



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Heading:

43/2013/0123
 2 Bastion Road
 Prestatyn

12

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



Application Site



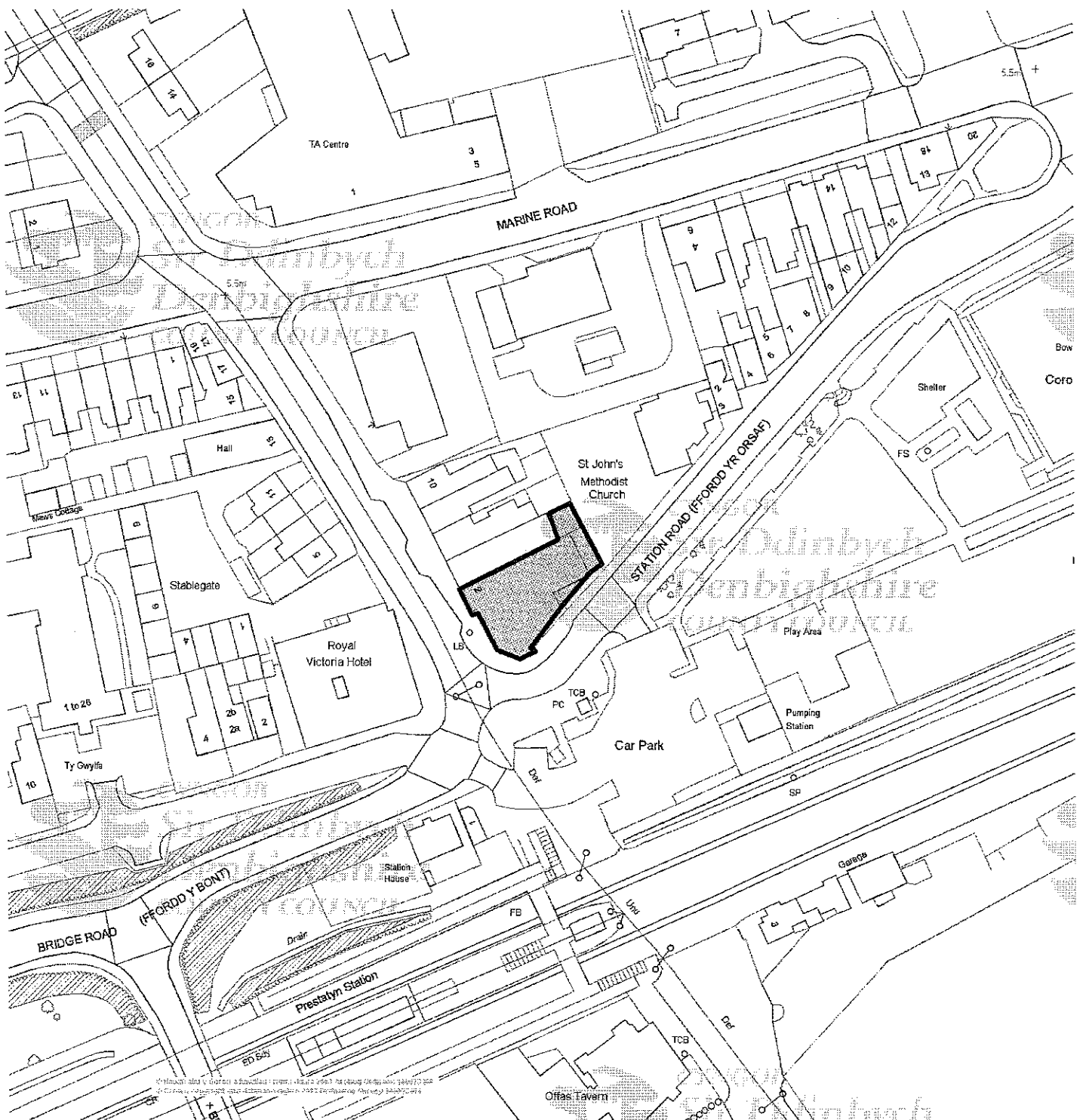
Date 3/4/2013

Scale 1/1250

Centre = 306426 E 383164 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.

