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Heading:

REFERENCE NO. 40/2012/1343
THE OLD SCHOOL HALL
BODELWYDDAN

S



Application Site

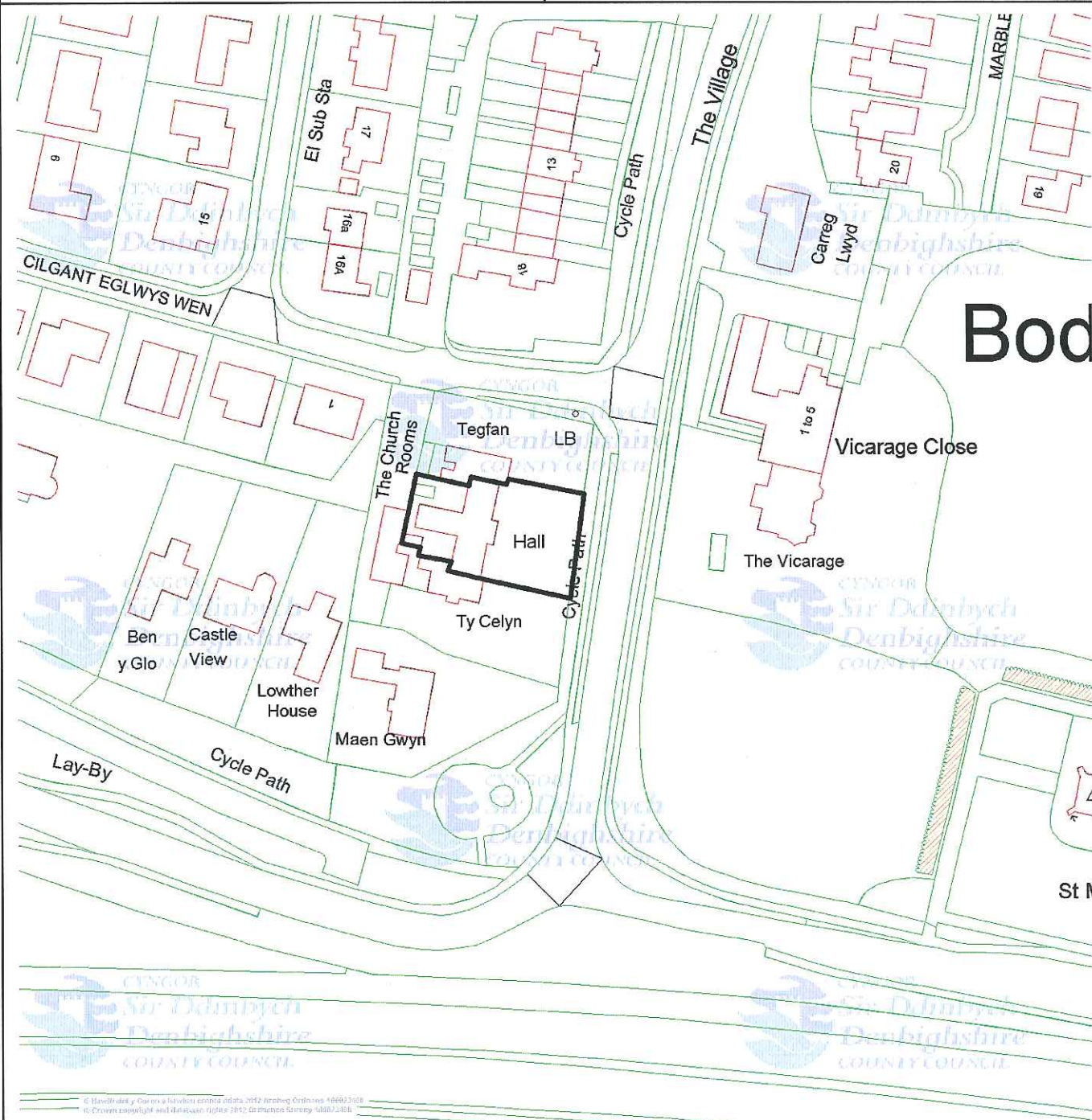


Date 4/12/2012

Scale 1/1250

