



CYNGOR  
Sir Ddinbych  
Denbighshire  
COUNTY COUNCIL

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Heading:

45/2013/0065  
The Sussex,  
Sussex Street, Rhyl

12



Application Site

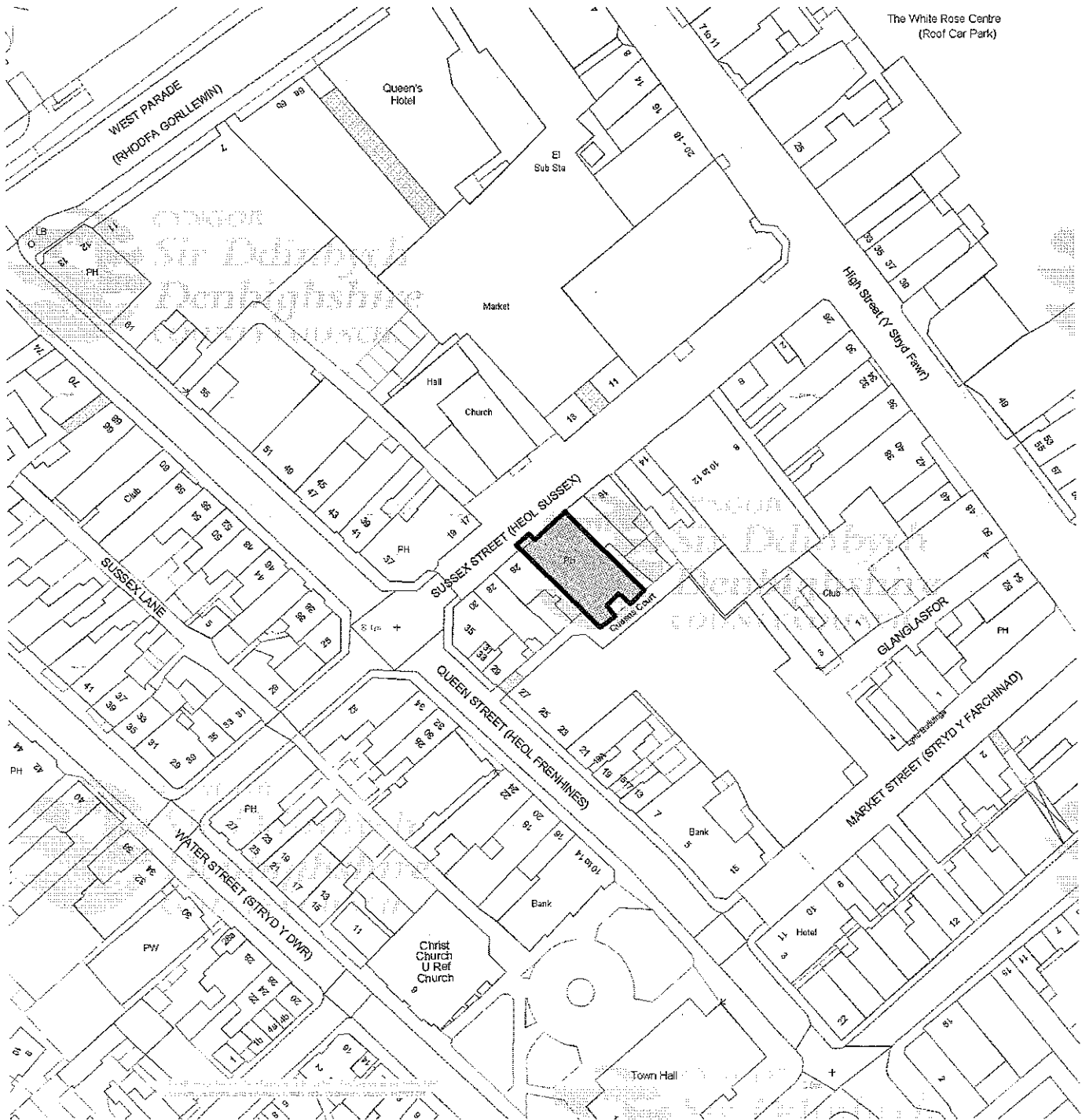


Date 6/3/2013

Scale 1/1250

Centre = 300718 E 381472 N

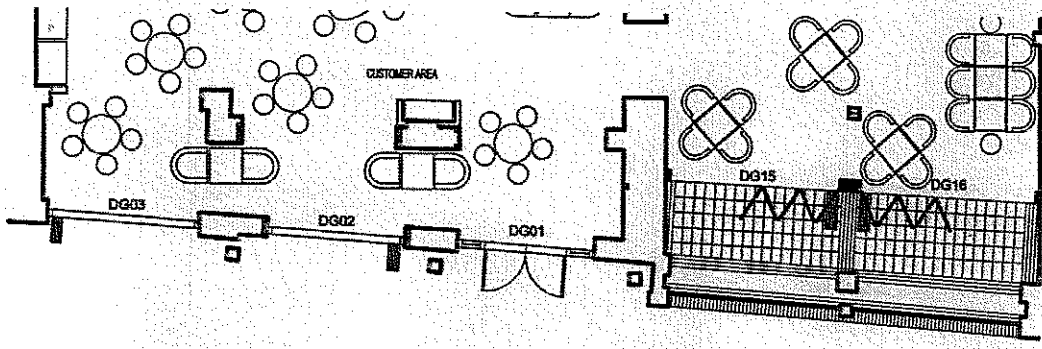
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



