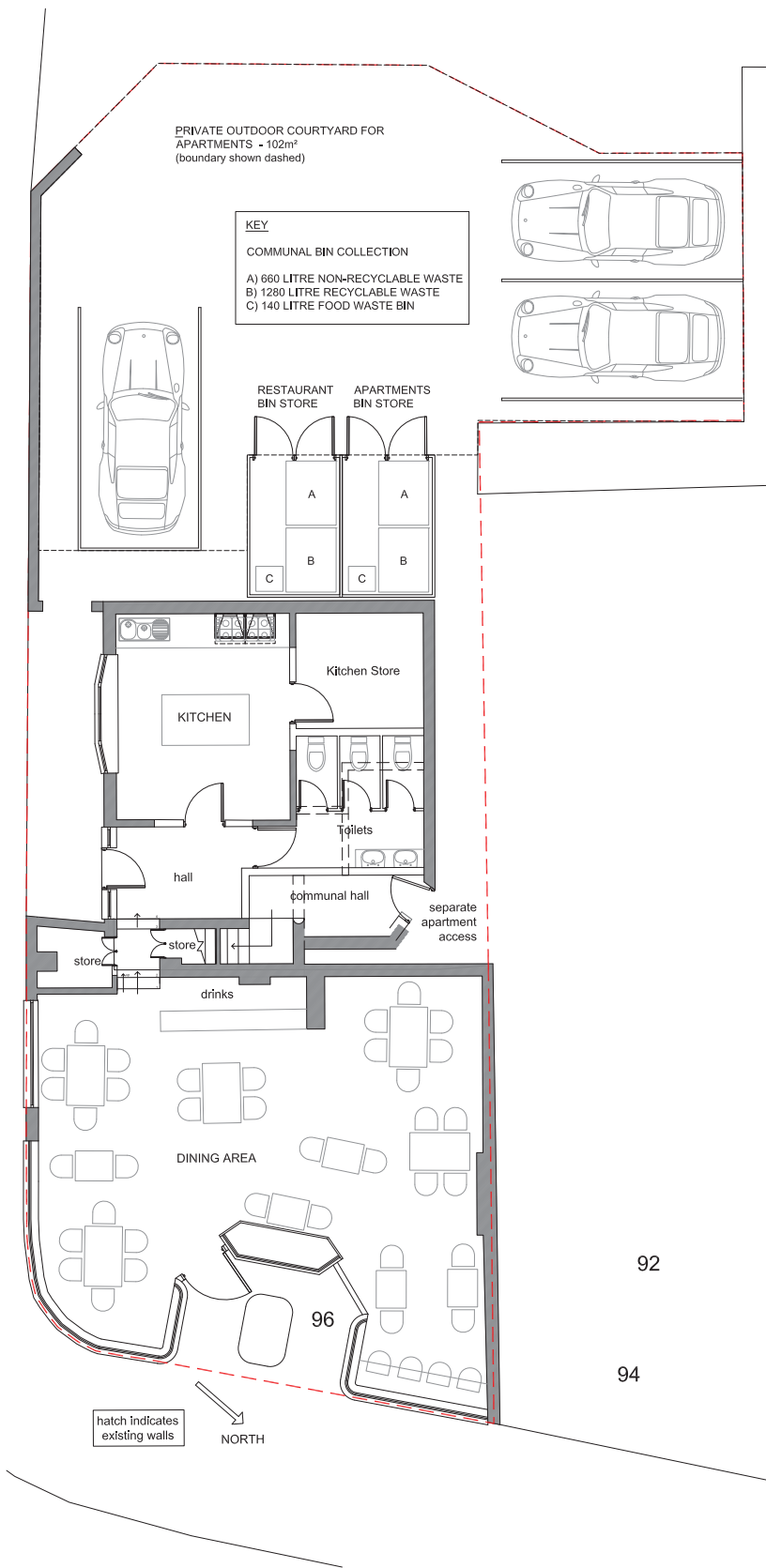
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A 09-11-15 1 BED APTS CHANGED FOR 2 NO. 2 BED APARTMENTS
rev date description

willacy horsewood architects

client
MR & MRS JONES

job
96 HIGH STREET, PRESTATYN, DENBIGHSHIRE, LL19 9BE

site
FLOOR PLANS AS PROPOSED

scale	date	job no.	drawing no.	rev
1:50 @A1	SEP15	WH1180	1180-03	A

moltington grange, parkgate road, chester CH1 6NP
www.willacyhorsewood.co.uk
Tel: 01244 853891 Fax: 01244 853892 E-Mail: info@willacyhorsewood.co.uk

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IF IN DOUBT ASK IMMEDIATELY.

WARD : Prestatyn Central

WARD MEMBER(S): Cllr Hugh Irving
Cllr Peter Duffy

APPLICATION NO: 43/2015/0985/ PF

PROPOSAL: Change of use of ground floor to use class A3 restaurant and conversion of upper floors to 3 self contained flats.

