

03/2022/0862

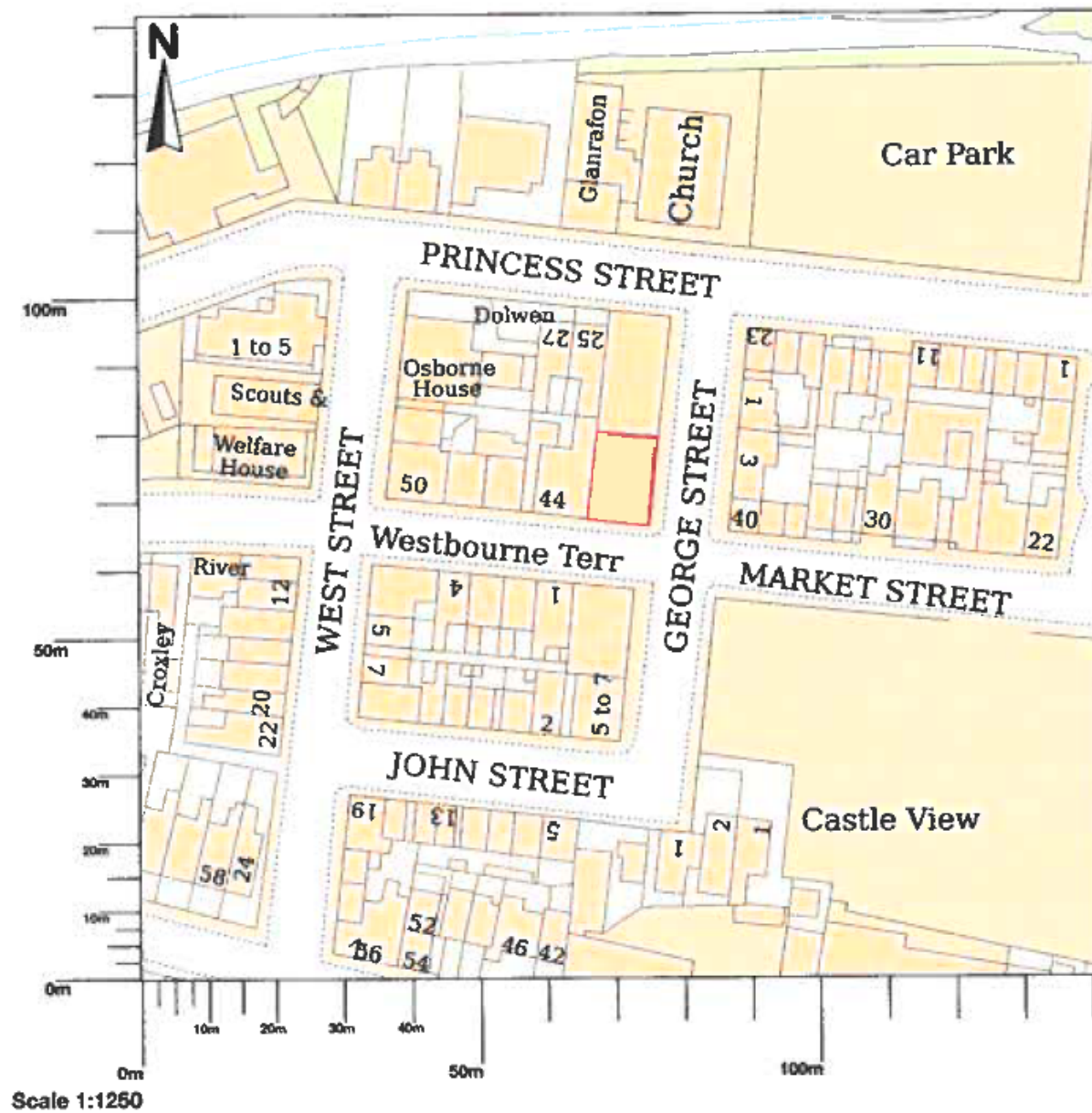
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