



**CYNGOR**  
**Sir Ddinbych**  
**Denbighshire**  
**COUNTY COUNCIL**

Heading:

02/2013/0525  
Ellie Louise  
Market Street, Ruthin

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



Application Site

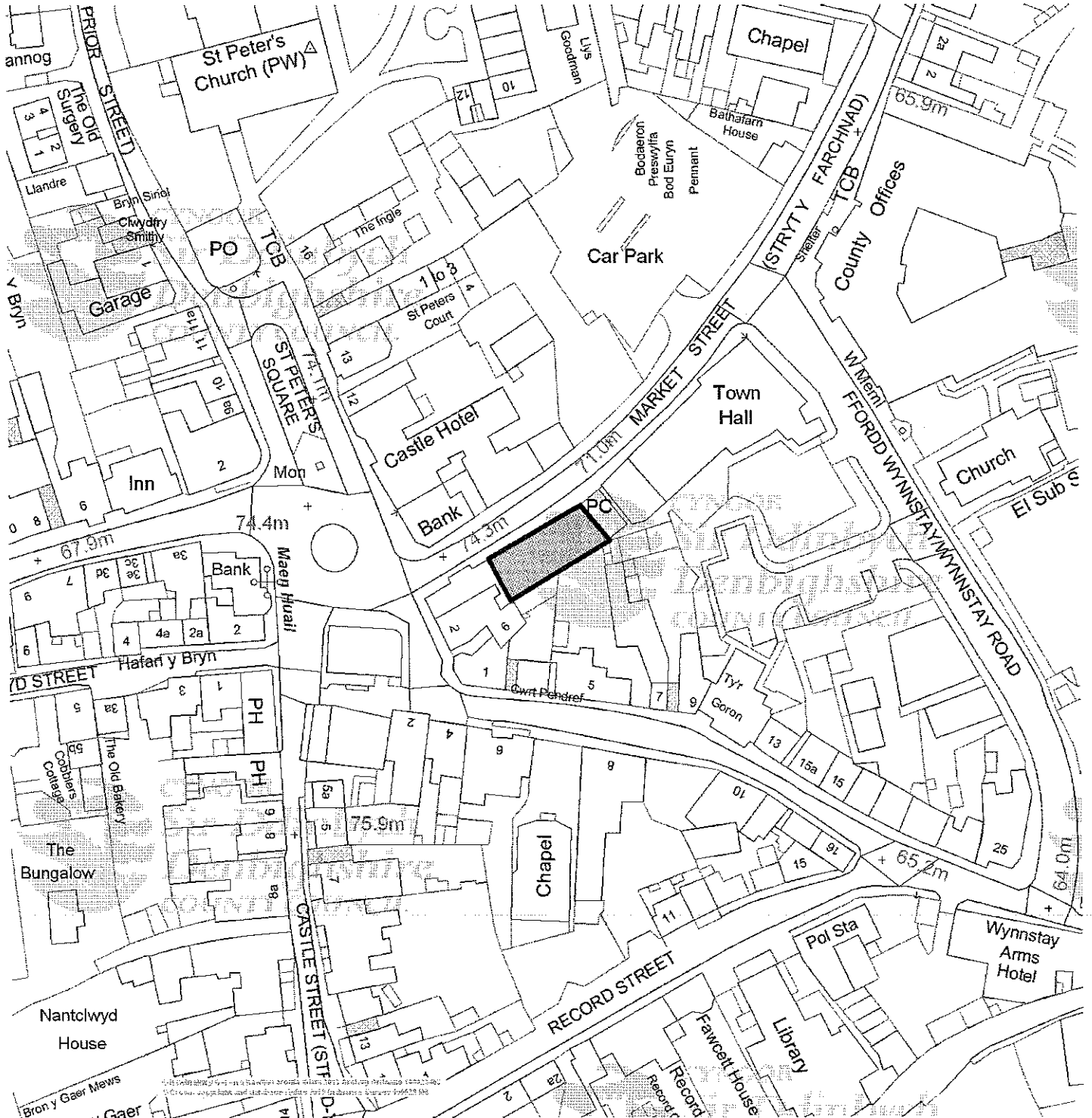


Date 5/6/2013

Scale 1/1250

Centre = 312424 E 358274 N

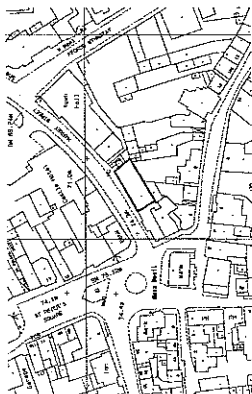
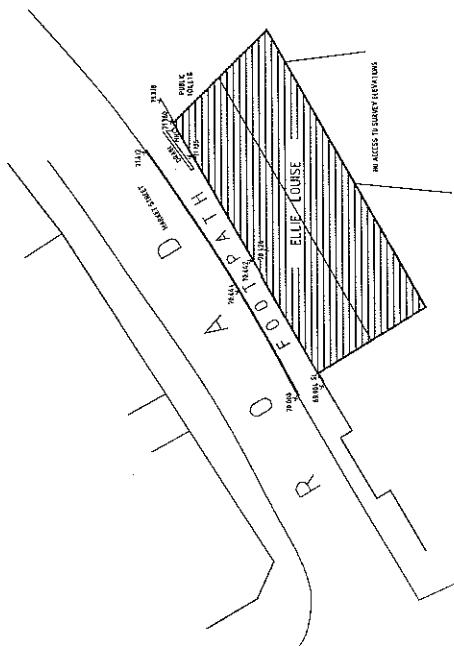
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



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# PROPOSED FLOOR + ELEVATION PLANS



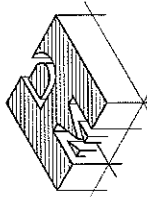