LOCATION: 96 High Street Prestatyn

APPLICANT: MrDerek Jones

CONSTRAINTS: Article 4 Direction

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 – 4 or more objections received

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL (to original consultation) -
"Observation, Flats should not be small single self-contained bedroom units. Larger scale flats with quality living accommodation space preferred. Any proposed change should be in keeping with locations conservation area status."

NATURAL RESOURCES WALES-
No objection.

NORTH WALES POLICE COMMUNITY SAFETY TEAM
No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
Conservation Officer
No objection

Highways Officer
"No objection I refer to the consultation in respect of the above and advise that given the town centre location, availability of public car parks in the surrounding town, good public transport links and that the proposals provide 3 parking spaces within the site have no objection to the proposals subject to conditions relating to the retention of the parking area as proposed."

Housing Officer
No objection. Current figures show a demand for smaller units of accommodation in Prestatyn.

Senior Technical Officer (Environmental Health)
No objection subject to conditions relating to the extraction system.

RESPONSE TO PUBLICITY:

In objection
Representations received from:

Mr Simon Howe-Bamford & Mrs Natalie Howe-Bamford, 94 High Street, Prestatyn
Petition with 198 signatures
Mr McGeown, High Street, Prestatyn.

Summary of planning based representations in objection:
Concern over loss of A1 shop, proliferation of non-A1 uses in the High Street
Highways issues- safety owing to location of use close to junction.
Access issues to adjacent properties- rights of way concerns

EXPIRY DATE OF APPLICATION: 18/11/2015

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the change of use of the ground floor of no. 96 High Street from a shop to an A3 restaurant and the conversion of the upper floors to flats.
- 1.1.2 It is not proposed to alter the existing building externally, the shop front would remain to serve the restaurant and access to the flats would be via an existing entrance to the rear of the site.
- 1.1.3 The proposal would create in 2 no. two bedroom self-contained flats. The internal floor space of the flats would be 67 sq metres and 84 sq metres. The flats would be accessed from the Kings Avenue side of the building, rather than from the High Street.
- 1.1.4 Externally, the site would be set out to accommodate parking for three cars and an amenity area measuring approximately 102 sq metres. A bin storage area is proposed for the A3 use and the flats in the rear yard. The boundary wall to Kings Avenue would be retained so the access arrangements to the yard would remain as existing.

1.2 Description of site and surroundings

- 1.2.1 The site comprises of a ground floor retail premises, formally occupied by the Nexus computer shop on the southern end of a terrace of property fronting High Street in Prestatyn. The upper floors have previously been used in conjunction with the ground floor use.
- 1.2.2 As it is a corner plot on the end of the terrace, the building fronts High Street and Kings Avenue.
- 1.2.3 The site is located in the town centre of Prestatyn. The locality is characterised by a wide range of uses, primarily retail with some residential uses above.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary, Prestatyn Conservation Area and designated Town Centre PSE 8 area.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 The original scheme has been amended on the advice of Officers to ensure the development meets the floorspace requirements of current Supplementary Planning Guidance. This resulted in the number of flats being reduced from 3 flats to 2.

1.6 Other relevant background information

1.6.1 None

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 BSC7 – Houses in multiple occupation and self-contained flats

Policy BSC11 – Recreation and open space

Policy PSE8 – Development within town centres

Policy VOE 1 – Key areas of importance

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

SPG7 – Residential Space Standards

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, (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

4.1.3 Residential amenity

4.1.4 Open Space

4.1.5 Highways (including access and parking)

4.2 Other matters

4.3 In relation to the main planning considerations:

4.3.1 Principle

The application proposes a mix use in relation to the ground floor commercial use.

Policy PSE 1 is of relevance, this states the Council will support proposals which retain and develop a mix of employment generating uses in town centres. As the site is located in the allocated town centre Policy PSE 8 also applies, it advises that development proposals within town centres defined on the proposals maps will be permitted provided that 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.

In relation to the residential element of the use, the site is located within the development boundary of Prestatyn where new residential development will, in principle, be supported provided that it meets the criteria of other policies in the Local Development Plan and material planning considerations. Policy BSC 7 is the detailed policy relating to Houses in Multiple Occupation & Self-Contained Flats. The policy states that the sub-division of existing premises to self-contained flats will be permitted provided that all the following criteria are met: i) the property is suitable for conversion to the number and type of flats proposed without unacceptably affecting the character, appearance and amenity standards of the locality (including cumulative effects of such proposals); and ii) the proposal conforms to the Council's approved space and amenity standards. SPG Note No. 7 relates to 'Residential Space Standards'. This Note is one of a series of Supplementary Planning Guidance Notes (SPGs), amplifying the development plan policies and other issues with the aim of improving the design and quality in new developments. It sets basic internal floor and external space standards for new development and conversions.

In considering the principle of ground floor commercial element of the change of use, Officers have taken into account the latest planning policies and guidance. Despite there being representations relating to the use, the relevant policies and guidance do not preclude the change of use to non A1 uses, particularly on a terrace of shops where as existing there is no A3 uses. Furthermore having regard to the retail provision in the town centre as a whole it is not considered that the proposal would create an unacceptable imbalance. It would introduce a use to a vacant unit that would generate employment. Having regard to this it is considered that the change of use would not be in conflict with the policies listed above and therefore would be acceptable in principle.

