

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 4 SEPTEMBER 2023

APPLICATION NO: P/2022 /0621	LOCATION: Y HEN FANC NEW ROAD GLYN CEIRIOG LLANGOLLEN LL20 7HE	DATE RECEIVED: 04/07/2022
COMMUNITY: Llansantffraid Glyn Ceiriog	DESCRIPTION: TRAWSNEWID ADEILAD I ANNEDD / CONVERSION OF BUILDING TO DWELLING	CASE OFFICER: GH1
WARD: Dyffryn Ceiriog/Ceiriog Valley	APPLICANT(S) NAME: MS S BATES	AGENT NAME: ROGER PARRY & PARTNERS LLP MR RICHARD CORBETT

The application was reported to the 7th November 2022 Planning Committee Meeting. The application was recommended for refusal for the following reason:

Insufficient information has been submitted to demonstrate that the continued use of the building for retail/commercial premises is no longer viable and that adequate steps have been taken to market the premises as such. In the absence of this information, it is considered that the development would prove harmful to the social and economic fabric of the locality and does not accord with policy S9 of the Wrexham Unitary Development Plan.

Members voted to defer the application for 6 months to allow the applicant to undertake marketing of the premises.

Applicant's Submissions: Following Members' decision to defer the determination of the application, the following additional information has been submitted:

- A letter from the Marketing Agent confirming the asking price, the level of interest in the property, and that there have been no formal offers made.
- The sales particulars.
- A Marketing Report prepared by the Planning Agent confirming details of the marketing process.

Compliance with UDP Policy S9: The additional information submitted outlines that the subject premises has been marketed for a period of at least six months. The submitted information confirms that the property has been comprehensively marketed for six months with no offers having been made during that period of marketing or indeed since.

UDP Policy S9 is explicit in requiring such marketing exercises to take place over a twelve month period, therefore this requirement has not been met. However, given the previous decision of Members to defer the application for

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a period of six months, the niche nature of the last use of the premises and its small scale, in this instance, the outcome of the marketing undertaken to date is likely to be representative of likely demand for a retail property in this location.

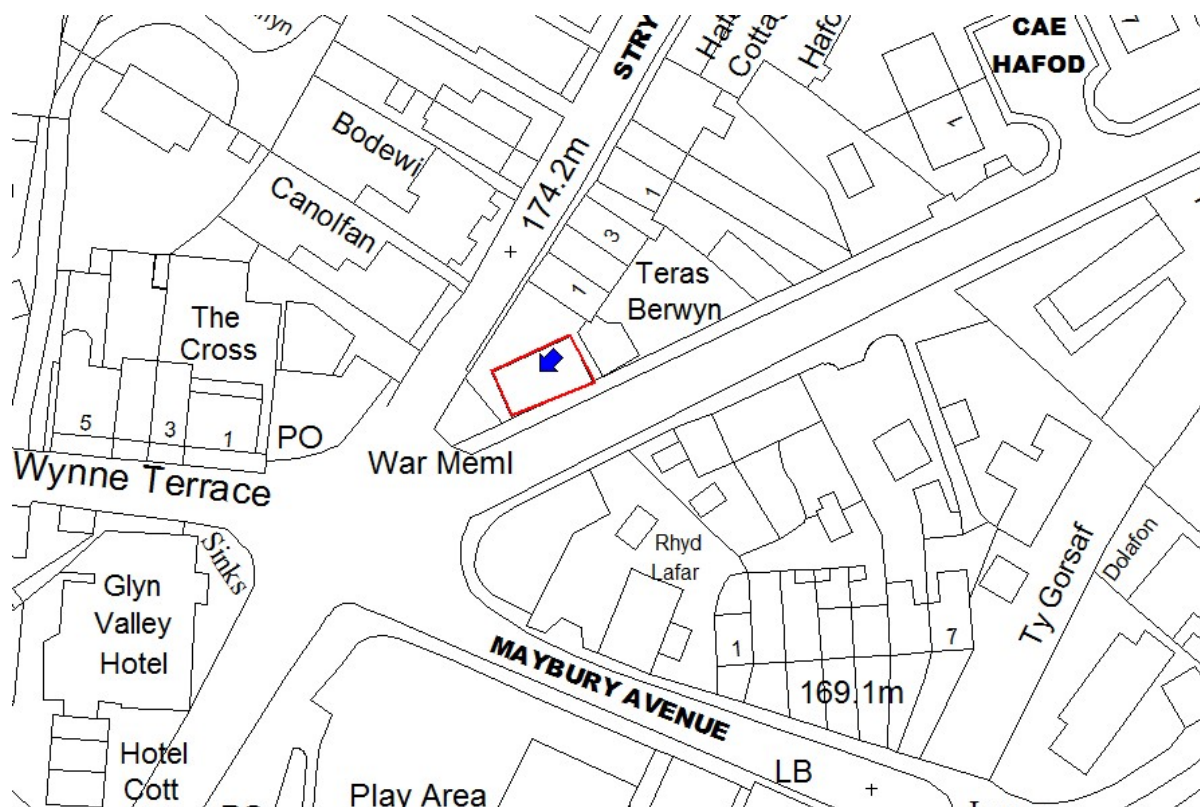
Whilst the requirements of policy S9 have not been fully met in this instance, it is unlikely a further 6 month period of marketing would result in a different outcome.

