

**02/2024/1010**



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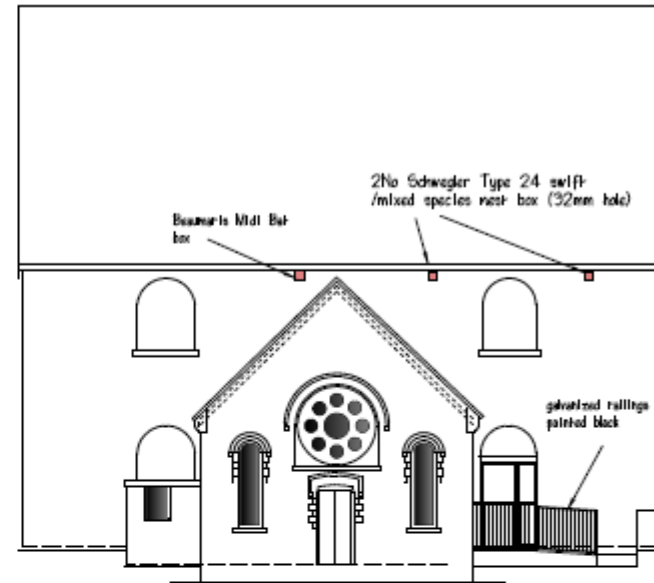


# AS PROPOSED

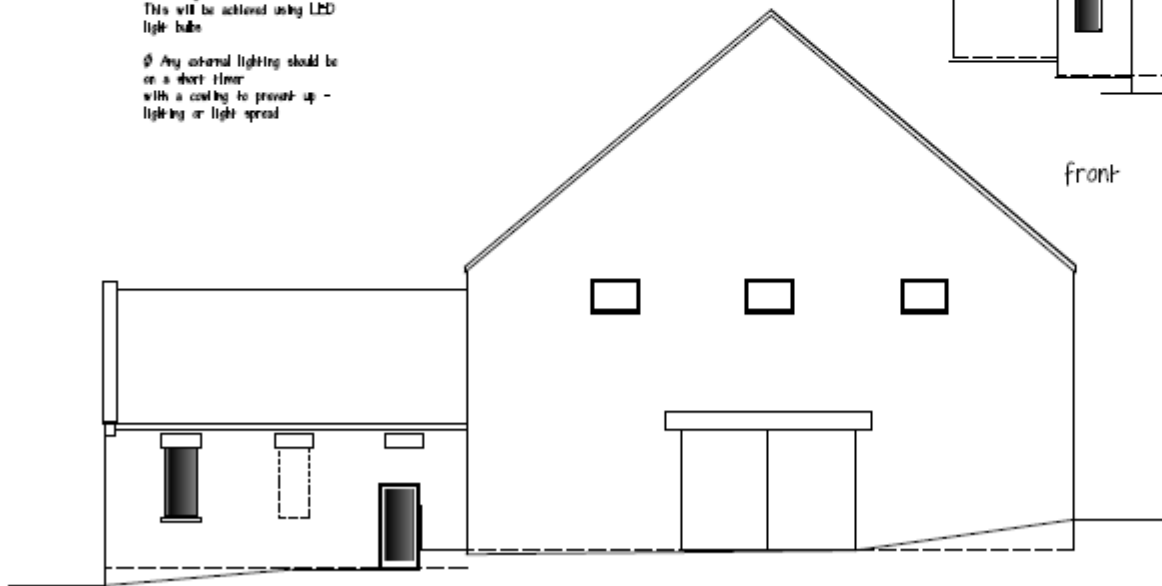
Ø All external lighting to be of a low luminance and directional towards the ground. There will be no high level illumination or bays lighting which will discourage bats and there will be no external lighting on the south elevation near to the proposed bat box. All external lighting will include a motion sensor and a one minute timer to avoid them being left on continually.

Ø A warm white spectrum ideally less than 2700 Kelvin to be adopted. Lights should feature peak wave lengths higher than 700nm to avoid the component of light most disturbing to bats. This will be achieved using LED light tubes.

