



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

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Heading:

02/2013/0099

Ellie Louise, Market Street

Ruthin

4



Application Site

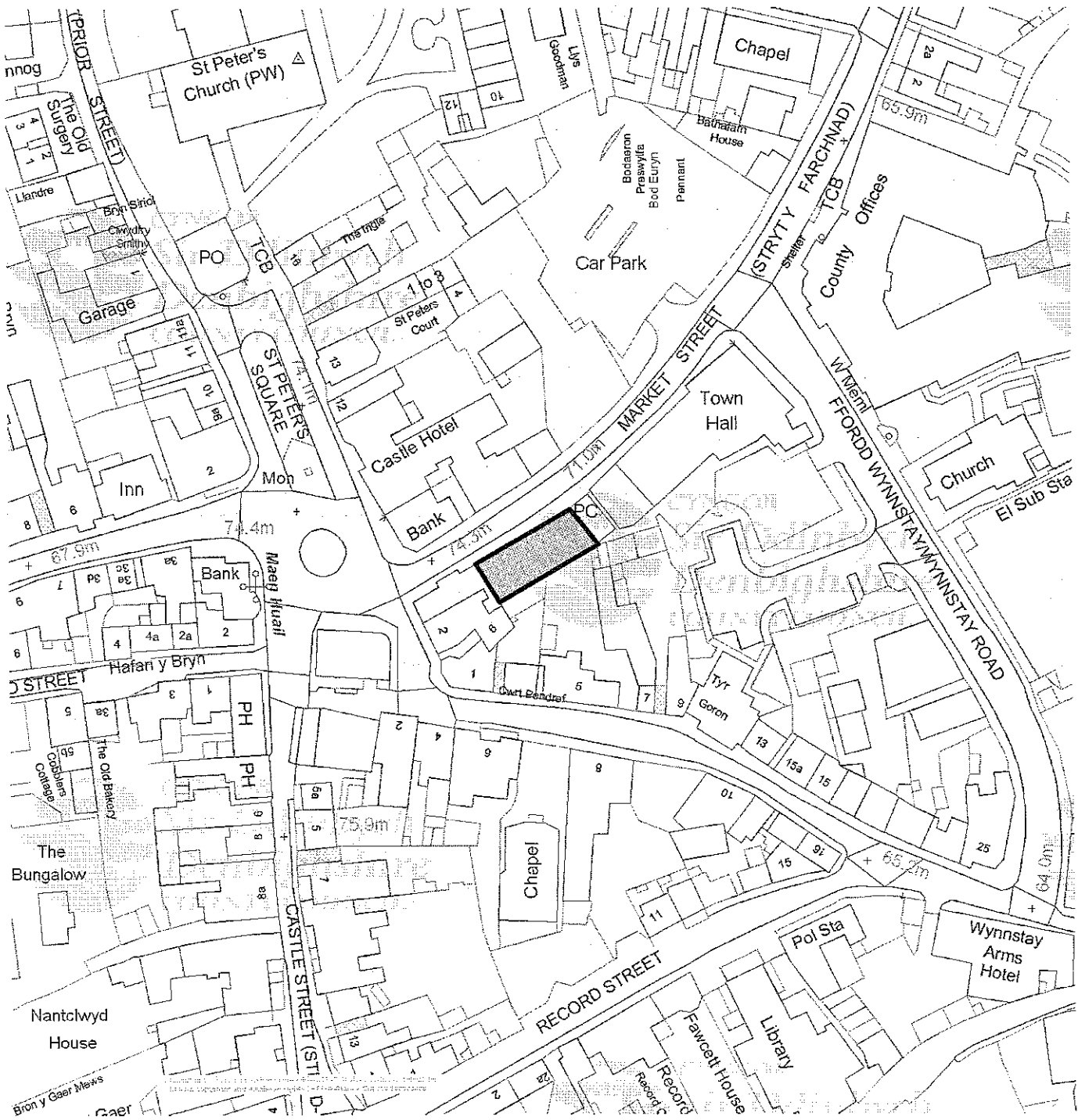


Date 6/3/2013

Scale 1/1250

Centre = 312426 E 358275 N

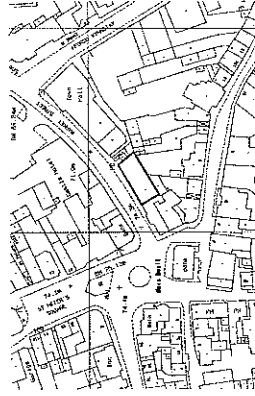
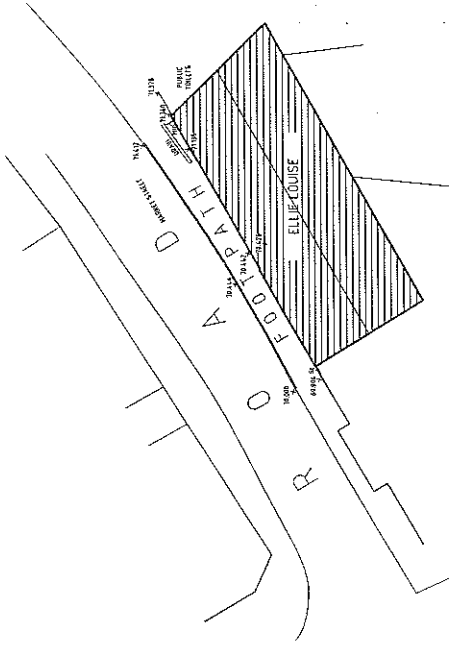
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



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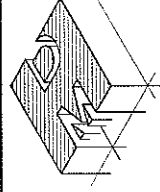
PLANS & ELEVATIONS



LOCATION PLAN
1:2500

ORIGINAL DRAWING A1

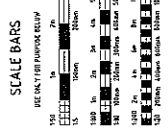
