

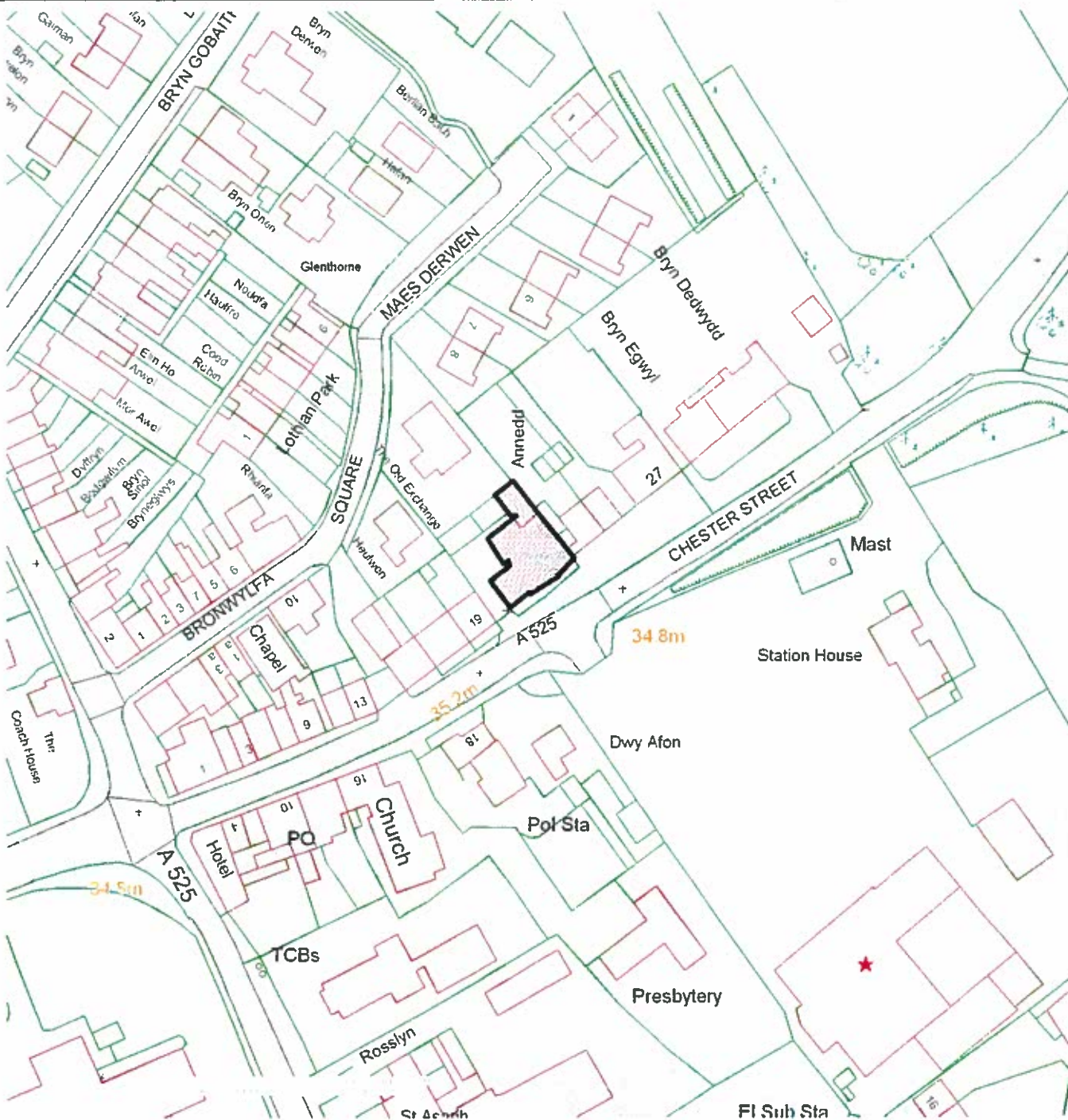
Graham Boase  
Head of Planning & Public Protection  
Denbighshire County Council  
Caledfryn  
Smithfield Road  
Denbigh  
Denbighshire LL16 3RJ

