

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

APPLICATION NO:
P/2021/0528

LOCATION:
23 - 24 HOPE STREET WREXHAM
LL11 1BD

DATE RECEIVED:
21/05/2021

COMMUNITY:
Offa

DESCRIPTION:
TROS I LLORIAU UWCH YN 9 FFLAT
A 3 SWYDDFA (DEFNYDDIO
DOSBARTH A2) / CONVERSION OF
UPPER FLOORS TO 9
APARTMENTS AND 3 OFFICES (USE
CLASS A2)

CASE OFFICER:
SEH

WARD:
Brynyffynnon

AGENT NAME:
MR STEVE JONES

APPLICANT(S) NAME:
MR E ALEXANDER

THE SITE



HISTORY

No relevant planning history.

DEVELOPMENT PLAN

The site is located within defined settlement limit, on a principal shopping street and within a Conservation Area. LDP policies SP1, SP2, SP7, SP11, SP12, SP14, SP15, H6, NE6, R1, DM1 and T1 apply.

CONSULTATIONS

Community Council

Object on the following grounds:

- There is only 1 window per apartment. This lack of natural light in most of the apartments, including the bedroom, is not acceptable;
- The proposals over 4 storeys appears to be non-DDA compliant;
- The windows to the front elevation need replacing;
- An adequate ventilation system would be required;
- There could be a potential fire risk as there is only 1 staircase for the 2nd and 3rd floors; and
- Provision for adequate communal bin storage is needed and access for general waste bins and recycling needs to be addressed.

Local Member

Has made the following comments:

- Concerned about how ventilation to the bedrooms and bathrooms will be provided because the majority of the flats seem to be served by one opening window and bedrooms are not served by natural day-light due to the depth of the flats;
- Access to the flats off Abbot Street (a busy night time economy street) is not considered secure. The length of the pathway raises concerns as to who will be responsible for taking wheelie bins from the proposed storage area and Abbot St;
- To improve safe access to the flats, access should be provided from Hope Street. The existing secure gated entrance to the rear yard should be moved to the commencement the pathway off Abbot Street. Waste should be collected using commercial bins which are managed by the landlord rather than left to the occupants to agree who delivers the bins to Abbot Street; and
- A less dense development to afford natural light to all living spaces i.e. bedrooms as well as lounges. Windows on the Hope Street elevation should be replaced to offer a visual improvement to the look of the Conservation Area.

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Highway Officer

Raises no objections. Advises that although there is no parking provision, the proposed development is in a highly sustainable location which will reduce reliance on the car. The potential for on-street parking is limited given the existing traffic regulation orders in this area but considers any perceived shortfall could be dealt with by a commuted sum.

Public Protection

Recommends that a scheme of soundproofing between floors and wall is required by condition. A Noise Assessment and any necessary attenuation measures are also required by condition. An informative is also recommended in relation to development noise.

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.

Conservation Officer

Comments that the proposal sees very little change to the Hope Street elevation of Nos. 23-24, and as such will cause no harm to the visual appearance of the Conservation Area.

Considers there to be an opportunity to enhance the Conservation Area with this scheme by updating the windows with something more sympathetic.

NRW

Notes that the application site is within the catchment of the River Dee and Baa Lake SAC. The application proposes connection of foul water to the mains sewer. Advises that it should be considered whether the development is likely to have a significant effect on the SAC.

Wrexham Area Civic Society (WACS)

Objects to the excessive number of units with limited daylight and poor access. Notes that balconies will overlook bin storage areas and cycle spaces.

Fire Authority

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 02/07/2021

Neighbours

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

No representations were received.

SPECIAL CONSIDERATIONS

Principle of Development: The conversion of part of a building situated within a defined settlement limit to residential use is acceptable in principle in accordance with LDP Policy SP2.

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.

