
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/12/16

**gan Paul Selby BEng (Hons) MSc
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24.01.2017

Appeal Decision

Site visit made on 20/12/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 24.01.2017

Appeal Ref: APP/H6955/A/16/3160008

**Site address: Birmingham House, Market Street, Rhosllanerchrugog, Wrexham
LL14 1AF**

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Klass against the decision of Wrexham County Borough Council.
 - The application Ref P/2016/0706, dated 19 July 2016, was refused by notice dated 5 September 2016.
 - The development proposed is described as 'Proposed conversion of retail unit and sub-division of existing dwelling to form 3 no. dwellings'.
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Decision

1. The appeal is allowed and planning permission is granted for Proposed conversion of retail unit and sub-division of existing dwelling to form 3 no. dwellings at Birmingham House, Market Street, Rhosllanerchrugog, Wrexham LL14 1AF, in accordance with the terms of the application, Ref P/2016/0706, dated 19 July 2016, subject to the following conditions:
 - 1) The development shall begin not later than five years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans and documents: 16-140a (Existing Layout and Location Plans); 16-140b (Proposed Layout).
 - 3) Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no 16-140a for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available for such purposes in perpetuity.
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Main Issue

2. This is the effect of the proposal on the vitality and viability of the Rhos District Shopping Centre.

Reasons

3. The appeal relates to a two storey building facing onto Market Street, with side access obtained from Princes Road. Formerly in use as a newsagent with attached dwelling, the property is now vacant. The appeal building falls wholly within the Rhos District Shopping Centre, designated under Policy S5 of the Wrexham Unitary Development Plan. A range of retail premises lie in proximity to the site, interspersed with residential dwellings.
4. UDP Policy S5 states that changes of use which would adversely affect the vitality and viability of designated centres will not be allowed. I undertook my site visit during a weekday lunchtime, and was able to see that the village centre accommodates units which provide a range of services and convenience goods for local residents, generating a reasonable level of footfall. However, there are also a number of vacant or shuttered shop units within the vicinity of the site, including the appeal building itself, which the appellant contends has been vacant for a significant period of time.
5. The reasoned justification to Policy S5 at paragraph 8.12 of the UDP states that District Shopping Centres should not be undermined by the injurious location of retail development in other locations within the centre's catchment area or by changes of use from retail/commercial. The existing retail unit in the appeal building is exceptionally modest in size and its loss would not harm the overall quantum of retail floorspace within the centre as a whole. Although some level of vacancy within a shopping centre is inevitable, and indeed beneficial for the provision of a range and choice of units for future occupiers, the quantity of vacant units in Rhos District Shopping Centre, which is relatively limited in size, materially harms its vitality and viability.
6. Unlike other shopfronts nearby, the appeal building appears substantially residential in character, with half of its front elevation set back from the street. Given the mixed use character of Market Street, the proposed external alterations would not visually harm the commercial character of the centre. Further, replacing a vacant building with three modest dwellings would assist in supporting the vitality and viability of nearby commercial premises. For the reasons given above, I conclude that the proposal would accord with the objective of Policy S5 of the UDP to support the vitality and viability of District Shopping Centres.

Other Matters

7. The appeal proposal would provide three off-street car parking spaces to the rear, accessed from Princes Road. I saw that this street accommodates a significant amount of on-street parking by residents or shoppers, but given the limited size of the proposed dwellings I consider that three parking spaces would sufficiently provide for the needs of future occupants. Whilst the junction of Princes Road and Market Street is relatively constrained in terms of both size and visibility, the proposal would result in a substantially limited increase in the use of the junction, including by pedestrians. Subject to appropriate conditions, I consider that the proposal would not unacceptably harm the safety of pedestrians or highway users.

8. Concerns have been raised regarding the potential for the proposed removal of a rear outbuilding to affect the stability of a brick boundary wall. It appeared to me that the outbuilding and wall are largely separate structures and thus the proposed car parking could be provided subject to construction mitigation measures. In any event, this is a private matter between the two parties and consequently I afford it little weight.
9. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conditions

10. Other than the standard plans and time limit conditions, which are necessary in the interests of proper planning, the Council has suggested other conditions to which I have had regard. A condition requiring the submission of details or samples of external materials is necessary in the interests of the character and appearance of the area. A condition to secure sufficient on-site parking is necessary in the interests of highway safety.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Paul Selby

INSPECTOR