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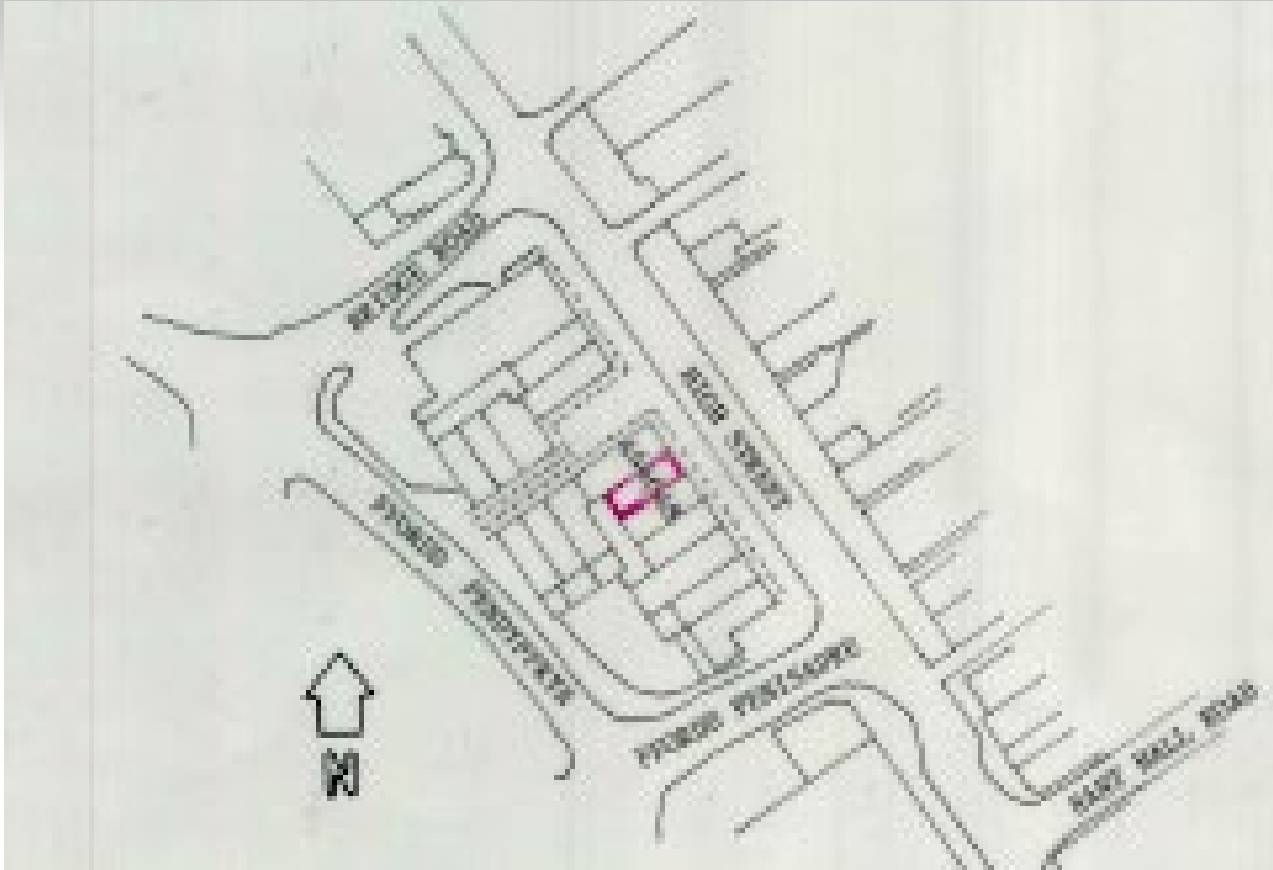


