



CYNGOR  
 Sir Ddinbych  
 Denbighshire  
 COUNTY COUNCIL

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

Tel: 01824 706800 Fax: 01824 706709

Heading:

ENF/2013/00008  
 AMBER COFFEE HOUSE  
 HIGH STREET, RHYL, LL18 1TR



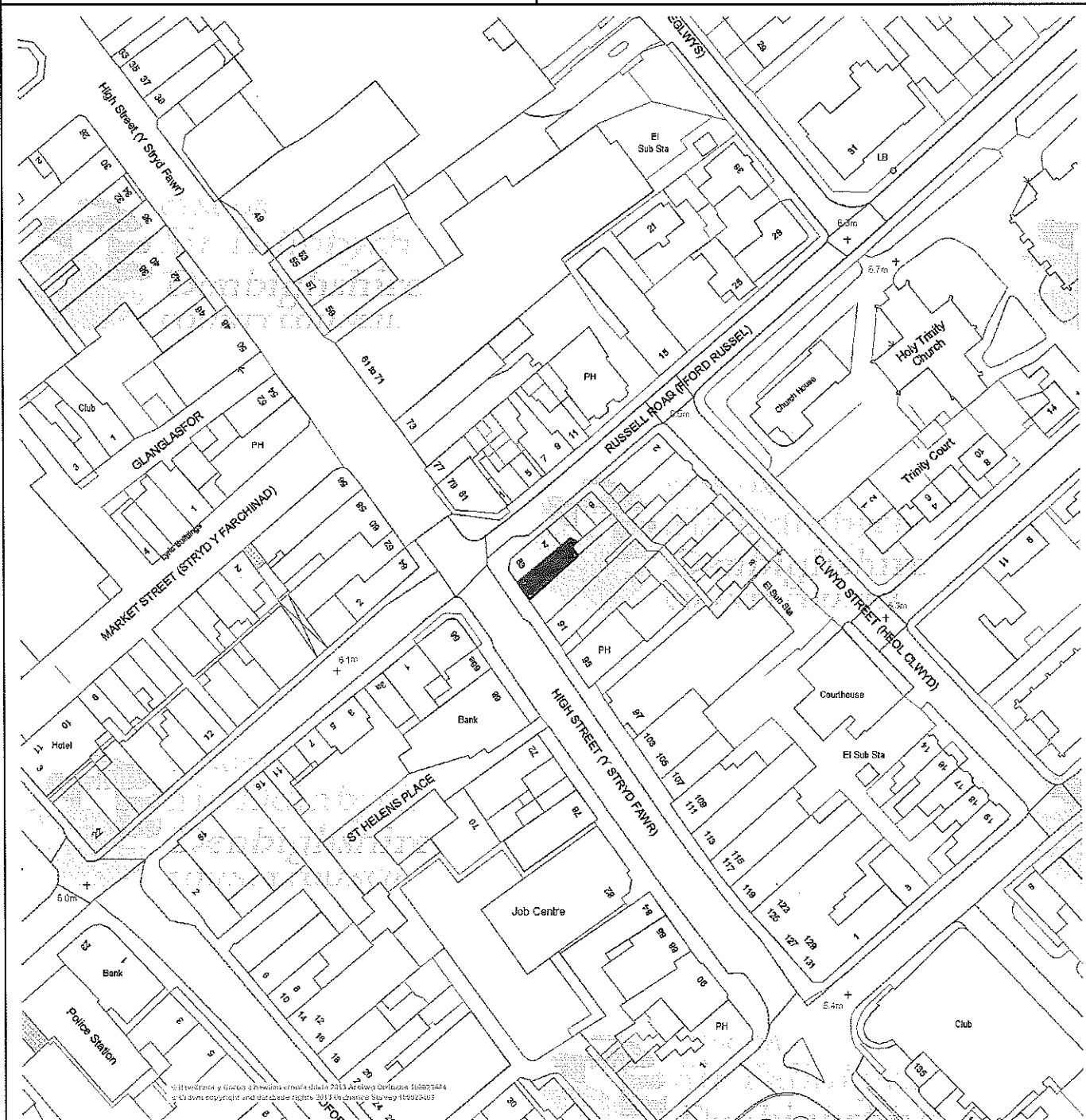
The Site



Date 26/6/2013

Scale 1/1250

Centre = 300884 E 381430 N



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## PLANNING ENFORCEMENT REPORT

**REFERENCE:** ENF/2013/00008  
**LOCATION:** Amber Coffee House, High Street, Rhyl  
**INFRINGEMENT:** Unauthorised installation of new shop front

### **RELEVANT PLANNING POLICIES AND GUIDANCE**

#### DENBIGHSHIRE LOCAL DEVELOPMENT PLAN

Policy RD 1 - Sustainable Development and Good Standard Design

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

#### GOVERNMENT GUIDANCE

Planning Policy Wales  
Chapter 6 – Conserving 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 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 Russell Road, Rhyl and is located within the Rhyl Conservation Area. It is located between the National Milk Bar and The Money Shop.
- 1.2 The property is currently leased and initially commenced trading as a showroom/gallery with the provision of refreshments ancillary to this use. The leaseholder obtained planning permission during 2010 to change the use of the premises from Class A1 retail to a mixed use of Class A1 and Class A3; photo art studio and coffee house; planning permission code 45/2010/0411/PF refers.
- 1.3 On the 8 November 2011, it was noted that the tenant had installed a new shop front to the premises, which appeared to be of timber cladding material, which does not preserve or enhance the character of the Conservation Area. The requirement for planning permission was drawn to the attention of the tenant, who confirmed on the 6 January 2012, that he would submit the required application. He also confirmed that the use of the property had not altered and the premises should be known as the 'Amber Coffee House and Art Studio'. On the 9 January 2012, the relevant application forms and guidance notes were forwarded to the tenant.

- 1.4 Despite 'reminder' letters the required application was not forthcoming and on the 19 June 2012, a letter was forwarded to the company holding the freehold to the property, outlining the situation.
- 1.5 On the 3 July 2012, an application for planning permission for the new shop front was received; code 45/2012/0827/INV refers. The application was classed as 'invalid' due to the applicant's failure to provide all of the required detail. The applicant was advised by letter.
- 1.6 Despite further attempts to encourage the tenant and freeholder to validate the application, the required outstanding material has not been forthcoming.

## **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 RD 1 (i) and (iii), SPG 12 and SPG 13.
- 2.3 The use of conditions as part of any grant of planning permission for retention of the new shop front 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. (Compliance period – 4 months)
  - (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.