

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
7th MAY 2019

APPLICATION NO:
P/2018 /0934

LOCATION:
HORSE AND JOCKEY CHAPEL
STREET PONCIAU WREXHAM
LL14 1SD

DATE RECEIVED:
05/11/2018

COMMUNITY:
Rhos

DESCRIPTION:
CONVERSION OF FORMER PUBLIC
HOUSE INTO 6 NO. APARTMENTS (3
NO. TWO BED AND 1 NO. ONE BED
APARTMENTS AND 2 NO. STUDIO
APARTMENTS)

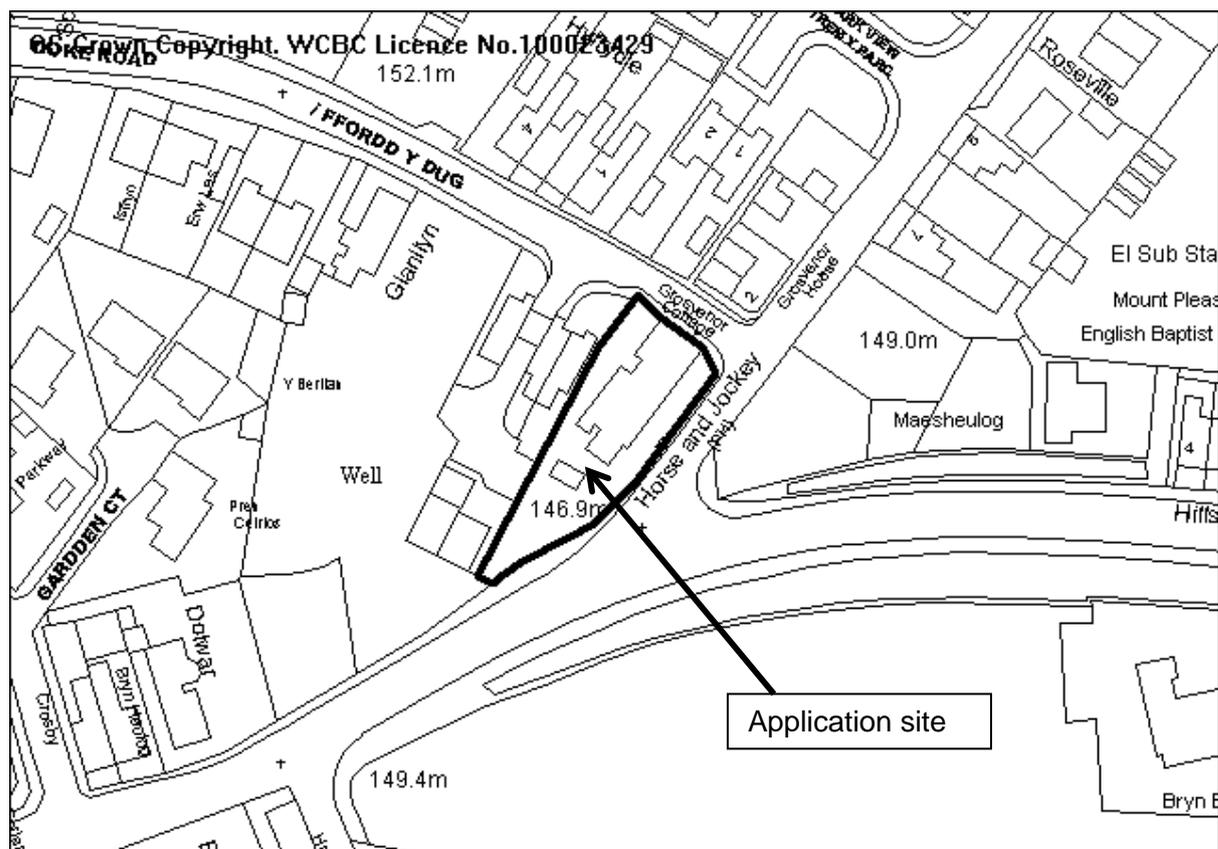
CASE OFFICER:
MP

WARD:
Ponciau

AGENT NAME:
HDS ARCHITECTURAL
SERVICES
MR CARL HUGHES

APPLICANT(S) NAME:
MS KARISHMA DAVDRA

THE SITE



PROPOSAL

As above.

