

Report of the Chief Officer Economy and Planning

Application Reference

P/2024/0152

Applicant

MR GEORGE GRYPARIS

Agent

MR HECTOR BLACK COVELL MATTHEWS

Site Address

1 EAGLES MEADOW WREXHAM LL13 8DG

Description of Development

SUB-DIVISION OF RETAIL UNIT AND CHANGE OF USE OF BUILDING FROM CLASS A1 (RETAIL) TO CLASS D2 (LEISURE)

Ward

Smithfield

Community

Caia Park

Recommendation

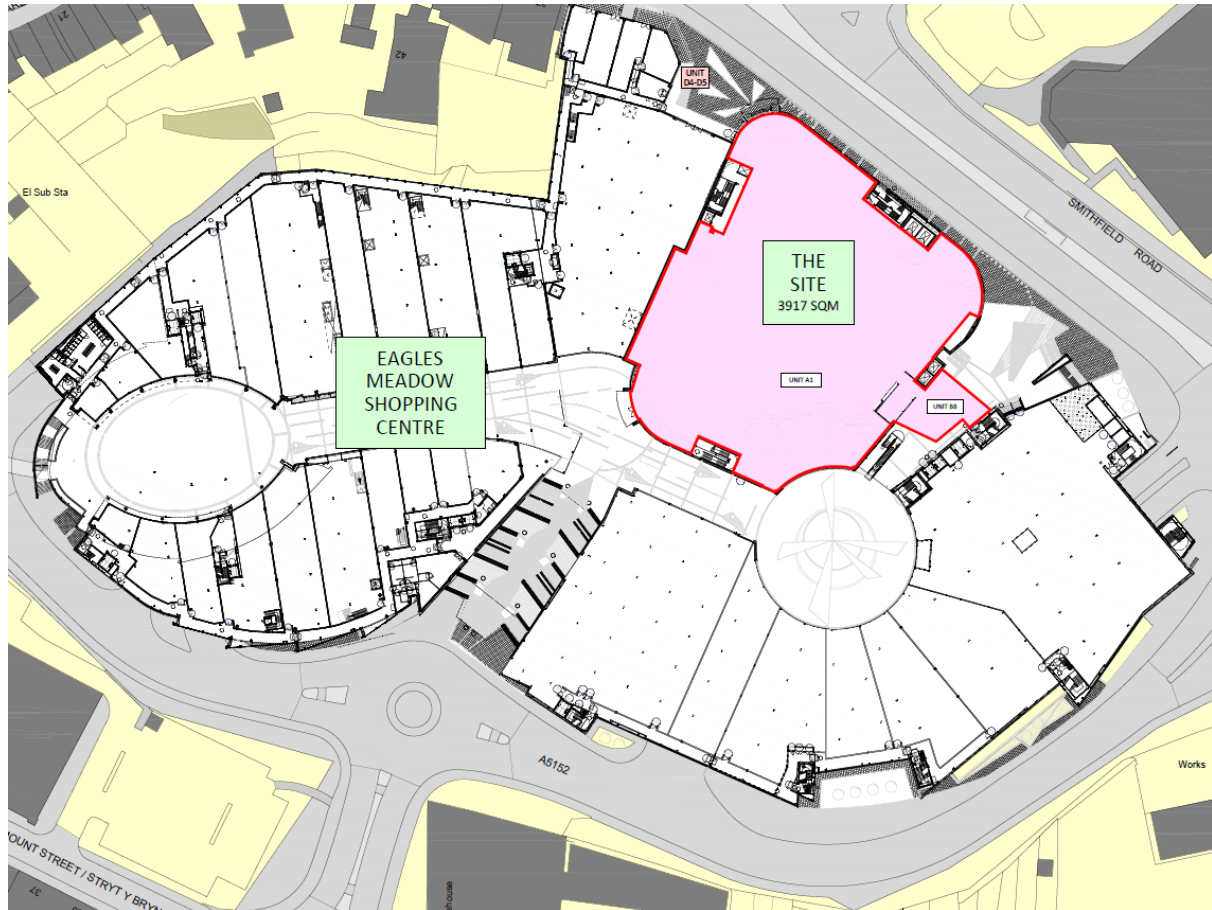
Grant

Officer Report

Site Description

The application site comprises Units A1 and B8, Eagles Meadow Shopping Centre, Wrexham.

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Proposal

The application seeks consent to change the use of units from Class A1 (Retail) to Class D2 Leisure with associated class A3 Cafe.