LOCATION PLAN  
1:2500

## ORIGINAL DRAWING A1

DATE: 30.01.2013  
 COMBINES: A  
 REV: A  
 AMEND ADDRESS: MARKET STREET, RUTHILL, DENBEIGHSHIRE, LL15 1BE.  
 DRAWING RECORDED: SURVEY

## CLIENT

CAD Properties



**HARRIES**  
 DESIGN & MANAGEMENT

## PROJECT

Proposed Works at  
 Elle Louise,  
 Market Street,  
 Ruthill,  
 Denbeighshire,  
 LL15 1BE.

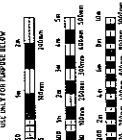
## DRAWING TITLE

Plans & Elevations as Existing

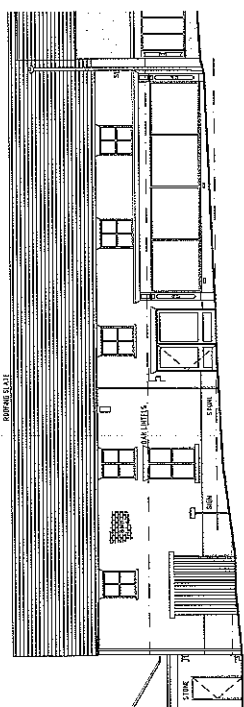
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					23.01.2012
JOB NO.	1262	DRAWING NO.	03	REV.	A

