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COUNTY COUNCIL

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Heading:

45/2012/1490
 Next, 56 High Street
 Rhyl



Application Site

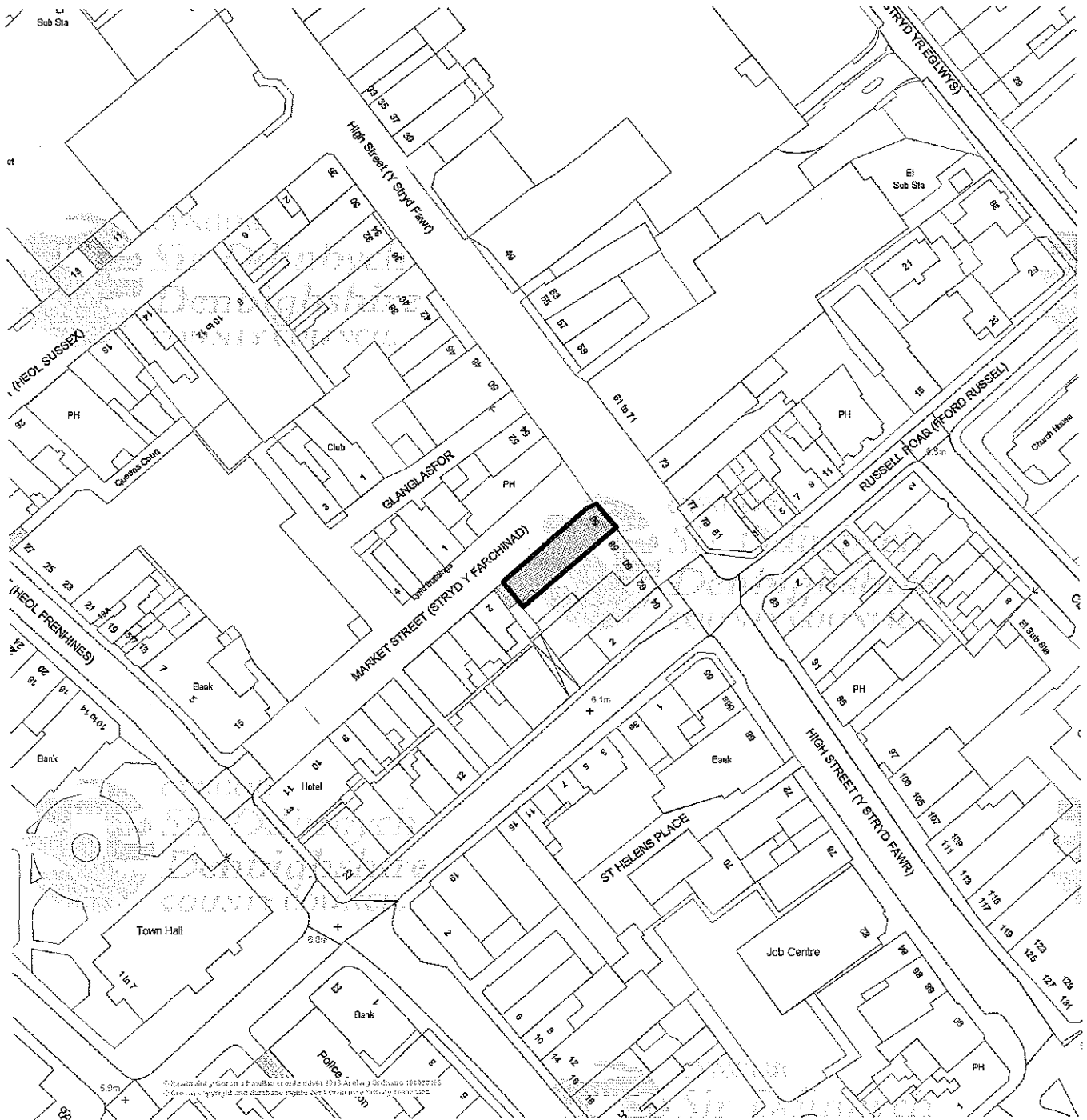


Date 6/2/2013

Scale 1/1250

Centre = 300827 E 381440 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.