Ø Any external lighting should be on a short timer with a coating to prevent up - lighting or light spread.



front

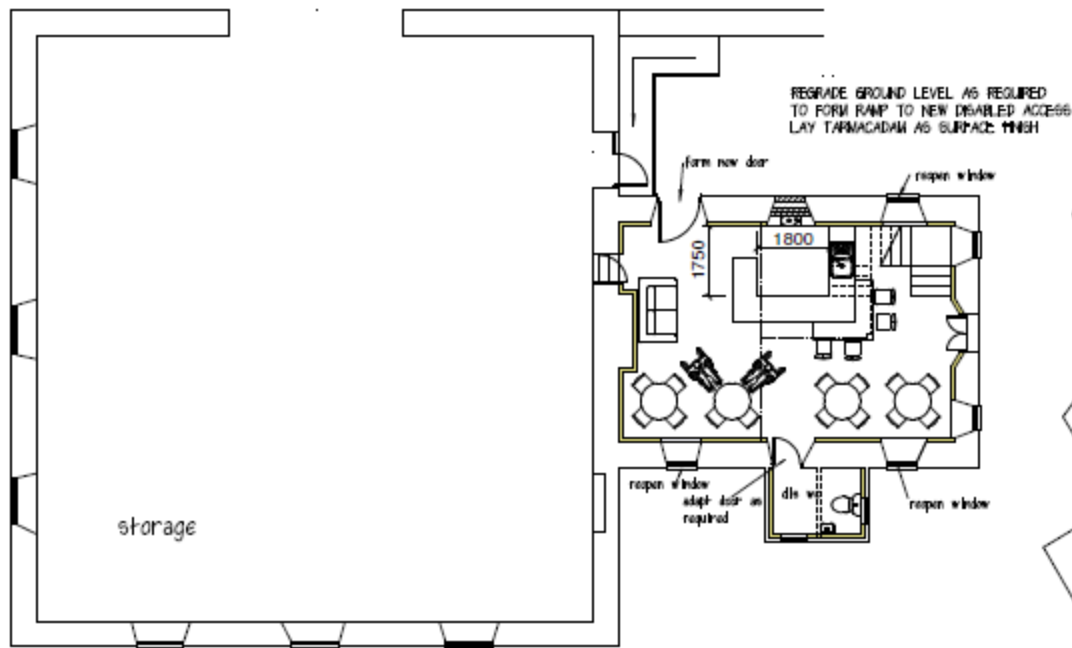


side ELEVATIONS 1 : 100 @ A3

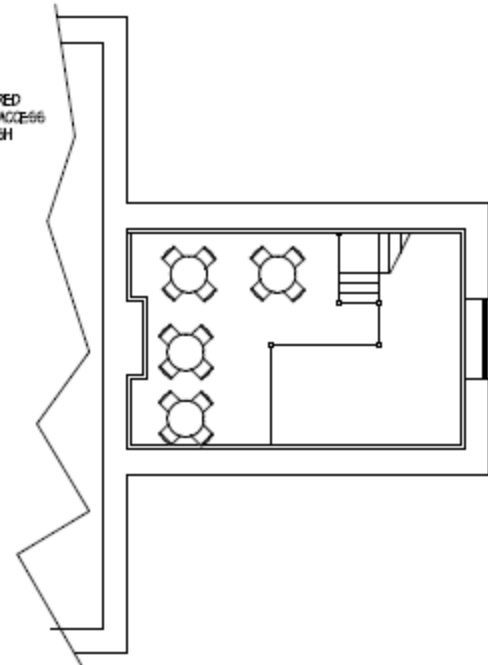
CAPEL Y RHOS  
RHOS STREET  
RUTHIN



# AS PROPOSED



GROUND FLOOR PLAN  
option 1 | 1:100 @ a3



FIRST FLOOR PLAN

CAPEL Y RHOS  
RHOS STREET  
RUTHIN















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26

Wrexham A 525  
Wrecsam A 525  
Llangollen (A 542)  
Bala A 494  
Through routes  
Ffyrdd drwodd