Centre = 300267 E 375513 N

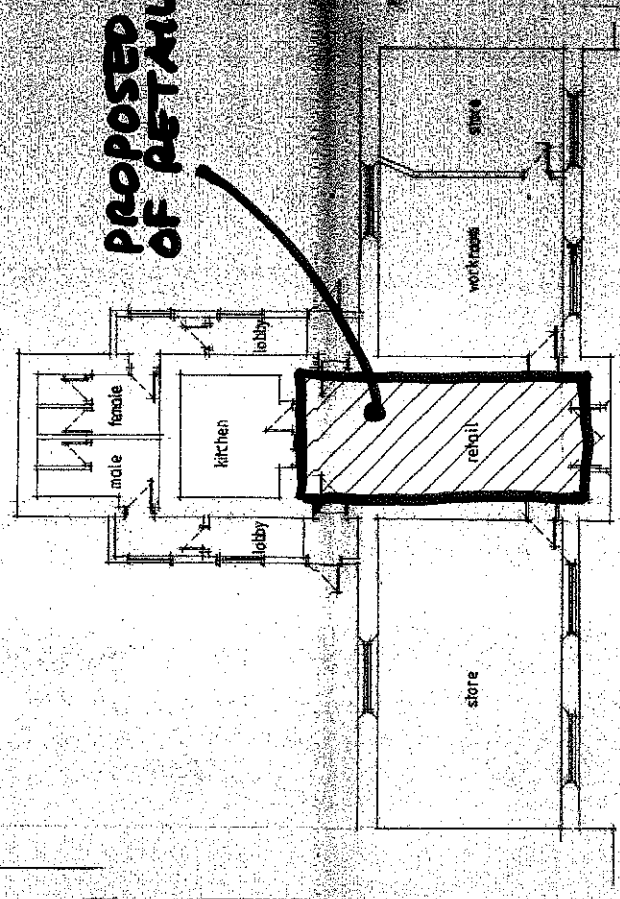
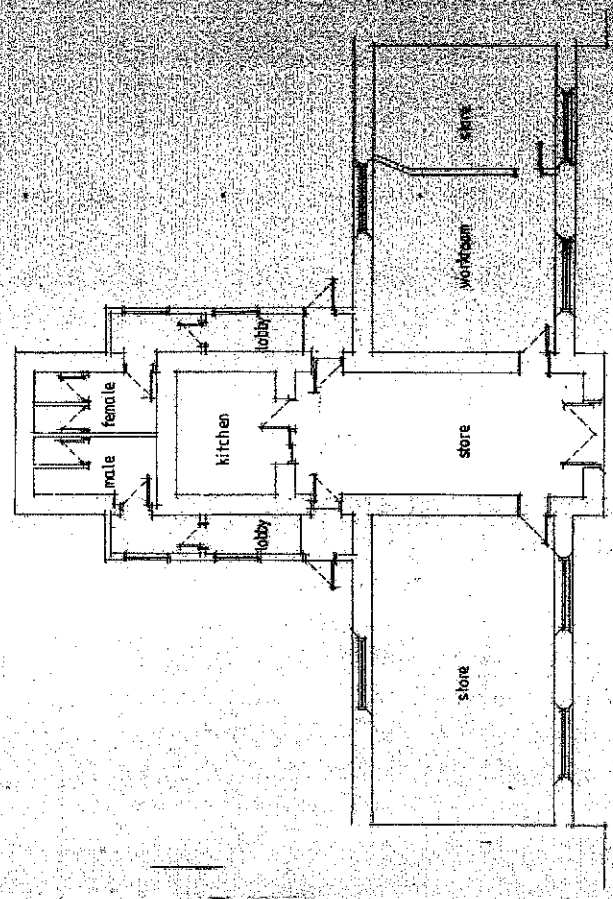
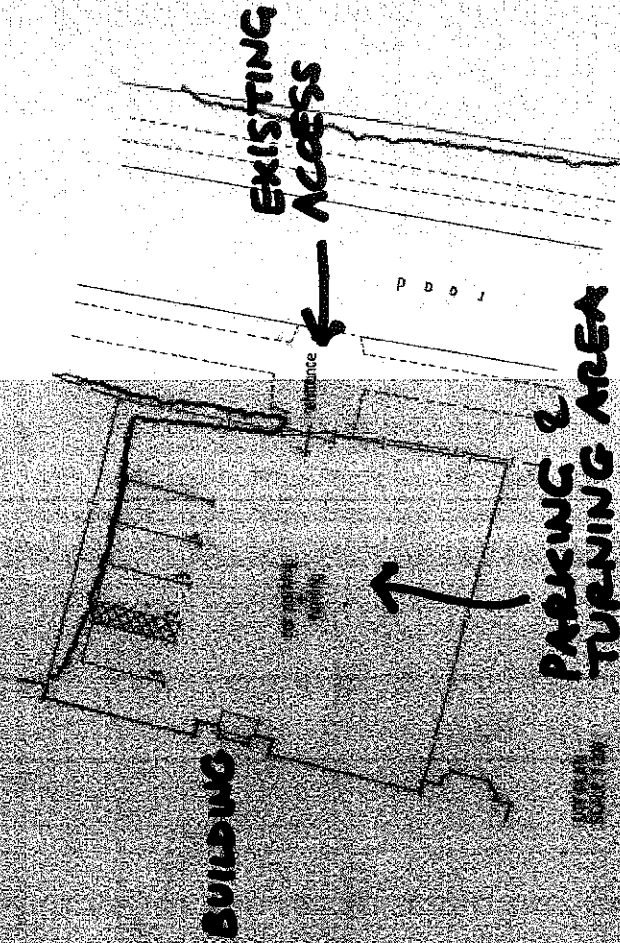
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



