

GROUND FOR APPEAL.

The main reason for refusal is the loss of a shop within the local area.

BACKGROUND.

The property is a residential and shop mixed use. The shop area is one room on the ground floor.

The shop has lay vacant for 6 years, with the remainder of residential property vacant for 4 years.

The Council themselves owned the property at one point and submitted an application, and obtained planning approval for the change of use of the shop. The application number P/2013/0356 Change of Use from Ground Floor Shop with Residential Above to Housing Estate Office. See Appendix A. It is noted in this approval, planning policy S5 is not mentioned as a relevant policy.

In March this year, the Council, whilst still owning the property, would seem to have had a change of idea for the site. They submitted a building regulation application, including a fee of £1000 + VAT, for the conversion of the property into 3no x 1 bedroom flats together with associated works. Building Control Ref BN/1516/0497. See Appendix B. We have no other details of the proposal.

The council sold the property to the current owner without any covenants restricting its use.

The planning officers report that accompanied the appeal application to the planning committee recommended the scheme be approved.

CASE.

This property is a mixed shop and residential unit.



Property in August 2009. Only one corner of the property in use a shop - a newsagents.



Property in October 2015. Although closed and empty, still only one corner of the property set as a newsagents.

Therefore, **in commercial terms the property is a corner room in a large residential property.** As a newsagents it has little appeal. Two larger convenience shops just down the street can sell newspapers together with a range of other products – a simple newsagents shop is just not viable.

The small corner room could be used as a fast food takeaway, but the village already has a plethora of these, and given the existing residential property to the rear, the recent conversion of the former bank into 4no flats across Princes Street, this I suspect would not be an ideal use of the site from the locals and the planner's viewpoint.

To renovate, modernize and convert the premises into a large shop or a commercial unit is not viable. One would have to remove structural walls, underpinning piers where new beams are required, rip out the one side of the front elevation to create a truly commercial elevation instead of the dwelling / shop current elevation, sound proof between floors, etc. etc., this is too great an investment for any commercial operator to take on board and see a return.

If it had been viable for a commercial use, then given it has been empty for six years, then there has been adequate time for prospective purchasers to come along and take on the property.

LOCAL SITUATION.

Locally, in the immediate area of Market Street there are 5 empty units and 11 occupied (a rate of 32%). At the top end of Market Street are other vacant units and as Market Street feeds into Hall Street, again there are other vacant units. Numerous empty units reflect badly on an area and especially when they fall into a state of disrepair – they start becoming a blight on the area. The appearance of empty units combined with the noise from the shutters rattling during the day just creates a poor impression and becomes a factor in trade going elsewhere. Again, the numerous empty commercial units provide evidence that despite how desirable it would be for the local area to have a range of busy active commercial premises, there is no demand.

THE FOUR OTHER UNITS EMPTY IN THE IMMEDIATE AREA OF MARKET STREET.



OTHER EMPTY UNITS IN MARKET STREET & HALL STREET.



In many respects it is a downward spiral, the more empty units there are in an area the less attractive it becomes. When there is a shortage of housing, and especially low cost housing, which tends to be the case for housing on the periphery of village or town centres, it seems illogical to let these types of property remain empty.

THE SCHEME.

The scheme has been designed to reflect a dwelling type feel rather than flats. This is a better solution for occupiers and results in improved soundproofing provisions. In addition, parking is provided for each unit. The parking arrangements have been approved in application 2013/0356, this approval is currently still live as the 5-year period has not yet expired.

PLANNING POLICY.

The council's UDP Policy S5, states *"Changes of use which would adversely affect the vitality and viability of these centres will not be allowed."*

In many respects by not allowing the change of use it will impact on the viability of the village centre. As mentioned above, the more empty units there are in an area, the less attractive it becomes.

As cited in the planning officer's report, there is no requirement to undertake a marketing exercise in respect of this property, policy S5 does not require it. However, if a one to two year marketing exercise was undertaken, then by the time any works were undertaken on this property, it would mean it had been empty for at least 8 years – village centres do not want long-term empty units?

Wrexham County Borough council cannot currently provide a 5 -year housing supply. Given the sustainable location of the site and the fact each property will have its own parking, then this is a significant material consideration.

