



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 31/08/18

gan Mr A Thickett BA(Hons) BTP,
MRTPI, Dip RSA

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18/09/2018

Appeal Decision

Site visit made on 31/08/18

by Mr A Thickett BA(Hons) BTP, MRTPI,
Dip RSA

an Inspector appointed by the Welsh Ministers

Date: 18/09/2018

Appeal Ref: APP/Z6950/A/18/3205169

Site address: Post Office, 3 Station Road, Dinas Powys, CF64 4DE

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 Mrs Vanessa Damiani against the decision of The Vale of Glamorgan Council.
 - The application Ref 2017/01310/FUL, dated 11 December 2017, was refused by notice dated 11 April 2018.
 - The development proposed is the change of use of the ground floor from A1 (Post Office) to C3 (2 bedroom flat).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of the ground floor from A1 (Post Office) to C3 (2 bedroom flat) at Post Office, 3 Station Road, Dinas Powys, CF64 4DE in accordance with the terms of the application, Ref 2017/01310/FUL, dated 11 December 2017, subject to the following conditions:
 - 1) The development shall begin no later than five years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans: Proposed Driveway Elevation; Proposed Garden Elevation; Proposed Plan; Proposed Side Elevation; Proposed Street Elevation.

Main Issue

2. The main issue is the impact of the proposed development on the viability and vitality of Dinas Powys local centre.

Reasons

3. The application site comprises an end of terrace ground floor property located on the south side of Station Road, opposite the village square. The Post Office closed in 2015 and the shop is empty. The local centre has a mix of uses including retail, offices, coffee shop, pub and take aways, together with residential often sitting cheek by jowl with commercial neighbours. The grocers at the opposite end of the row from the appeal property now accommodates the village post office.
-

4. Policy MG12 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, adopted 2017 (LDP) identifies Dinas Powys Village Centre as a Local Centre; the appeal property is within a designated centre. The reasoned justification to Policy MG15 recognises that local retail centres perform a valuable role in sustaining local communities, providing for the daily needs of local residents and reducing the need to travel. Policy MG15 permits the change of use from shops to other uses in local centres where the following criteria are met: 1) it would not result in an excess of 50% non A1 retail uses, 2) it is demonstrated through active and appropriate marketing that the existing use is no longer economically viable and 3) it would not result in an over concentration of non A1 uses that would be detrimental to the vitality, attractiveness and viability of the local centre. In its appeal statement the Council allege conflict with criterion 1 and 3.
5. Retail uses are in the minority in the local centre (31.8%) and the proposal, therefore, conflicts with Policy MG15(1). The premises has been on the market for almost 3 years. The Council does not allege conflict with Policy MG15(2) and presumably is satisfied that it has been demonstrated that the existing use is no longer economically viable. Other than the 50% threshold under criterion 1, what constitutes an over concentration or clustering of non retail premises is not defined. The LDP at paragraph 6.85 states that, given the diverse nature of the Vale's retail centres, proposals for non-A1 uses will be assessed on a case by case basis against the individual characteristics of each local centre.
6. The LDP acknowledges that vacant properties that detract from the local environment can significantly damage the viability of a centre. The Council argues that the proposal would lead to the creation of a dead frontage but it would be no more 'dead' than it is now. The shop is vacant, lifeless and as demonstrated through marketing, with seemingly little prospect of a retail use returning. In my view, this vacant unit detracts from the environment and contributes nothing to the vitality of the local centre.
7. The LDP recognises that it is not always commercially viable to maintain a retail presence and that where it can be demonstrated that there will be no unacceptable impact on the viability and vitality of a centre, alternative uses will be permitted. The property is in a row of properties including a house, a hairdressers, offices and the grocers mentioned above. I visited mid morning and found the centre to be lively, parking was at a premium, the coffee shop, hairdressers and grocers busy. I saw nothing to suggest that the centre is not successful or under threat.
8. The submitted plans show no change to the shop front. I imagine it would have blinds or net curtains to provide an element of privacy and in this regard would not be dissimilar in appearance to the offices I saw within the centre. Its re use will bring activity and life back to the frontage and although it would generate far less activity than a shop it must be better, in my view, than leaving it vacant. A likely prospect given the lack of success marketing it as a shop over the last 3 years.
9. Consequently, whilst I acknowledge the conflict with Policy MG15 (1) this is outweighed, in my view, by the evidence of the marketing exercise and the benefit I consider would accrue from bringing the property back into beneficial use. I conclude, therefore, that the proposed development would not have an adverse impact on the viability and vitality of Dinas Powys local centre.

Conclusions

10. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of creating attractive and safe communities.
11. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.

Anthony Thickett

Inspector