

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
27 July 2015

APPLICATION NO:
P/2015 /0422

LOCATION:
18B HIGH STREET JOHNSTOWN
WREXHAM
LL14 2SN

DATE RECEIVED:
08/06/2015

COMMUNITY:
Rhos

DESCRIPTION:
CHANGE OF USE OF GROUND
FLOOR AND BASEMENT OF
PREMISES TO (CLASS A3) SHOP /
CAFE USE AND INVOLVING NO
EXTERNAL ALTERATIONS

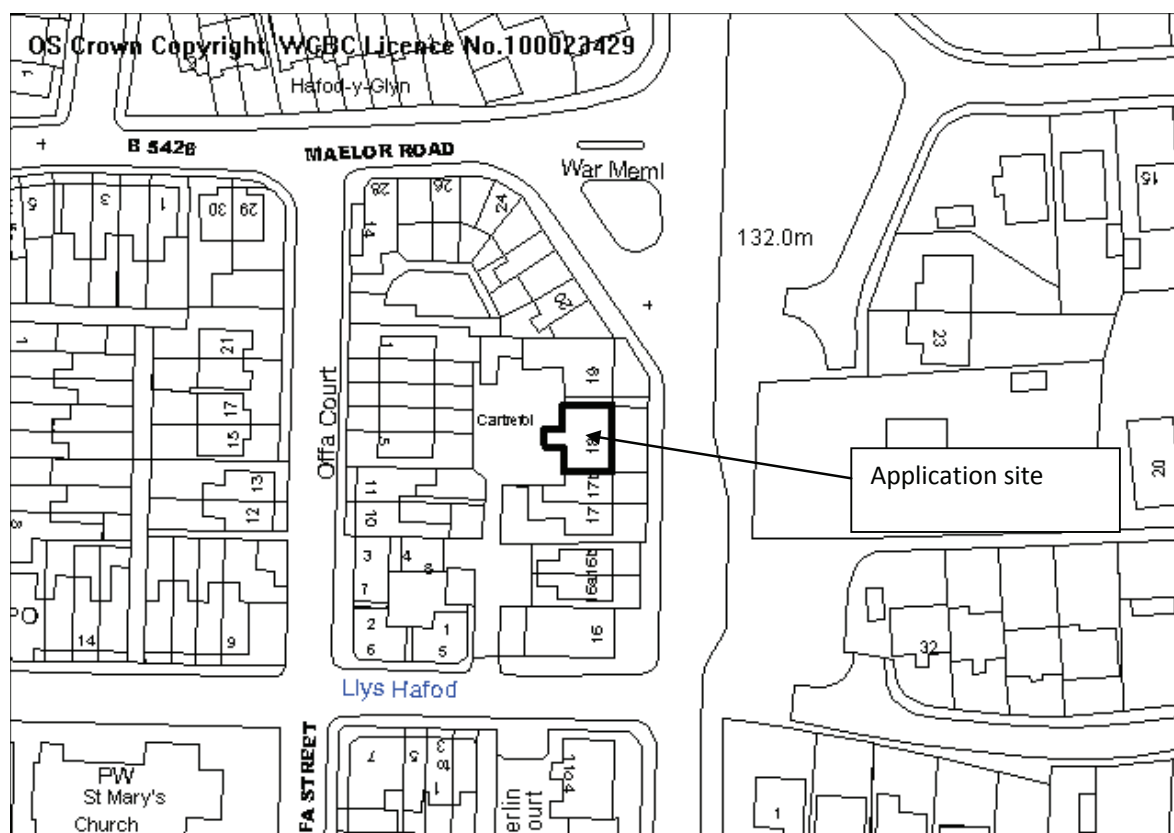
CASE OFFICER:
MP

WARD:
Johnstown

AGENT NAME:
MISS SELINA JONES

APPLICANT(S) NAME:
MISS SELINA JONES

THE SITE



PROPOSAL

As above. I understand the previous use of the premises was as an optician, a Class A1 use.

HISTORY

No recent history.

DEVELOPMENT PLAN

Within settlement. Policies GDP1 and T8 apply

CONSULTATIONS

Community Council:	Consulted 11.6.15
Local Members:	Notified 11.6.15
Public Protection:	Recommend conditions to require extraction/odour control equipment and to limit the noise levels of that equipment.
Highways:	No objection subject to a condition preventing the use of the site as a takeaway.
Neighbours:	The owners/occupiers of 9 nearby properties notified 19.6.15. 1 objection received expressing concerns about the lack of parking facilities for another business.
	1 representation in support received.

SPECIAL CONSIDERATIONS

Amenity: The application site is an existing commercial property and there are a number of other commercial premises nearby including a chemist, hair salon, convenience shop and a hot food takeaway. The site fronts onto High Street, a busy main road through the village and is close to the High Street/Wrexham Road/Maelor Road junction. There is already likely to be a considerable level of noise and activity in the vicinity of the site during the daytime when the proposed business will be operating (opening times 8am to 4pm weekdays and 8am to 2pm on Saturdays). The proposals are unlikely to result in a significant increase in noise levels.

Provided adequate means of extraction and odour control are installed the development is unlikely to have a significant impact upon amenity as a result of odour. The installation of extraction and odour control equipment will be required by condition.

Parking: Whilst noting the objection received, this is already a commercial property that has the potential to generate demand for parking in the vicinity irrespective of whether it is used as a café. The site is accessible on foot from surrounding residential areas and regular public transport passes the site thus allowing residents from the wider locality to travel to it by means other than the private car. I am therefore satisfied that the development is unlikely to increase demand for parking in the locality.

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The proposed café use falls within the same Class A3 use as hot food takeaways. Hot food takeaways are normally heavily reliant on customers picking up food orders by car therefore the proposed development could result in parking problems if the site were subsequently used for that purpose. I therefore intend to impose a condition to prevent the sale of hot food for consumption off the premises.

CONCLUSION

The development accords with policies GDP1 and T8.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. No part of the development shall commence until details of the means of ventilation for the extraction and dispersal of cooking smells, including details of its method of construction, odour control measures, its appearance and finish have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first use of the development and shall thereafter be permanently retained in an effective condition.
3. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.
4. The premises shall not be used for any purpose within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987(or any statutory instrument revoking and re-enacting that Order with or without amendment), other than as a restaurant/cafe. For the avoidance of doubt, no hot food shall be sold for consumption off the premises.
5. No customer shall be admitted to the premises other than between 08:00 - 16:00 Monday - Friday and 08:00 - 14:00 on Saturdays. The premises shall be closed and all customers shall leave not later than 16:30 Monday-Friday and 14:30 on Saturdays. No use of the premises shall take place on Sundays or Bank Holidays.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To protect the amenities of the occupiers of nearby properties.
3. To protect the amenities of the occupiers of nearby properties.
4. In the interests of highway safety.

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5. To ensure that the property is not used at a time which would be likely to cause nuisance or disturbance to nearby residents.