REV. COMMENTS DATE
A. ADJUST ADDRESS 30.01.2013
DRAWING RECORDED
ISSUE **Planning Application**
CLIENT **CAD Properties**



HARRIES
DESIGN & MANAGEMENT

Proposed Works at
Elle Louise,
Market Street,
Ruthin,
Denbighshire,
LL15 1BE.

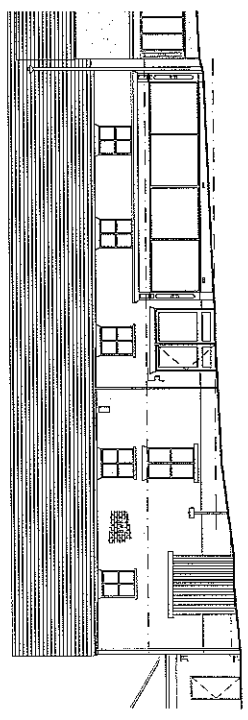
CORPORATE BUILDING
ENGINEERS &
CHARTERED BUILDING
CONSULTANTS
HEULIAN, EDWARDS &
PENNINGS
FEMURGESHIRE
8441 3UP, WALES
T: 01229 891 450
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E: info@harries.co.uk



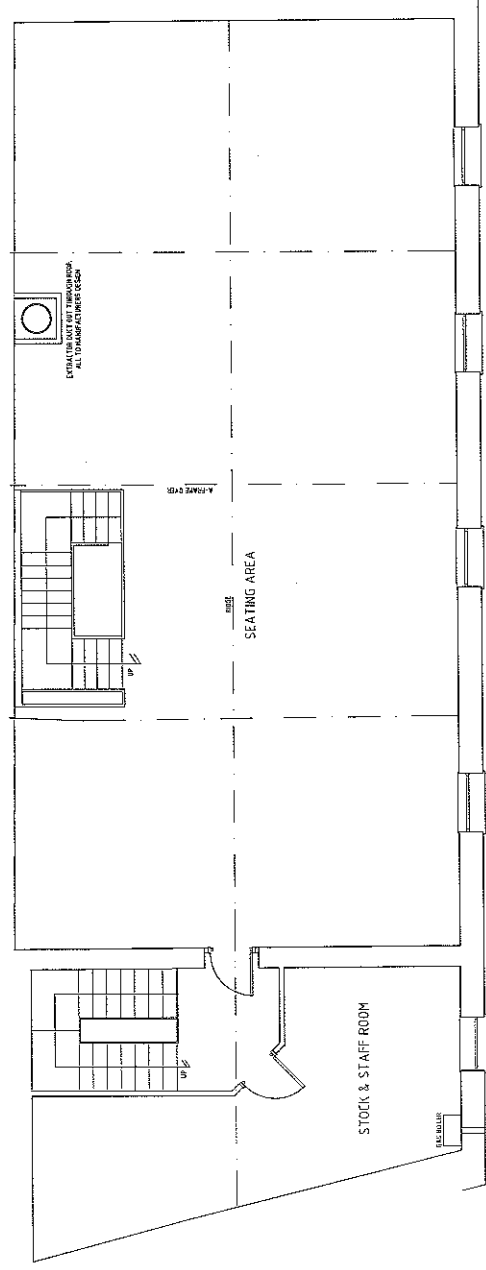
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DRAWING TITLE
Plans & Elevations as Proposed

