

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 3<sup>rd</sup> JUNE 2019**

**APPLICATION NO:**  
P/2018 /0863

**LOCATION:**  
DRILL HALL HOUSE STATION  
AVENUE CHIRK WREXHAM LL14  
5LS

**DATE RECEIVED:**  
12/10/2018

**COMMUNITY:**  
Chirk

**DESCRIPTION:**  
CHANGE OF USE TO RETAIL,  
STORAGE AND ERECTION OF  
PIGEON LOFT (IN RETROSPECT)

**CASE OFFICER:**  
PF

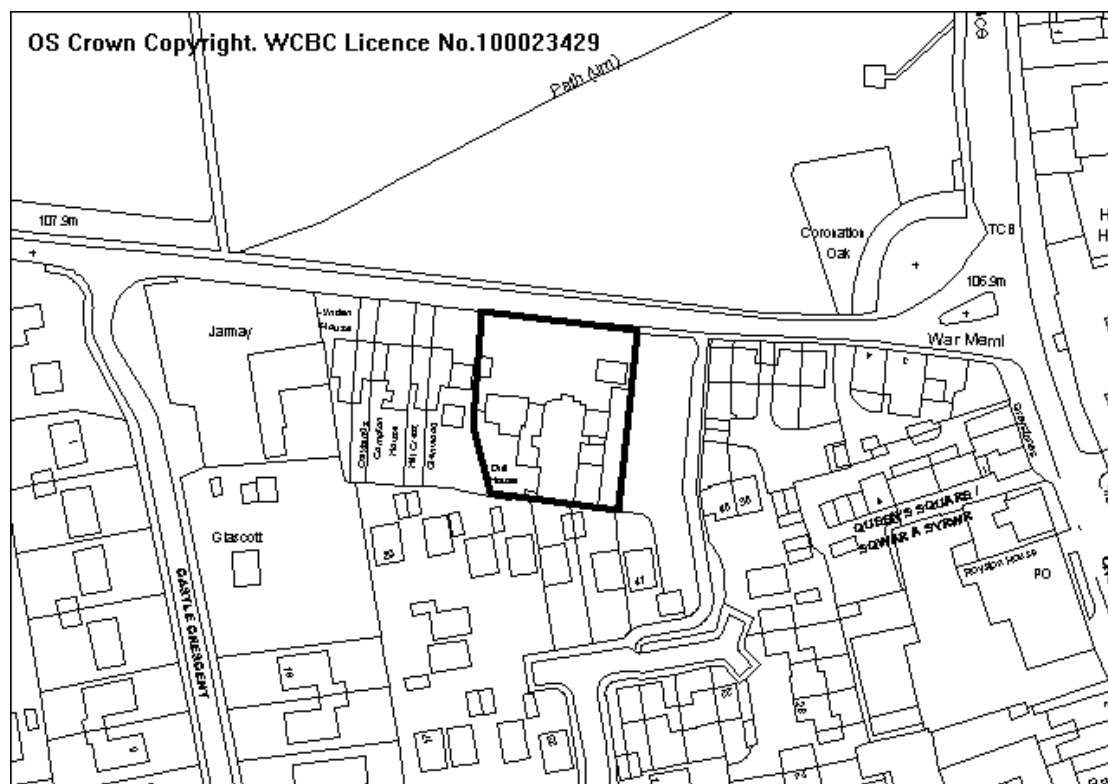
**WARD:**  
Chirk South

**APPLICANT(S) NAME:**  
MR CLIFFORD DAVENPORT  
CLIFF'S PIGEON & PETS

**AGENT NAME:**  
CLIFF'S PIGEON &  
PETS  
MR CLIFFORD  
DAVENPORT

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**THE SITE**



**PROPOSAL**

Planning permission is sought to change the use of the building in question from a former ambulance station (*sui generis*) to a retail use (A1) along with the erection of structures to the rear of the building for the purposes of a pigeon loft.

## **HISTORY**

None.

## **PLANNING POLICY**

The site is located within the Chirk settlement. Policies PS2, GDP1, S6 and T8 are relevant. Guidance is contained in Local Planning Guidance Note 16 – Parking Standards.

