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**Our Ref:** JPW0459  
**Your Ref:** 2014/01019/FUL and 2014/01017/ADV

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**Date:** 8<sup>th</sup> October 2014

Mr S Zahoor  
Development Control  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

Dear Shafqut

**Planning Application Reference: 2014/01019/FUL and Advertisement Consent  
Application Reference: 2014/01017/ADV  
Change of use to Class A3 restaurant, new shopfront and fume extraction ducting together with  
plant at 16 Windsor Road, Penarth**

I write further to your letter dated 24<sup>th</sup> September 2014 and received at this office on 29<sup>th</sup> September 2014. Please find below the information requested.

#### **Marketing for Class A1 use**

With regard to marketing of the application site, I enclose a letter from the property agents Cooke & Arkwright dated 7<sup>th</sup> October 2014 that confirms:

- Christie & Co, agents for Spar, marketed the leasehold interest of the property from 2011 in knowledge that Spar were unlikely to renew their lease;
- Cooke & Arkwright was instructed by the landlord in June 2013 to market the availability of the property subject to obtaining vacant possession from Spar on 30<sup>th</sup> September 2014;
- Cooke & Arkwright marketing particulars were circulated to UK-wide retail agents and a comprehensive online marketing campaign was undertaken;
- The lease that was in place prohibited the landlord erecting a marketing board on the property until the final 6 months of the lease (a copy of this lease clause can be provided if necessary). A Cooke & Arkwright marketing board was erected in April 2014;
- The letter concludes that despite the best marketing efforts of Christie & Co and Cooke & Arkwright since 2011 there has been little Class A1 operator interest in the premises.

I trust that the enclosed demonstrates that marketing efforts over the past 3 years have failed to find a Class A1 occupier for the premises.

#### **Work being undertaken at risk**

Spar's lease at the property expired on 30<sup>th</sup> September 2014. Any works up to this date were the responsibility of the leaseholder and, it is understood, comprised the removal of the leaseholder's fixtures and fitting. No works at the site have been undertaken by Prezzo Plc prior to this date.



## Conservation and design issues

I have since spoken to the Council's Conservation Officer, Mr Peter Thomas, who confirmed that he had no objections to the proposals but requested that the size of the projecting sign be reduced "*if possible*".

Please find enclosed amended drawing number: 437914/2 Rev A, which indicates the projecting sign reduced to 650 x 650 mm.

## Bar 44 objection

We understand that Bar 44 has objected to the proposed change of use on the following grounds:

1. 'No justification for the change of use has been provided';
2. 'Loss of a Class A1 unit';
3. 'The premises should have been vacant and marketed for a minimum of 12 months';
4. 'No flat roof access is present where the applicant proposes the air conditioning and therefore access to the neighbour's property will be required to install, which will not be provided'; and
5. 'The contractor present on site recently was not aware that residential properties existed behind the unit indicating a lack of consideration'.

We are surprised by Bar 44's comments, which are addressed in turn below:

1. Full justification of the proposed change of use and associated works has been provided within the covering letter and Design and Access Statement (enclosed for your convenience) submitted in support of the planning application. These documents include a review of the planning policy context, an assessment of the proposal against those policies together with a summary of relevant material considerations in support of the proposals. We therefore consider that little weight can be attached to this assertion by Bar 44;
2. With regard to Bar 44's concern regarding the loss of a Class A1 unit, this contradicts its earlier view in respect of its own planning application for the change of use of 14 Windsor Road to Class A3 use in April 2012 that resulted in the loss of an existing Class A1 unit (planning permission reference: 2012/00542/FUL). At that time, in a letter dated 25<sup>th</sup> April 2012 submitted in support of the planning application (enclosed for your convenience), Bar 44 considered that "*The introduction of the application proposal within the primary frontage will have no material impact upon the vitality and viability of the centre as a whole*". If that proposal did not result in a negative material impact then it is somewhat contradictory and surprising to suggest that this, similar, proposal would have a different impact;
3. With regard to Bar 44's suggestion that 16 Windsor Road should be allowed to remain vacant and be marketed for a minimum 12 months, we, again, consider this to be surprising and contradictory when it is considered that 14 Windsor Road was vacant for only 8 months when Bar 44 submitted its planning application for change of use to Class A3 at the property;
4. With regard to Bar 44 confirming it will not grant access to this part of the property, please find enclosed amended plans (drawing number: 285/P02 rev A) that illustrates the proposed plant at the front of the property concealed behind the shopfront fascia parapet, which is where the plant serving Spar was located. 'Silent running' units with automatic shutdown are proposed that will not result in any detrimental impact to amenity;
5. With regard to Bar 44's allegation that contractors were unaware of residential properties being present in the vicinity, Prezzo Plc has not had access to undertake any works at the property until 30<sup>th</sup> September 2014 and therefore is unable to take responsibility. Prezzo Plc will brief any contractors undertaking work at the site on its behalf to consider neighbouring residents accordingly.

In addition, it is considered that Prezzo Plc's offer is complementary to that of Bar 44 – offering a different type of cuisine and dining experience that will improve the vitality and viability of Penarth District Centre.



### **Penarth Town Council comments**

We are pleased to note that Penarth Town Council has commented in support of the proposals by Prezzo Plc at 16 Windsor Road.

With regard to their query in respect of opening hours, please find enclosed the variation of condition permission for the adjoining Bar 44 at 14 Windsor Road (planning permission reference 2013/00497/FUL). Prezzo Plc requests the same opening hours as those permitted at the adjoining unit. I trust this is acceptable and I note that your Pollution Control colleagues have not raised any objection to the proposed opening hours.

### **Summary and conclusion**

In summary, the application site has been marketed for Class A1 use for over 3 years with no firm Class A1 operator interest. Prezzo Plc is not responsible for any works undertaken at the site before 30<sup>th</sup> September 2014. The Council's Conservation Officer finds the proposals acceptable subject to a reduction in the size of the projecting sign, which has been accommodated. Finally, the proposed opening hours reflect those accepted at the adjoining property and no objection to those hours has been provided by the Council's Pollution Control officers.

In conclusion, the planning application can be considered consistent with planning policy, which encourages a diversity of uses to create vital and viable town centres. Furthermore, it is considered that the available material considerations, including the creation of up to 20 jobs, weigh firmly in favour of planning permission being granted.

I trust that a favourable determination will follow in the near future. In the meantime, should you have any queries or require any further information please do not hesitate to contact me.

Yours sincerely  
For RPS

A blacked-out signature, likely of Dafydd Williams, with some faint scribbles visible underneath.

Dafydd Williams  
Principal Planner

cc:  
Mr D Street (Prezzo Plc)  
Ms N Odiwe (Naomi Design)  
Mr A Kalebic (Cooke & Arkwright)

Encs:  
As above.