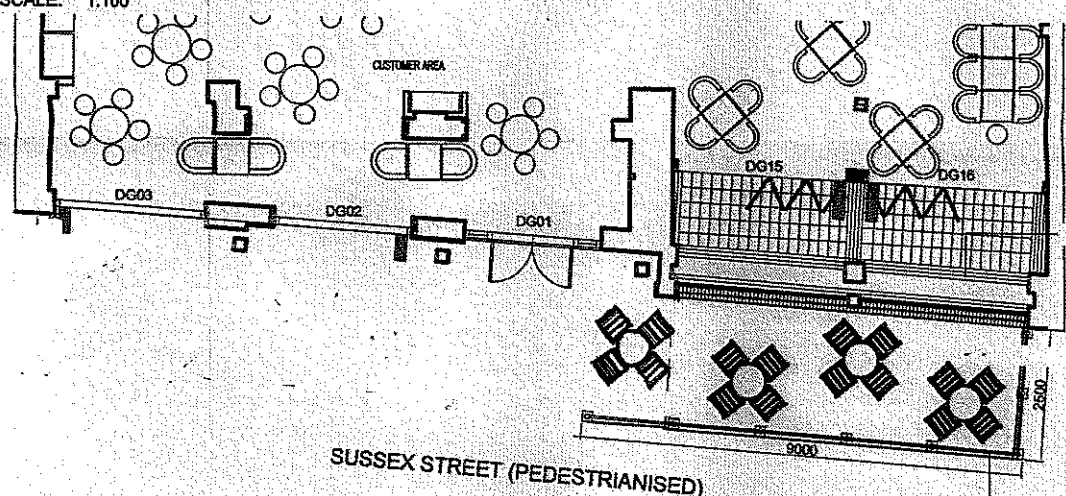
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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor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

# LAYOUT PLAN

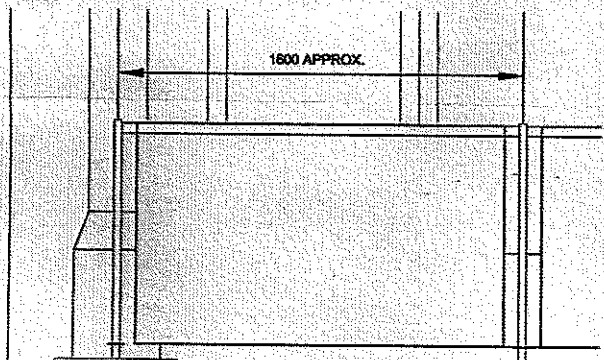


EXISTING GROUND FLOOR PLAN  
SCALE: 1:100



ADDITIONAL PAVEMENT SEATING AREA

PROPOSED GROUND FLOOR PLAN  
SCALE: 1:100



DEMOUNTABLE POST AND BANNER SYSTEM SUPPLIED BY BREEZEFREE.

BANNER SYSTEM DETAIL  
SCALE: 1:20

RECEIVED  
17 JAN 2013  
CALEDFRYN RECEPTION

J D Wetherspoon Plc  
The Sussex  
20-26 Sussex Street  
Rhyl

Proposed External Seating  
Plan No. EF/2000 A

45 / 2013 / 0065 / PE

**ITEM NO:** 12  
**WARD NO:** Rhyl West  
**APPLICATION NO:** 45/2013/0065/ PF  
**PROPOSAL:** Change of use of land from highway to form extension to premises by the addition of a demountable fabric barrier system to the front of the building to provide a pavement cafe area  
**LOCATION:** The Sussex 20-26 Sussex Street Rhyl  
**APPLICANT:** JD Wetherspoon  
**CONSTRAINTS:** C1 Flood Zone  
 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 – Town / Community Council objection

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

“Object. The Council note that when the application was previously determined by the County Council permission was granted but would wish to resubmit objections at the loss of public highway at a point where despite the area being pedestrianised there remains significant traffic movement”.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES  
HIGHWAY OFFICER**

No objection in principle, but notes that the application description reads ‘change of use of highway land’. Irrespective of whether permission is granted a separate consent will be required from the Highway Authority.

**CONSERVATION SPECIALIST AND PROJECT MANAGER**  
No objection.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Mr B Lloyd, owner of 18 Sussex Street, Rhyl

Mr D Landin, Church Secretary, Sussex Street Christian Centre, Rhyl

Summary of planning based representations in objection:

Highway impacts

Blockage of the highway which will hinder deliveries / further blockage of existing car parks nearby.

Amenity impacts

Noise and disturbance from external drinking after 2100 hours when dining stops /  
Contravention of the Rhyl alcohol free zone / Additional seagull problems;

Already adequate dining area to the frontage which can be opened up.

