

Heading:

REFERENCE NO. 43/2012/1150
204 HIGH STREET,
PRESTATYN

7

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caedfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

 Application Site

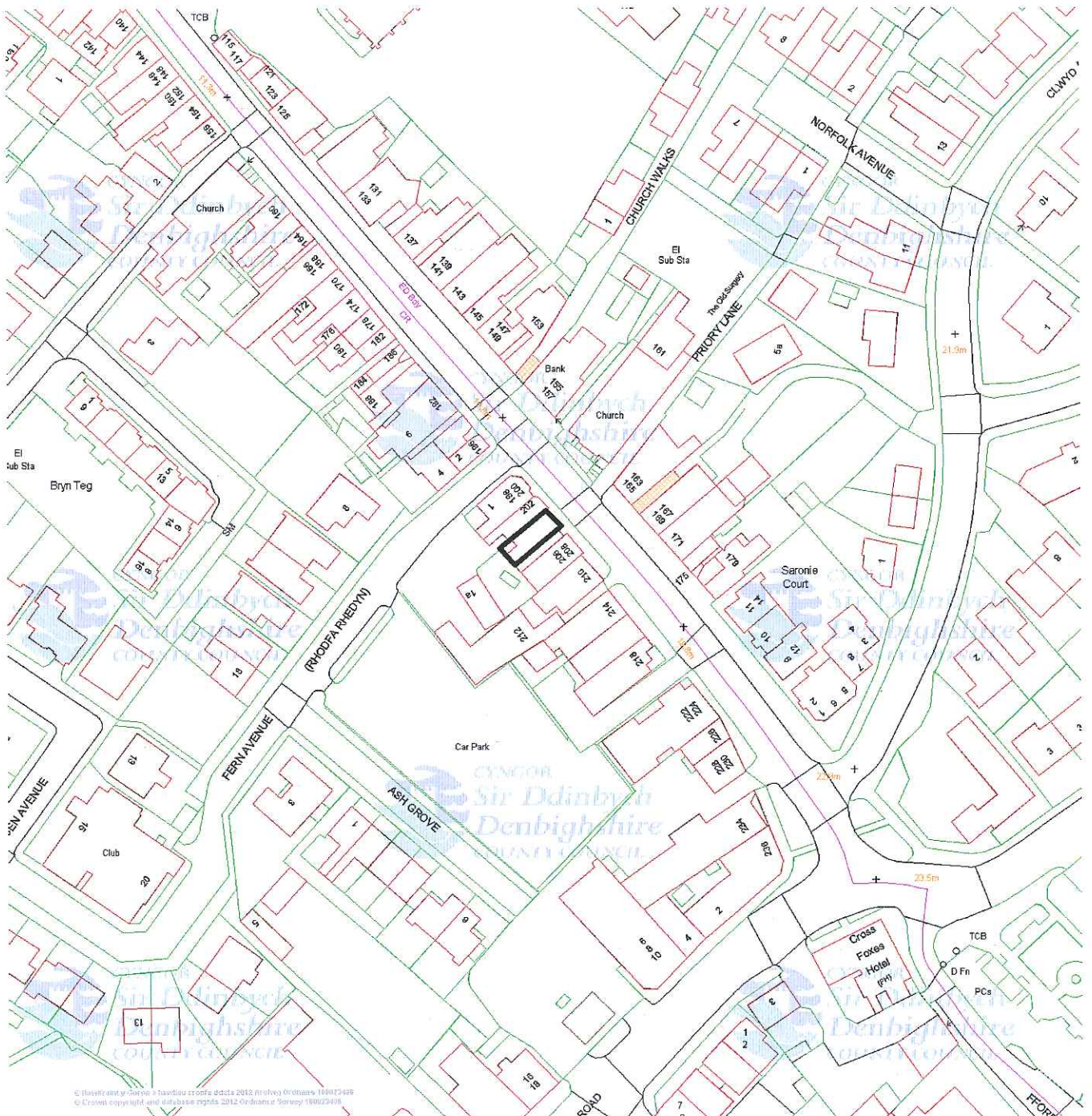


Date 4/12/2012

Scale 1/1250

Centre = 306755 E 382656 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.



© Hawffraint y Goron a hawlau cyfreidda 2012 (i ollyb) Ordnans 100023408
© Crown copyright and database rights 2012 Ordnance Survey 100023408

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council. 100023408, 2011.

Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408, 2011.