Danger  
Fragile Roof

**WARD :** Ruthin

**WARD MEMBER(S):** Councillor Huw Hilditch-Roberts (C), Councillor Emrys Wynne and Councillor Bobby Feeley

**APPLICATION NO:** 02/2024/1010/PF

**PROPOSAL:** Change of use of part of depot to café, installation of access ramp and associated works

**LOCATION:** Old Chapel Rhos Street, Ruthin, Denbighshire, LL15 1DU

**APPLICANT:** Mr and Mrs H Howatson

**CONSTRAINTS:** Development Boundary  
Landscape of Outstanding Historic Interest  
Landfill 250m Min y

**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice – No  
Neighbour letters - 13

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**TOWN COUNCIL**

Object on the grounds of traffic issues and concerns regarding lack of information.

**WELSH GOVERNMENT TRUNK ROADS**

Does not issue a direction.

**CADW**

No response.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Traffic, Parking and Road Safety:

- Highways Officer

No objection.

**Public Protection Officer**

Requested opening hours be restricted to 08:00 - 17:00 Monday to Saturday and 10:00 - 16:00 Sundays and Bank Holidays to protect residential amenity.

**Conservation Officer**

No response.

**Ecology Officer**

Initially requested amended details due to Cofnod records of Swifts nested under the north-facing eaves of the building during 2023, so requested that these be aimed at swifts and located in more optimal locations. The plans were updated and enhancement measures were considered acceptable.

## **RESPONSE TO PUBLICITY:**

### In objection

Representations received from:

Mr Arwel Jones, 28 Rhos Street, Ruthin

Summary of planning based representations in objection:

- Concerned regarding parking and where customers would park. Cars currently park all the way up Haulfryn. Some people have permits to park in the nearest car park, and concerned that the customers would prevent these people from parking. Emergency Services have struggled to access the street due to parked cars. A busy road with school children - making traffic more of a hazard. Where are delivery drivers going to park?
- Concerns about noise and bright lights as generally an elderly population

**EXPIRY DATE OF APPLICATION:** 06/05/2024

**EXTENSION OF TIME AGREED:** 09/10/2024 (Planning Committee)

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

- additional information required from applicant
- 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 proposed development is for the change of use of part of the Old Rhos Street Chapel (former vestry area) into a A3 café use. The submission confirms that this would be a coffee shop. There would be a counter and tables on ground floor with additional tables on first floor. The WC is to be upgraded to make it fully accessible.
- 1.1.2 There would be some minor external alterations including opening up some windows that have been previously bricked up and the introduction of a door on the side of the building which would be to provide access for wheelchairs, prams etc.
- 1.1.3 A new disabled access ramp is to be provided to the side elevation. The ramp will serve the rear storage/depot only as the levels in the cafe are to be reduced so that level access can be provided into cafe from the side door without the need for a ramp.
- 1.1.4 The application confirms that the rear part of the site will continue to be used as a storage depot to serve the applicant's tarmacking business including small plant and equipment. They stressed that no heavy plant/machinery would be stored here.
- 1.1.5 The proposals include the erection of biodiversity enhancement measures including a bat box and two bird boxes.

#### 1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application is supported by a Planning Statement that makes the following key points:
  - The building has previously provided storage for 12 vans overnight for the post office.
  - There have never been any parking provision for the postal workers - these would have likely parked in Haulfryn or in Rhos Street Car Park. No parking is to be provided to serve the café. However, the statement considers that there will be less traffic than the former use with customers aimed to be on



foot from the main footpath with 2 large schools and 3 housing estates - all within walking distance.

- The rear area will be retained as a storage depot for the applicant's tarmacking business - small plant and machinery only.
- No trees or hedges to be lost.

1.2.2 The application is also supported by a Green Infrastructure Statement, that outlines the following:

- Measures for bat and bird boxes and a scheme for sensitive external lighting measures (also detailed on proposed elevation plans).