## SCALE BARS

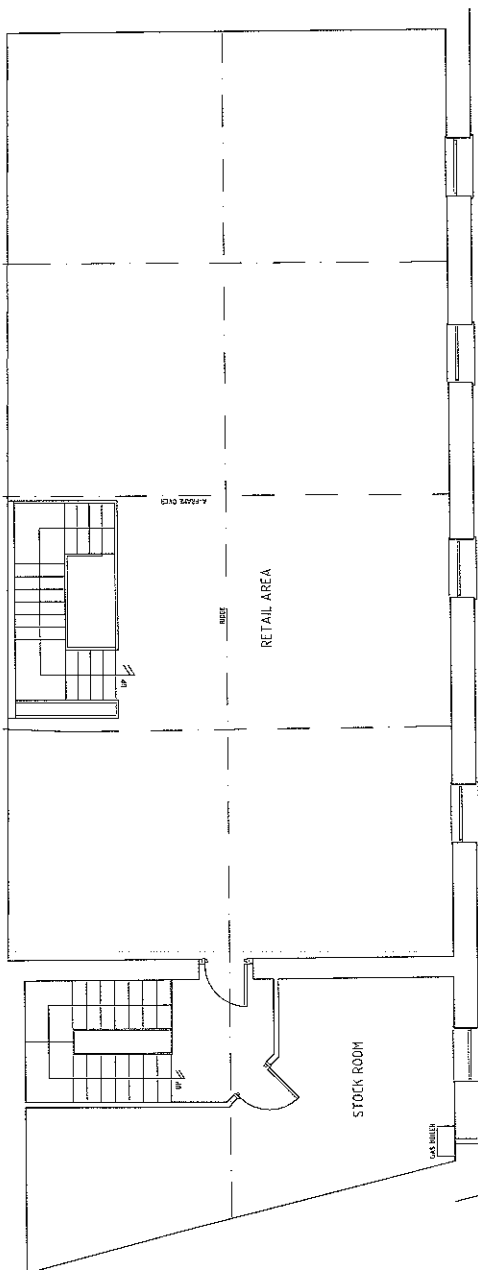
USE ONLY FOR PURPOSES BELOW



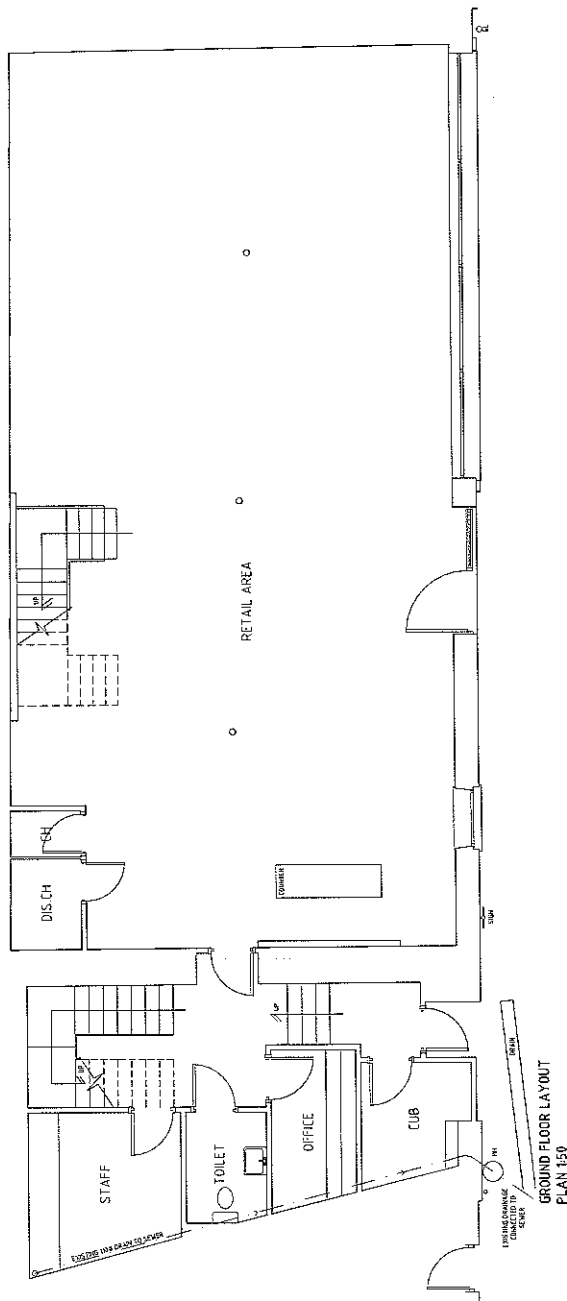
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NORTH WEST ELEVATION  
ELEVATION 1:800