CONCLUSION.

The local authority themselves did not pursue a retail use for the site when they owned it.

The site's commercial area is one ground floor corner unit of the property; the front elevation is 75% residential with only 25% commercial. When walking down the side or in front of the site it feels residential.



Given there are at least 30% of the commercial units are already vacant locally, then despite how desirable it would be for the local area to have a range of busy active commercial premises, there is no demand. Having properties empty for year after year is a blight on the area.

By converting to residential units, it will help the council meet its housing target and actually bring some additional trade to the local area. There is clearly little demand for commercial units and given the property is already primarily a residential unit, set on the periphery of the village centre, then this conversion should be welcomed.

HEALTH & SAFETY ISSUES.

If the inspector requires entry into the property, as mentioned on the appeal form the floors are in poor order and missing in places.





APPENDIX A.

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

Applicant	MR ANDREW LEWIS WREXHAM COUNTY BOROUGH COUNCIL	Code Number	RHOP/2013 /0356
Agent	WCBC, ASSETS AND ECONOMIC DEVELOPMENT MR PETER HUGHES CROWN BUILDINGS 31 CHESTER STREET WREXHAM LL13 8BG	Date Received	28/05/2013
		Decision Date	03/07/2013

Town and Country Planning Act, 1990

Town and Country Planning (General Regulations) 1992 - Regulation 3

Location of application

BIRMINGHAM HOUSE, MARKET STREET, RHOSLLANERCHRUGOG,
WREXHAM, LL14 1AF

Description of application

CHANGE OF USE FROM GROUND FLOOR SHOP WITH RESIDENTIAL
ABOVE TO HOUSING ESTATE OFFICE.

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

GDP1	Development objectives
PS2	Development and the environment
T8	Parking

Particulars of decision that planning permission be GRANTED

Subject to the following:-

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The motor vehicle and bicycle parking areas, together with bin storage

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area as shown on approved drawing no. PD2013/001 04 shall be fully laid out in strict accordance with the plan prior to first use of the development and shall thereafter be permanently retained. The parking spaces shall be kept free of all obstruction and made available for the parking of motor vehicles and bicycles at all times.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. In the interest of safety and the free flow of traffic on the adjoining highway and to protect the amenities of the occupiers of nearby properties.

Note(s) to applicant

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 292050.

The applicant is advised that any works to the external appearance of the building may be subject to a further application for planning permission to the Local Planning Authority.

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs 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

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can result in prosecution.

The applicant should adhere to the times given above wherever possible. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.



**Officer Appointed for this purpose
Head of Community Wellbeing and Development**

Refer to the Statement of Applicant's Rights and General Information enclosed

APPENDIX B.

Head of Community Wellbeing and Development
Pennaeth Adran Lles Cymuned a Datblygiad
Lawrence Isted

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CROWN BUILDINGS
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WREXHAM
LL13 8BG

Your Ref/Eich Cyf
Our Ref/Ein Cyf
Date/Dyddiad
Ask for/Gofynner am
Direct Dial/Rhif Union
E-Mail/E-bost

DGS/B control
30 March 2016
Dave Sharp

bc_admin@wrexham
.gov.uk

Dear Sir/Madam

**BUILDING ACT 1984
Building Regulations 2010**

Reference; BN/1516/0497/

Proposal: CHANGE OF USE TO FORM 3 X 1 BEDROOM FLATS & ASSOCIATED WORKS

Location: BIRMINGHAM HOUSE MARKET STREET RHOS WREXHAM LL14 1AF

I acknowledge receipt of your Building Notice and accompanying charge of £1,000.00 plus VAT received on 17/11/2015 in connection with the above proposal. Enclosed is the "Acceptance of the Building Notice" and I would ask you to carefully read the contents thereon, together with any enclosures.

It is our aim to provide an efficient service therefore once you are ready for a site inspection, please contact our Business Support Team before 10.30am to arrange a same day inspection.

Should you require any further information regarding your application, please contact the Officer dealing with your application Dave Sharp on the above direct dial telephone number.

Yours sincerely

Head of Community Wellbeing and Development/
Pennaeth Adran Lles Cymuned a Datblygiad