 Application Site



Date 30/10/2013 Scale 1/1250  
Centre = 304007 E 374436 N

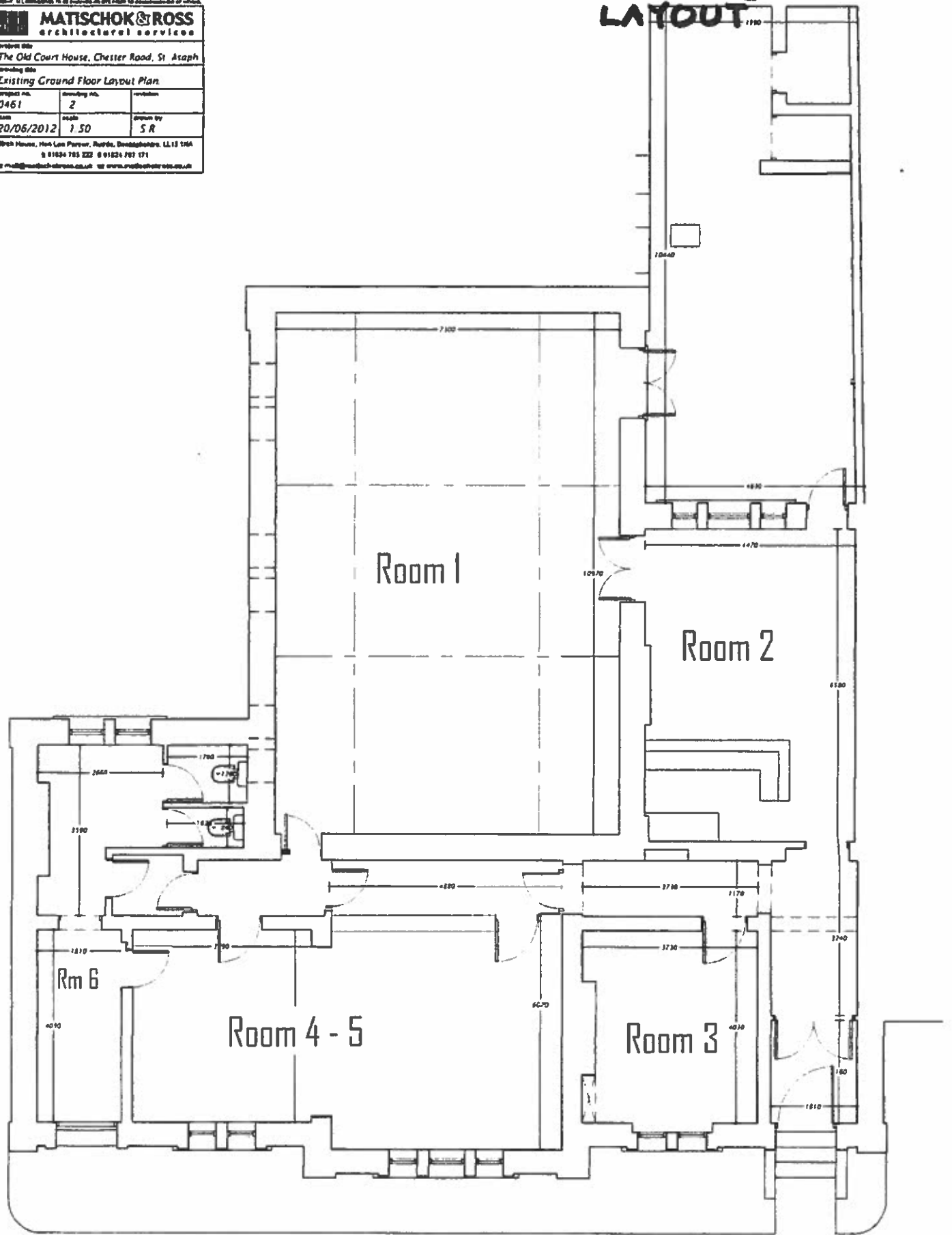
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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





# EXISTING ROOM LAYOUT

<b>MATISCHOK &amp; ROSS</b> architectural services		
project title The Old Court House, Chester Road, St Asaph		
drawing title Existing Ground Floor Layout Plan		
project no. 0461	drawing no. 2	revision
date 20/06/2012	scale 1:50	drawn by S R
Block House, Hen Lan Farm, Rhyd, Denbighshire, LL13 1RA t 01824 785 222 f 01824 787 171 e mail@matischokross.co.uk w www.matischokross.co.uk		