**EXPIRY DATE OF APPLICATION: 13/03/2013**

**REASONS FOR DELAY IN DECISION (where applicable):**

- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting determination by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The proposed scheme aims to allow for the use of part of the area to the front of the property between the existing frontage and the row of highway bollards for 'al fresco' dining by patrons of the public house.

1.1.2 The furniture and canvas screens (of around 1 metre in height) will be entirely removable and put in place between 0800 to 2300 hours every day and then put back into the property when closed.

1.1.3 The area to be used is to the south western end of the unit and has a depth of 2.5 metres and a width of 9.0 metres. The total width of the property is around 20 metres.

1.1.4 The pavement area forms part of the public highway is in the ownership of Denbighshire County Council.

1.2 Description of site and surroundings

1.2.1 The site is a public house which stands on the south eastern side of Sussex Street within the defined town centre of Rhyl.

1.2.2 Properties within the parade in which the site lies include a mixture of retail and café units, and the street has a series of bollards along each side set out from the façade of the properties by around 3 metres.

1.2.3 The property has a recessed ground floor frontage with low barrier rails of around 1 metre in height which allows customers to effectively sit in the open air but under the first floor overhang.

1.2.4 The site lies within the Conservation Area for the town centre, and other properties along the street utilise the frontage area for the display of goods for sale or for seating areas in connection with the main uses of the properties.

1.3 Relevant planning constraints/considerations

1.3.1 The site lies within the Town / District Centre as defined in the Unitary plan.

1.4 Relevant planning history

1.4.1 The property has been subject to a number of previous applications seeking consent for advertisements and small extensions and alterations.

1.4.2 Planning permission reference 45/2006/1067 as granted by the Council on 21 March 2007 allowed for the "change of use of highway land to form extension to premises by the addition of a new retractable awning and a demountable

fabric barrier system to the front of the building to provide a pavement café area.” This scheme allowed the creation of two external seating areas to each side of the central entrance door and was therefore for twice the area now proposed by the current scheme, as well as an awning above.

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 45/2006/1067

Change of use of highway land to form extension to premises by the addition of a new retractable awning and a demountable fabric barrier system to the front of the building to provide a pavement café area.”

GRANTED 21 March 2007

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy GEN 6 – Development Control Requirements

Policy RET 1 – Town and District Centres

Policy CON 5 – Development within Conservation Areas

3.2 Supplementary Planning Guidance

SPG 12 – Shop Fronts

SPG 13 – Conservation Areas

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 Principle

4.1.2 Impact on the Conservation Area

4.1.3 Highways issues

4.1.4 Amenity impacts

4.2 In relation to the main planning considerations:

4.2.1 Principle

There are no specific Unitary Plan Policies relating to the type of development involved here. The consent issued in 2007 has already allowed for a larger area of external seating to be created, and would have been assessed in relation to the general policies and SPGs applying to the current application. This permission only lapsed in March 2012 but is considered to set a clear precedent accepting the form of development applied for.

4.2.2 Impact on the Conservation Area

Policy CON 5 requires assessment of the impact of proposals on the

character and appearance of a Conservation Area.

The Council's Conservation Specialist and Project Manager has confirmed there are no objections to the scheme, and as the screens and furniture proposed are not permanent fixtures it is not considered that the visual amenities of the Conservation Area will be harmed by the proposal.

#### 4.2.3 Highways issues

Policy TRA 6 requires due consideration of the impact of new development on traffic flows, and GEN 6 requires assessment of impact on the local highway network.

There are concerns from the Town Council and private individuals in respect of use of pedestrianised areas and loss of an area of public highway. The Highway Officer however has no objection in principle, subject to the appropriate highways consents also being obtained.

In Officers' opinion, whilst respecting the comments raised, there are local examples of small pavement café areas, and the use of a limited area outside this property has already been accepted through the grant of permission in 2007.

#### 4.2.4 Amenity impact

Policy GEN 6 requires assessment of the potential impact of development of the amenities of occupiers / users of nearby property.

There are local concerns over the potential for late night noise and disturbance from the proposed use of the pavement area.

In Officers' opinion, the visual appearance of the proposed canvas screens and furniture is typical for such uses as they are lightweight and unobtrusive in order to allow them to be moved in and out of the property, and is adjudged to be acceptable. It is to be noted that the façade of the property already contains open areas which allow patrons to sit in the 'open air' and as such the addition of the small 2.5 metres by 9.0 metres area proposed is not considered likely to add a substantial area from which any additional noise or disturbance will be generated that would be sufficiently harmful to nearby flats to justify a refusal of permission.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 Having regard to the issues raised, the application is considered acceptable 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 enclosed post and barrier system shall be as indicated on the approved plans and when the use is in operation access to the pavement seating area shall be through the public house only.
3. No sound amplification equipment or loudspeakers shall be operated externally from the public house other than in accordance with details to be agreed in writing with the Local Planning Authority.

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 order to maintain control over the proposed users, and to reduce crime and disorder.
3. To protect the amenities of occupiers of nearby properties.

**NOTES TO APPLICANT:**

You are advised that the grant of planning permission does not convey any approval which may be necessary under separate Highways legislation, and you should ensure such consent(s) are obtained prior to the commencement of the use.