Tel: 01824 706800 Fax: 01824 706709

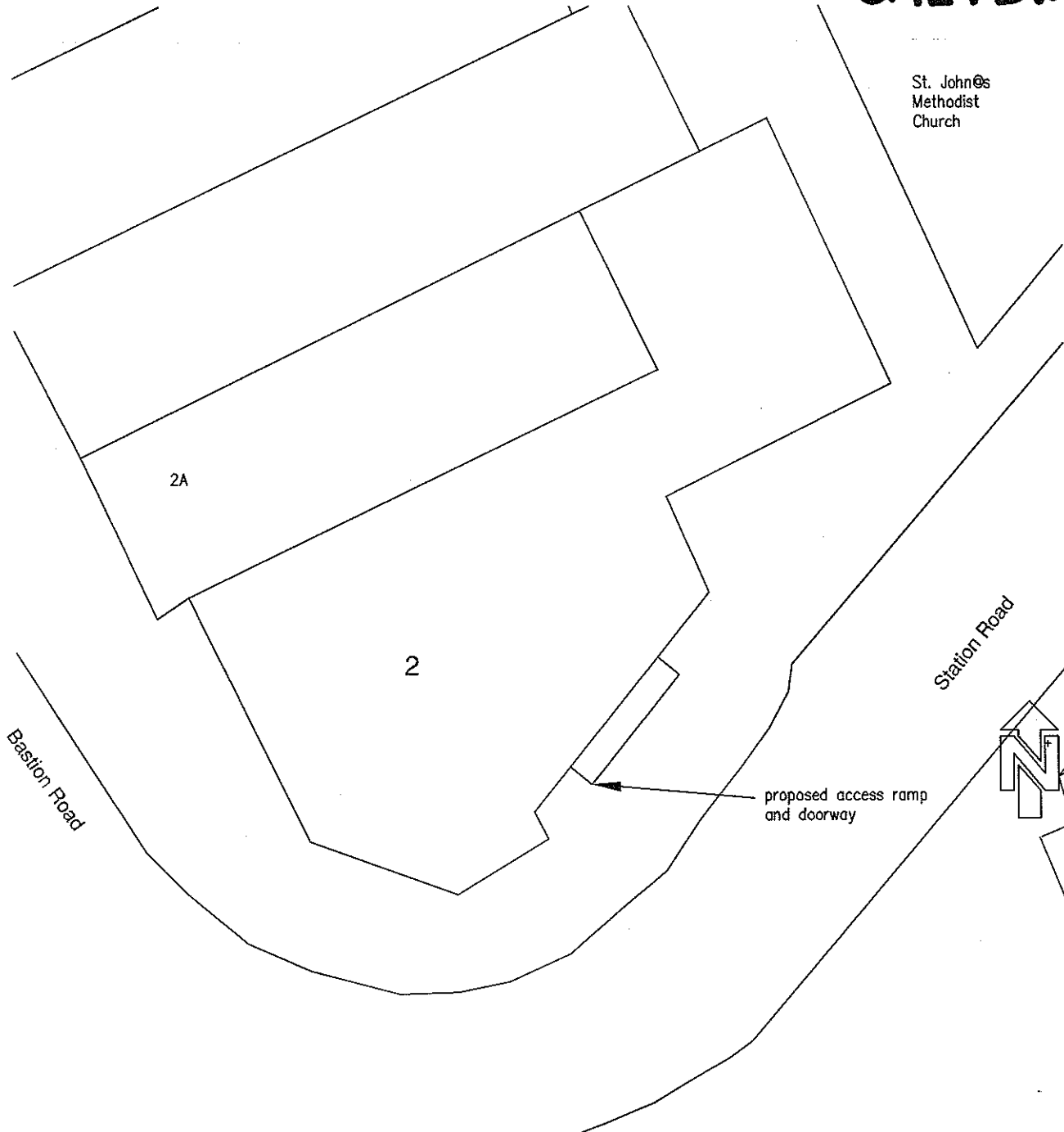


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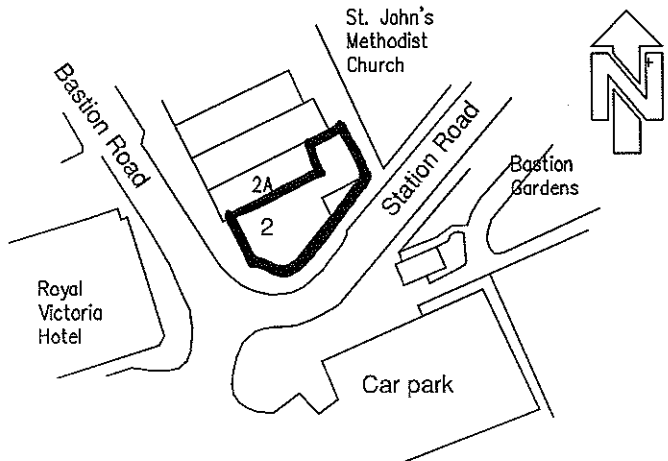
Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