FLOOR PLANS

204 High Street,
Prestatyn. LL19 9BP

SCALE 1:50 @ A3

DATE September 2012

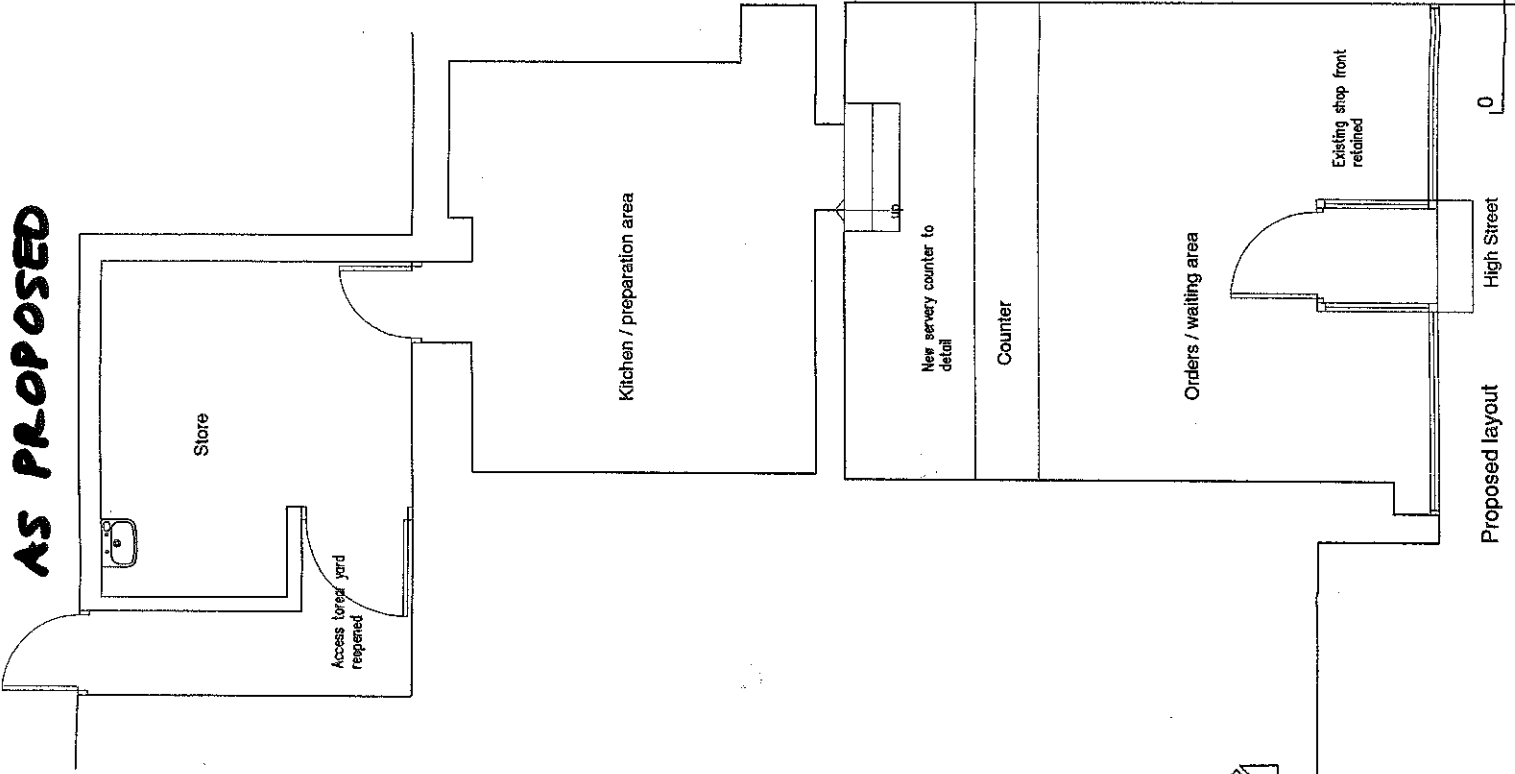
LAWRENCE PARRY ASSOCIATES
HILL HOUSE, HILLSIDE, PRESTATYN,
01745 854945

DRWG. No 38437 02

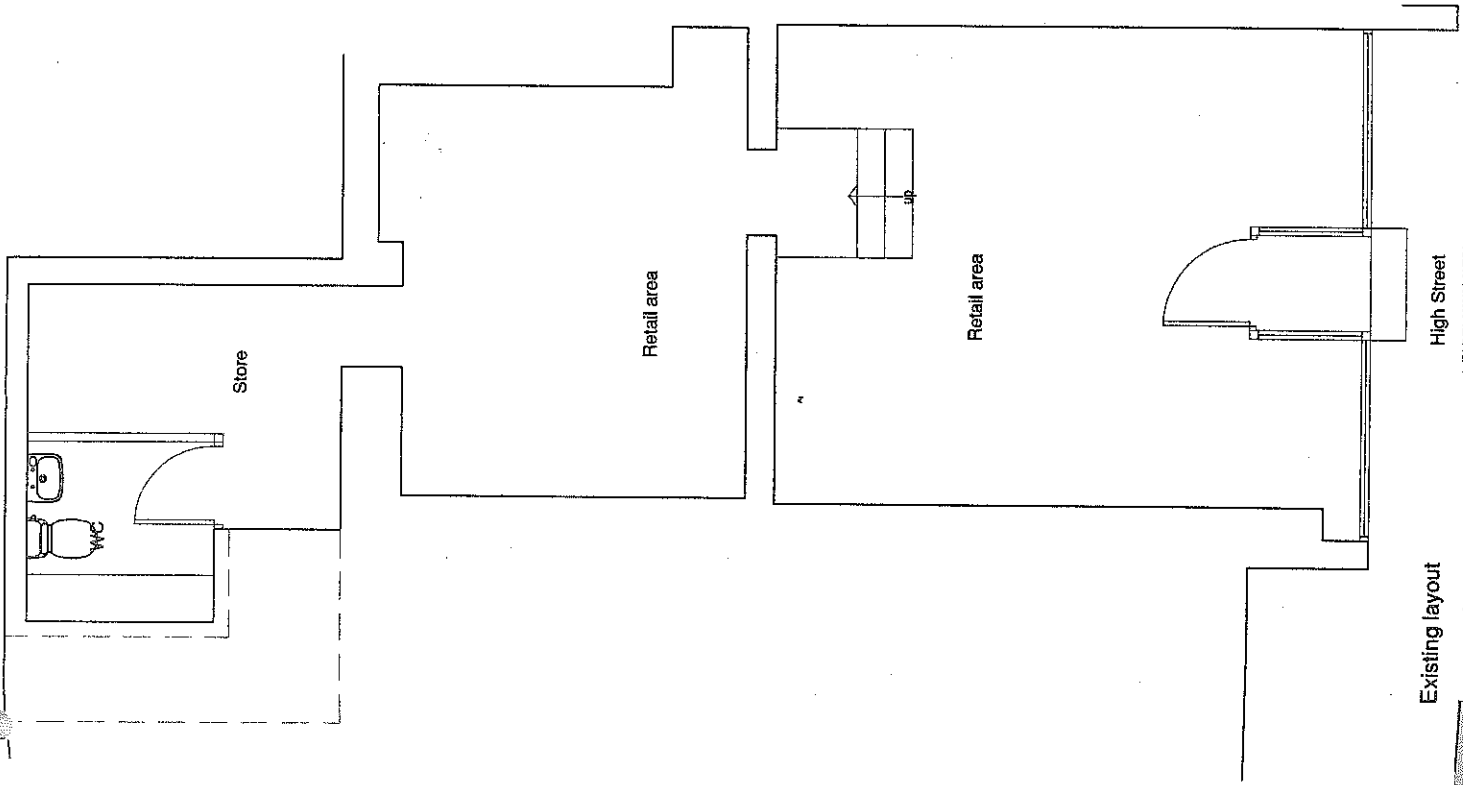
This drawing is the property of Lawrence Parry Associates and must not be copied in whole or part without their express permission.

100
50
0

AS PROPOSED



AS EXISTING



ITEM NO: 7
WARD NO: Prestatyn Central
APPLICATION NO: 43/2012/1150/ PF
PROPOSAL: Change of use from a shop to a hot food takeaway

LOCATION: 204 High Street Prestatyn
APPLICANT: Mr Shakeel Akhtar Aslam
CONSTRAINTS: Conservation Area
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"

"Members requested this item be considered by County Planning Committee. Concern was expressed about proliferation of take away food outlets in locality. Residents had also raised concerns about potential noise, odour and littering."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF TRANSPORT AND INFRASTRUCTURE - HIGHWAYS OFFICER

No objection

POLLUTION CONTROL OFFICER

No objection subject to standard conditions relating to the control of odour and noise

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 06/12/2012

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 proposal is for the change of use of 204 High Street, Prestatyn from a Use Class A1 retail to A3 hot food takeaway use. The proposal does not include any external alterations.

1.1.2 The application proposes opening hours between 12.00hrs and 00.00hrs Monday to Sunday.

1.2 Description of site and surroundings

1.2.1 The property is located toward the southern end of Prestatyn High Street.

1.2.2 The current hot food takeaway offer in the locality comprises of 206 High Street, which adjoins the application property and is takeaway only, 153 High Street which is a takeaway with secondary café, and 133 High Street which is a restaurant with secondary takeaway use.