### 1.3 Description of site and surroundings

1.3.1 Old Rhos Street Chapel is a former chapel that has been used until recently for the parking and cleaning of Post Office vans (Storage depot). The proposed cafe is within the front part of the site which has until recently been used as a canteen serving the depot. The property retains its original features and character, with its stone construction, arched and circular window features and lintels. The front part of the site is enclosed by a stone wall with cast iron gates and fences.

1.3.2 The front part (subject to the proposed change of use to a café) faces onto Rhos Street (the A494). The rear part of the property used as a storage depot has a large access door facing onto Haulfryn. There are predominantly residential properties surrounding the property with the former Rhos Street School (closed) adjacent to the site to the southeast. There are some other commercial uses directly to the rear/west of the building including a garage.

1.3.3 The Rhos Street Car Park is located 50m along the pavement from the front of the property.

### 1.4 Relevant planning constraints/considerations

1.4.1 The application site is located within the Development Boundary of Ruthin. The area forms part of the Vale of Clwyd Landscape of Outstanding Historic Interest. The site is accessed from the A494 Trunk Road. The site is within 250m of the Min y Clwyd Yard (Landfill).

1.4.2 The Grade II\* listed building Rose Cottage is located directly to the east of the site.

### 1.5 Relevant planning history

1.5.1 The only planning history relates to the property being used as a garage.

### 1.6 Developments/changes since the original submission

1.6.1 Additional information was provided regarding the proposed use, access ramp, and amendments to the biodiversity enhancement measures.

### 1.7 Other relevant background information

1.7.1 None.

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

2.1 12/3593 Extension to property. GRANTED 19/06/1979 .

2.2 2/5619 Extension to existing garage to provide vehicle testing bay. GRANTED 30/03/1982.



### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

#### **Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy PSE9** – Out of centre retail development

**Policy VOE5** – Conservation of natural resources

**Policy ASA3** – Parking standards

#### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Hot Food Takeaways

Supplementary Planning Guidance Note: Parking Requirements In New Developments

#### **Government Policy / Guidance**

Planning Policy Wales (Edition 12, 2024)

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 4 Retail and Commercial Development (2016)

TAN 5 Nature Conservation and Planning (2009)

TAN 11 Noise (1997)

TAN 12 Design (2016)

TAN 18 Transport (2007)

TAN 23 Economic Development (2014)

TAN 24 The Historic Environment (2017)

### 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further states that material considerations 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales (Edition 12, 2024) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning

Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 12) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development as set out in Planning Policy Wales (Edition 12, 2024).

Generally, the LDP directs new retail development towards the defined town centres. However, Policy PSE 9 relates to 'Out of Centre retail development', which whilst not being directly relevant to A3 uses offers a guide as to what out of centre commercial developments might be acceptable. Policy PSE9 states that proposals for small-scale retail uses within development boundaries will be permitted outside town centres provided they:

- i) are less than 500m<sup>2</sup> gross area, and
- ii) serve the local area, and
- iii) do not form part of an industrial estate, and
- iv) do not jeopardise the viability and vitality of town or district centres

The application confirms the following:

- i) The gross footprint of the proposed cafe would be 66m<sup>2</sup>.
- ii) The intention is for it to serve the immediate surrounding area where there are 3 large housing estates and 2 large schools.
- iii) The former chapel is on a Housing Estate not an industrial estate.
- iv) The small scale proposal would not jeopardise the viability or vitality of the Town Centre. Converting the former vestry into a coffee shop will preserve and enhance this important and attractive historic building and return it to a community meeting place to benefit the community once again.

Officers do not consider that a café / coffee shop of this scale would detract from the use of the Town Centre and also would provide an economic / public community use for this building which has for a long time been associated with storage use. Given the scale and local supporting community that the submission aims the scheme at, it is not considered that it would jeopardise the viability or vitality of the Town Centre. The site is within walking distance of the Town Centre so patrons would likely still use

the Town Centre if they were to visit. On this basis, Officers consider that the principle of the proposed development is acceptable.

Given the proximity to the two local schools, Officers have included a note to applicant emphasising the need to promote healthy food and drink options.

