

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 April 2024

APPLICATION NO:
P/2022/0597

LOCATION:
9 TO 11 REGENT STREET
WREXHAM LL11 1SG

DATE RECEIVED:
28/06/2022

COMMUNITY:
Offa

DESCRIPTION:
ADDASU CYNTAF A'R AIL LLAWR
ADIELAD I GREU 20 RHANDY /
CONVERSION OF FIRST AND
SECOND FLOOR OF BUILDING TO
20 APARTMENTS

CASE OFFICER:
SEH

WARD:
Brynyffynnon

AGENT NAME:
WROOT DESIGN LTD
FIONA WROOT

APPLICANT(S) NAME:
JSM COMPANY GROUP

THE SITE



PROPOSAL

The application proposes the change of use of the upper 2 floors of the building to 20 apartments - 6 no. 1 bedroom and 14 no. 2 bedrooms. The ground floor commercial space is to be retained.

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Amended plans have been submitted which make provision for secure bin and cycle storage. The density of the development has also been reduced from the original 24 units to 20 units.

HISTORY

No relevant planning history.

DEVELOPMENT PLAN

The site is located within a defined settlement limit, on a Primary Shopping Street and within a Conservation Area. LDP policies SP1, SP2, SP5, SP7, SP11, SP12, SP14, SP15, H2, H6, NE1, NE6, R1, R2, R3, DM1, CF2 and T1 apply.

CONSULTATIONS

Community Council

Objects on the following grounds:

- There is no provision for bin storage and recycling. A fully detailed document is required showing where the bin/recycling storage will be located in a secure location and how it will be serviced.
- There is no allocated parking provision and this is a concern as it is likely that owners of the 2 bedroom flats will have cars. A financial contribution for parking from developers would be required, payable to WCBC;
- There is no cycle storage;
- The standards of sound insulation required will be high due to the proximity of Central Station and their late-night band nights;
- Question whether the lift is large enough for wheelchair access;
- There is a concern about the separation distances for the flats facing either side of the central 'light well'.

Local Member

Supports the application provided that there is a Management Company condition to control waste collection, the cleaning of the shared interior walkways and the maintenance of the lift and stairs, to ensure the flats remain fit for its occupants going forward.

Highway Officer

Raises no objections. Although there is no parking provision, the proposed development is in a highly sustainable location. The potential for on-street parking is limited given the existing traffic regulation orders in this area. Any perceived shortfall could be dealt with by a commuted sum. Adequate bin storage is required clear of the highway. A condition is recommended to secure a Construction Traffic Management plan (CTMP).

Public Protection Officer

Raises no objections. Advises that planning permission should only be granted in locations close to noise generating activities where no suitable

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alternative locations are available. The noise mitigation measures contained within the Noise Assessment are acceptable and will provide suitable attenuation measures for the future occupiers of the development. This is on the understanding that there is to be no external recreation space.

Advises that a scheme of soundproofing between floors and wall should be required by condition. An informative is also requested in relation to construction noise.

Contaminated Land Officer

No comments to make.

Conservation Officer

Raises no objections. Regent Street is part of one of the key shopping streets in the Conservation Area which includes several buildings of character. This is reflected in the elevation which faces Regent Street, especially in the upper floors. Other elevations of the building have less character and are arguably less significant in their contribution to the Conservation Area.

The proposal includes an increase in the number of windows to the Hill Street and Brynffynnon elevations of the building. As these have been proposed to be of the same style, scale and material as the existing windows in these elevations, no conservation objections to these alterations.

Ecology Officer

Raises no objections to the conversion of the building. There is no net biodiversity benefit (NBB) within the proposal. A planning condition is required to secure the installation of 2 no. artificial swift boxes on the building.

Education Officer

Advises that contributions to education facilities are not required.

Welsh Water

Raises no objection. Welsh Water has confirmed that Five Fords Waste Water Treatment Works has:

- Capacity to treat additional wastewater from the proposed development within revised Environmental Permit limits; and
- That the sewer network and WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

NRW

Raises no objections. The application site is within the catchment of the River Dee and Bala Lake SAC. The application proposes connection of foul water to the mains sewer. Advises that this will need to be taken into account when considering whether the development is likely to have a significant effect on the SAC.

Fire Authority

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No observations in regard to access for appliances and water supplies. Further comments will be provided as part of the building regulations application.