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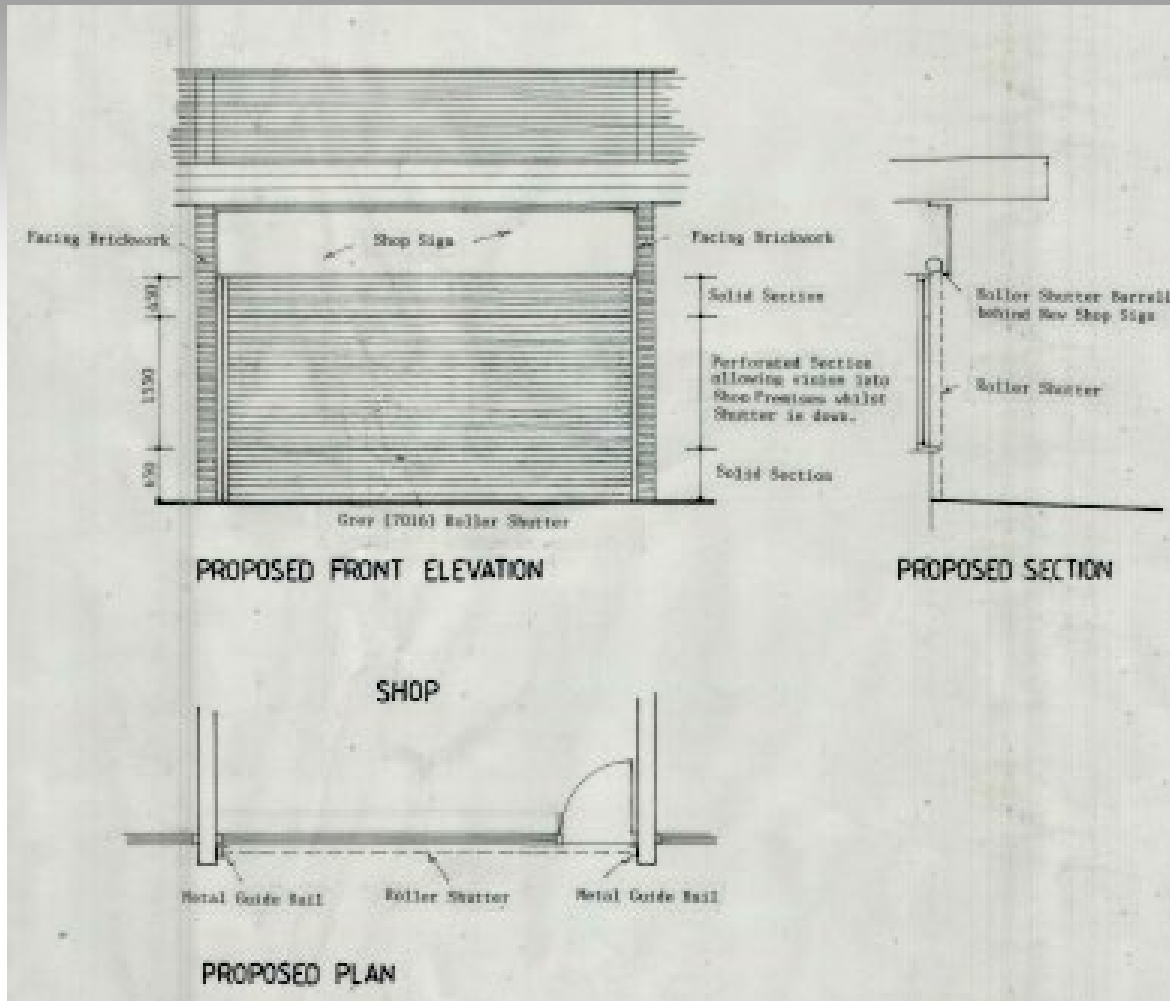
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Site Location Plan



Existing building/elevations



Proposed plans/elevations

WARD: Prestatyn Central

WARD MEMBER(S): Cllr Jon Harland (c)
Cllr Hugh Irving

APPLICATION NO: 43/2023/0363/ PF

PROPOSAL: Installation of perforated roller shutter to front elevation
(retrospective applicaiton)

LOCATION: 46 High Street Prestatyn LL19 9BB

APPLICANT: MrMark Sugarman

CONSTRAINTS: C1 Flood Zone

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

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

- Referral by Development Control Manager

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

"OBSERVATIONS: Request that the roller shutter be painted in 'Prestatyn Green.'"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Conservation Officer