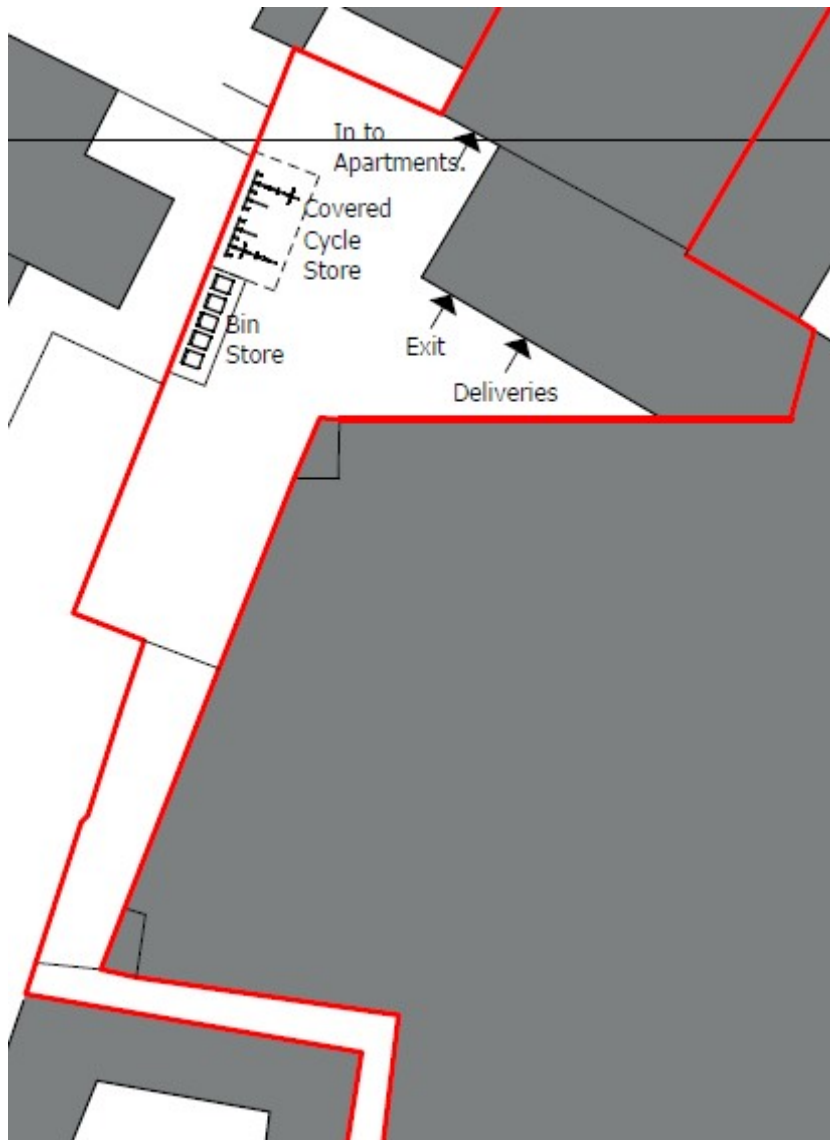
Design: External alterations to the front of the building would be limited to a new access doorway and upgrade of the balustrade on the third floor. Should the windows need to be replaced, they could be made more in keeping with the Conservation Area. A suitably worded condition would be imposed to require details of any new / replacement windows to be submitted for approval.

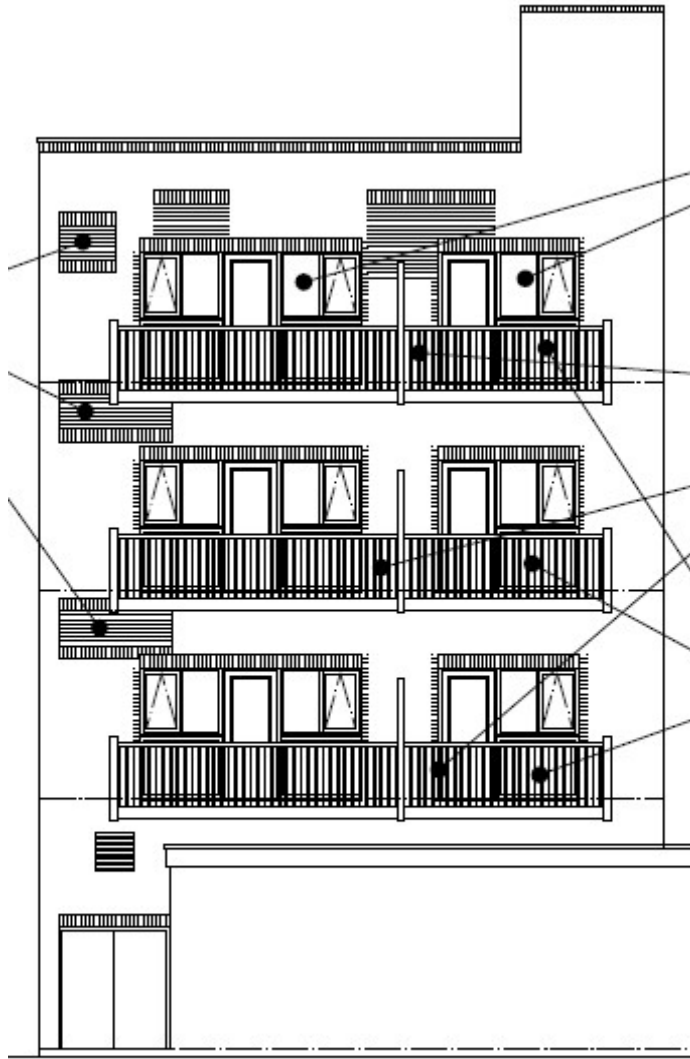
The proposed alterations to the rear elevation include the blocking up of smaller openings and enlargement of the openings to the studio apartments, together with steel balconies. These elements would not be readily visible from public viewpoints. A suitably worded condition would require the submission of the proposed facing materials for further approval.