In relation to the residential use, residential development within the development boundary is encouraged, and the change of use of upper floors in the town centre is also welcomed as 'living above the shop' as a planning principle has been found to contribute to the vitality of the town centre.

The application is considered acceptable in principle, and the detailed impacts of this application to develop the site are considered below.

4.3.2 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 (vii) 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. Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. Planning Policy Wales (Section 6), stresses the importance of protecting the historic environment, and in relation to Conservation Areas, to ensure they are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls. The basic objective is therefore to preserve or enhance the character and appearance of a Conservation Area, or its setting.

The application proposes no external alterations to facilitate the change of use. Prestatyn Town Council has advised that the proposal should be in keeping with the Conservation status of the area. The Conservation Officer has raised no objection to the proposal.

Having regard to fact the High Street frontage would remain almost as existing it is not considered that the proposal would have any detrimental impact on visual amenity

grounds or the Conservation area. The Agent developed the scheme on the advice of the Conservation Officer and has taken into account the Conservation Area designation in designing the scheme. The proposals are therefore in accordance with the policy requirements set out above.

4.3.3 Residential amenity

Policy RD1 sets specific tests to be applied to amenity impacts of development. Policy BSC 7 and SPG 7 also require amenity issues to be considered for proposals to subdivide properties in to self-contained flats.

The two flats would have an internal floor space of 67 sq metres and 84 sq metres. To the rear of the building it is proposed to provide a bin store area and an amenity area. There are flats in the adjacent building no. 94 High Street. The conversion of the properties to flats would be required to meet current Building Regulation standards in terms of noise and fire protection.

Owing to the location and scale of the development, and the fenestration detailing it is not considered it would have a significantly greater impact on the amenity of the adjacent occupiers than the existing arrangement. In terms of the amenity of potential occupiers, for 2 bed units, SPG 7 requires a minimum floorspace of 65 sq metres, which the proposal exceeds. The minimum space standards given for living rooms and bedrooms are also exceeded. The plans indicate the provision of amenity space to the rear, the level of amenity afforded is considered acceptable. It is considered that a suitable level of amenity would be afforded to future occupiers of the flats and therefore the proposal complies with Policy RD1, BSC 7 and SPG 7.

4.3.4 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

The proposal includes the creation of 2 no. new residential units.

It is considered that the proposals would be acceptable in relation to open space subject to the requisite contributions being secured. It is considered that this could be done through an appropriately worded condition.

4.3.5 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations 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. The acceptability of means of access is therefore a standard test on most planning applications. 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. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development. SPG 21 sets a maximum requirement for parking to be 1.5 spaces per 1 bed dwelling. This is a maximum requirement and mitigating circumstances such as access to off-site parking and provision of public transport will be taken into account.

There are 3 no. parking spaces proposed for the commercial use and the proposed flats. Restricted on street parking is available on the High Street and Kings Avenue. The site is located within a town centre within walking distance to local shops and facilities, and a bus and train station. The Head of Highways has raised no objection.

Whilst it is noted that there is limited on-site parking for the use, the town centre location has to be considered, as must the fact the building has limited parking as

existing for the A1 use. As such it is not considered that the proposal conflicts with the highways considerations of Policy RD1.

4.3.6 Other matters:

Concerns have been raised by adjacent occupiers of the over rights of way at the rear of the property. The Agent is aware that a right of way to the adjacent properties to the north exists and has advised that the right of way would not be effected by the proposal. However this matter is governed by civil law and is not a material planning consideration.

It is noted that opening beyond 23.00 requires consent from the licencing authority. It is proposed to highlight this requirement as a note to applicant.

5. SUMMARY AND CONCLUSIONS:

5.1 In conclusion the proposal is considered acceptable under the relevant policies and therefore 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.
2. **PRE-COMMENCEMENT**
The development shall not begin until arrangements for the provision of Open Space as part of the development, in accordance with the Council's Policies and Supplementary Planning Guidance, has been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out strictly in accordance with the approved arrangements.
3. Facilities shall be provided and retained within the site for the parking of vehicles in accordance with the approved plan and which shall be completed before the development is brought into use.
4. The extraction system for the premises shall be designed and installed in accordance with the DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of compliance with adopted open space policies.
3. To provide for the parking of vehicles clear of the highway.
4. In the interests of protecting the amenity of occupiers of residential property in the locality.

NOTES TO APPLICANT:

Public Protection Notes:

- The guidance note in relation to the extraction system is available at: <https://www.gov.uk/government/publications/guidance-on-the-control-of-odour-and-noise-from-commercial-kitchen-exhaust>
- Please note you need to register with the Food section before they open.
- The drainage system should be upgraded and incorporate a suitable grease trap.
- A suitable waste management system should be put in place with suitable space allocated for the storage of the different wastes.
- Depending on the opening hours proposed a premises Licence may be required, you are advised to contact the Licensing Section to discuss their requirements.

Highways Notes

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.