Site Notice

Expired 08/12/2021

Press Notice

Expired 17/08/2022

Neighbours

The owners/occupiers of 15 nearby occupiers notified 14/06/2021 and 06/07/2023

1 representation received:

- The existing floor plans do not reflect the correct layouts. Walls and partitions are omitted with the second floor being of particular note as this is occupied and used by Waterstones;
- The application form also states in the 'Existing Use' section that the site is vacant and was formerly occupied by Waterstones. Waterstones is still currently trading from the ground floor and as stated above also occupies part of the second floor; and
- The plans seem to suggest the building is vacant - it is not. The development could also impact the ability of both businesses to trade in an already rather empty city centre.

1 representation submitted on behalf of an existing ground floor tenant:

- Waterstones currently occupies space on the ground floor and second floor of the property. The store on the ground floor sits within a prominent unit on Regent Street and is an important part of Wrexham's town centre retail offering. Part of the second floor is also occupied by Waterstones and is used as staff facilities and backroom storage. The second floor space constitutes a key part of Waterstones' premises and facilitates the proper functioning of the store on the ground floor.
- The Application proposes to replace the Waterstones second floor backroom area with apartments. This will lead to the loss of a key part of tenant's store and will adversely affect its future viability. In particular, if Waterstones had to reconfigure the ground floor to accommodate the loss of the second floor, this would mean a reduction in the size of stock and range of books they could sell. The costs associated with any such reconfiguration would also not be viable.
- Regent Street is identified as a 'Primary Shopping Street' in the Wrexham Local Development Plan (the "LDP"). Policy R3 of the LDP states that "development proposals should not be harmful to the vitality, viability and attractiveness of the primary shopping streets". Furthermore, Policy R1 of the LDP aims to sustain and enhance the role of Wrexham City Centre as shopping centre and promote good accessibility to a range of shopping facilities.
- The Application will harm the viability of the Waterstones store on Regent Street and risks limiting the range of shopping facilities

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available to the residents of Wrexham. The Application clearly conflicts with Policies R1 and R3 of the LDP and does not accord with the LDP as a whole.

- Even if the Council were to consider that the Application accords with the LDP as a whole, the harm to a key retail unit in a Primary Shopping Street outweighs the proposed benefits of the Application. Accordingly, the Application should be refused, and the Council should invite the applicant to submit a revised scheme that does not adversely impact Waterstones store.

SPECIAL CONSIDERATIONS

Background: This application was reported to Members on the 4 March 2024 Committee Agenda. However, following submission representations on behalf of an existing retail tenant of the building, the application was deferred to allow for the matters raised to be considered. The applicant was also invited to respond to the representations. A summary of their response is set out below:

1. This a landlord concern and not a planning consideration. The planning application does not propose to change the ground floor, which would remain in retail use. The second floor being part of the tenant's premises is a private matter;
2. The tenant's lease expires later this year and the use of the second floor should be discussed should both parties wish to extend it;
3. The area is a primary shopping area and this is why the ground floor should remain in retail use. Introducing accommodation to the currently empty upper floors of the building would bring additional activity to the city centre.
4. LDP policies R1 and R3 are not relevant in this case.

Principle of Development: The conversion of part of a building situated within a defined settlement limit to residential use is acceptable in principle, subject to compliance with policy DM1 of the LDP.

Wrexham city centre is the focus for new development and the LDP places significant emphasis on the city as a primary key settlement. The city centre is perceived as not performing well and it is important that this decline is reversed. In accordance with LDP policies SP7 and R2, supported by the Wrexham Town Centre Master Plan, encouraging people to live in the centre will help grow the city and assist in city centre regeneration. The provision of residential accommodation above a commercial property within the city centre will also contribute to the efficient use of the building, the vitality and viability of the shopping centre and also accords with policy H6.

The matters raised by the tenant are private matters between them and landlord (the applicant). Policy R3 states that retail will be regarded as the

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most appropriate ground floor use within Primary Shopping Streets. The policy aims to protect the viability, viability and attractiveness of Primary Shopping Streets, however it offers no specific protection to retail uses occupying upper floors of buildings.

The application does not propose the change the use of the ground floor of the building so would not result in the loss of retail frontage. The proposed development would therefore not harm the viability, viability and attractiveness of the Primary Shopping Street or wider city centre. In such terms there would be no conflict with policies R1 and R3.

Design: External alterations to the building would be limited to an increase in the number of windows to the elevations facing Hill Street and Brynffynnon Street. The windows would be of the same style, scale and material as the existing windows in those elevations, therefore the proposed alterations would accord with the character and appearance of the building. There are no changes proposed to the elevation facing onto Hope Street.