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HISTORY

No recent history.

DEVELOPMENT PLAN

Within settlement limit. Policies GDP1, EC6, H2, S9 and T9 apply.

CONSULTATIONS

Community Council:	Consulted 7.11.2018. Consulted about amended plans 6.02.2019
Cllr Pemberton:	No comments at this stage.
Cllr K Hughes:	No objection in principle but request that adequate parking provision is made.
Highways:	Have made the following comments: <ul style="list-style-type: none">- There are only 2 parking spaces at the existing site;- The proposals demonstrate the provision of 4 parking spaces;- A short section of boundary wall to the north of the site will need removing and the footway width increased to allow adequate visibility to be achieved from the rear access onto Duke Street;- It is acknowledged that there are already parking issues in the vicinity and that the parking proposed is below recommended standards. However the site currently has an A3 class use and it could re-open without the need for planning permission which could potentially create worse traffic issues on the roads around the site;- Conditions recommended.
Public Protection:	Advisory notes in respect of construction impacts.
Welsh Water:	Recommend drainage condition.
NRW:	No objections.
Site Notice:	Expired 30.11.2018
Neighbours:	The owners/occupiers of 4 nearby properties notified initially on 12.11.2018 and regarding amended plans on 6.2.2019 and 11.4.2019 2 objections received expressing the following concerns: <ul style="list-style-type: none">- lack of parking;- chances of the building reopening as a pub are slim;- when the pub was open there was access across the road to park;

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- if there isn't enough parking spaces there should be less apartments;
- the cottage at the site will lose any right to park outside the house as the parking at the back of the Horse and Jockey will need access.

SPECIAL CONSIDERATIONS

Policy: Policy S9 seeks to protect local facilities such as public houses and states that developments that entail their loss will only be permitted where:

a) the use is no longer viable and all reasonable attempts to sell or let the business over a 12 month period have proved unsuccessful or;

b) the building is in a derelict or unsightly condition and the proposal would bring about substantial environmental improvements; and

c) the loss of the facility would not prove detrimental to the social and economic fabric of its locality.

Where policy S9 is satisfied, then the residential conversion of the building would accord with policy H2 subject to policy GDP1 also being met.

Loss of the public house: The application is accompanied by a supporting statement that provides the following information regarding the operational history of the site:

The Horse & Jockey was privately owned until 1996 when acquired from the then freeholder by Messrs Enterprise Inns (Ei Group PLC). A traditional village tavern with majoritarily wet sales, the more modern and recent history of the pub charts one of a list of struggling or failing tenants since the early millennium. The property was sold to Messrs Admiral Taverns in 2003 as part of a bulk acquisition sale where no due diligence was carried out on any individual property within that package purchase. Continuing with a list of private tenancies of a failed and unprofitable nature, the only operator who came close to viability was a small local pub and restaurant manager, being more of a food led operator, and a LTD company that had lease terms on The Horse & Jockey, The Grapes In Johnstown, and The Swan Rhostyllen. This operator ceased trading and dissolved in September 2012. Repeated failed tenancies and short/part closure and none trading then ensued, along with regular rent arrears through lack of sustainable operator income, forcing Admiral Taverns to rationalise their Freehold asset in August 2017

The property was marketed from August 2017 with the sale of the property being completed in September 2018. Based on the information submitted, the property was clearly marketed as a public house with agents that specialise in the sale of this type of premises.

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Whilst the offer that led to the sale was accepted in May 2018, the property was on the market for a period in excess of 12 months. Between August 2017 and May 2018 there were 6 viewings and 4 offers. However there was no interest from any party with a view to continued commercial use.

In light of the above I am minded to conclude that the public house use of the site is unlikely to be viable and that all reasonable attempts to sell the business as a going concern have been made. Accordingly there is no conflict with policy S9 in this instance.

Design: The development will result in minimal changes to the appearance of the building, consisting of a new door opening in the front elevation in place of an existing window, the blocking up of a door in the north-east elevation and the re-use of a number of previously blocked up openings in the rear elevation to provide some additional ground floor windows.