SITE PLAN

St. John's
Methodist
Church



Layout plan 1:200



Location plan 1:1250

2 Bastion Road
Prestatyn. LL19 7ES

SCALE As shown @ A4
DATE January 2013
LAWRENCE PARRY ASSOCIATES
HILL HOUSE, HILLSIDE, PRESTATYN.
01745 854945

DRWG. No 3850/01

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PROPOSED ELEVATIONS

AS PROPOSED
2 Bastion Road
Prestatyn, LL19 7ES

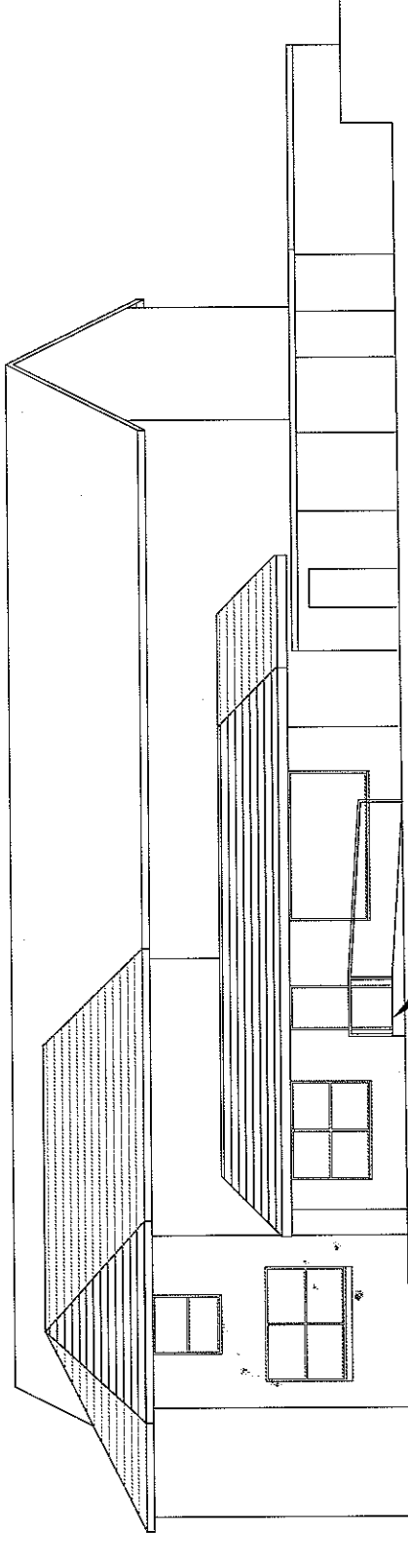
SCALE 1:100 @ A3
DATE January 2013
LAWRENCE PARRY ASSOCIATES
HILL HOUSE, HILLSIDE, PRESTATYN,
01745 654945