## **CONSULTATIONS**

Community Council:	No objection.
Local Member:	Notified 12.10.2018
Site notice:	Expired 14.11.2018
Public Protection:	No objection. Note to applicant advised regarding Environment Act 1990 Statutory Nuisance provisions.
Highways:	No objection. The site is likely to have previously resulted in a similar level of traffic generation. A condition to ensure the parking layout is retained is recommended.
Neighbouring occupiers:	Nine neighbouring occupiers notified. Two responses received raising the following objections: <ul style="list-style-type: none"><li>• The pigeon loft erected results in a significant number of birds being released at the same time. This causes issues of noise, odour and droppings over the neighbouring residential gardens causing disturbance and health hazards;</li><li>• The loft may attract rats and other vermin; and</li><li>• The pigeon loft has not been installed in a position which is in accordance with standards.</li></ul>

## **SPECIAL CONSIDERATIONS**

**Policy:** The proposed retrospective development has effectively resulted in a retail use within the settlement of Chirk. The building was recently occupied by the Welsh Ambulance Service as a vehicle and crew depot. The applicant has taken over the use of the building for the purposes of selling bulk supplies of animal food, predominantly for birds and poultry. Other types of pet food are sold on the site. To the rear of the building, the applicant is utilising part of an outbuilding and has erected a wooden structure for the purposes of a pigeon loft.

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Policy S6 of the UDP permits small scale shopping developments within settlements subject to the following criteria:

- a) the development is safely accessible for customers on foot;
- b) the development does not harm residential amenity and / or does not give rise to traffic problems e.g. on street parking that cannot be addressed;
- c) the sales floor area of each development does not exceed 300 square metres.

I am satisfied that criteria a) and c) are met. In relation to criteria b), the site backs onto the rear garden areas of residential properties and there are dwellings to the western site boundary. I have no reason to believe that a retail use in this location would be detrimental to residential amenity. The use of the former depot is for retail sales and storage of the produce is unlikely to give rise to any more noise than when it was an ambulance depot. Deliveries to the site tend to take place at the site frontage due to the large doorway opening.

The applicant has indicated opening times of between 10am and 5pm. If planning permission was approved, this would give rise to an open ended A1 retail use. Therefore I consider conditions to restrict opening hours and delivery times would be prudent in order to protect residential amenity.

**Highways:** Highways are satisfied that the use of the site for the purposes of a retail unit is acceptable. Access onto Station Avenue is acceptable and traffic movements are likely to be similar to the previous use of the site as an ambulance depot.

There is a large parking area to frontage of the building which is considered adequate for a retail unit of this scale within the centre of the village. On this basis I am satisfied that the use of the building will not be detrimental in highway safety terms.

**Nuisance:** Neighbouring occupiers have made representations in relation to the nuisance caused by pigeon lofts installed to the rear of the building. These lofts are located in a yard area adjacent to residential properties on Castle Walks.

Whilst it is associated with a commercial use, the rear yard area where these lofts are located has a residential feel. The applicant has confirmed that the loft is occupied by racing pigeons and breeding does take place, however I am satisfied that this is very much an ancillary use associated with the retail use and the lofts are located on site as the applicant also lives on site.

In residential settings, the use of buildings as pigeon lofts is deemed permitted development. A comparison must be made to the proposed buildings as if they were associated with a residential property. For this reason I can see no reason in planning terms why a refusal of planning permission can be justified.

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I understand that the applicant has been visited by the council's environmental health team. No objections have been raised by Public Protection, however they have advised that controls are available to them through the Statutory Nuisance provisions of the Environmental Protection Act 1990 which covers issues of noise, odour, dust and light.

**Conclusion:** I am satisfied that the proposed development is acceptable in terms of its use and built form. I therefore recommend accordingly.

**RECOMMENDATION:** That permission be GRANTED

**CONDITION(S)**

1. The retail unit hereby permitted shall not be open to customers and deliveries shall not be made outside the hours of 0800 to 1800 on any day.

**REASON(S)**

1. In the interests of protecting the amenity of the neighbouring residential occupiers to comply with policy GDP1 of the Wrexham Unitary Development Plan.
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