Ground Floor Layout Plan



**ITEM NO:** 5  
**WARD NO:** St Asaph East  
**WARD MEMBER(S):** Councillor Dewi Owens  
**APPLICATION NO:** 46/2013/1162/ PF  
**PROPOSAL:** Change of use of former youth club to a mixed use development to include Classes A1, B1 and D1 uses  
**LOCATION:** The Old Court House Chester Street St Asaph  
**APPLICANT:** Mr Llyr Jones  
**CONSTRAINTS:** PD Removed  
Listed Building  
Conservation Area  
**PUBLICITY UNDERTAKEN:** Site Notice - YesPress Notice - YesNeighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received

**CONSULTATION RESPONSES:**

**ST ASAPH CITY COUNCIL:**

“No formal objection but we have concerns regarding the availability of suitable parking in the area and the possibility of noise Room 1 that could affect the neighbours.”

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Head of Highways and Infrastructure

- Highways Officer:

The proposals involve a mixed use development and therefore each element of the proposed use require a level of parking as laid out in SPG 21, Parking Standards. An assessment of each element and the parking required for each use indicates that there is a shortfall of 9 spaces. There are currently two spaces provided at the front of the building which is secured for the property as residents parking.

In order to balance the shortfall of the parking required taking into account the location, the availability of existing car parks within the vicinity, good public transport and the parking restrictions on Chester Street, concludes that there is sufficient alternative parking arrangements to be found in St Asaph and cannot see any significant parking/traffic issues arising from the development and therefore has no objection to the proposal.

**Conservation Architect**

No objection to the principle of change of use. The applicant should be made aware that if any physical alterations are proposed then Listed Building Consent may be required.

## RESPONSE TO PUBLICITY:

### In objection

Representations received from:

Rev John Lochran, The Presbytery, St. Asaph  
R. Jones, 17, Chester Street, St. Asaph  
S. Tatlock, 17, Chester Street, St. Asaph  
Mrs. B.A.L. Webber, Hilltop, Chester St., St. Asaph  
Mr. C. P. Webber, Hilltop, Chester Street, St. Asaph  
Mrs M Wainwright and A. Tom Miller, 19 Chester Street, St. Asaph  
S. Williams, Sugar Dandy's Day Nursery, St. Asaph  
C. Jones, The Old Exchange, Bronwyfya Square, St. Asaph

Summary of planning based representations in objection:

Residential amenity: increased noise and activity.

Highway safety: insufficient parking/public use of building would add to pressure on nearby streets/concerns over random parking.

## EXPIRY DATE OF APPLICATION:

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

- awaiting consideration by Committee

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 Permission is sought for the change of use of a former youth club to a mixed use development including classes A1, B1 and D1 uses.
- 1.1.2 The supporting documentation suggests that the A1 use would be a small hairdressing salon, the B1 use an office (which does not receive a significant number of visiting members of the public), and the D1 use a public hall that would be hired out to the likes of theatre groups, diet groups, and used for private functions such as birthday parties and fairs.
- 1.1.3 The floor area of the A1 use would be approximately 15sqm, the B1 use approximately 24sqm, and the D1 use approximately 80sqm. There would also be a communal kitchen and some ancillary storage rooms.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is located within the town and in an area with a wide range of building styles, within a Conservation Area.
- 1.2.2 The building is a 19<sup>th</sup> century former Magistrates Court, in a neo classical style and constructed of dressed sandstone.
- 1.2.3 Access to the building is via Chester Street, which the building fronts.
- 1.2.4 There are two 'permitted' parking places to the front of the building adjacent to the highway, but no other parking available on site. There are public car parks within walking distance of the site.
- 1.2.5 There is a range of uses within the immediate area – a builder's merchant, a number of shops, a pub, a café, a cathedral, and residential dwellings.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of St Asaph. It is within 200 metres of the designated 'Town Centre' in the Local Development Plan.
- 1.3.2 The building is a Grade II listed building and is within the St Asaph Conservation Area.