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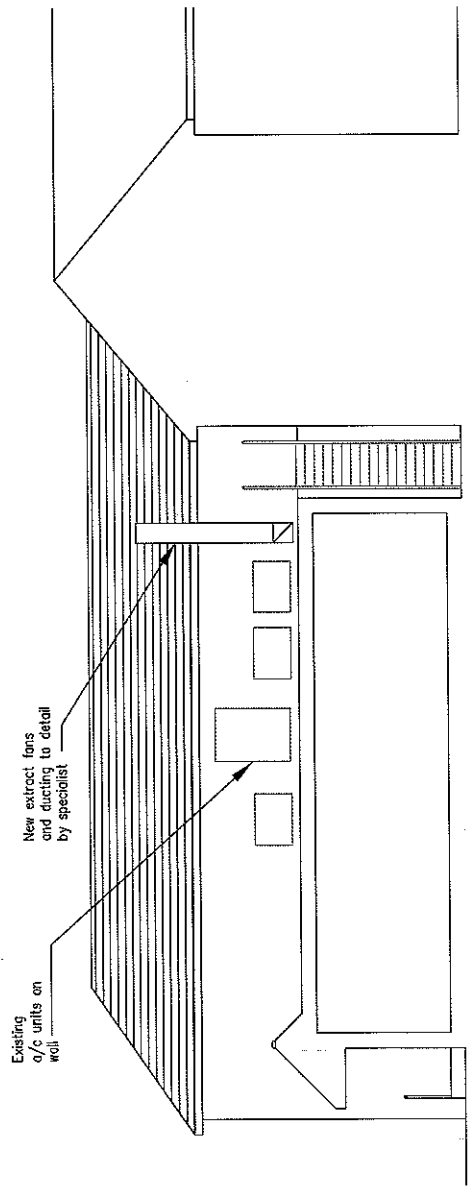
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Farm opening and fit new accessible doorway with new concrete ramp externally. Maximum gradient of ramp to be 1 in 12. Handrail to outside 500 high in plastic coated steel

Existing windows retained

South east elevation



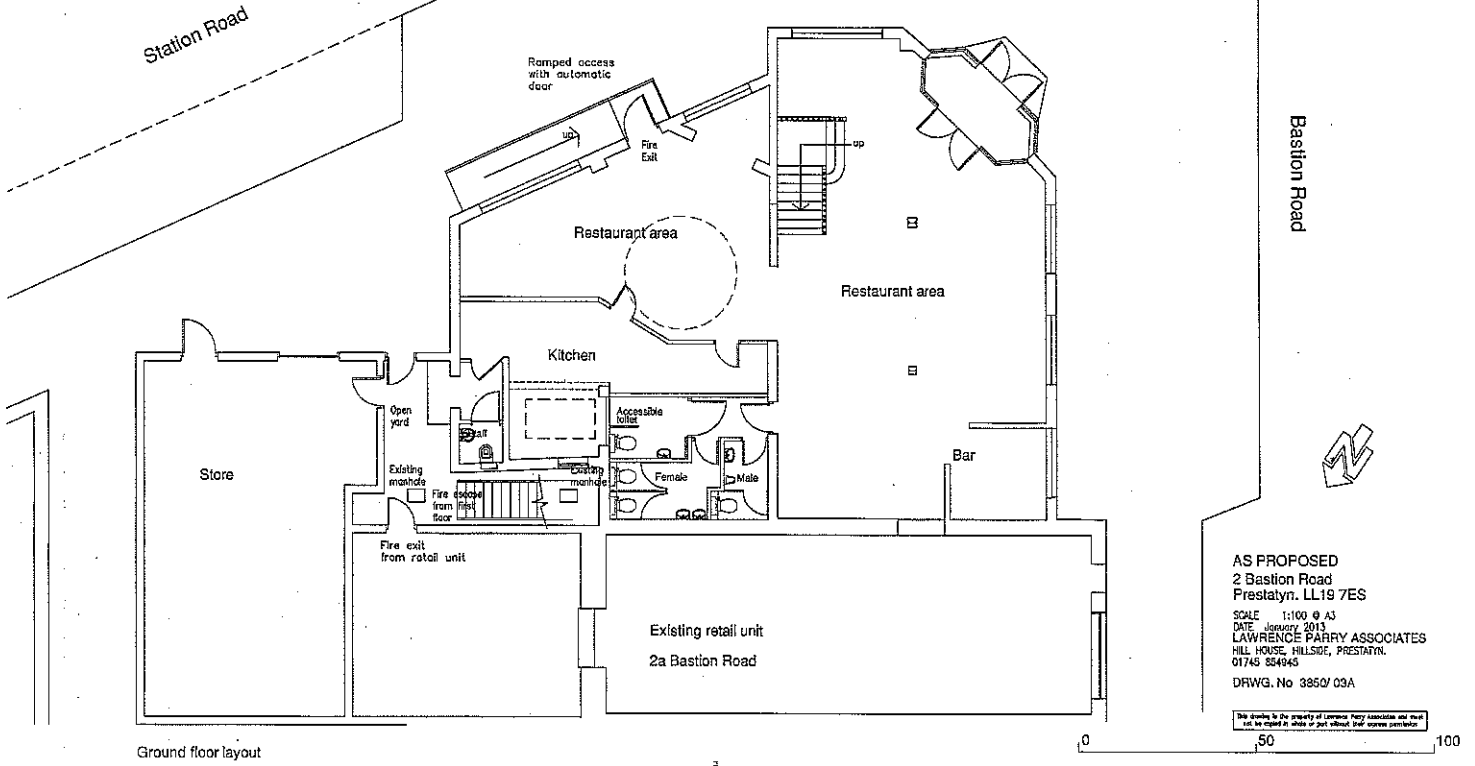
New extract fans and ducting to detail by specialist