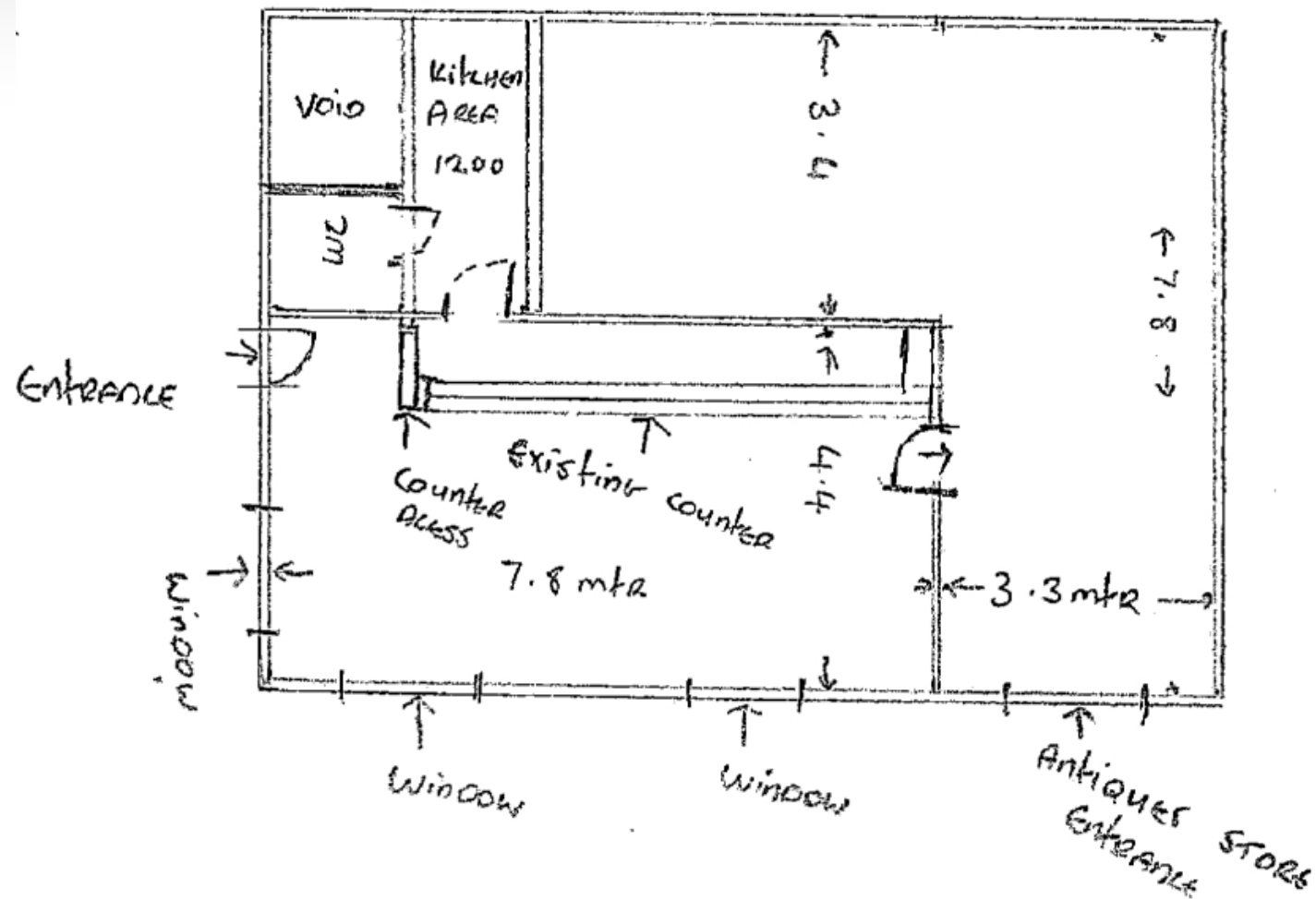
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42 antiques bazaar and souvenirs