#### 1.4 Relevant planning history

- 1.4.1 The building was originally constructed as a magistrate's court, however in more recent times it has been used as a Youth Club. There are no formal records for this use, but it is evident from planning applications granted in the late 1970's for ancillary storage structures to the youth club that that use had been in existence for many years.
- 1.4.2 Permission was granted in 2008 for the change of use of the youth club to two B1 office uses. It is understood that this permission was never implemented. This permission has now expired.
- 1.4.3 The Youth Club use is considered to be a 'Sui Generis' use, i.e. one which constitutes a use of its own, outside the defined use classes in the 1987 Order.

#### 1.5 Developments/changes since the original submission

- 1.5.1 None

#### 1.6 Other relevant background information

- 1.6.1 Complaints have been received by the Local Planning Authority in 2012 and 2013 that the premises were being used as a gymnasium. The complaints were primarily in relation to the noise resulting from amplified music. A gymnasium type use is generally regarded as being D2. Therefore this application does not seek to regularise that use, and the applicant has advised that the use of the building as a gym has ceased.
- 1.6.2 To give Members a clearer idea of what type of uses fall into the A1, B1 and D1 uses, the following descriptions have been taken from the planning portal website:

***A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners and funeral directors.*

***B1 Business** - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.*

***D1 Non-residential institutions** - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non residential education and training centres."*

## 2. **DETAILS OF PLANNING HISTORY:**

- 2.1 APH/657/78: Erection of shed for Youth Club; GRANTED 31/1/79
- 2.2 46/2008/0089: Internal alterations and change of use to form 2 No. business units and demolition of external toilet block; GRANTED (delegated powers) 18/4/2008

## 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 RD1** – Sustainable development and good standard design  
**Policy BSC12** – Community facilities  
**Policy PSE6** – Retail economy  
**Policy PSE9** – Out of centre retail development  
**Policy PSE10** – Local shops and services  
**Policy VOE1** - Key areas of importance  
**Policy ASA3** – Parking standards

#### 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Residential amenity
- 4.1.3 Highways (including access and parking)
- 4.1.4 Impact upon listed building/conservation area

4.2 In relation to the main planning considerations:

4.2.1 Principle

The proposal relates to the establishment of a mixed use within a single building in a town. There are therefore a number of LDP policies which are relevant.

Policy PSE 9 relates to retail development outside of the defined 'town centres'. It permits small scale retail uses within development boundaries that are less than 500m<sup>2</sup>, serve the local population, do not form part of an industrial estate, and do not jeopardise the viability and vitality of the town centre. The proposal being considered includes 15sqm of A1 retail. It is located and of a scale and nature that suggests it is most likely to serve the local population and would not jeopardise the vitality and viability of the town centre (approximately 200m away).

Policy PSE 10 supports proposals for new local shops and services provided they satisfy Policy PSE 9. Policy PSE 10 states that proposals which would combine a number of services within a single location to ensure the overall viability will be looked on favourably. It is considered that the proposal for a mixed use of A1, B1 and D1 would fall into this category.

Policy BSC 12 encourages the provision of community facilities provided that they are located within development boundaries. The reasoned justification of the policy defines community facilities as being schools, theatres, village halls and places of worship amongst other things. It is considered that the D1 element of the current proposal clearly falls within this definition of community facility as it is the applicant's intention to hire out the hall for community groups to use, including a local theatre group, and a diet group.

With reference to the policies above it is considered that the proposal is acceptable in principle, subject to detailed assessment of the impacts, as set out below.



#### 4.2.2 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

Concern has been raised on the basis of disturbance to residential amenity by way of noise. Residents in the area have commented that in the past the building has been used as a gymnasium/fitness centre which has utilised loud amplified music. Whilst the proposal now being considered is for a different use, it does not necessarily mean that there will not be a requirement at some time for users of the hall to play music. There are no windows to the elevations of the hall. Concern has also been raised on the basis of potential disturbance to residential amenity resulting from additional activity at the premises – people arriving and departing etc. The proposed uses include an A1 hairdressing salon, a B1 office and a D1 hall for public hire.

With regard to the A1 use, the size of the unit is not considered likely to be able to accommodate a significant number of patrons. Given the parking restrictions on the highway in this area, the vast majority of people would have to arrive by foot, having walked from a nearby car park. The hours of operation are most likely during the day, although some evening openings could not necessarily be ruled out. Similarly, the nature of the B1 use is described in the Use Class Order as being a use suitable in a residential area. It should also be noted that the nature of a B1 office does not generate significant visits from members of the public.