Whilst acknowledging the shop is a modern building outside of, but close to the conservation area, the Conservation Officer raises concerns over visual impact of roller shutter on the High Street and adjacent conservation area.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 18/07/2023

EXTENSION OF TIME AGREED: 13/12/2023

REASONS FOR DELAY IN DECISION (where applicable):

- protracted negotiations resulting in amended plans.
- awaiting consideration by Committee

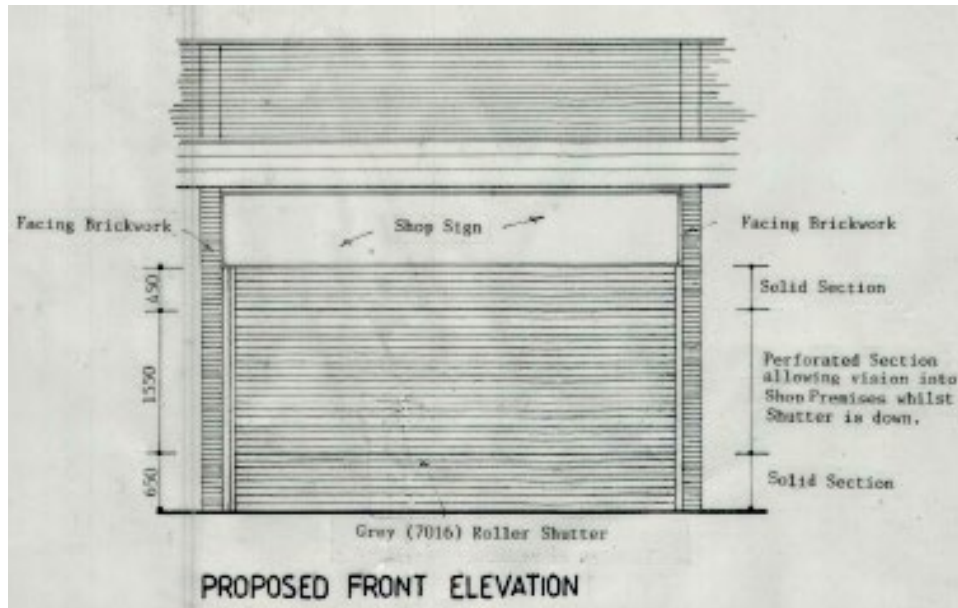
PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the retention of a perforated roller shutter to front elevation of no. 46 High Street, Prestatyn.
- 1.1.2 The roller shutter has been installed on the shopfront of Detour menswear shop. The shutter covers the shopfront with a 'see through perforated section' from cill level (650mm) up to 2200mm above ground level. The existing solid section extends up to 1050mm above ground level.

See plan snip not to scale and photo of shopfront and photo snip*



1.2 Other relevant information/supporting documents in the application.

1.2.1 The In support of the application the Agent has provided a justification statement.

1. The conservation area boundary has been clearly very carefully placed to exclude this parade of shops and indeed footway in front of it. It seems fairly obvious to me that the quality of this part of the town in terms of character and appearance is a far lower than those buildings and areas which fall within the conservation area. No doubt that was a key component in the choice and positioning of the conservation area boundaries at the point of designation

2. The Council has, as you know adopted, Supplementary Planning Guidance in respect of the design of shop fronts. This is not a completely solid roller shutter (as the central core is perforated and allows the passage of light through the building when it is closed). Furthermore, efforts have been made to integrate the shutter box behind the fascia, so it is not visible. A high quality external durable coloured material has been used to aid its integration into the rather plain functional and poor shopping parade.

In particular SPG states at-paragraph 10.4 their design should be integrated as far as possible into the shop front, it should be perforated to allow views into the shop and the colour should be appropriate to the building and area as a whole. As a general rule, all external shutters will require planning permission whereas internal systems do not.

My reading of this is that even solid roller shutters are capable of being granted planning permission in the county where that SPG is complied. The mitigation, including perforation and colour (and in this case, careful, sighting of the shutter box

behind the fascia) are measures which, to me, demonstrate where an applicant has made attempts to align with that.

I am also aware that the Shop retails very high-end designer clothing which is at high risk of theft were not properly secured and bringing a new high quality retail offer to the town other factors, such as vitality and viability equally weigh in as material considerations.