The proposed development would have no adverse impact upon the character and appearance of the building and would preserve the character of the Conservation Area.

Having regard to the above, the proposed development accords with LDP Policies SP15, DM1 and H6(i).

Residential Amenity: LPGN 21 guidance recommends the provision of 200 sqm of on-site amenity space (10 sqm. per unit). The proposal would make no provision for amenity space. However, a lack of amenity space would not be unusual for city centre developments of this type. Moreover, there are a range of amenities close by including bars, restaurants, cinema, gym, greenspaces such Llwyn Isaf. It is therefore considered that the lack of dedicated on-site amenity space would not be harmful to the living conditions of the future occupiers of the proposed development.

Each of the proposed apartments would be of sufficient floor space to meet modern day living standards (see figure 1 below). All but 4 of the 20 units have openings in an external elevation. 4 units have been sited adjacent to the proposed light well / atrium which would provide adequate levels of natural daylight to these units.

A scheme for one way glazing is required for the openings facing the light well /atrium to protect privacy for the occupants of these units. It is therefore considered that the future occupiers would be provided with adequate amenity in terms of ventilation, privacy and light. The proposed development therefore accords with LDP policies DM1 and H6(v).

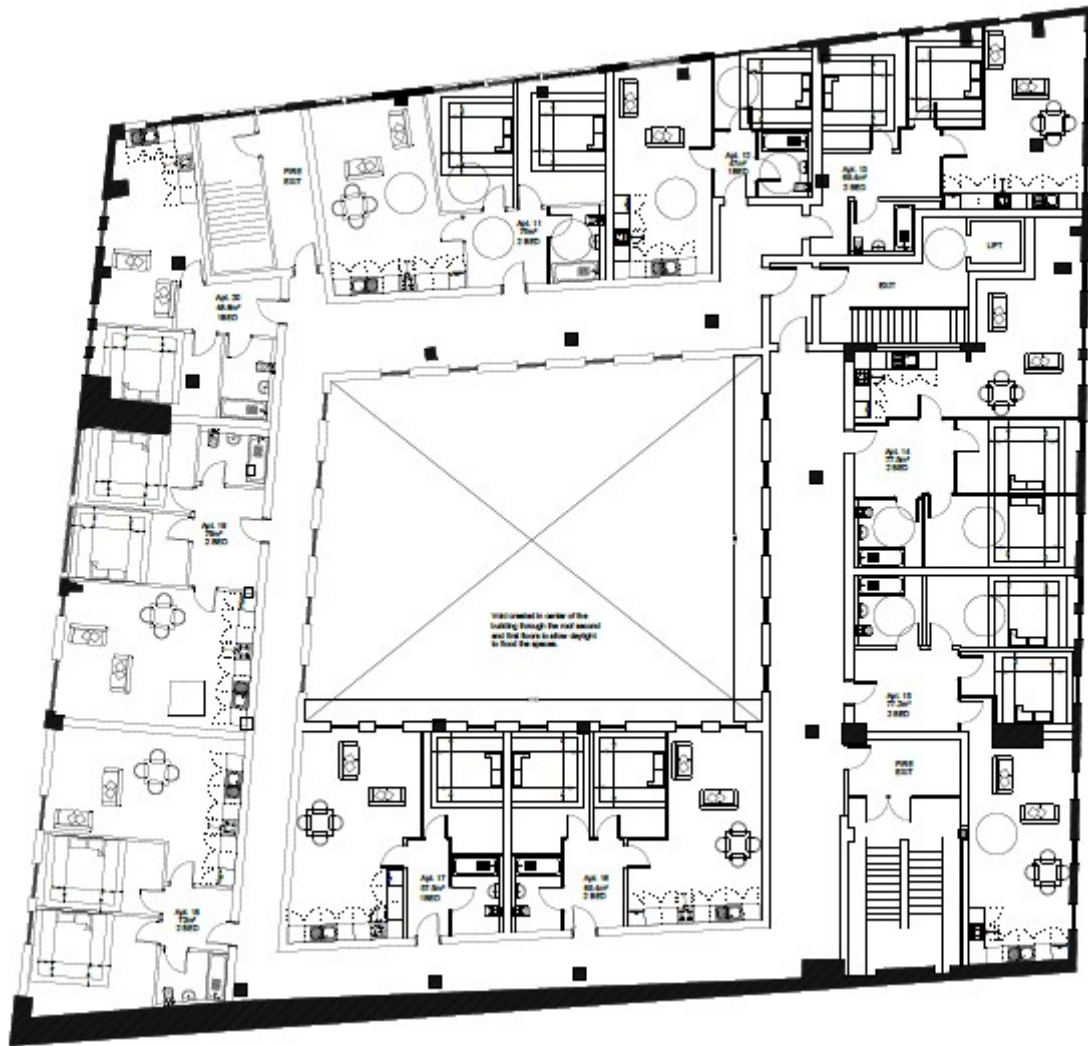


Figure 1. Floor layout plan

Ecology: The proposed development would require the installation of bird boxes (artificial swift) to secure NBB. Subject to the imposition of a suitably worded condition to secure this, the development complies with policy NE1 of the LDP.

River Dee and Bala Lake SAC: The application site is within the catchment of the River Dee and Bala Lake SAC. The application proposes connection of foul water to the mains sewer. Welsh Water has confirmed that Five Fords Waste Water Treatment Works has:

- Capacity to treat additional wastewater from the proposed development within revised Environmental Permit limits; and
- That the sewer network and WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

Having regard to the above the proposed development is unlikely to have a significant effect on the SAC and complies with LDP Policy NE6.

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Public Open Space (POS): LDP policy CF2 requires developments of 10 or more dwellings to provide integral and accessible POS on site. Where there is no space to provide this, improvement of existing local provision off site should be sought.

There is no opportunity to provide for POS on site, thus a financial contribution is required towards the provision of planting and street furniture on Hope and Regent Streets. This could be secured by a Planning Obligation (see separate section below for more details) and would ensure the proposal complies with LDP policies SP5 and CF2.

Highway Safety: The Highway Officer raises no objections. There would be no parking provision for the proposed development. However it is in a highly sustainable location where occupiers would not need to be reliant of private cars. The risk of indiscriminate on-street parking is low given the existing traffic regulation orders in the area.