Site History

P/2005/0328 - Mixed use town centre development - approved- 29/03/05

Development Plan

Local Development Plan

Within a defined settlement limit, Wrexham City Centre and a Primary Shopping Street. Policies SP7, SP8, SP11, SP13, SP14, SP18 Policy R1, R3, DM1, T1, T2 and NE6 apply.

Relevant National Policy

Planning Policy Wales 12

Future Wales Plan

Technical advice note (TAN) 15: Development and Flood Risk

Technical advice note (TAN) 18: Transport

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Consultation Responses

Community Council:

Consulted. No response received.

Local Member:

Questions if there is head room for a trampoline park inside the building due to the height of the roof. Also comments that local resident has raised concerns about the number of accidents in trampoline parks and the potential increase in cases for the hospital to deal with.

Natural Resources Wales:

Raises no objections. Recommends consideration be given to whether the development would increase the volume of foul water discharges from the site.

Advises that the site is within Zone C2 of the Development Advice Maps and Flood Zone 2 on Flood Map for Planning. Considers the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

Dwr Cymru/Welsh Water:

Advises that capacity exists within the public sewerage network to receive the foul water flows from the proposed development site and advise that Five fords Wastewater Treatment Works has a phosphate permit.

Advises that the applicant should take account of the position of DCWW assets that cross the site.

Recommends that no surface water be allowed to drain to the public sewer network.

Cycling UK:

Request that cycle racks are provided closer to the unit entrances.

Highway Officer:

Raises no objection.

Public Protection Officer:

Recommends a condition restricting noise levels to pre-existing levels and an Advisory Note in relation to construction noise.

Contaminated Land Officer:

No comments to make.

Ecology Officer:

Raises no ecology concerns.

Publicity Undertaken

Site Notice.

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Responses to Publicity

4 representations, including 1 submitted on 8 occasions (and has therefore only been counted once). The representations raise the following concerns:

1. Health and Safety of customers owing to proposed use;
2. Impact upon emergency services;
3. Loss of retail use on primary shopping street;
4. Impact on retail footfall and economic viability;
5. Potential increase in noise, odour and pollution;
6. Increase traffic and parking demand;
7. Impact upon character of area; and
8. Impact on viability of other leisure uses in the City.

Principle of Development

Policy R1: Retail, Leisure and Commercial Centre Hierarchy states that Retail, Leisure and Commercial proposals will be supported in accordance with the following hierarchy as identified on the proposals map:

1. Wrexham City Centre;
2. The District Centres of Cefn Mawr and Gwersyllt;
3. The Local Centres of Borrass, Chirk, Coedpoeth, Gresford, Llay, Penybryn and Rhosllanerchrugog;
4. The Village Centres of Brynteg, Holt, Ruabon and Rossett; and
5. The Neighbourhood Centres of Churchill Drive, Garden Village and Park Avenue, Wrexham.

The application site is located within Wrexham City Centre and the proposed use is Class D2 - Leisure. The principle of development is therefore acceptable.

Eagle's Meadow is a Primary Shopping Street. Policy R3: Primary Shopping Streets states that retail uses are regarded as the most appropriate ground floor use within the primary shopping streets identified in the Proposals Map. It also directs that development proposals should not be harmful to the vitality, viability and attractiveness of the primary shopping streets. It explains that proposals involving the loss of retail uses within Primary Shopping Streets should be assessed against the following criteria:

- i. The nature of the proposed use and how it complements the retail function of the street;
- ii. The balance and distribution of existing and committed non-shop uses;
- iii. Whether, and for how long, the premises have been vacant and actively marketed; and
- iv. The amount of retail floor-space and frontage length being lost including whether an appropriate shop front and window display is to be provided/retained.

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The application site accounts for nearly one third of the retail floor space in Eagle's Meadow. It has been vacant since 2021 and is therefore not making a positive contribution to the vitality and viability of the Primary Shopping Street, the Eagles Meadow development as a whole or the wider city centre. The applicant's Design and Assessment Statement (DAS) confirms that the site has been actively marketed. However, there has been no interest from prospective retail tenants. Moreover, it comments that a number of retailers have left the city centre, including Marks and Spencer, who occupied another unit within Eagle's Meadow nearby.

Eagle's Meadow is predominately retail in character. However, it does have a mix of other uses, notably leisure and restaurant uses. The proposed use would be appropriate for a city centre location, would bring a large vacant unit back into use, attract footfall to the primary shopping street and therefore contribute positively towards vitality and viability of Eagle's Meadow and the wider city centre. It would also complement the existing mix of uses.

Having regard to the above, the proposed development is considered to accord with the overall aims of Policy R3.