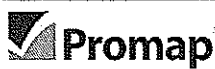
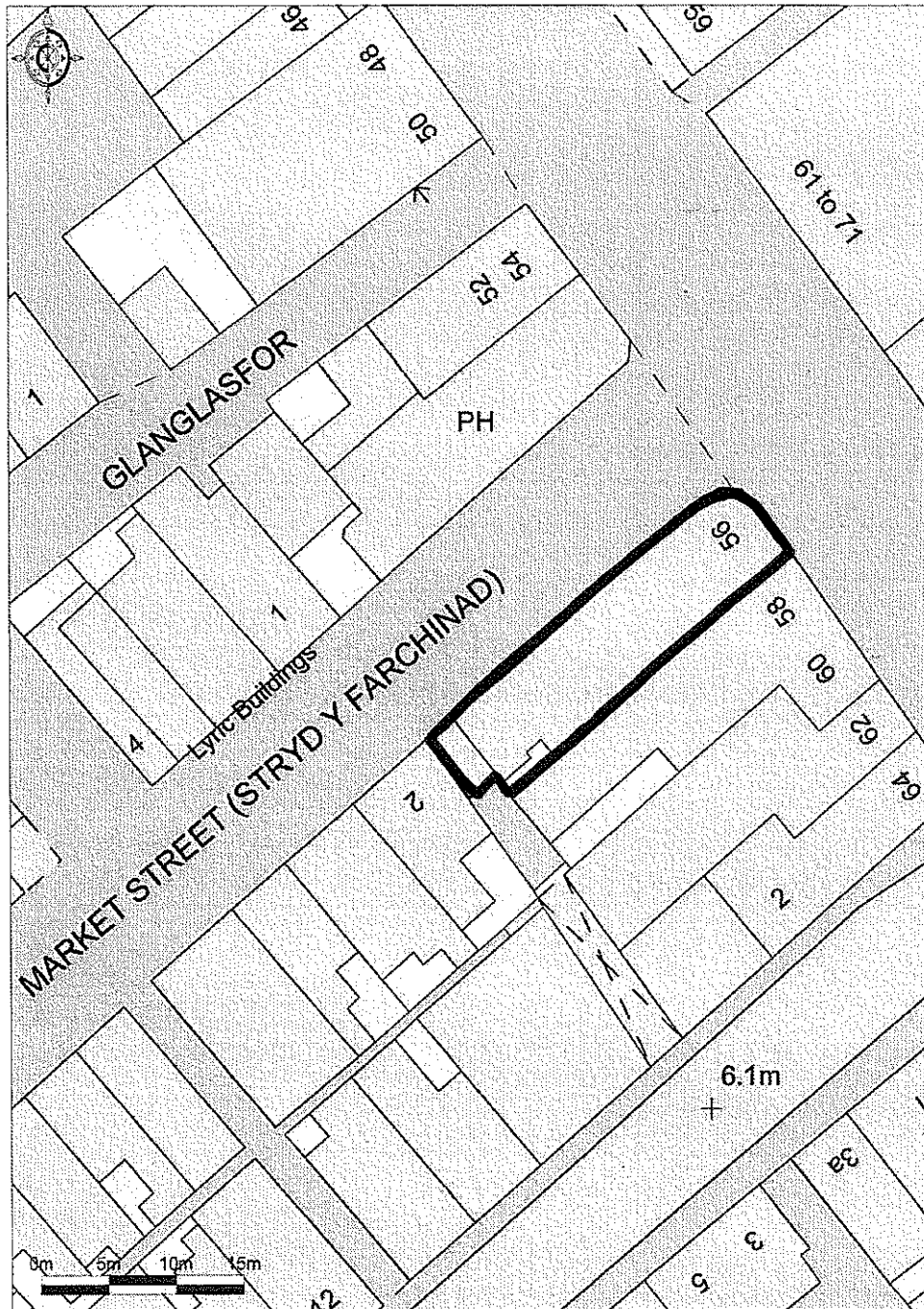