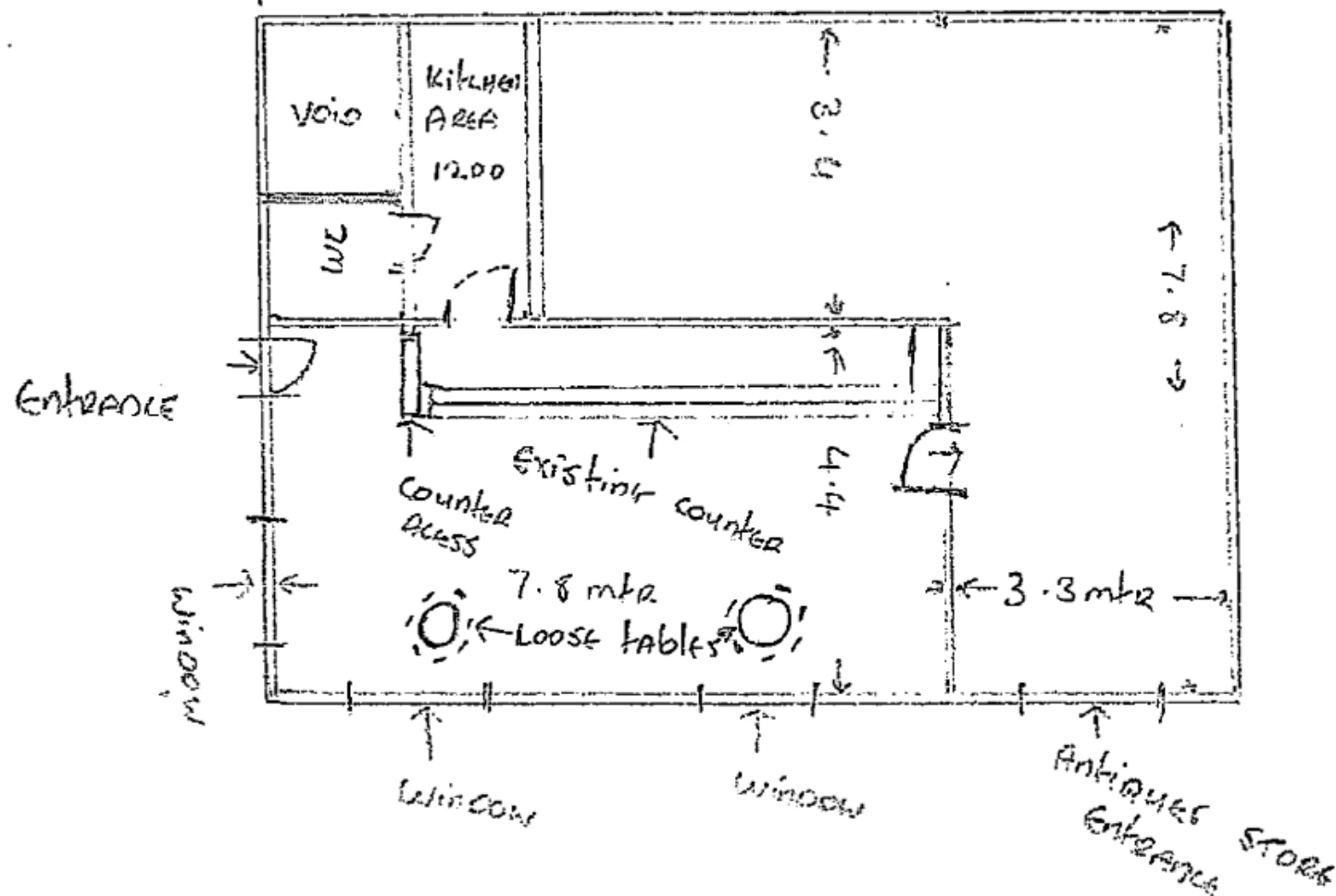
Existing Floor layout plan



PROPOSED Floor layout plan

SAME AS EXISTING NO CHANGE EXCEPT MAY ADD TABLE

KITCHEN AREA ALREADY FITTED OUT





WARD : Llangollen

WARD MEMBER(S): Councillor Karen Edwards (c)
Councillor Paul Keddle

APPLICATION NO: 03/2022/0862/ PF

PROPOSAL: Change of use from a shop (Use Class A1) to shop (Use Class A1) with ancillary coffee shop (Use Class A3)

LOCATION: 42 Market Street, Llangollen, LL20 8PT

APPLICANT: Mrs S Norcross

CONSTRAINTS: C2 Flood Zone
World Heritage Site Buffer
Phosphorus Sensitive
SAC
Phosphorous SAC Compliance
AONB

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

TOWN COUNCIL

Members of the Town Council consider that the application is unacceptable in planning terms. The Town Council quoted research undertaken in the production of a place plan for Llangollen, which they advised has been subject to considerable public consultation, and has indicated that prior to this application that in the retail core of the town 48% of properties were either food outlets or takeaways and residents wish to maintain a range of shops and food outlets to ensure a balanced offer.

It was therefore resolved to object to this application as it is contrary Policy PSE 8 - Development within town centres, in that the development : -

- a) Will not enhance the vitality and viability of the town centre.
- b) Will exacerbate the current situation, and will result in an unacceptable imbalance of retail and non-retail uses.