Design

Externally only minor changes are proposed. A new secondary entrance would be formed onto the existing balcony walkway. This would give access to an ancillary food and drink area that would occupy the footprint of the former Debenhams café. Two of the existing sections of shopfront looking onto the central public area would also be replaced with new double glazed doors. The existing signage zones are to be retained and reused by future tenants. The proposed alterations would be in keeping with character of existing building and the wider area. It therefore accords with policy DM1.

Impact on Neighbouring Amenity

There are a number of residential properties on the periphery of the shopping centre, consisting of flats/apartments, at first floor level and above. It is not considered that the proposed development would harm the living conditions afforded to those properties in terms of privacy, noise and odour, especially when considering the former existing retail and ancillary cafe use of the application site. The Council's Public Protection Officer raises no objection subject to a suitably worded condition regarding noise levels.

Having regard to the above, the proposal accords with policy DM1.

Highway Considerations

Eagle's Meadow is served by a large, purpose built car park at Eagles Meadow offering 970 secure covered parking spaces. It also occupies a sustainable city centre location which can be accessed on foot, by train, cycle, bus, and car. Eagles Meadow is approximately a 10 minute walk from Wrexham General and Wrexham Central train stations. Bus stops are located at Smithfield Road and

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Salop Road, next to Eagles Meadow. Eagles Meadow is a short 5 minute walk from Wrexham High Street, with its main pedestrian entrance being on Yorke Street.

There is cycle parking provision within the main car park, Cycling UK consider this to be too far away from the unit and having recommended additional cycle parking provision be provided in front of the entrances to the site. Additional cycle parking provision could be secured by a suitably worded condition and would support visitors to Eagle's Meadow to make sustainable transport choices.

Having regard to the above, the proposed development accords with policies SP11 and T1.

Natural Environment

The application is accompanied by a Green Infrastructure Statement. This proposes the installation of bird and bat boxes to deliver a net benefit to biodiversity (NBB). The implementation of a scheme of NBB could be secured by a suitably worded condition.

Having regard to the above, the proposed development accords with paragraph 6.4.5 of PPW12.

Flood Risk

The application site lies within Zone C2 of the Development Advice Map (DAM) and Flood Zone 2 on NRW's Flood Maps for Planning. The application is not accompanied by a Flood Consequences Assessment. However, given the scale and nature of the proposed development, NRW raises no objection subject to the developer being made aware of the potential flood risks and that they consider installing flood-proofing measures.

Commercial development is defined as Less Vulnerable Development by TAN15. Therefore whilst NRW's comments are noted, the application proposes a change of use of an existing building from Class A1 to Class D2. Both are considered to be Less Vulnerable Development. The propose development would therefore not give rise to users being at any greater risk of flooding. Having regard to the above, the proposal would not be in conflict with TAN 15

Drainage

Dwr Cymru/Welsh Water have confirmed that there is capacity within the sewer network to accommodate the foul flows from the development and that the Five Ford WwTW is operating within its Environmental Permit limits.

Having regard to the above, the proposed development accords with policy NE6.

Other Considerations

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Concerns regarding potential health and safety issues of trampoline parks are matters for the potential future occupier of building. Planning considerations relate to the use of land and whether this is acceptable in planning terms. Future occupiers would need to ensure compliance with relevant health and safety standards, which is a matter outside of the scope of planning control.

Conclusion

The proposed development would be bringing a large vacant unit back into use, benefitting the viability and vitality of the city centre and would not give rise to design, residential amenity, highway safety or flood risk concerns. As such, it accords the relevant LDP policies.

Conditions

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 following plan(s) and document(s):
(PL) 01 A, (PL) 02 A, (PL) 03
3. Prior to the first use of the site for the purpose hereby permitted, a scheme of cycle parking shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be retained.
4. The development hereby permitted shall not be open to the public until measures to deliver net benefit for biodiversity (NBB) have been implemented in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be maintained for the lifetime of the development.
5. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound (or any Guidance revoking or re-enacting that Guidance with or without modification).

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Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
3. To ensure appropriate cycling infrastructure is provided in accordance with Policy T2 of the Local Development Plan.
4. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
5. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.

Notes

You are advised that the premises should comply with the relevant Food Hygiene Legislation, and you are advised to contact Council's Food & Farming Team on foodandfarming@wrexham.gov.uk or 01978 298989 for further advice and information.

Guidance on best management practice for catering outlet for the dispersal of fats, oils, grease and food waste, as issued by Water UK is available by contacting the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 298989 for further advice and information.