Existing a/c units on wall

Elevation to rear wall of 2 storey section

All work subject to statutory consents being obtained.
 All work to be carried out to the satisfaction of the Building Inspector.
 Contractor to check all dimensions and levels on site and to report any discrepancies.
 Contractor not to scale drawings.
 Read in conjunction with engineers details and calculations.
 IF IN DOUBT ASK

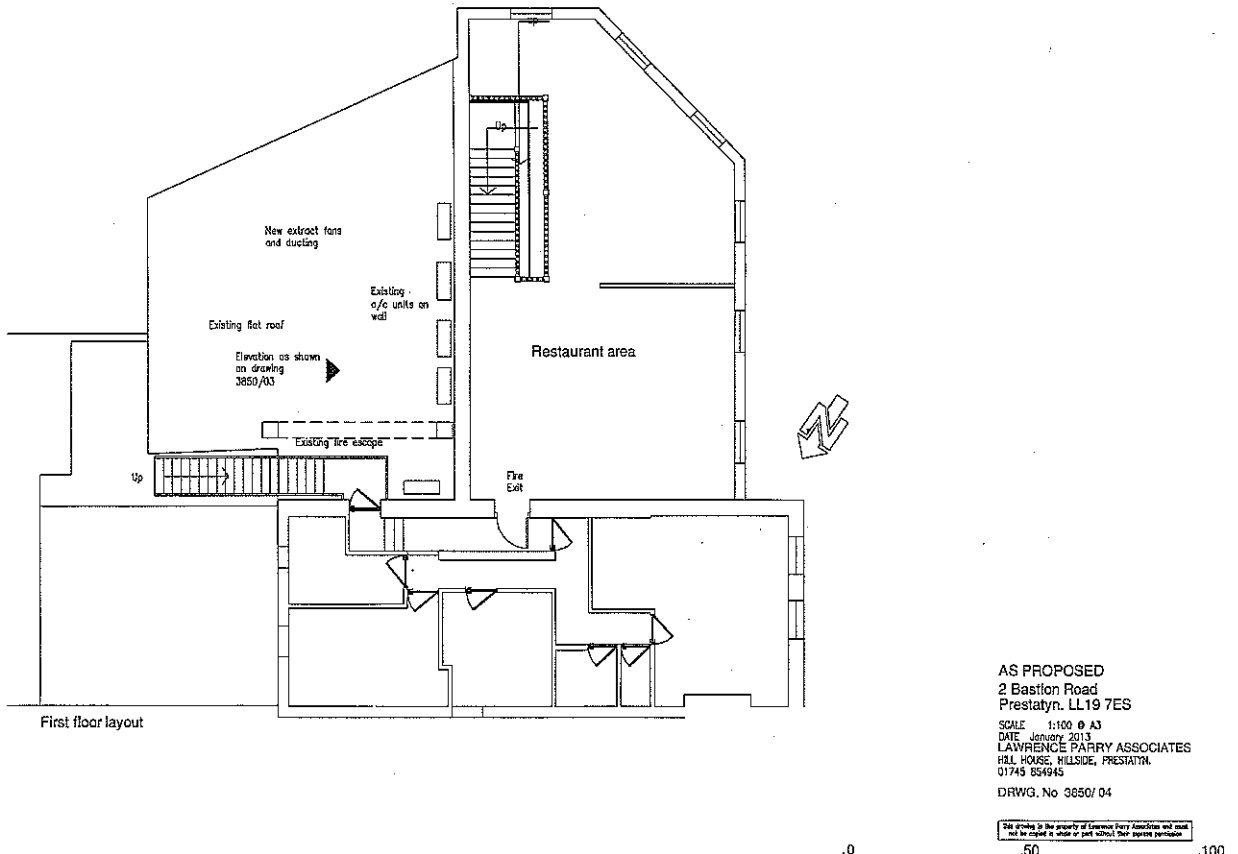
PROPOSED FLOOR PLANS



Ground floor layout

AS PROPOSED
 2 Bastion Road
 Prestatyn, LL19 7ES
 SCALE 1:100 @ A3
 DATE January 2013
 LAWRENCE PARRY ASSOCIATES
 HILL HOUSE, HILLSIDE, PRESTATYN.
 01745 824945
 DRWG. No 3850/03A

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First floor layout

AS PROPOSED
 2 Bastion Road
 Prestatyn, LL19 7ES
 SCALE 1:100 @ A3
 DATE January 2013
 LAWRENCE PARRY ASSOCIATES
 HILL HOUSE, HILLSIDE, PRESTATYN.
 01745 824945
 DRWG. No 3850/04

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ITEM NO: 12

WARD NO: Prestatyn East

APPLICATION NO: 43/2013/0123/ PF

PROPOSAL: Change of use from retail unit to a licensed restaurant and hot food takeaway, insertion of new doorway and construction of wheelchair access ramp and handrail

LOCATION: 2 Bastion Road Prestatyn

APPLICANT: Mr David Hedley

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 – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

Objection. Concerns about proliferation of similar food premises in this area. Over-intensification of same class developments. Potential litter and nuisance. Lack of parking in vicinity."

ENVIRONMENT AGENCY WALES

Note that the site lies within flood zone C1 but no objection stated given the scale of the proposed development.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Transport and Infrastructure

- Highways Officer

No objection.

Environmental Health Officer

No objections in principle.

Conservation Architect

The property is located within Prestatyn Conservation Area. Proposals must preserve or enhance the character or appearance of the conservation area.

No objection to the proposed change of use. Suggests imposition of conditions to ensure satisfactory detailing of ramps, handrails, doors, extract fans and ducting.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr R Wade, 2 Station Road, Prestatyn