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE:**

No objections.

NATURAL RESOURCES WALES

The application site is located within the River Dee and Bala Lake Special Area of Conservation (SAC).

The Local Planning Authority completed a Test of Likely Significant Effect and consulted Natural Resources Wales that concluded that the café would be ancillary to the current use of the building as a shop and will serve the existing catchment and footfall and consequently, in turn the proposed ancillary use would not increase the volume or concentration of wastewater. Natural Resources Wales confirmed that they are therefore satisfied that the application as submitted is unlikely to increase the amount of phosphorus entering the catchment and as a result, are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Natural Resources Wales also commented on Flood Risk and advised that the planning application proposes less vulnerable development, namely, change of use from shop to shop

with ancillary coffee shop. The application site falls within Zone C2 of the Development Advice Map (DAM) contained in TAN15 (2004). However, at this location the Flood Map for Planning (FMfP) is the best available information on flood risk. The FMfP identifies the application site to be in Flood Zone 1, meaning there is less than a 0.1% chance of flooding in a given year. On this basis, Natural Resources Wales have no objection to the application as submitted.

CADW:

Scheduled Monuments:

DE026 Llangollen Bridge

DE175 Pontcysyllte Aqueduct and Canal

Intervening topography, buildings and vegetation block all views between the site and the heritage assets. Consequently, the proposed development will have no impact on the settings of these scheduled monuments.

The application is for the change of use of an existing shop into a coffee shop. It will require no external changes to the existing buildings and the proposed use will not alter the character of the surrounding area. As such, the proposed development will not have any impact on the outstanding universal values of the World Heritage Site. Cadw therefore has no objections.

Public Protection Officer

No response.

Conservation Officer

No response.

Strategic Planning and Housing

Planning Policy Wales (PPW) Edition 11, paragraph 1.22, states that "planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise." The adopted plan for the County is the Denbighshire Local Development Plan 2006 – 2021 (LDP). PPW Edition 11, paragraph 1.24, does also stipulate that the National Development Framework 'Future Wales - The National Plan 2040' forms part of the statutory development plan for the County.

The application site is within the development boundary for Llangollen, the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, and the Pontcysyllte Aqueduct and Canal World Heritage Site buffer zone; see LDP Proposals Map for Llangollen. It must be noted that the already existing premise is not located within or adjacent to the town centre boundary; see LDP Policy PSE 8.

Planning permission is sought for an ancillary coffee shop to an existing retail unit in town. It's not proposed to cease the existing retail business at above address but to widen the existing retail offer by diversification. Welsh Government "Future Wales. The National Plan 2040" sets out in Policy 2 "Shaping Urban Growth and Regeneration – Strategic Placemaking" how development (including changes of use) is going to support local towns. There are two Placemaking principles, i.e. 'mix of uses' and 'walkable scale', that support the planning proposal because of its location in close proximity to the principal retail area in Llangollen and accessibility by different means of transport. Being mindful of the fact that the application site is not within the defined town centre boundary, Future Wales - Policy 6 "Town Centre First" does not only direct significant development proposals for different forms of land use to town centres areas but also encourages a diversification of existing uses; away from mere retail cores.

There is no submitted evidence by the applicant or the objectors which would infer that the development will have an adverse effect on the viability and vitality of Llangollen town centre; see LDP Policy PSE 9 and 10.

Llangollen Town Council submitted two objections; dated 16th November 2022 and 3rd January 2023. As set out above, LDP policy PSE 8 is not applicable to the development proposal. Their concerns regarding the viability and vitality of Llangollen town centre are noted but have not been substantiated by any evidence.

There is no objection to the proposal in terms of Strategic Planning and Housing.

RESPONSE TO PUBLICITY:

No representations received.

EXPIRY DATE OF APPLICATION: 14/12/2022

EXTENSION OF TIME AGREED: 17/02/2023

REASONS FOR DELAY IN DECISION (where applicable):

- re-consultations / further publicity necessary on additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposed development is for the change of use from a shop (Use Class A1) to shop (Use Class A1) with ancillary coffee shop (Use Class A3). The property is currently operating as a shop only 'Forty Two Antiques Bazaar' selling antique goods, and some other associated items. The intention is to use an existing kitchen and the existing counter for the sale of drinks and snacks within the existing floorspace. The layout plans detail a layout of two small tables within this area.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 None.