FLOOR AND SITE PLANS

40 / 2012 / 13 & 3 / P S

PROPOSED REMOVAL OF AND VARIATION OF
 CONDITIONS
 OLD SCHOOL
 BODELEIGH/DAN
 SCALE 1:200
 DATE OCT 2012



PROPOSED EXTENT OF RETAIL AREA

PARKING AREA

ITEM NO: 5
WARD NO: Bodelwyddan
APPLICATION NO: 40/2012/1343/ PS
PROPOSAL: Removal of condition no. 7 and variation of condition no. 11 of planning permission code no. 40/2011/0029 to allow for retail sales in connection with existing haberdashery work room and storage/distribution use
LOCATION: Church School The Village Bodelwyddan Rhyl
APPLICANT: Miss J Goddard Just Imagine Contract Interiors
CONSTRAINTS: Listed Building
 Conservation Area
PUBLICITY UNDERTAKEN: Site Notice - No
 Press Notice - No
 Neighbour letters - Yes

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

- Recommendation to grant / approve – Town Council Objection.

CONSULTATION RESPONSES:

BODELWYDDAN TOWN COUNCIL

"The Town Council strongly objects to these changes from the original planning permission to allow retail sales and storage and distribution use.

The original planning permission was granted with conditions for 5 years from March 2012. It is only 18 months later that this planning application is being submitted.

This premise is situated in a residential area and the changes in the variations will attract additional traffic both commercial and domestic. This will impact on the residents in the locality as it is a residential area.

This proposed activity is out of character for the area it is situated in.

The premise is situated near a sharp corner, where visibility is poor and the road is the main route of emergency vehicles to the hospital. The Town Council are concerned that increasing the traffic with these highways issues will be dangerous".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Transport and Infrastructure

- Highways Officer

No objection

Conservation Officer

No objection

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 13/12/12

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the removal of condition no. 7 and variation of condition no. 11 of planning permission code no. 40/2011/0029 to allow for retail sales in connection with existing haberdashery work room and storage/distribution use at the Church School, The Village, Bodelwyddan.
- 1.1.2 Planning condition no. 7 read:
No retail sales shall be undertaken from the building. Reason: In the interests of the amenities of the locality and to preserve the character and appearance of the conservation area.
- 1.1.3 Planning condition no. 11 read:
This permission relates to the use of the building as a single business unit, comprising of a workshop and storage area for purposes involved with haberdashery and storage/distribution of household items for show houses, and for no other uses. Reason: In the interests of the amenities of the locality and to preserve the character and appearance of the conservation area.
- 1.1.4 No physical alterations are proposed to accommodate the proposed sales area. The submitted floor plan indicates that 19% of the total floor area would be used for sales. This area would be in the central part of the building.

1.2 Description of site and surroundings

- 1.2.1 The application relates to a former school in the village centre. The use as a haberdashery commenced shortly after the grant of permission in March 2011.
- 1.2.2 There are two dwellings attached to either end of the Church School and a dwelling to the rear.
- 1.2.3 There is a parking area to the front of the application site, bounded by panel fencing, iron railings and a hedgerow. It is capable of accommodating at least four vehicles, with a turning area.
- 1.2.4 The adjoining highway has a 30mph speed restriction, and includes a cycle lane and double yellow line parking restriction controls.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary for Bodelwyddan, and a Conservation Area.
- 1.3.2 The building is Grade II listed 'as a fine village school building of symmetrical composition built as an integral part of a well preserved estate village'.

1.4 Relevant planning history

- 1.4.1 The planning permission for the change of use of a former school hall building, to a haberdashery and storage area was granted at Committee in 2011.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 In respecting the comments of the Town Council, the applicants have the right to seek variations or deletions of any conditions imposed on a planning permission, and the Local Planning Authority has the duty to consider them on their particular merits.