Conclusion: The loss of this retail premises to residential use would not be harmful to the social and economic fabric of the locality in this instance.

The proposed development is acceptable in respect of design and would not detract from the character of the locality or give rise to highway safety concerns. In such term it complies with UDP Policies PS1, PS2, GDP1, EC6, EC12 and S9.

The original report is included below in full as well as an amended recommendation.

THE SITE



PROPOSAL

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The application seeks approval for the conversion of an existing building to a dwelling. The building is currently used for retail and ancillary commercial purposes (tack shop and saddlery) on the ground floor and residential use (one-bedroom apartment) on the first floor.

The application is to be determined by the Planning Committee as it has been submitted by a family member of a Local Member.

HISTORY

No relevant history is available for the site.

DEVELOPMENT PLAN

The site is located within the settlement limit, within a C2 flood zone and within the SAC buffer. Policies PS1, PS2, GDP1, EC6, EC12 and S9 are relevant.

CONSULTATIONS

Community Council

No response has been received.

Local Member

The Local Member has declared a personal interest in the application and therefore no comment has been received.

Highways

No comments or recommendations were made.

Public Protection

An informative was requested in relation to construction/demolition noise.

Welsh Water

Condition requested relating to a drainage strategy, and comments made in relation to SuDS.

Contaminated Land

No comments.

Ecology

Due to the site's location within the SAC 500m buffer the Ecology officer was consulted. No concerns raised – the potential occupancy of the building will not change therefore the volume and concentration of wastewater will not increase.

NRW

Original comments - The planning application proposes highly vulnerable development and the application site is identified as being at risk of flooding. Unless there are overriding reasons to consider granting planning permission,

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we would advise that your Authority should refuse the planning application on planning policy grounds.

The application site is within the catchment of the River Dee and Baa Lake SAC. The application proposes connection of foul water to the mains sewer. Your Authority will need to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC.

Following further discussions with NRW relating to the existing flat above the shop and kitchen on the ground floor, they have stated that while they have concerns about the application they are satisfied these can be overcome by the use of a condition relating to floor levels in the property.

Neighbours

No representations were received.

SPECIAL CONSIDERATIONS

Principle of development: The creation of a dwelling within the settlement limit would normally be considered acceptable in principle subject to compliance with policy GDP1 of the UDP.

The applicant has stated that the main use of the ground floor is B1 use and that the retail element is ancillary. However, the business website for the saddlery clearly states that there is a 'good range of tack and equipment' stocked and that they sell a large range of new and second hand saddles and vintage hunting gear.

The existing floor plan shows the 'main store' to be the largest area with the 'repair shop' being a significantly smaller area to the rear of the unit. It is also worth noting that the premises was previously used as a bank (Class A2 use). A change of use from Class A2 to Class A1 and as a single flat is permitted development under Part 3 of the Town and Country Planning (General Permitted Development) Order 1995, whereas change of use from Class A1 or A2 to Class B1 requires planning permission. Planning permission for change of use has not been sought or granted. It is therefore considered that the ground floor is currently used for retail purposes and that the B1 saddlery use is ancillary.

Policy S9 relates to the loss of local retail/commercial facilities outside of Wrexham Town Centre and the district shopping centres. Parts b and c of the policy require a building to be derelict or in unsightly condition – the building in question appears to be in excellent condition and of sound construction therefore parts b and c of the policy do not apply.

Part (a) of Policy S9 requires a use to be no longer viable and for reasonable attempts to have been made to sell or let the business over a 12 month period showing that those attempts have been unsuccessful. No such marketing has been carried out and no evidence has been provided to suggest that the business is no longer viable.