Amanda Williams, 3 Gorphwysfa Avenue, Prestatyn
Mrs S Malik & Mr S Ahmed, 12 Bastion Road, Prestatyn
Mr K Wong, 4 Bastion Road
F. Li, 6, Bastion Road, Prestatyn
A. Kirkham, 22, Marine Road, Prestatyn
W. Winstanley, 12, Sandy Lane, Prestatyn
L. Nicholson, 4, Calthorpe Drive

Summary of planning based representations in objection:

Amenity impacts

Noise and disturbance from drinking and smoking on the street/noise from refuse collection/impact on residential properties/litter problems

Parking

Increased problems of parking issues between residential and business users/congestion on corner of Bastion Road and Station Road/difficulties for delivery vehicles

NEED

Already too many hot food restaurants in the area.

EXPIRY DATE OF APPLICATION: 26/03/2013

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes to change the use of a current vacant property from its last permitted use as 'Hedley Interiors' (Use Class A1 retail) to a restaurant and hot food take away under use class A3.
- 1.1.2 The premises would be open from midday to 2330 hours every day and would employ 10 full-time staff. The scheme also seeks permission for the creation of a new entrance ramp to facilitate disabled access adjacent to the Station Road frontage (see the plans at the front of the report).

1.2 Description of site and surroundings

- 1.2.1 The property stands at the junction of Station Road and Bastion Road at the end of a block of 6 commercial units to the north which are in use as a hairdresser, a shop, a chiropodist, a beauty salon and a hot food take away.
- 1.2.2 Directly across Bastion Road to the west lies the Royal Victoria Hotel PH, with a tea room and public car park across Station Road to the south. St John's Methodist Church lies immediately to the rear (east) of the site beyond which lie residential properties around 40 metres away.

1.2.3 A run of terraced houses front Bastion Road to the west around 30 metres from the application site.

1.3 Relevant planning constraints/considerations

1.3.1 The site lies in a Conservation Area, where Policy CON 5 applies and it is within the area designated as a local/neighbourhood shopping centre under Policy RET 10.