The Highway Officer advises that any perceived shortfall in parking provision could be dealt with by a commuted sum. However, no adverse impacts arising from the lack of dedicated parking for the flats have been identified, nor has a plan or project to which such a contribution could be directed. A commuted sum is only required where it is clearly needed to address a specific harm directly linked to the development. It would not therefore be reasonable to request a commuted sum in this respect.

Adequate bin storage is required clear of the highway and this has been shown on the submitted floor plan. A scheme of refuse management is required and this could be secured by a suitably worded planning condition.

A suitably worded condition could also be imposed to secure a Construction Traffic Management Plan (CTMP)

Having regard to the above, the development would accord with policies DM1 and T1 of the LDP.

Noise: A Noise Assessment and proposed noise attenuation measures have been submitted in support of the application. The Council's Public Protection Officer has confirmed that the attenuation measures will adequately protect the living conditions of future occupiers.

Sound proofing of the floors and walls is required. These could be required by a suitably worded condition.

Subject to the implementation of the attenuation measures referred to above, the development would accord with policy DM1 of the LDP

Affordable Housing: For developments of 10 or more units, policy H2 sets an expectation for affordable housing to be provided on site in the first instance, with off-site provision or commuted sums being accepted in lieu of on-site provision in exceptional circumstances.

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The site is within the South Wrexham sub-market area as defined in policy H2. The policy applies a 10% requirement for affordable housing to residential developments in this sub-market area.

The application was submitted in 2022, prior to the adoption of the LDP, but a decision has been delayed considerably due to the phosphorus issue. The delays incurred are considered to constitute exceptional circumstances therefore a commuted sum payment in lieu of on-site provision is justified in this particular case. The contribution to affordable housing could be secured by a Planning Obligation.

Having regard to the above, the development accords with LDP policies SP5 and H2.

CONCLUSION

The proposal development is of an appropriate density and design and would not give rise to visual or residential amenity, or highway safety concerns. It therefore accords with the relevant LDP policies.

RECOMMENDATION A

That planning permission be granted subject to completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards affordable housing and £10,000 towards the enhancing of the public realm on Hope and Regent Streets and subject to the conditions below.

RECOMMENDATION B

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990, as detailed above, is not completed within six months of the date of the Committee resolution, the Chief Officer for Economy and Planning be given delegated authority to **REFUSE** planning permission for the following reason:-

1. The development does not make provision for the enhancement of the public realm or affordable housing and therefore conflicts with LDP policies H2, SP5 and CF2 of the Local Development Plan.

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 520-P-01 Rev A, 520-P-02 Rev A, 520-P-03 Rev A, 520-P-04 Rev A, and as contained within the application documentation.