The proposed alterations would accord with the character and appearance of the building and would preserve the character of the Conservation Area.

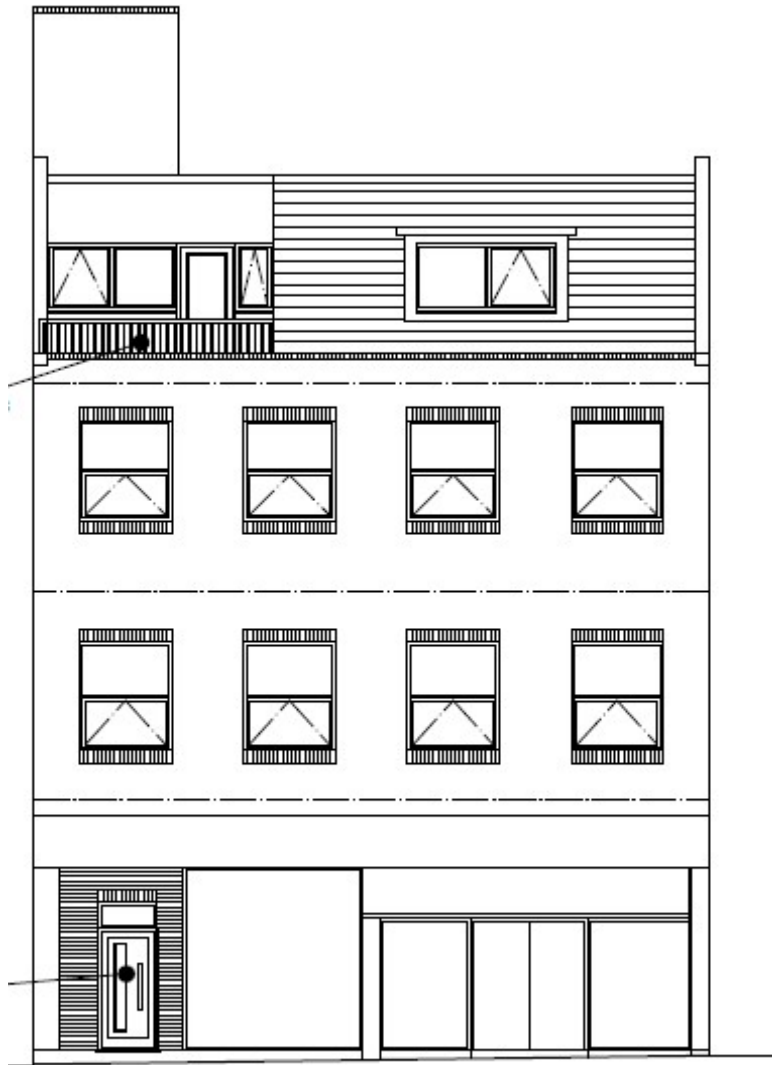
The proposed site and elevation plans are included below.