1.3 Description of site and surroundings

- 1.3.1 The application site is a shop located cornering onto Market Street and George Street. The site is adjacent to the Market Street Car Park. The property is surrounded by residential uses, however, there are a mix of other uses around the area, in particular further east along Market Street

1.4 Relevant planning constraints/considerations

- 1.4.1 The application site is located within Llangollen Development Boundary. The site is located within the Area of Outstanding Natural Beauty. The site is within the Vale of Llangollen and Eglwyseg Landscape of Special Historic Interest. The site is within the Pontcysyllte World Heritage Buffer Zone. The site is within the Phosphate Sensitive Catchment Area (River Dee and Bala Lake Special Area of Conservation).
- 1.4.2 The site is within the Flood Map For Planning Zone 2 for Surface Water and Small Watercourses. The site is within the TAN 15 Zone C2.

1.5 Relevant planning history

- 1.5.1 The planning history shows that the property has had a long established use as a retail use.

1.6 Developments/changes since the original submission

- 1.6.1 Clarification was sought from the applicants regarding the intended use of the site as the original description was for the full change of use from A1 shop use to an A3 café use, and the description was amended to reflect that the proposed use is a shop with an ancillary café use.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 3/5038 Change Use Of Motor Car Showroom To Retail Supermarket. Prior approval required 24/03/1981.
- 2.2 3/10454 Change of use from car showroom to retail use. Permitted development 07/11/1989.
- 2.3 03/2016/0603 Change of use and refurbishment of part of show room to a pilates studio and gymnasium. GRANTED 08/02/2016.
- 2.4 03/0216/0604 Change of use and refurbishment of part of show room to a office and store. GRANTED 08/02/2016.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy PSE6 – Retail economy

Policy PSE9 – Out of centre retail development

Policy VOE1 - Key areas of importance

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE3 – Pontcysyllte Aqueduct and Canal World Heritage Site

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Planning for Dark Skies – SPG for lighting in the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Pontcysyllte Aqueduct & Canal

Supplementary Planning Guidance Note: Shop Fronts

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 4 Retail and Commercial Development (2016)

TAN 5 Nature Conservation and Planning (2009)

TAN 12 Design (2016)

TAN 15 Development and Flood Risk (2004)

TAN 18 Transport (2007)

TAN 23 Economic Development (2014)

TAN 24 The Historic Environment (2017)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted

development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Drainage (including flooding)
- 4.1.5 Highways (including access and parking)
- 4.1.6 Area of Outstanding Natural Beauty
- 4.1.7 Pontcysyllte Aqueduct & Canal World Heritage Site

4.2 In relation to the main planning considerations:

4.2.1 Principle

The emphasis in Future Wales, Planning Policy Wales 11 and TAN 23 is to support a mix of uses within and around town centres. The guidance seeks to widen the offer of town centre uses to meet market demand of complementary uses. The National Plan 2040 sets out in Policy 2 "Shaping Urban Growth and Regeneration – Strategic Placemaking" how development (including changes of use) is going to support local towns. There are two Placemaking principles, i.e. 'mix of uses' and 'walkable scale' that support the planning proposal because of its location in close proximity to the principal retail area in Llangollen and accessibility by different means of transport. Being mindful of the fact that the application site is not within the defined town centre boundary, Future Wales - Policy 6 "Town Centre First" does not only direct significant

development proposals for different forms of land use to town centres areas but also encourages a diversification of existing uses; away from mere retail cores.

In terms of the Local Development Plan, the relevant policy would be Policy PSE 9 *'Out of centre retail development' which states that; /Proposals for small scale retail uses within development boundaries will be permitted outside town centres provided they:*

- i) are less than 500m² gross area, and*
- ii) serve the local area, and*
- iii) do not form part of an industrial estate, and*
- iv) do not jeopardise the viability and vitality of town or district centres'.*

There is an existing retail use at the building that has been long established. The proposed ancillary use of the property to provide a small café is aimed at diversifying the business and complementing that existing retail use for sale of antique goods.

The Town Council have raised objections based on their research undertaken in the production of a place plan for Llangollen (not publically available), which they advised has been subject to considerable public consultation, and has indicated that prior to this application that in the retail core of the town 48% of properties were either food outlets or takeaways and residents wish to maintain a range of shops and food outlets to ensure a balanced offer. The Town Council resolved to object to this application as they considered that it is contrary Policy PSE 8 – 'Development within town centres', in that the development : -

- a) Will not enhance the vitality and viability of the town centre.
- b) Will exacerbate the current situation, and will result in an unacceptable imbalance of retail and non-retail uses.