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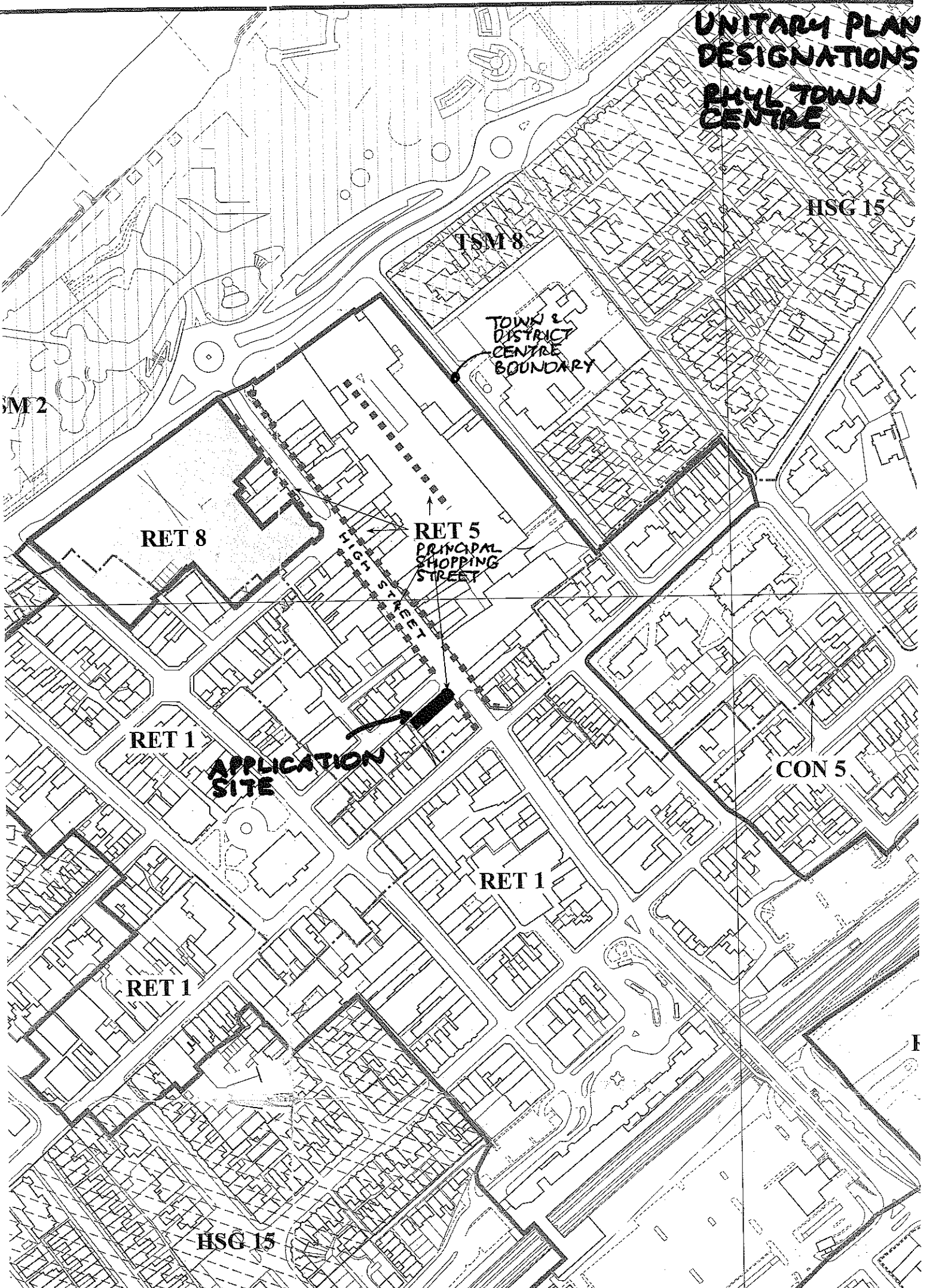
SITE PLAN

56 High Street Rhyl



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UNITARY PLAN DESIGNATIONS PHYL TOWN CENTRE



SES

ITEM NO: 10
WARD NO: Rhyl West
APPLICATION NO: 45/2012/1490/ PF
PROPOSAL: Change of use of premises from use class A1 to use class A3
LOCATION: Next 56 High Street Rhyl
APPLICANT: Next Plc
CONSTRAINTS: Town Heritage Area
Rhyl Town Centre
C1 Flood Zone
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:

RHYL TOWN COUNCIL
" No objection".

ENVIRONMENT AGENCY WALES
No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
RHYL TOWN CENTRE MANAGEMENT GROUP

Whilst it is vitally important that the primary focus of the High Street is secured we have to consider the future of the High Street with the restraints of the present economic climate. Class A3 usage may be expedient if there could be the provision of a quality restaurant capability that would enhance the current retailing provision and act as a draw in attracting people to the town centre.

CONSERVATION OFFICER

No objection to principle of development, however stresses that any signage would require consent.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

T.Wilks, Tungsten Securities Ltd., Erlands House, Hyde Lane, Crondall
J. Kersh, 5th Floor, 5-7 Rainford Square, Liverpool

Summary of planning based representations in objection:

Principle

Detrimental impact on the retail character and vitality of this part of the primary shopping frontage; contrary to Policy RET 5 in the adopted UDP.