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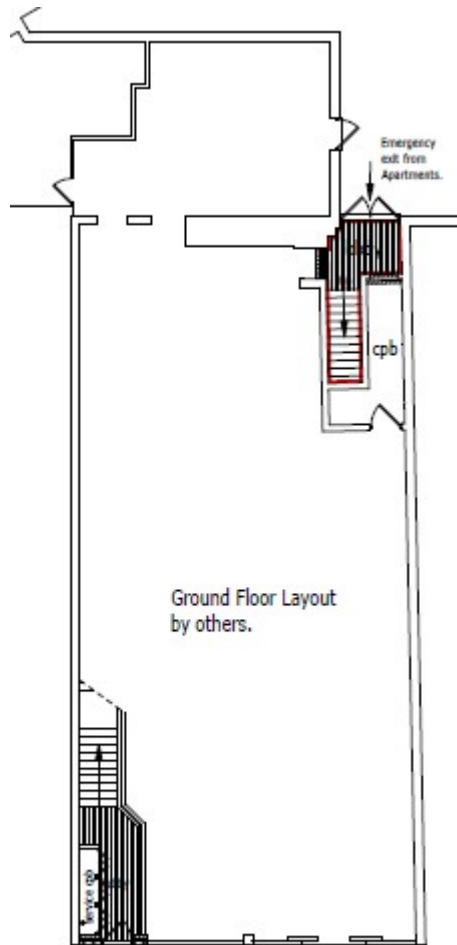
PROPOSED REAR ELEVATION.



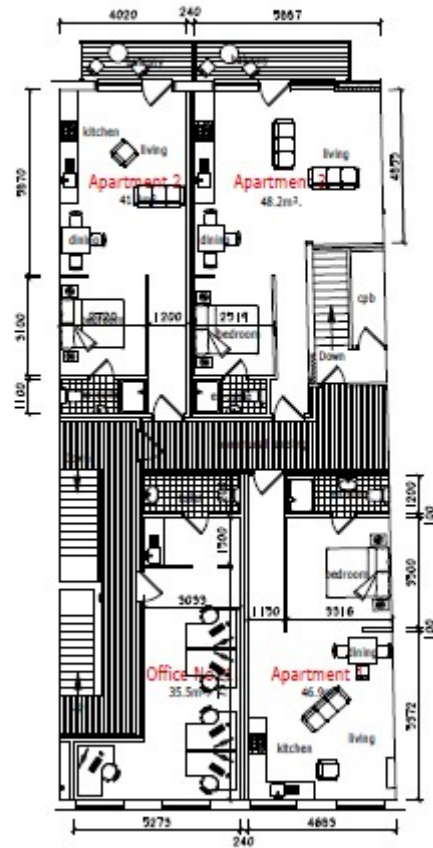
PROPOSED FRONT ELEVATION.

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

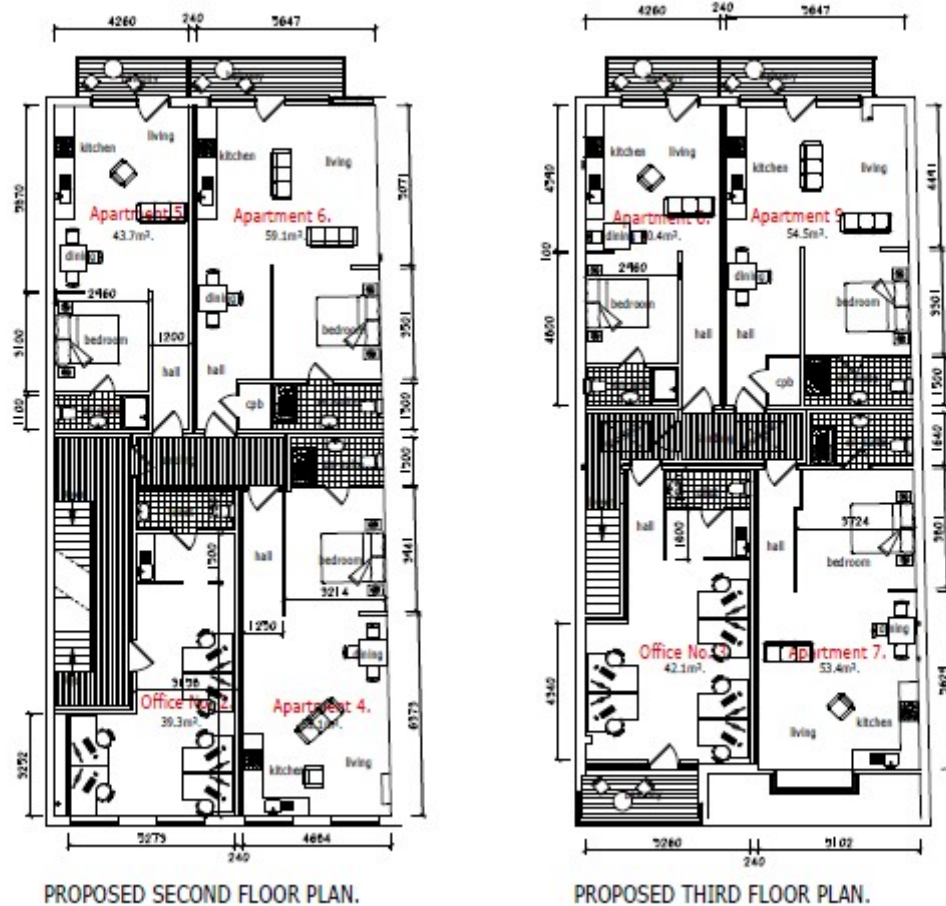
Residential Amenity: The proposed floor plans are shown below:



