

Heading:

45/2012/1634  
127/129 High Street  
Rhyl



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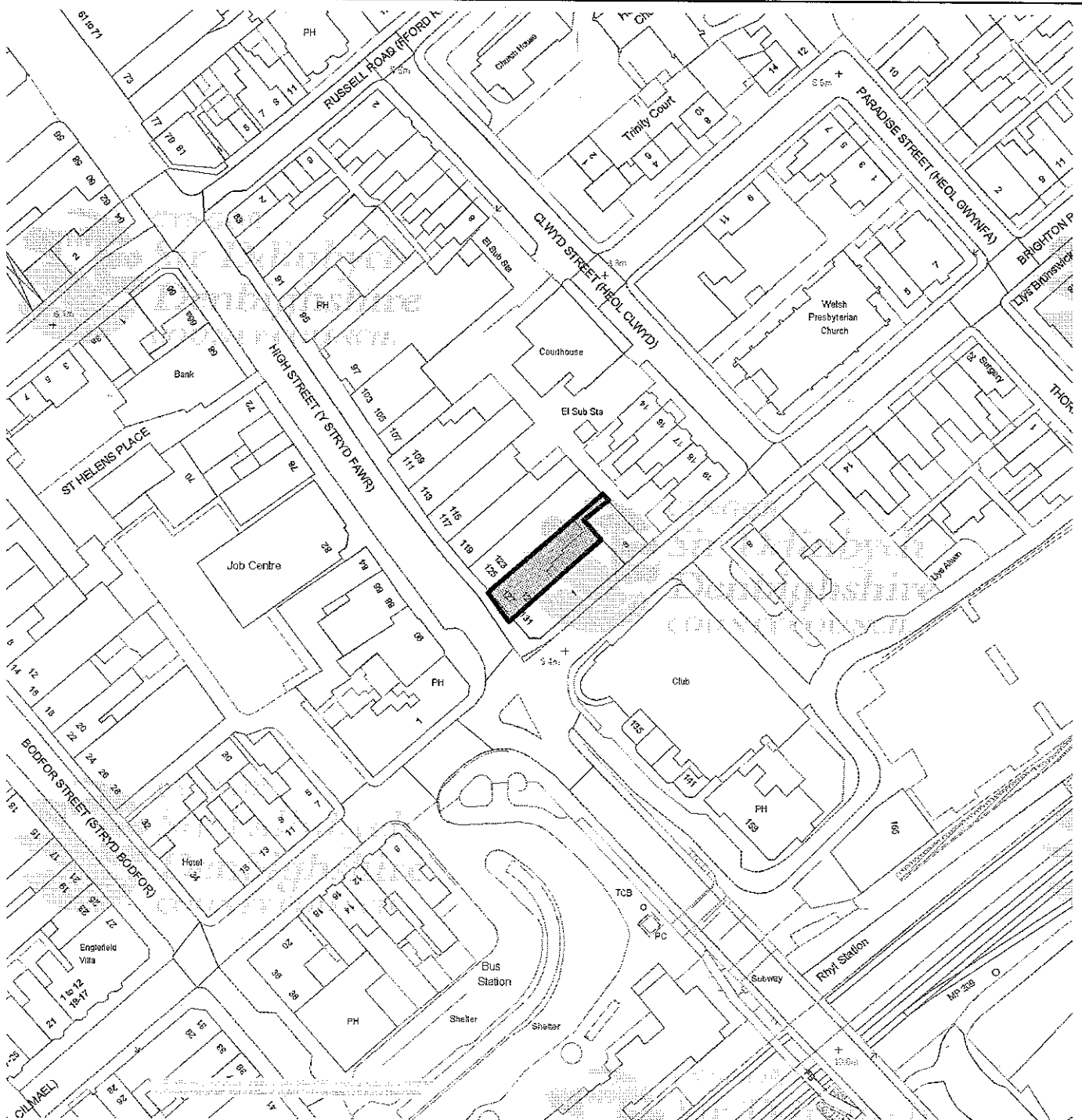
 Application Site

Date 7/3/2013  
Centre = 300944 E 381355 N

Scale 1/1250



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.



## PLANNING ENFORCEMENT REPORT

**REFERENCE:** ENF/2013/00007

**LOCATION:** 127/129 High Street Rhyl

**INFRINGEMENT:** Unauthorised Development – installation of new shop front

### RELEVANT PLANNING POLICIES AND GUIDANCE

#### DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 6 - Development Control Requirements  
Policy CON 4 - Indigenous Building Materials  
Policy CON 5 - Conservation Areas

Supplementary Planning Guidance Note 12 - Shop Fronts  
Supplementary Planning Guidance Note 13 - Conservation Areas

#### GOVERNMENT GUIDANCE

Planning Policy Wales - March 2002  
Welsh Office Circular 61/96 and 1/98 - Planning and The Historic Environment

#### HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action in relation to unauthorised development in conservation areas. In this case the matter under consideration relates to the rights of the owner of a shop premises to install a new shop front of an unacceptable design and material modern without the requisite authority to do so. These rights are outweighed by the general public interest and the need to exercise general development control. No claim has been made in respect of Human Rights.

### 1. BACKGROUND INFORMATION

- 1.1 The property in question holds a prominent position in the town centre shopping area of Rhyl. It is situated near to the junction of High Street and Brighton Road, Rhyl and is located within the Rhyl Conservation Area.
- 1.2 The owners of the property submitted an application for planning permission to refurbish the building including a '*reinstatement of Victorian style to the building*', which was granted on the 6 May 2008; code 45/2008/0296/PF refers. A condition attached to this planning permission required the applicant to submit full details '*windows, doors, shop fronts and dormer windows*' to be submitted for approval prior to any development taking place.
- 1.3 The owners of the property subsequently decided against undertaking any of the works as approved, but did install a new shop front during February 2012. The shop front does not meet the requirements of the above planning permission, being of unacceptable design and of uPVC material, which does not preserve or enhance the character of the Conservation Area.

- 1.4 On the 12 March 2012, the breach of planning control was drawn to the attention of the owners of the property, who eventually resolved to submit an application for planning permission to retain the new shop front as installed; code 45/2012/1634/PC refers.
- 1.5 Application code 45/2012/1634/PC appears before the Planning Committee today with a recommendation for refusal.

## **2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE**

- 2.1 The unauthorised development has occurred within the last 4 years.
- 2.2 The site is located in a prominent position within the Rhyl Conservation Area. The design of the new shop front and the materials used are not traditional and are therefore considered to be inappropriate in that they do not preserve or enhance the character and appearance of the Conservation Area. Therefore the new shop front is contrary to Policy GEN 6 (i) and (ii), Policy CON 4, Policy CON 5, SPG 12 and SPG 13.
- 2.3 The use of conditions as part of any grant of planning permission for retention of the fascia signs and hanging sign could not overcome these objections.

## **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the following:
  - (i) Serve an Enforcement Notice to secure the removal of the unauthorised shop front and its replacement with a shop front of design and material which respects the site and surroundings and preserves or enhances the Conservation Area.
  - (ii) Instigate prosecution proceedings, or any other appropriate action under the Planning Acts against the person, or persons, upon whom any Enforcement Notice, or other such Notice is served, should they fail to comply with the requirements thereof.