EXPIRY DATE OF APPLICATION: 7/2/2013

REASONS FOR DELAY IN DECISION):

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the change of use from a Class A1 retail use to Class A3 use at 56 High Street in Rhyl. Class A3 relates to Food and Drink.
- 1.1.2 No external alterations are proposed as part of the application. The internal layout is also proposed to remain as existing.
- 1.1.3 The application is submitted by retail consultants Roger Tym & Partners on behalf of NEXT. The application is accompanied by supporting statements and an Access Statement. .

The supporting statement contains material of relevance to the consideration of the application. The statement submitted contains the following supporting information:-

In relation to Planning Policy:

It is argued that the proposal does not conflict with Policy RET 5 as:-

A Class A2 use in this location would not result in an over concentration of non A1 uses within this part of the principal shopping frontage, or result in more than a third of units with that area being occupied by such uses.

Given the corner location of the application site, the change of use would not result in a continuous frontage of 3 or more non A1 uses.

In relation to Marketing:

The unit has been marketed for retail use by a specialist property agent since the beginning of 2012.

The property agents have advertised the site through various media including key commercial agency sites such as 'Completely Retail' and 'Shop Property'. The agents have also approached numerous retailers who may be interested in securing representation in Rhyl.

It is stated that only 1 firm interest in the property has been received along with a potential A2 tenant.

In relation to the vitality and viability of Rhyl Town Centre:

Roger Tym & Partners is very familiar with current issues in respect of the health of Rhyl Town Centre through previous policy work for the County Council, including the Rhyl Market Study.

They consider that the proposal would support the vitality and viability of Rhyl Town Centre.

1.2 Description of site and surroundings

1.2.1 The property is located on the western side of the High Street, on the corner of the High Street and Market Street.

1.2.2 The site is located next door to an A1 retail health food shop, with the other 2 units within the block currently vacant. 60/62 High Street is currently vacant with an extant planning permission for Class A2 use and 64 High Street is currently vacant, comprising the former 'Gamestation' premises – recent press reports indicate that this unit is to be shortly occupied by 'Yeomans' (an outdoor clothing and camping chain).

1.3 Relevant planning constraints/considerations

1.3.1 The site lies within the development boundary of Rhyl, within the Principal Shopping Frontage as defined on the proposals map, subject to Policy RET 5. (See plan at the front of the report).

1.3.2 The site is also located within the Rhyl Central 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 An application has also been submitted for the change of use of the application site to a Class A3 use, this is reported as the following item on the Agenda, reference 45/2012/1490/PF.

2. DETAILS OF PLANNING HISTORY:

None relevant to the application site

In relation to 60/62 High Street, Rhyl: -
45/2012/0716/PF Change of use from Class A1 (Shops) to Class A2 (Financial and Professional Services) with ancillary accommodation to upper floors at 60/62 High Street, Rhyl GRANTED at Planning Committee 19th September, 2012.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 1- Development within development boundaries
Policy GEN 6- Development control requirements
Policy RET 1- Town & District Centres
Policy RET 5 - Principal Shopping Frontages in Town Centres: Non A1 Uses
Policy CON 5- Development within conservation areas

3.1 Supplementary Planning Guidance

SPG 13- Conservation Areas

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales, Edition 5, November 2012

3.3 Other Material Considerations

Rhyl Going Forward Strategy
Rhyl Going Forward Delivery Plan

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 visual amenity/conservation area
- 4.1.3 Impact on residential amenity

4.2 In relation to the main planning considerations:

Principle

The proposal needs to be assessed in the context of a number of development plan policies. Policies RET 1, RET 5 and RET 6 require due consideration of the impact of proposals on a town centre, and oblige assessment of impact on viability and vitality. The general town centre policy RET 1 aims to concentrate retail and commercial development in town centres which maintain the vitality and viability of those centres. It refers to a broad cross section of facilities in town centres and specifically mentions a range of Use Classes which may contribute to the attractiveness and competitiveness, which include A1 shops, A2 and A3 uses. Policy RET 5 of the UDP is designed to distinguish principal shopping frontages in town centres with other areas of town centres. In particular it explains that the principal function of a town centre is to provide a focus of activity for people seeking retail services. It goes on to say that "retail uses need to dominate in the important streets of larger centres.....in order to safeguard the essential shopping role of the relevant centre."

There is also general advice in Planning Policy Wales 2012 on the need to achieve vitality, attractiveness and the viability in a town centre, and there is reference in para 10.2.7 to the need to avoid 'secondary frontage' uses such as banks and other financial institutions (A2 type uses) dominating primary shopping areas in a way that can undermine a retail function. It is suggested banks and other financial institutions provide important services in town centres, however within the primary shopping area it is important to retain the retail character of this centre.