1.3 Description of site and surroundings

- 1.3.1 No. 46 is located on the western side of Prestatyn High Street within the 1970's shopping Precinct between Bridge Road and Penisardre Road. The Precinct is a single storey building comprising of a range of small shops with a central yard, cut through to the B5120 to the rear.
- 1.3.2 The site is located alongside a jeweller's shop and café. There is a roller shutter on the dual shopfront of the jewellers.
- 1.3.3 No. 46 was formally a homeware shop. It was reopened as Detour menswear in Summer 2023.

See photo snip of the Precinct from the south



1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located within the development boundary of Prestatyn.
- 1.4.2 The site is not within the Conservation Area, but the Conservation Area boundary runs along on the opposite side of the High Street.

1.5 Relevant planning history

- 1.5.1 There is no planning history on the site.

1.6 Developments/changes since the original submission

- 1.6.1 The application has been amended slightly since its original submission in May. The perforated central area was introduced. The shutter was also installed when the use commenced, hence the application is retrospective now.

1.7 Other relevant background information

- 1.7.1 None.

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 BSC1 – Growth Strategy for Denbighshire

Policy PSE6 – Retail economy

Policy PSE8 – Development within town centres

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Shop Fronts

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021 Chapter 6 updated October 2023

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 Security/Need

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located on a property within the development boundary of Prestatyn 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.

Whilst the PSE 8 town centre allocation is noted, it of limited relevance to this type of application, being more applicable to changes of use.

The Council has created guidelines for shopfronts in SPG Shopfronts. The SPG acknowledges that there is no formal development plan policy relating to shop fronts. However, the broad thrust of the Council's approach is to provide well designed shop fronts to match particular local circumstances, which vary across the County. This note is primarily concerned with the traditional shop fronts found in many of the County's town and village centres although the guidance will also be generally applicable to shop fronts in modern shopping precincts.

Officers consider that the assessment of the application lies in the detailed impacts as 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.

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.

SPG Shopfronts makes specific reference to shutters on shopfronts, stating "often a shutter is necessary as it is a requirement of insurance companies or because of the nature and location of the business. If this is the case an internal lattice grill or shutter will be the preferred option. Depending on the nature and value of goods on display in the shop front it may be possible to locate a lattice shutter behind the window display particularly in those areas where CCTV is in operation. Lattice designs will enable night time window shopping, internal inspection by the police and contribute to an attractive night time environment."

It goes on to say that, "a solid shutter is not recommended by the police as it does not allow the internal space to be viewed. External solid roller shutters are by far the worst option. They obscure architectural detail and invite graffiti which contributes to the overall portrayal of decline. If so, their design should be integrated as far as possible into the shop front, it should be perforated to allow views into the shop and the colour should be appropriate to the building and area as a whole."

The Conservation Officer was consulted on the application owing to the proximity to the Conservation Area. He raised concerns owing to the visual impact of the shutter on the character and appearance of the town centre generally.

The application initially sought permission for a solid shutter, following consultation and on review Officers requested an internal shutter be considered. This was deemed unacceptable by the Applicant/Agent and the perforated option put forward as a compromise. This has been installed since.

The starting point in the assessment of the application is the context. The site is located within the town centre of Prestatyn, the majority of which is within the High Street Conservation area. Most properties in the High Street Conservation area are Victorian and Edwardian in character. Opposite the site the former Midland Bank at no. 35 High Street was noted as an important building in the Conservation Area Appraisal Document. The High Street itself separates the Precinct from the Conservation Area, presumably because the Precinct shopping building in which no. 46 is located is a much later addition to the High Street, and an unremarkable building in comparison to its historic neighbours.

The Council's Town Centre Health Check carried out as part of LDP monitoring identifies Prestatyn as the principal retail centre for Denbighshire, with good convenience goods offer and consistent occupancy levels. Anecdotally it also would appear that Prestatyn High Street is not in decline. There is continued investment in the High Street, most recently no. 35 High Street has just been renovated in an appropriate and sensitive manner.