FIRST FLOOR LAYOUT



GROUND FLOOR LAYOUT  
PLAN 1:50

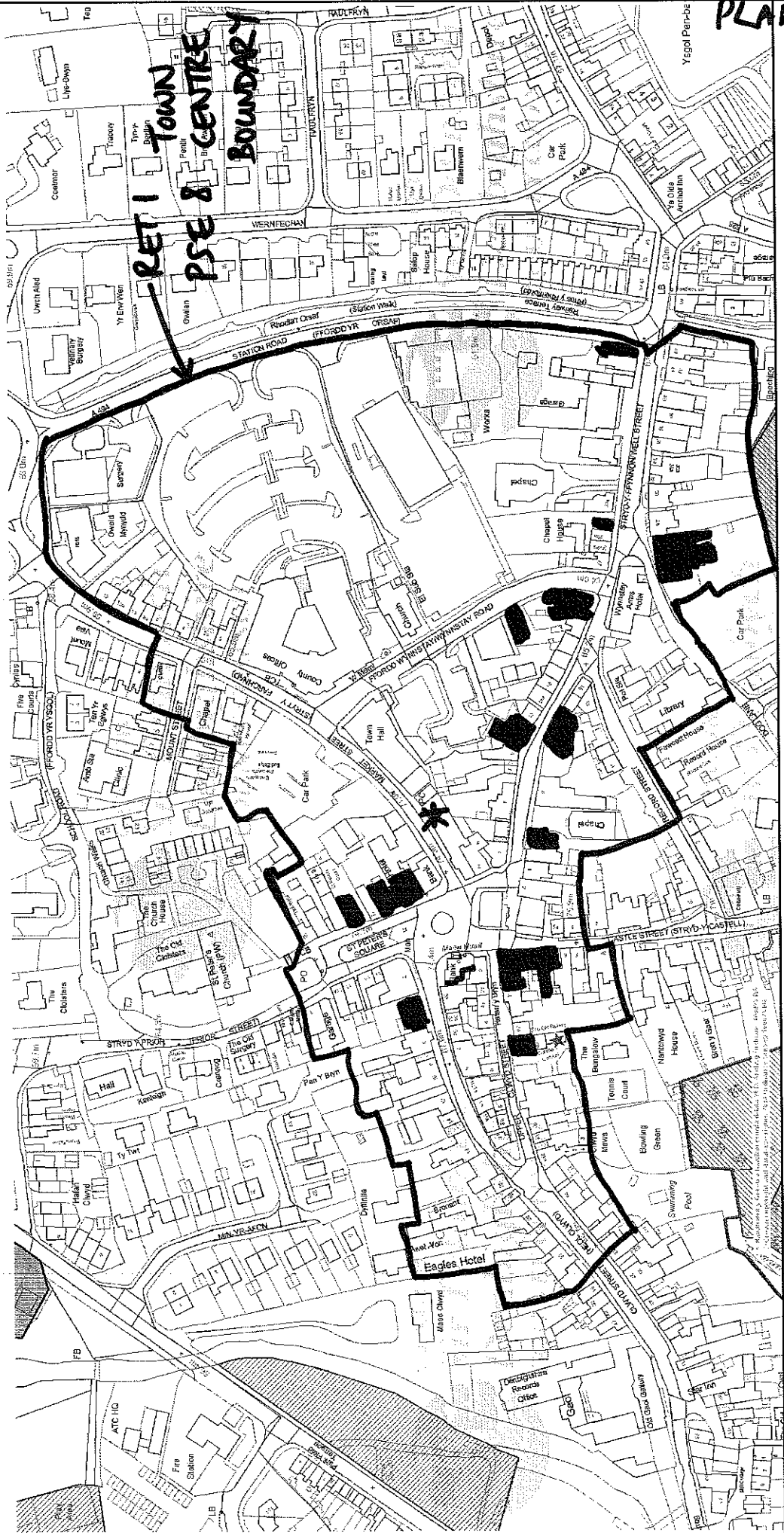
# EXISTING A3 USES ANNOTATED ON LOCATION PLAN



Date 28/5/2013

Scale 1/2500

Centre = 312450 E 358299 N



RET 1 TOWN PSE & CENTRE BOUNDARY

\* Application Site

SES

**ITEM NO:** 1  
**WARD NO:** Ruthin  
**APPLICATION NO:** 02/2013/0525/ PF  
**PROPOSAL:** Change of use from retail unit (Class A1) to café (Class A3)  
**LOCATION:** Ellie Louise Market Street Ruthin  
**APPLICANT:** CAD Properties Ltd.  
**CONSTRAINTS:** Conservation Area  
**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - Yes  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:  
Scheme of Delegation Part 2**

- Referral by Head of Planning / Development Control Manager

**CONSULTATION RESPONSES:**

**RUTHIN TOWN COUNCIL**

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

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

**HEAD OF HIGHWAYS AND ENVIRONMENT SERVICES**

No objection.