The submitted plans also confirm that the existing access onto Duke Road will be widened, the steps onto Chapel Street will be blocked up and the retaining wall along the southern boundary will be raised to facilitate the provision of a more usable a communal outdoor space and improvements to the existing parking/turning area. The submitted plans have not provided elevation details of the resulting boundary enclosures, however I am satisfied that the changes will be modest. Full details can be secured by condition.

Overall the alterations to the building and its curtilage will preserve its existing character and will not have a significant or detrimental impact upon the wider locality.

Amenity: Existing boundary treatment as well as the fact that the dwelling to the rear of the site, Swn Y Gwynt, is built on higher ground will ensure that the occupiers of that property do not experience a loss of privacy as a result of the ground floor flats.

There are four existing first floor windows in the rear of the building. Two currently serve and will continue to serve non-habitable rooms (a landing and bathroom) whilst the other two currently serve a bathroom but are proposed to serve a bedroom. The position of the two bedroom windows is such that they overlook the front garden of Swn Y Gwynt. This is not a private space being overlooked from the adjoining highway as well as dwellings on the opposite side of Duke Street. I am therefore satisfied that the alterations will not have an unacceptable impact upon the standard of privacy afforded to the adjacent occupiers.

The submitted plans confirm that there will be a shared amenity area to the rear of the building as well as a shared space to the south of it. I am satisfied that taken together these areas adequately provide for the future amenity of the occupiers of the proposed flats. There will also be adequate space for bin storage.

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Highways: The site benefits from two existing vehicular accesses onto Duke Street located immediately to the front and rear of the build. Both suffer from substandard visibility. The northern access will be widened to improve visibility. The proposed use of the site is also likely to generate less traffic and the previous use, as such I do not consider there to be a significant risk to highway safety as a result of continued use to the two accesses to serve the proposed apartments.

The site currently has room for 2 off-street parking spaces to the south of the building. The yard to the rear of the site is also large enough to provide parking for a similar number of vehicles although I am unaware of the space being laid out as such. Other than this limited provision the premises does not benefit from any other formal off-street parking provision. I understand that land on the opposite side of Chapel Street may have historically been used by visitors to the site but was not in the same ownership as the public house and not in the ownership of the applicants.

The public house had a public floor space of 90 sq.m as well as living accommodation on the first floor – the extant plans suggest 5 bedrooms, although no living room/dining space is shown. Even making an allowance for this, the first floor is large enough to provide 3-4 bedrooms. The LPG16 maximum parking provision for the public house use would therefore be 23 spaces, with further 3-4 spaces for the living accommodation equating to a total of 26-27 spaces. In contrast the proposed development comprises of 3 x 2 bedroom apartments and 3 x 1 bedroom apartments. The LPG16 maximum parking provision for the development is therefore 11.

The potential demand for off-street parking compared is considerably reduced by the current proposals compared to the previous use of the premises. The development is therefore far less likely to give rise to on-street parking problems in the locality and any associated disruption to the amenity of nearby occupiers. Whilst noting comments made about the possible displacement of parking on the opposite side of Duke Street as a result of the intended use of the access to the rear of the application site, this is an existing access. I am not persuaded that the proposals make matters materially worse than were the accesses used to serve the extant use or any other alternate use for the site, including a lesser number of flats.

The site is located within walking distance of the centre of Rhos and close to reasonably frequent public transport. The site therefore is well located for occupiers who are not dependant upon private cars for most/all journeys. Accordingly it is not inappropriate for a pragmatic application of LPG16 in this instance.

CONCLUSION

The applicants have demonstrated compliance with policy S9 in respect of the loss of a public house. I am also satisfied that the development can take place without harm to the character of the area, the amenity of nearby

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occupiers, highway safety and, that taking into account the history of the site and its sustainable location, the proposals make adequate provision for off-street parking. The proposals therefore accord with the other relevant UDP policies.

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 shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered HJ/PD/01a, HJ/PD/02a, HJ/PD/03b and HJ/PD/04b and as contained within the application documentation.
3. No part of the development shall be occupied until a scheme of boundary treatment has been implemented in strict accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.
4. The vehicular parking and turning areas as shown on approved drawing(s) No(s). HJ/PD/04b Proposed Site Layout shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

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 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.
4. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan

NOTE(S) TO APPLICANT

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

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It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