The Rhyl Going Forward Strategy and Rhyl Going Forward Delivery Plan note the importance of maintaining a range of retail functions particularly in the town centre, but provide no specific land use planning guidance on the handling of applications. These are not approved planning policy documents and carry little or no weight in the determination of planning applications.

Rhyl Town Centre Management Group comment that an A3 use maybe appropriate if a quality restaurant use was provided. Other individual objections have been received in relation to the loss of Class A1 retail.

Concerns of the Town Council have been reflected in previous discussions at Planning Committee in the determination of other applications within Rhyl Town Centre for non A1 uses.

Factually, a basic survey of uses in the locality shows there is a mix of uses on the High Street. In the principal shopping frontage of the High Street, excluding the White Rose Centre, there are approximately 38 A1 uses, 3 A2 uses, and 4 A3 uses (this figure includes vacant units). In the block between Market Street and Wellington Road, including the application site there are 4 properties, in use as Class A1 retail (application site), Class A1 (Holland & Barratt), vacant Class A1 with consent having been granted for Class A2 use and vacant Class A1.

Taking all of the above in to account, Officers consider the issues are finely balanced here.

Initially, it is recognised that Members have expressed concerns over the principle of losing A1 uses in an area where there has been substantial investment in regeneration and infrastructure. However in applying the policy in the Unitary Development Plan it should be recognised that Policy RET 1 in particular actually allows for retail and commercial development encompassing a range of uses including A1, A2 and A3 uses in town and district centres. If the trigger points in Policy RET 5 in relation to an over-concentration of non A1 uses are applied to the whole of the principal shopping frontage it would be difficult to interpret this to be contrary to the wording of the policy.

Notwithstanding the above, Criterion i) of Policy RET 5 states that the change of use of ground floor premises from A1 to other uses will only be permitted provided that the development, "will not lead to a clustering or concentration of non A1 uses and will not have an unacceptable impact on the essential retail character and vitality of that part of the centre". The final part of that criteria appears of direct relevance in this case if the proposal is viewed in the context of the block between Market Street and Wellington Road. The application premises forms the end unit of this group of four premises within a block fronting the High Street. If the proposed change of use is permitted this would potentially only leave one out of the four properties currently operating as a retail use in this part of the principal shopping frontage, if the Class A2 use is taken up at 60/62 High Street. This, in the opinion of Officers, would mean that non-A1 uses would be the dominant uses in an important part of the main shopping street of Rhyl. It is considered that this is a clustering/concentration of non A1 uses which would potentially have an unacceptable impact on the retail character of this part of the centre, contrary to the aims and intentions of Policy RET 5.

Whilst it is accepted that outside of the principal shopping frontage non A1 uses may be allowed, Officers suggest there should remain this added protection within the principal shopping frontage where it is felt that a possible erosion of its fundamental retail character may occur through such a clustering of non A1 uses.

It is therefore considered that the loss of an A1 use in this prominent location on Rhyl High Street would have a detrimental impact on the retail character of this part of the principal shopping frontage.

4.2.1 Impact on visual amenity/conservation area

Policy CON 5 seeks to ensure that development does not harm the appearance or character of a conservation area.

No physical external alterations are proposed to the building and signage would require separate consent.

Officers consider that the proposal accords with policy CON 5.

4.2.2 Impact on amenity

Policy GEN part v) seeks to ensure that development does not harm the amenity of surrounding users.

The site is located in a town centre location and a Class A2 use would have standard hours of opening.

Considering the above it is not considered the nature of the use proposed would give rise to material harm to occupiers/ users of nearby property. The proposal therefore accords with policy GEN 6 part v).

5. SUMMARY AND CONCLUSIONS:

- 5.1.1 In conclusion, it is considered that the loss of an A1 use in this prominent location on Rhyl High Street would have a detrimental impact on the retail character of this part of the principal shopping frontage contrary to Policy RET 5.

RECOMMENDATION: - REFUSE for the following reason:-

1. It is the opinion of the Local Planning Authority that the proposed change of use from an existing and operating A1 retail shop to an A3 use in this location would have an unacceptable impact on the essential retail character, vitality, attractiveness and viability of the main retail street within the town centre of Rhyl contrary to the intentions of Policy RET 5 of the Denbighshire Unitary Development Plan and Planning Policy Wales (2012) and to the wider aims of the Council's Rhyl Going Forward Strategy and Delivery Plan.

NOTES TO APPLICANT:

None