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3. No facing or roofing materials shall be used other than materials matching those used on the existing building.
4. No part of the development shall commence until a detailed proposed roof plan, including any proposed roof glazing / atrium, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
5. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority. The plans as approved shall be fully implemented for the duration of construction works.
6. No part of the development shall commence until a scheme of noise insulation and attenuation measures between floors and walls has been submitted to, and approved in writing by, the Local Planning Authority. The measures as are approved shall be fully implemented in strict accordance with the scheme prior to first occupation of any of the flats hereby permitted and shall thereafter be permanently retained.
7. The scheme of noise attenuation and noise insulation measures outlined in the submitted Noise Impact Report by Spratt & Hamer, Issue Date 06/03/23, ref: 20664, shall be fully implemented prior to the first occupation of any of the flats hereby permitted. The measures shall thereafter be permanently retained.
8. Prior to first use of the development hereby permitted, all windows in the unit numbered 6, 7, 16 and 17 that face onto the light well shall be of a tinted one way glazing system, in accordance with details which shall first have been submitted to, and approved in writing by, the Local Planning Authority. The tinted glazing shall thereafter be permanently retained.
9. Prior to first occupation of the development, a scheme of a minimum of 2 artificial swift bird boxes shall be installed on the building in strict accordance with details which shall first be submitted to and approved in writing the Local Planning Authority. The boxes shall thereafter be permanently retained.
10. Prior to the installation of any new or replacement windows and external doors on the building, drawings to scale 1:5 and 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The details shall fully describe the proposed materials, decorative/protective finishes, method of opening and glazing type and include cross sections for glazing bars, sills and heads etc. The works shall only be carried out in strict accordance with such details as are approved.
11. All new and replacement rainwater goods shall be cast iron or aluminium only.
12. Any works to the roof of the building to which this permission relates shall only be carried out in a precautionary manner to include the following:
 - Any weather boarding, hanging tiles, soffits, fascia and barge boarding shall be removed by hand, and
 - Should any bats be discovered all works on the building shall cease and Natural Resources Wales contacted for further advice.
13. No part of the development shall be occupied until a Servicing and Management Plan for the building has been submitted to, and approved in

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writing by, the Local Planning Authority. The Plan shall include details of the management of the refuse storage and collection, and maintenance of all communal areas, access, corridors, lifts and stairways. The building shall thereafter be serviced and managed in strict accordance with the Plan as is approved.

14. The bin storage area as shown on approved drawing ref: 520-P-01 Rev A shall be fully laid out prior to first use of the development. This area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for refuse storage at all times.

15. The development shall be for a maximum of 20 no. apartments which shall be laid out in strict accordance with the approved floor layout plans refs: 520-P-02 Rev A and 520-P-03 Rev A.

16. There shall be no public access to the central light well / atrium area, except for the maintenance purposes.

17. Notwithstanding the details shown on drawing ref: 520-P-01 Rev A prior to the first use of the development, a cycle storage area shall be provided in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. This area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the purposes of cycle storage 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 Policy DM1 of the Wrexham Local Development Plan.
4. To enable the control of matters not detailed in the application in accordance with Policy DM1 of the Wrexham Local Development Plan.
5. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
6. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
7. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
8. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
9. To ensure the development delivers net benefit to biodiversity in accordance with Policy 9 of Future Wales and Paragraph 6.4.5 of Planning Policy Wales (Edition 12).
10. To ensure the works reflect the character and appearance of the building in accordance with Policy DM1 of the Wrexham Local Development Plan.
11. To ensure the works reflect the character and appearance of the building in accordance with Policies DM1 and SP15 of the Wrexham Local Development Plan.

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12. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and SP14 of the Wrexham Local Development Plan.
13. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and suitable standard of residential accommodation in accordance with Policies DM1 and SP15 of the Wrexham Local Development Plan.
14. To protect the amenities of the occupiers of the dwellings, highway safety and the character and appearance of the area, in accordance with Policies DM1 and SP15 of the Wrexham Local Development Plan.
15. To protect the amenities of the occupiers of the dwellings in accordance with Policies DM1 of the Wrexham Local Development Plan.
16. To protect the amenities of the occupiers of adjacent properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
17. To assist occupiers/users of the development to make sustainable transport choices in accordance with Policy DM1 of the Wrexham Local Development Plan.

NOTE(S) TO APPLICANT

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those

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construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

An European protected species (EPS) Licence may be required for this development. This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.
