

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

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

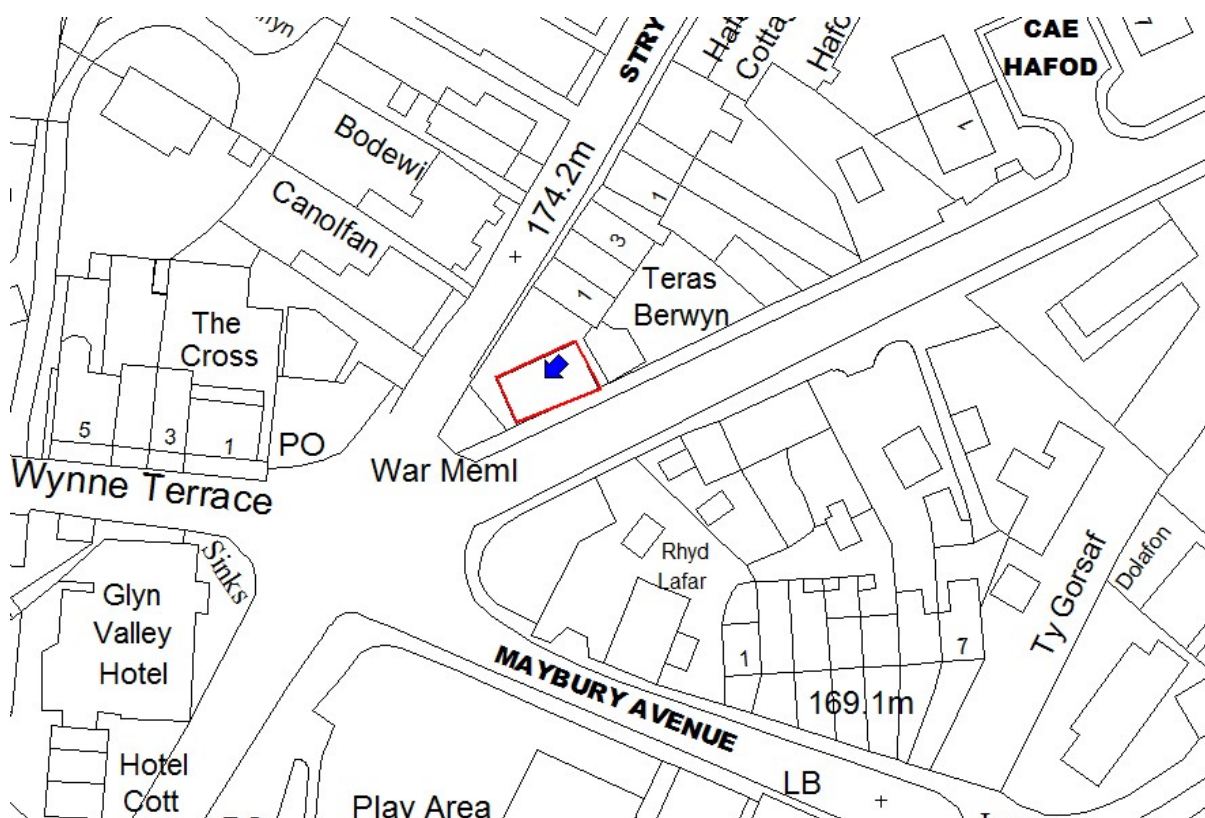
CASE OFFICER:
SH3

WARD:
Dyffryn Ceiriog/Ceiriog
Valley

APPLICANT(S) NAME:
MS S BATES

AGENT NAME:
ROGER PARRY &
PARTNERS LLP
MR RICHARD CORBETT

THE SITE



PROPOSAL

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.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

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, 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, 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.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

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 REFUSED

REASON

1. 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.