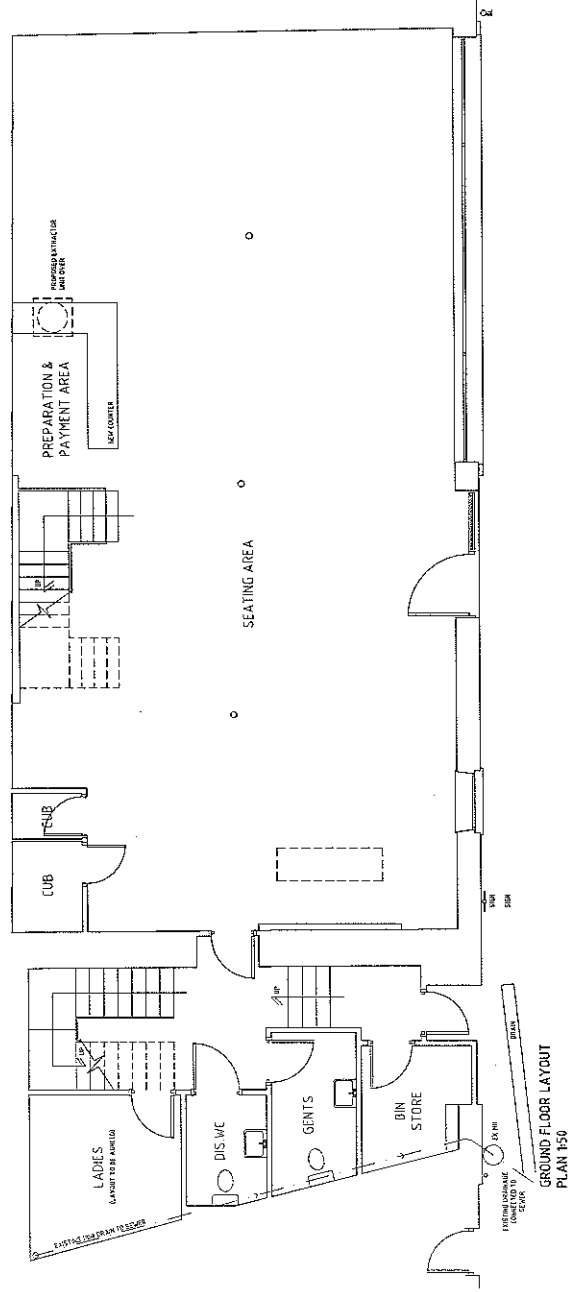
SCALE: 800 DWS DRAWN BY: JH CHECKED: DATE: 26.01.2012
JOB NO: 1262 DRAWING NO: 04 REV: A



NORTH WEST ELEVATION
ELEVATION 1:100



FIRST FLOOR LAYOUT



GROUND FLOOR LAYOUT
PLAN 150

ITEM NO: 4
WARD NO: Ruthin
APPLICATION NO: 02/2013/0099/ PF
PROPOSAL: Change of use of retail unit (Class A1) to cafe (Class A3)
LOCATION: Ellie Louise Market Street Ruthin
APPLICANT: CAD Properties Ltd.
CONSTRAINTS: Listed Building
 Conservation Area
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 / approve – 4 or more objections received
- Member request for referral to Committee

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL

"No objection with the proviso that it is limited A3 use for a café/restaurant only".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF HIGHWAYS AND ENVIRONMENT SERVICES

No objection.

CONSERVATION SPECIALIST AND PROJECT MANAGER

The building is listed and within a Conservation Area. No objection to the change of use but the extraction flue may require an application for listed building consent.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

A M Jones, Caffi, 57 Well Street, Ruthin
 Colin G Davies, Siop Nain, 6 Well Street, Ruthin
 Geoff Daniels, Castle Park Café, 73 Clwyd Street, Ruthin
 Hazel Thackray, 113 Bro Deg, Ruthin
 I. Hughes, Bar Llaeth, St. Peter's Square, Ruthin

Summary of planning based representations in objection:

Need for another café in the town

The addition of yet another café will not help the town or similar long established

business / A café of this size is not needed in the area / There are already 11 cafes in the town all of whom are experiencing loss of turnover due to current economic conditions / the likely effects are job losses in a town that is trying to compete with existing large national superstores/loss of business rates due to shop closures
Amenity impacts
Litter problems and parking issues may result.

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal seeks to change the use of the unit from its permitted A1 use as a retail shop to a café under Use Class A3, not including use as a drinking establishment or a hot food take away (which also fall within Use Class A3).
- 1.1.2 The scheme does not propose any external alterations and will simply change the use of the property to provide a servery counter, toilets and bin store with seating area on the ground floor with an additional seating area and stock/staff room on the first floor. The existing and proposed elevations show the same shop front being used as currently exists, although the proposed floor plans denote the installation of an extractor duct out through the roof, although no external details have been provided to illustrate this and a separate planning permission/listed building consent would be required for this change to the rear roof slope and elevation.
- 1.1.3 In discussions with the agent, it has been confirmed that the application is submitted on behalf of the owner of the property and no end tenant has as yet been secured, in order to broaden the appeal of the unit to find an occupier. The hours of use have been confirmed as from 0800 hours to 2000 hours each day. The unit has been empty since 1 December 2012.