#### 4.2.2 Visual 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 are matters relevant to the visual impact of development; test (iv) 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.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

The proposals include some external alterations including opening up windows that have been previously bricked up; an additional door will be inserted where a window was previously and a ramp with railing will be introduced to serve the rear part of the building. Externally the ground around the building will be surfaced with tarmac.

Overall, it is considered that these alterations are sympathetic and will retain the main features of the building. Having a viable use for the property will also hopefully ensure the long-term maintenance of the property which would result in a more active and attractive frontage.

Officers propose a condition that the works use materials to match the existing building including for windows and doors.

The other associated visible change could be the need to store bins within the curtilage of the property. There is a suitable location to the rear of the side extension (historic) that would be out of view. A condition is proposed to require the submission of details of the bin storage area so that there is some control of this.

Officers consider that, subject to the conditions, the character of the building and visual amenity of the site would be protected as part of the proposed development and that a viable use for this part of the site could improve the frontage and maintenance of this historic building which would be beneficial for the building but also the street scene.

#### 4.2.3 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..

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration. 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.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

It is considered that the main residential amenity impacts from the site could be potential for overlooking from the re-opening up of windows, and potential disturbance in terms of noise.

No representations have been received raising concerns about residential amenity.

In terms of potential for overlooking, the properties in proximity of the site are to the west (left hand side when looking at the property), east (right hand side) and south (front). The property to the west has its side elevation facing towards the side elevation of the Old Rhos Street Chapel. There is a first floor window in this elevation, however, the window is obscure glazed. Therefore, although the windows are being re-opened, and face towards each other it is not considered that this will cause a loss of privacy for the dwelling.

It is not considered that the property to the east would be impacted as the highway is located between the Old Rhos Street Chapel and the side elevation. There is a window on this elevation, however there is 35m between them.

In terms of the property to the south, this is only 12.5m away from the front elevation. There are three sets of windows – the ground floor windows are both already obscure glazed. A condition is proposed that these remain obscure glazing. The upper floor windows are not obscure glazed, however, the mezzanine floor is set away from these, therefore it is not considered that it would create an overlooking issue.

The application has been assessed by Public Protection Officers, and they have recommended that the opening hours are restricted to 08:00 - 17:00 Monday to Saturday and 10:00 - 16:00 Sundays and Bank Holidays.

There is no indication of any extraction equipment to be installed, so Officers have included a condition relating to the need for any equipment to be agreed in writing prior to installation.

Subject to the imposition of appropriate planning conditions, it is considered that residential amenity would be suitably protected.

#### 4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (Edition 12, 2024) within Chapter 6 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (Edition 12, 2024) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems" (Section 6.4.5).

Planning Policy Wales (Edition 12, 2024) also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

Planning Policy Wales (Edition 12, 2024) includes policies relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- Green Infrastructure

A strong emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.

- Net Benefit for Biodiversity and the Step-wise Approach

Clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach, pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- Protection for Sites of Special Scientific Interest (SSSI)

Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape'.

- Trees and Woodlands

A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned,

and 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; and the effects of development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Future Wales – The National Plan 2040 (2021) Policy 9 advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

The proposal is not supported by an ecology survey however PPW 12 states that all new developments should demonstrate a biodiversity enhancement. 2 No Schwegler Type 24 Swift/mixed species boxes and a Beaumaris Midi bat box are shown on the plans to be installed to the south elevation of the main building. It is considered that the biodiversity enhancement is acceptable given the proportions and location of the development. It is therefore considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity net gain at the site.

The County Ecologist has confirmed the suitability of these measures and subject to the imposition of an appropriately worded condition, it is considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity opportunities at the site.

#### 4.2.5 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (Edition 12, 2024) at para 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

It is not considered that the proposed use would have any drainage implications. A condition is proposed that would require the installation of grease traps to prevent any impacts upon the public sewer from the kitchen use.

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

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

These policies reflect general principles set out in Planning Policy Wales (Edition 12, 2024) and TAN 18 – Transport, in support of sustainable development.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration. The application site is located on the A494 which is a Trunk Road. The Welsh Government Trunk Roads Authority raise no objections to the proposed development nor do the Local Highway Authority.