2. DETAILS OF PLANNING HISTORY:

2.1 40/2012/1343 Change of use of former school to haberdashery work room and storage/distribution of household items for show homes. Granted by Planning Committee on 17/03/2011.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

GEN 1 - Development within Development Boundaries

GEN 6 - Development Control Requirements

EMP 4 - Employment development within development boundaries

RET 13 - Small Tourism Related Factory Shops

TRA 6 - Impact of new development on traffic flows

TRA 9 - Parking and servicing provision

3.2 GOVERNMENT GUIDANCE

PLANNING POLICY WALES EDITION 5 November 2012

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main issues are considered to be:

4.1.1 Principle

4.1.2 Impact on the character of the conservation area

4.1.3 Impact on residential amenity

4.1.4 Highway safety

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary for Bodelwyddan where the principle of development is considered acceptable as detailed in policy GEN 1. In March 2011 the use of the site as a haberdashery was deemed acceptable under policy EMP 4 Employment development within development boundaries. The introduction of a retail use into the proposal may be considered under policy RET 13 Small Tourism Related Factory Shops, as this policy covers small scale shops related to leisure, craft, tourism and manufacturing facilities. The policy permits small scale shops where the retail element remains ancillary, the proposal meets the other plan policies, there is no impact on the locality by virtue of appearance, activity, traffic and signs, and the proposal maintains a window display in the town or district centre. The reasons for the conditions are also relevant to the proposals and relate to the impact on the Conservation area and amenity of adjacent occupiers. The principle of introducing a small scale retail use may therefore be acceptable in a central location in a village subject to assessment of impacts on the matters relevant to the reasons the conditions were imposed.

The detailed impacts are considered below:

4.2.2 Impact on the character of the conservation area

Policy CON 5 – Development within conservation areas- reiterates national advice, highlighting that the Council will permit applications that demonstrate that they preserve or enhance the character or appearance of conservation areas. SPG 13 highlights the need to ensure that new development is sympathetic to the areas special architectural and historic interest.

There are no physical alterations proposed to facilitate the planning application. The Conservation Officer has raised no objection to the proposal.

It is not considered the proposal would impact adversely on the character and appearance of the Conservation Area.

4.2.3 Impact on residential amenity

Unitary Development Plan policy GEN 6 sets out the general requirement to assess impacts of proposals on the amenity of local residents, including from potential increased activity, disturbance and noise.

The application proposes variation of two conditions to allow for a small scale retail element to compliment the existing haberdashery use. The retail use would be 19% of the overall floorspace. The remaining conditions of the original permission would remain in place, these include a restriction in hours of operation and the personal permission for the Applicant only.

In Officers' opinion it is considered the introduction of a small amount of retail with the haberdashery use would be acceptable taking into account limited scale and extent of the activities proposed, the operating hours, daytime use, and no Sunday use. It is not considered the proposal would conflict with the amenity considerations of planning policy GEN 6.

4.2.4 Highway safety

Policy TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic, and the capacity of and traffic conditions on the surrounding road network are satisfactory.

The haberdashery is an established use within the development boundary with access to a range of transport modes and facilities. The retail use would amount to an area of 19% of the overall floorspace.

The application site layout includes details of parking and turning, and is considered acceptable by Highways Officers. With respect to the comments of the Town Council, the conditions were not attached to the consent for highways reasons, therefore it is considered it would be difficult to introduce this as reason to resist the variation of conditions.

Having regard to the specific proposal, including the limited hours of operation, Officers consider that it would be difficult to conclude that the proposal would give rise to significantly greater highway safety issues than the previous use of the site, sufficient to merit a refusal capable of being defended on appeal.

SUMMARY AND CONCLUSIONS:

- 4.3 The application proposes a variation of two conditions which were put in place in the interests of amenity and the protection of the Conservation Area. It is not considered there are any clear policy grounds to resist the proposals for these reasons, and therefore the application is recommended for grant.

RECOMMENDATION –

- a) Grant removal of Condition 7
- b) Grant variation of Condition 11. Condition 11 to be re-worded as follows:

This permission related to the use of the building as a single business unit, comprising of workshop, storage area and retail sales area for purposes involved with haberdashery and the storage of household items for show houses, and for no other purposes. Reason: In the interests of the amenities of the locality and to preserve the character and appearance of the conservation area.

1. This permission related to the use of the building as a single business unit, comprising of workshop, storage area and retail sales area for purposes involved with haberdashery and the storage of household items for show houses, and for no other purposes.

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

1. In the interests of the amenities of the locality and to preserve the character and appearance of the conservation area.

NOTES TO APPLICANT:

None