Glyn Ceiriog would be listed as a Tier 3 Local Service Centre in the emerging Local Development Plan (LDP). This reflects the fact that the village has a number of local services, albeit more limited number than settlements in Tiers 1 and 2, and acts as a key local service centre for other settlements in the Ceiriog Valley.

Within the Unitary Development Plan, it is noted that small scale shopping or commercial facilities are considered to be vital to the social and economic well-being of villages and hamlets throughout the County Borough. Furthermore, it is noted within the supporting text of Policy S9 that, *'The loss of these facilities could detrimentally affect local residents' quality of life and create a need to travel to facilities further afield.'* As such, it is important that applications proposing the permanent loss of such facilities are only approved in instances where it can be demonstrated that such facilities/services are no longer economically viable or required, in the interest of preserving important services in rural villages and communities across the County Borough.

It is noted that the existing retail use is a niche business and its loss may not in itself be harmful to the economic viability of the area. However, the purpose of the marketing exercise is to test demand for other retail uses that may in turn prove beneficial to the local area and the longer term sustainability of the settlement in terms of the provision of shops and small scale employment. In the absence of further supporting evidence, at this time the applicant has failed to provide reasonable justification for the loss of this shop. As such, the application conflicts with policy S9.

Residential amenity: The proposal involves the retention of all existing openings, and the creation of one new window in the rear elevation to serve a study. Due to the property's position in relation to surrounding residential properties, the minimal alterations to the existing building and its siting below the road level of High Street to the rear, the change of use would not result in a loss of amenity to nearby residents by virtue of loss of privacy or loss of light.

Parking: LPGN16 requires two parking spaces to be provided for a two-bedroom dwelling. There is no off-street parking available for this property, however unrestricted on-street parking is available to the front of the site at a safe distance from the nearby junction. Parking provision is therefore considered to be acceptable.

Phosphorous: The building currently has a residential use on the first floor with a bathroom and has a kitchen and toilet on the ground floor. The proposed change of use would not alter the numbers or size of kitchens/bathrooms and the proposed dwelling would remain as a one bedroom unit. It is therefore not considered that the proposal would increase the amount of foul discharge into the mains sewer to the detriment of the Bala Lake and River Dee SAC.

Flood risk: The site lies within a C2 flood zone. Retail and commercial uses are considered to be less vulnerable uses. Residential use is considered to be highly vulnerable. However, it is acknowledged that a residential use currently exists on the first floor and that the kitchen for that use exists on the ground floor. It is therefore considered that, subject to the use of a condition relating to the floor levels of the property the risk of flooding would not be increased over and above that which already exists on site.

CONCLUSION

The proposal would result in the loss of a local retail/commercial facility and no evidence based justification has been provided to suggest that the business is no longer viable. The change of use is therefore considered to be contrary to policy S9 of the UDP. Furthermore, the potential long term harm that would be caused to the settlement through the loss of this shop, is not considered to be outweighed by the limited benefits associated with the creation of one single residential unit, or by any other material considerations.

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. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents:
 - Application Form [Dated: 04/07/2022]
 - Dwg No: 75002 / PL / 02 - Site Location Plan
 - Dwg No: 75002 / PL / 04 - Proposed Block Plan
 - Dwg No: 75002 / PL / 05 - Existing Plans & Elevations
 - Dwg No: 75002 / PL / 06 - Proposed Plans & Elevations
 - Flood Consequential Assessment [By: Roger Parry & Partners LLP; Dated: June 2022]
 - Marketing Letter [By: Roger Parry & Partners LLP; Undated]
 - Marketing Report [By: Roger Parry & Partners LLP; Undated]
3. No development shall commence until a detailed Net Biodiversity Benefit Plan has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in-full prior to the first beneficial occupation of the dwelling hereby permitted and shall be retained thereafter for as long as the development remains in existence.
4. No facing or roofing materials (including windows and doors) shall be used other than materials matching those used on the existing building as they exist at the time of this approval.
5. Finished floor levels and all ingress points within the building shall be at least 300mm above the highest adjacent street level at the time of first occupation of the development hereby approved, and shall be retained as such in perpetuity.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure the development delivers net benefit to biodiversity in accordance with Paragraph 6.4.5 of Planning Policy Wales (Edition 11).
4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
5. To protect the development from the risks of flooding in accordance with Technical Advice Note 15 and Policy EC12 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

You should ensure that any difference between the plans approved under the Town and Country Planning Acts and under the Building Regulations is resolved prior to commencement of development, by formal submission of amended plans.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work

outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Dwr Cymru Welsh Water:

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The applicant may also need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption""- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.