**CONSERVATION SPECIALIST AND PROJECT MANAGER**

No objection.

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 20/6/2013**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 Members may recall considering an application for change of use of this property to an A3 use in March 2013. The applicants have since lodged an appeal against this refusal of permission and have exercised their right to submit a duplicate application for consideration.
- 1.1.2 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).

1.1.3 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 would be required for this change to the rear roof slope and elevation.

1.1.4 In previous discussions with the agent, it was confirmed that the application was submitted on behalf of the owner of the property and no end tenant had as yet been secured, in order to broaden the appeal of the unit to find an occupier. The hours of use were 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 shop (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 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. The unit stands within the town centre of Ruthin.

## 1.4 Relevant planning history

1.4.1 02/2013/0099/PF Change of use of retail unit (Class A1) to a café (Class A3) REFUSED at Planning Committee contrary to Officer recommendation on 20<sup>th</sup> March, 2013 for the following reason:

“It is the opinion of the Local Planning Authority that the proposal to change the use of an A1 shop to an A3 use in this location would have an unacceptable impact on the retail offer and character of the Town and District centre of Ruthin, contributing to an over concentration of A3 uses which would not enhance or improve the viability and vitality of the centre, contrary to the intentions of Policy RET 6 of the Denbighshire Unitary Development Plan.”

1.4.2 An appeal has been lodged against this decision and a Hearing will take place on 17<sup>th</sup> July, 2013.

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 02/2013/0099/PF Change of use of retail unit (Class A1) to a café (Class A3)  
REFUSED at Planning Committee 20<sup>th</sup> March, 2013.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

**DENBIGHSHIRE LOCAL DEVELOPMENT PLAN** –adopted 4<sup>th</sup> June 2013

Policy RD 1 – Sustainable and good standard design

Policy PSE 6 – Retail Economy

Policy PSE 8 – Development within Town Centres

**DENBIGHSHIRE SUPPLEMENTARY PLANNING GUIDANCE –**

SPG13 – Conservation Areas

**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 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 Centre of Ruthin as defined by Policy PSE 6. Policy PSE 8 allows for development proposals within town centres provided they enhance the vitality and viability of the town centre and they do not result in an unacceptable balance of retail and non-retail uses. The policy recognises that town centres can appropriately accommodate non retail uses however states that it is essential that the primary function of the town centre is not eroded by incremental development.

Guidance within Planning Policy Wales considers retailing within town centres, distinguishing between primary and secondary shopping centres. Primary shopping centres are characterised by a high proportion of retail uses while secondary frontages are areas of mixed commercial development including for example banks and restaurants. These uses are recognised as important services within town centres. Within the LDP, Ruthin has no primary/principal shopping frontage, and therefore non retail uses may be permitted provided they enhance the vitality and viability of the town centre and they do not result in an unacceptable balance of retail and non-retail uses.

The proposal is for an A3 café use for a currently vacant property which makes no contribution to the town. The site is not adjacent to any other A3

uses, and whilst it is acknowledged that there are other A3 uses within the town centre, it is considered that they are sufficiently spread out throughout the centre and the proposal would not result in an unacceptable balance of retail and non retail uses as Class A1 retail use would remain the dominant use overall within the town centre. The change of use proposed is considered acceptable in line with the abovementioned retail policies of the LDP and Planning Policy Wales.

Whilst fully respecting the reason for refusal of the previous application in March 2013 which was based on the over concentration of A3 uses in the town centre, Officers have reservations over the strength of the grounds of refusal, having regard to the actual number of Class A3 uses in proximity to the application site (See plan at the front of the report which annotates the location of A3 uses).

#### 4.2.2 Impact on the Conservation Area

Policies RD 1 requires due consideration of the impact of proposals on the historic environment.

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 LDP policies or SPG relating to the Conservation Area.

#### 4.2.3 Residential amenity

Policy RD 1 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 RD 1 requires due consideration of the impact of development on the local highway network.

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 LDP 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