A representation has been received from a neighbour concerned regarding traffic issues and also the Town Council have objected to the proposed development due to concerns regarding traffic/ parking. According to the responses, Haulfyn has existing issues with parking. Concerns are that the proposed cafe would exacerbate these issues.

The submission states that the intention is for the coffee shop to attract customers from the local area from the 3 housing estates and passing footfall from the 2 nearby schools. There is a Rhos Street Car park 50m to the west and there is also some roadside parking adjacent to this. Given the sites urban location and there being a nearby public car park, it is considered that it would not be reasonable to refuse the proposed cafe on parking grounds. This view is given additional weight when the previous uses such as a chapel and then as a Postal Office Depot is taken into account.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

##### Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

## 5. SUMMARY AND CONCLUSIONS:

5.1 Having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, the application is considered to be acceptable and is recommended for grant.

### **RECOMMENDATION: GRANT** - subject to the following conditions:

1 The development to which this permission relates shall be begun no later than 9 October 2029.

2 The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

- i) Proposed elevations rear Received 04-09-2024
- ii) Planning Statement August 2024 Received 23-08-2024
- iii) Existing elevations front and side Received 19-06-2024
- iv) Floor Plan as proposed option 1 Received 19-06-2024
- v) As Proposed elevations front and side Received 19-06-2024
- vi) Existing side elevation Received 11-03-2024
- vii) Existing and proposed site plans Received 11-03-2024
- viii) Location Plan Received 11-03-2024
- ix) Proposed elevation side Received 11-03-2024
- x) Existing floor plan Received 11-03-2024
- xi) Green Infrastructure Statement Received 11-03-2024

3 The materials and finishes of the external surfaces of the walls, roofs, windows and doors of the building hereby permitted shall be of the same material, texture, design, type and colour as those on external walls, roofs, windows and doors of the existing buildings.

4 Prior to the use hereby approved commencing, the biodiversity enhancement measures set out on the approved Proposed elevations plan (Rear elevations 6/9/24) shall be implemented in full in accordance with the approved details, and shall include at least two Schwegler swift boxes and one Woodstone Beaumaris bat box.

5 In accordance with the approved floor plans, the use hereby permitted in the front part of the building relates to Class A3 Café Use only. The rear part of the property shall remain as storage use only.

6 The A3 use hereby permitted shall not operate outside of the following hours: 08:00 - 17:00 Monday to Saturday; and, 10:00 - 16:00 Sundays and Bank Holidays.

7 No equipment to control the emission of fumes and odour from the premises shall be installed without the prior written consent of the Local Planning Authority. All equipment installed as part of any scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

8 Grease traps shall be installed on the drainage system serving the development prior to the commencement of the use hereby permitted, to prevent the discharge of grease into the public sewer. The grease traps shall be retained at all times thereafter.

9 Prior to the use of the development hereby permitted commencing; details of litter bin storage shall be submitted to and approved in writing by the Local Planning Authority and the details approved shall



be implemented and retained at all times unless otherwise agreed in writing by the Local Planning Authority.

10 The ground floor windows shown on the front elevation plan which face south shall be fitted with obscure glazing. The windows shall be retained as obscurely glazed windows unless otherwise agreed in writing by the Local Planning Authority.

**The reasons for the conditions are:**

- 1 To comply with the provisions of Section 91 of the Town and Country Planning Act 1990
- 2 For the avoidance of doubt and to ensure a satisfactory standard of development.
- 3 In the interests of visual amenity and preserving the character of the building.
- 4 In order to maintain and enhance biodiversity.
- 5 An alternative A3 use would require additional considerations, in the interests of the amenities of occupiers of other properties in the vicinity of the site.
- 6 In the interests of the amenities of occupiers / users of nearby properties.
- 7 In the interests of the amenities of occupiers / users of nearby properties.
- 8 To reduce the risk of pollution to the water environment.
- 9 In the interest of visual and residential amenity.
- 10 For the avoidance of doubt and in the interests of protecting residential amenity.