1.2 Description of site and surroundings

- 1.2.1 The subject unit is a currently vacant two-storey property with a floor area of 340sqm, spread across both floors. The unit was last used as a retail use (Use Class A1) and stands towards the western end of Market Street adjacent to an Estate Agent to the west and with an office to the east, beyond which lies the Town Hall.
- 1.2.2 The property has a rear parking area. The Castle Hotel is across the road to the north along with the HSBC bank. It backs onto properties fronting Well Street which are a hairdresser, a charity shop and a vacant shop.
- 1.2.3 Other properties in the immediate locality include a jewellery shop facing the square and a Nat West bank, Boots, hairdresser, delicatessen and a café on the southern side of Well Street.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the Conservation Area and the property is a Listed Building. The unit stands within the defined town centre of Ruthin.

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 Councillor Huw Hilditch-Roberts has asked that the application be taken before the Planning

Committee to allow consideration of the issue of numbers of café premises in the town.

2. DETAILS OF PLANNING HISTORY:

2.1 None

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 GEN 6 – Development Control Requirements

Policy RET 1 – Town and District Centres

Policy RET 6 – Town and District Centres (Non A1 uses)

Policy RET 16 – Food and Drink

Policy CON 3 – Change of use of Listed Buildings

Policy CON 5 – Development within Conservation Areas

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG13 – Conservation Areas

SPG14 – Listed Buildings

3.3 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 5 2012

4 MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Retail policy

4.1.2 Impact on the Conservation Area

4.1.3 Residential Amenity

4.1.4 Highways

4.2 In relation to the main planning considerations:

4.2.1 Retail policy

The site lies within the defined Town and District centre of Ruthin, where Policy RET 1 allows for retail and commercial development which is of a scale and type appropriate to the size, character and function of the centre and which maintain or enhance its vitality and viability. The form of uses which are suitable for a town centre location are listed in the explanation to Policy RET 1 as including Use Classes A2 and A3. Policy RET 6 allows for the change of use of properties to non-A1 uses where: the proposal maintains and enhances the viability and vitality of the centre; and is of a scale, type and design which is in-keeping with the surrounding area. Policy RET 16 allows for A3 (food and drink) uses although is primarily aimed at Hot Food Take Away uses and seeks to prevent the clustering this type of use which can lead to a detrimental impact on viability and amenity.

As the proposal is for an A3 café use for a currently vacant property which makes no contribution to the town, and is not adjacent to any other A3 uses,

it is considered that the change of use proposed is acceptable in line with the abovementioned retail policy of the UDP. The comments of the objectors over the number of cafes in the town are noted, but concerns over competition is not a matter which can be attached weight as a basis for a refusal of planning consent. With respect to the point raised by the Town Council relating to the need to restrict the use to a café within the overall A3 Use Class to prevent it becoming a food and drink establishment or a hot food take away, a suitable condition could be imposed to prevent any such change of use within the class as this could give rise to the potential for increased noise and disturbance over and above that generated by a café.

4.2.2 Impact on the Conservation Area

Policies CON 3 and CON 5 require due consideration of the impact of proposals on the character and appearance of a Conservation Area and Listed buildings,

As the scheme proposes no external changes and will utilise the same shop front, it is not considered that the application is contrary to any of the UDP policies or SPG relating to the Conservation Area and Listed Buildings.

4.2.3 Residential amenity

Policy GEN 6 requires consideration of impacts on amenity, including those of occupiers of nearby residential property.

It is not adjudged that the scheme will cause any harm to local amenity given the location of the site within the defined town centre area.

4.2.4 Highways

Policy TRA 6 requires due consideration of the impact of development on the local highway system.

It is noted that no objection to the proposal is raised by the Highway Officers and given the proximity of the public car park along with short-stay on-street parking it is not considered that the change of use proposed gives rise to any highways issues.

5 **SUMMARY AND CONCLUSIONS:**

- 5.1 With respect to the matters raised, the application is considered acceptable in relation to current policy and is recommended to be granted subject to appropriate conditions.

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 premises shall not be open to customers outside the following times and days:
0800 hours to 2200 hours each day
3. The premises shall be used solely as a cafe and for no other use with Use Class A3 of the 1987 Order.

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 interests of amenity of occupiers of neighbouring properties.
3. To prevent a permitted change of use which would give rise to increased noise and disturbance.

NOTES TO APPLICANT:

None