As the property is outside of the 'Town Centre' as defined by the proposals maps, the relevant policy is considered to be PSE 9 (not PSE 8) It is noted that policy PSE 9 does have similar considerations to Policy PSE 8 in that it requires that proposals 'do not jeopardise the viability and vitality of town or district centres'. Officers do not consider that this ancillary use would jeopardise the viability or vitality of the town, and would actually support the existing business in diversifying its offer to prevent the loss of that retail unit. This application would retain the main retail use of the property and the café aspect would be a small part of this use. Strategic Planning and Housing raise no objection in terms of the principle of the proposal.

On this basis, it is considered that the principle of the proposed ancillary use of part of the shop as a café is considered acceptable. The mix of retail and café use would be controlled by condition 2 of the planning permission.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (iv) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for

example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

The proposals are for the change of use of the property. It is not considered that they will have any impact upon the visual amenity of the property.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The proposals would be contained within the existing retail floorspace. The proposals have not detailed any extraction equipment to serve the ancillary café area and therefore it is considered necessary and reasonable to impose a planning condition to secure the details of any extraction systems/flues should they be needed.

4.2.4 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (PPW 11) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event.

Natural Resources Wales were consulted on the application and raise no objections in terms of flood risk.

The application site is located within the River Dee and Bala Lake Special Area of Conservation (SAC).

The Local Planning Authority completed a Test of Likely Significant Effect and consulted Natural Resources Wales that concluded that the café would be ancillary to the current use of the building as a shop and will serve the existing catchment and footfall and consequently, in turn the proposed ancillary use would not increase the volume or concentration of wastewater. Natural Resources Wales confirmed that they are therefore satisfied that the application as submitted is unlikely to increase the amount of phosphorus entering the catchment and as a result, are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

4.2.5 Area of Outstanding Natural Beauty (AONB)

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects guidance in Planning Policy Wales (PPW 11) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

Supplementary Planning Guidance (SPG) has been developed – ‘The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)’ along with a specific SPG for lighting in the AONB - ‘Planning for Dark Skies’. The SPG’s provide guidance and advice on design and lighting principles which should be followed to assist new development proposals in the area.

The proposed development will not lead to any external alterations and therefore will not impact upon the AONB. The AONB Joint Advisory Committee raise no objection to the proposed use.

4.2.6 Pontcysyllte Aqueduct & Canal World Heritage Site

Policy VOE3 of the Local Development Plan relates specifically to development which may impact on the Pontcysyllte Aqueduct and Canal World Heritage Site and its Outstanding Universal Value, and in particular the authenticity and integrity of the attributes which justified its designation. It indicates that development which would lead to harm to the attributes will not be permitted, and refers to the setting of the World Heritage Site as a key material consideration. SPG Pontcysyllte Aqueduct and Canal World Heritage Site provides guidance on the determination of applications that may affect the Site and its setting.

Planning Policy Wales (PPW 11) Section 6.1.22 reiterates that the World Heritage Site and its setting and, where it exists, the World Heritage Site buffer zone, is a material planning consideration in the determination of any planning application

The proposals would not lead to any impact upon the external appearance of the property and therefore would not lead to any change in terms of the 4.2.6 Pontcysyllte Aqueduct & Canal World Heritage Site or its Outstanding Universal Value. On this basis, Cadw do not raise any objections to the proposed use.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 Based on the foregoing, it is considered that the ancillary use of part of the retail floorspace as a café is considered acceptable in principle and in terms of all other material planning considerations. The application is therefore recommended to be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 15th February 2028
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Existing floor plan received 20 October 2022
 - (ii) Proposed floor plan received 20 October 2022
 - (iii) Location plan received 29 September 2022
3. The ancillary A3 use shall be operated only as part of the shop (A1 use) as per the 'Proposed Floor Plan received 20 October 2022' with two tables only, unless otherwise agreed in writing with the Local Planning Authority.
4. Prior to the installation of any external flues or extractor fans associated with the A3 use, written approval of the local planning authority must be obtained of the details of the equipment to be used for the treatment and extraction of fumes and smells resulting from the preparation and cooking of food, and any equipment must be installed in accordance with the approved plans.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. For the avoidance of doubt, to control the use as ancillary to the shop and phosphate pollution.
4. In the interests of the amenities of occupiers of property in the vicinity of the site.