1.4 Relevant planning history

1.4.1 The site has been subject to a number of applications for extensions and alterations, but not for any previous changes of use.

1.5 Developments/changes since the original submission

1.5.1 Details of the proposed access ramp have been provided. (See the plans at the front of the report).

1.6 Other relevant background information

1.6.1 None.

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 10 Local and neighbourhood shopping centres

Policy RET 16 Food and drink – hot food take-aways

Policy CON 5 Development within conservation areas

3.2 Supplementary Planning Guidance

SPG 11 Hot food take aways

3.3 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 5 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 Highways impact

4.1.4 Conservation Area impact

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RET 10 allows for changes of use from use class A1 to other uses up to a maximum of 1 in any 4 units, provided that: the use would provide a local service; the unit has been vacant for a significant length of time; there is a reasonably sized general store in the centre; and hot food take- aways comply with Policy RET 16.

As noted earlier, 4 units within the block of 6 (including the subject property) have retail as their current/former use. The change of use proposed would therefore result in 3 out of the 6 units being in non-A1 use.

Officers recognise the policy issue but suggest any conflict here has to be balanced against the current economic climate, the fact that the property has stood vacant since October 2011, and the peripheral nature of the centre

north of Prestatyn which has recently undergone substantial redevelopment for significant new stores. The explanation to Policy RET 16 acknowledges the importance of avoiding long-term vacant units as they detract from the vitality and viability of an area. It is therefore considered with respect to the Town Council's concerns, that on balance the change of use applied for is acceptable in this context and would bring the unit back into beneficial use, appropriate for its location.

Whilst the scheme is principally for a restaurant, it is proposed to allow ancillary take away sales and needs to be assessed against Policy RET 16. The property is within a district centre, and in Officers' opinion, does not result in a clustering of such uses, would not unacceptably affect residents, and would not introduce unsatisfactory traffic levels. Whilst the block does already contain a hot food take away, the other uses are retail and commercial, and as a corner property next to the church and opposite the public car park it is not considered that the scheme is contrary to Policy RET 16 or SPG 11.

4.2.2 Impact on residential amenity

Policy GEN 6 obliges due consideration of the impact of development on the amenities of occupiers of property in a locality.

The comments made by local residents are noted in respect of parking and existing A3 uses in the locality. However, given that there are no other restaurants in the block or indeed the immediate vicinity and there is a public car park opposite it is not believed that the proposals are unacceptable on these grounds. The site lies within a defined commercial centre and is not immediately adjacent to any houses with other commercial units to the north, the church to the east and roads to the south and west. It is not considered that an objection on the grounds of unreasonable noise and disturbance can be substantiated.

4.2.3 Highways impact

Policies TRA 6 and GEN 6 require consideration of the impacts of new uses on the safe and free flow of traffic on the highway network.

It is noted that the Council's Highway Officer raises no objections to the scheme, and whilst there are evidently ongoing parking issues between residents and businesses the location of the site in a defined centre and opposite a public car park means that an objection based on highways grounds cannot be sustained.

4.2.4 Conservation Area

Policy CON 5 obliges consideration of the impact of proposals on Conservation Areas and requires that these preserve or enhance their character and appearance.

It is considered in this case that the works proposed can be made to be of an acceptable appearance via the imposition of suitable conditions relating to materials, as suggested by the Conservation Officer, and that the scheme would not be harmful to the character of the area.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The use proposed is within a commercial area and will bring back into beneficial use a unit which has been empty for over 16 months. The use can be suitably controlled for its opening hours via conditions and car parking is available directly opposite.

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. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
3. **PRE-COMMENCEMENT CONDITION**
No development shall commence until the written approval of the Local Planning Authority has been obtained to the precise detailing of the type, materials and finish of the fenestration for the development.
4. The premises shall not be open to customers other than between the hours of 0900 and 2300 on any day.
5. The use hereby permitted shall be restricted to restaurant only under Use Class A3 of the Town and Country Planning (Use Classes) Order 1987 with take away sales only as ancillary to the main use of the property as a restaurant.

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 ensure that trees and hedges to be retained are not damaged by building or engineering works.
3. To ensure the details are satisfactory in relation to the character and appearance of the building
4. In the interests of the amenity of occupiers of nearby residential property.
5. To enable the Local Planning Authority to control the use in the interests of residential amenity.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.
Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).