Within the Precinct there are a range of shops from small independents to charity shops, and the café to the south of no. 46. There is no uniformity in shopfronts, with a variety of shop front designs, layouts and signage styles. It is noted that the jewellers shop to the next door (to the north) of no. 46 has a recessed shopfront, hence the requirement for shutters to the dual frontage. The jeweller's shutters are semi-perforated and white in colour.

No. 46 now comprises of Detour menswear, it has a painted shopfront, in a dark grey shade with matching grey fascia sign. The shutter casing (barrel) is behind the fascia which is attached to the flat roof canopy that runs along the front of the Precinct. The shutter is a similar dark shade, and partially perforated as can be seen in the photo above. The photo was taken in the evening to see the effect of the shutter closed and light distribution.

Officers are aware of SPG guidance and concur that shutters can have a negative effect on a property, obscuring architectural detail and inviting graffiti which contribute to an overall portrayal of decline. It is also generally acknowledged that solid shutters result in a dead street frontage and can encourage anti-social behaviour and feelings of unease. However, this shutter is partially perforated, and well-integrated into the fascia as encouraged by SPG.

The wider visual impacts are noted, and the potential for a further precedent to be established also has to be considered. As set out above the site bounds the High Street Conservation Area, and there are significant historic buildings in the vicinity of the site. It could be argued that if permitted an additional shuttered shopfront, alongside the adjacent jewellers would create a more mixed and therefore disjointed street scene (particularly in the evening). Conversely owing to its perforation and colour in relation to the shopfront and the fascia, it could be said that the shutter blends in with the shopfront and therefore has a neutral effect on the immediate street scene, particularly in comparison with the white shutter on the jeweller's.

A concern is whether permitting this shutter set a precedent for other shops within the Precinct to attach shutters, as this would have a significant cumulative impact. However, Officers have to be mindful of dealing with each case on its own merits so can attach limited weight to the issue of precedent. To this end a condition can also be attached to require the removal of the shutter should the current use cease or operator leave the site.

Officers consider the visual impact of the shutter to be very finely balanced between the principle of shutters per se, and the visual impact of this shutter on the character and appearance of what is a healthy High Street and attractive area, against the omission of the Precinct from the Conservation area designation, the unremarkable

appearance of the Precinct and No. 46, and the relatively neutral impact of the shutter on the host building given its specific design. Whilst not ideal Officers judge it would be difficult to argue that the roller shutter would result in a significant enough harm to the character and appearance of the immediate area in which it is proposed to be retained to warrant refusal.

4.2.3 Need/Security

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.

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.

It is understood that the shutter on the adjacent jewellers was permitted historically owing to the unique design of the recessed shopfront making it prone to vandalism and theft and nature of the goods on sale. The latter (i.e., security of high value items) is part of the argument used to justify this shutter at no. 46, although specific evidence has not been provided to support this claim.

The effect on shutters on the general public is also considered, as mentioned above because shutters can have an impact on public perception and anti-social behaviour in an area.

Concluding on the need and security issue, the design of the shutters would provide the requisite security for the shop. The perforation allows light through and a slightly more active frontage than a fully shuttered frontage. Therefore, it is not considered there would be policy conflicts in terms of crime and disorder.

Other matters

The Town Council have suggested an alternative colour for the shutter, known as Prestatyn Green. With respect to the Town Council Officers consider that the decision should be based on the proposal as submitted and now installed. Also given the colour of the shopfront the matching shade goes some way to lessen the visual impact.

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.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age;

disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics.
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

5. SUMMARY AND CONCLUSIONS:

5.1 As the application presents some issues which have to be carefully considered and finely balanced. Officers consider that based on the information submitted and the revised details of the shutters that the proposal is acceptable.

RECOMMENDATION: GRANT - subject to the following conditions:

1. 1. 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) Existing Site, Floor and Elevation Plans (Drawing No. 3427/1/MAY/2023) - Received 24 May 2023
 - (ii) Revised Proposed Site, Floor Elevation Plans (Revised Drawing No. 3427/1/MAY/2023) - Received 08 September 2023
2. Should the use of the site by Detour Menswear cease and the unit become vacant the roller shutter shall be removed and the shopfront and fascia reinstated to its original appearance.

The reasons for the conditions are:

1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. In the interests of visual amenity.