1.3 Relevant planning constraints/considerations

1.3.1 The site lies within the designated RET 1 Town Centre, CON 5 Conservation Area, and GEN 1 Development Boundary as defined by the Unitary Development Plan.

1.4 Relevant planning history

1.4.1 The continuation of use of the premises as an A2 estate agents was granted permission in 2008.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 **43/200/0401/PF** - Continuation of use of premises as Class A2 estate agents GRANTED under delegated powers 9 June 2008

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN1 - Development within development boundaries

Policy GEN6 - Development control requirements

Policy CON5 - Development within conservation area

Policy RET1 - Town and district centres

Policy RET 16 - Hot food takeaways

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG 11 - Hot food takeaways

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales (November 2012)

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

4.1.1 Principle

4.1.2 Impact on residential amenity

4.1.3 Access/highways issues

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RET 1 states that town centres will be the main location for retail and commercial development. Class A3 food and drink uses are listed as an appropriate uses within town centres. SPG 7 states that hot food takeaway uses are generally acceptable in town centres subject to their not leading to a concentration of non A1 uses in primary shopping frontages. As the site lies outside of the RET 5 principal shopping frontage area, there is no policy presumption to retain A1 retail uses. Policy RET 16 states that hot food takeaways will be permitted subject to detailed tests. These tests require that the proposals do not result in a clustering of such uses out of character with the surrounding area, do not have an unacceptable affect on residential amenity and do not have an unsatisfactory highway impact. Policy RET 16

does not provide any specific guidance in relation to what a clustering of uses may be.

The site lies toward the southern end of Prestatyn High Street approximately 250m away from the defined Unitary Plan principal shopping frontage. There are two existing takeaways in this area of the High Street which have a primary hot food takeaway use and one restaurant providing a secondary takeaway service. One of the existing hot food takeaways adjoins the application site.

Whilst respecting the concerns of the Town Council, Officers consider that the proposed change of use would not lead to an unacceptable clustering of hot food takeaway uses, contrary to policy, having regard to existing uses in the locality. The proposal is therefore considered acceptable in principle. Residential amenity and highways impact are assessed in the following sections.

4.2.2 Impact on residential amenity

Criteria iii) of Policy RET 16 requires that the change of use to hot food takeaways does not have an unacceptable effect on residential amenity by virtue of noise, disturbance, fumes and late night activity.

The Pollution Control Officer is satisfied that the proposals would not have an unacceptable impact in relation to odour and noise subject to adequate odour and noise abatement measures being installed. The site is in a town centre location where there are existing premises with licenses for late night opening. The proposed opening hours are 12.00hrs to 00.00hrs Monday to Sunday. A licensing application would be required should the premises wish to open between 23.00hrs to 05.00hrs. A license application to open between these hours would need to demonstrate that the proposed activities would not have an adverse impact on four key licensing objectives which are; prevention of crime and disorder, protection of children from harm, public safety and prevention of public nuisance.

Having regard to existing businesses in the locality in operation in the evening/night and the controls offered through the licensing process, it is not considered that the proposed change of use would have an unacceptable impact on residential amenity in relation to noise, disturbance, fumes or late night activity. As referred to above, the proposal is not considered to represent an unacceptable clustering, it is therefore suggested that the additional activity that the proposal would generate would not be unacceptable.

4.2.3 Access/highways issues

Criteria iv) of Policy RET 16 requires that hot food takeaways would not result in unsatisfactory traffic/highway movements/arrangements.

There is on street parking available in the immediate locality and a public car park is located within walking distance. The Highways Officer has raised no objection to the proposals.

Due to the availability of parking facilities in the locality it is considered that the proposed change of use would not have an unacceptable impact on the local highways network.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The development is considered to comply with the relevant policy tests and is therefore recommended for grant

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The use shall not be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of an extraction system which ensures that no odour or fumes are detectable beyond the boundary of the nearest premises and that no noise or vibration can be heard or felt beyond the boundary with the nearest premises or within the residential property at first floor level. The approved measures shall be maintained at all times.
3. Odour from waste storage shall not be detectable at or beyond the site boundary at any time.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of residential amenity.
3. In the interest of residential amenity.

NOTES TO APPLICANT:

The Councils Pollution Control Officer advises that;

1. Any extraction duct installed must not be fitted with any plate, cap, cowl or similar device. A cone may be fitted to increase efflux velocity.
2. Please refer to the DEFRA document 'Guidance on the Control of Odour and noise from Commercial Kitchen Exhaust Systems' when designing a suitable extraction system.