Within the D1 use class there is a wide range of uses, from libraries to day nurseries. However, it should be noted that whilst at face value they may be considered to have different impacts, in planning terms these uses have been collected together because they share similar characteristics.

In considering the proposal's impact upon residential amenity, regard should be had to the fall back position; that is the use to which the building could be put without the grant of planning permission. In this case the fall back use is considered to be a youth club. It is noted that the existing youth club use is not controlled through planning condition, and so it could be used at any time of day, any day of the week and could utilise amplified music without control.

The location of the premises should also be considered. It is close to the centre of a city, close to main arterial transport routes and many other services.

It is considered in this context that the A1 and B1 uses would not result in a detrimental impact upon the residential amenity of occupants in the area. In acknowledging the concerns regarding the D1 use, it is considered that city centre locations such as this are often characterised by greater levels of activity than in more rural or suburban areas. Further, the potential impacts of the proposed D1 use are not considered to be significantly different to that of a youth club (as can be run from the premises with out any further consent), and on this basis alone it would be difficult to justify a recommendation for refusal that would be defensible on appeal.

The current application offers an opportunity to impose a degree of control onto the use relating to hours of operation, and the proposal is not therefore considered to be unacceptable in terms of impact upon residential amenity, subject to appropriate controls over the hours of operation.

#### 4.2.3 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and

manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development. Guidance on parking requirements is provided in SPG 21, Parking.

The proposal includes two 'residents only permitted' parking places to the front of the building. Other than that there is no parking provided in the application. SPG 21 advises that a maximum of 11 parking spaces should be provided. The street outside the building has parking restrictions which vary along its length from sections where waiting is prohibited, limited to 30mins, and limited to 2 hours. Owners of residents' permits can park there at any time. On the opposite side of the street, parking is prohibited at all times. There is a public car park within 200 metres of the site, and another within 450 metres. The site has good links with public transport.

It is considered that the two spaces to the front of the building would likely provide sufficient parking for staff using the B1 office and A1 salon. There is no formal end user for the D1 use as this is to be hired out to different users. Policy ASA3 makes it clear that the location of development, the access and availability to public transport, availability of parking within walking distance should all be taken into account when determining the level of parking to be provided. In this case, with two car parks within walking distance, and good access to public transport, its city centre location, the existing parking restrictions in the locality and the fall back position as a use as Youth Club, it is not considered that the maximum parking standards of SPG 21 need be applied; the proposal would not result in an unacceptable impact on the safe and free flow of traffic on the highway.

#### 4.2.4 Impact upon visual amenity/listed building/conservation area

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context. Policy VOE 1 looks to protect sites of built heritage and historic landscapes, parks and gardens from development that would adversely affect them. Development proposals should maintain and wherever possible, enhance these areas for their characteristics, local distinctiveness and value to local communities. Planning Policy Wales Section 6.5.9 confirms that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses, reflecting the contents of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

There are no proposals to alter the appearance of the building. However, as Grade II listed building consideration should be given to ensuring that the building has a viable use to avoid it remaining empty and falling into disrepair. Similarly in circumstances where a building is lain empty it can have a detrimental impact upon the wider appearance and character of the area; in this case part of St Asaph's Conservation Area.

It is considered that the uses proposed offer a positive opportunity to bring the building back into use. This may help to secure the longer term maintenance and up keep of what is a historic asset. The proposal is considered to offer potential benefits

and is therefore acceptable in terms of its impact upon the character of the conservation area and listed building.

**5. SUMMARY AND CONCLUSIONS:**

5.1 Given the city centre location and the fall back position use as a youth club, it is considered that the proposal would not result in an unacceptable impact upon the amenity of the area.

**6. 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. No sound amplification equipment or loudspeakers shall be operated at the premises other than in accordance with details to be agreed in writing with the Local Planning Authority.
3. The premises shall not be open to customers outside the following hours and days:  
08:00 - 2330 Monday - Friday

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. To protect the amenities of occupiers of nearby properties.
3. In the interests of the amenity of occupiers of nearby residential property.

**NOTES TO APPLICANT:**

None.