PROPOSED GROUND FLOOR PLAN.



PROPOSED FIRST FLOOR PLAN.



LPGN 21 guidance recommends the provision of 90 sqm of on-site amenity space (10 sqm. per unit). The proposal would make provision for approximately 20 sqm. total of amenity space, by way of balconies to the rear of the building, serving 6 of the 9 studio apartments.

A lack of external 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 as Llwyn Isaf and Bellevue Park. 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 studio apartments would be of sufficient floor space to meet modern day living standards. All have openings in external elevations to serve the open plan layout and provide natural daylight and ventilation. The windows at the rear would maximize the light entering the internal spaces. Privacy screening would be provided between the balconies to safeguard against overlooking.

Whilst the outlook from the balconies would not be remarkable, it would provide for natural surveillance over the cycle storage and rear access way to the building.

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The proposed offices would be spread over 3 floors and in order to safeguard against any undue disturbance, the opening hours could be restricted by a suitably worded condition.

The developer has confirmed that there would be a key fob system in operation to ensure that members of the public / occupiers of the offices would not be able to access the private residential corridors.

Although there is a lift within the building, its use to serve the upper floors would be problematic for the security of the future occupier of the ground floor retail space. There is therefore no proposal to retain lift provision within the building.

It is considered that the future occupiers would be provided with adequate amenity in terms of safe and convenient access, quiet enjoyment of habitable spaces, privacy and light. The adequacy of ventilation would be given further consideration as part of the building regulations approval. The proposed development therefore accords with LDP policies DM1 and H6(v).

Ecology: The proposed development would be required to secure a net biodiversity benefit (NBB). Subject to the imposition of a suitably worded condition to secure this, the development complies with policies SP14 and 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.

Highway Safety: The Highway Officer raises no objections. There would be no parking provision for the proposed development. However it is located 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 has been identified, and nor has a plan or project to which such a contribution could be directed. A commuted sum is only reasonably required where it is clearly needed to address a specific harm directly linked to the development. It would not therefore be appropriate to request a commuted sum in this instance.

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Adequate bin storage is required clear of the highway and this has been shown on the submitted site plan, together with cycle storage. To ensure that the bins are not serviced from Hope Street, the storage area is located to the rear to be serviced from Abbot Street.

The bin storage area would not be immediately adjacent to the highway and the developer has confirmed that the same commercial waste contractor that would serve the office would also manage the refuse from whole site. A scheme of refuse management is therefore required and could be secured by a suitably worded planning condition.

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

Noise: The Council's Public Protection Officer raises no objections to the development. A Noise Assessment and proposed noise attenuation measures are required to ensure adequate protection of the living conditions of future occupiers. Sound proofing of the floors and walls is also required. These could be secured by a suitably worded condition.

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

CONCLUSION

The proposal development would be 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: 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 10495.04G.dsj and 10495.02.dsj, and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing materials shall be 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.
4. No part of the development shall commence until a noise survey has been carried out, and a detailed report of the survey findings has been submitted to, and approved in writing by, the Local Planning Authority. The noise survey shall determine noise levels for both Day (07:00 - 23:00 hours) and Night (23:00 - 07:00 hours), having regard to Planning Policy Wales (PPW) Guidance, Technical Advice Note (TAN) 11 - Noise. The report of the noise survey findings shall include:

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- a) Noise levels arising from day / night time activities in the vicinity of the proposed development site and the impact upon the existing or proposed accommodation, and
- b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the existing or occupants of the proposed accommodation hereby approved.
- The measures as are approved shall be fully implemented prior to the first occupation / use of the development.
5. No development shall commence until a detailed plan to provide net benefit for biodiversity (NBB) has been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first beneficial use of the development and shall be retained thereafter for the lifetime of the development.
6. Prior to their installation on the building, drawings to scale 1:5 and 1:20 fully detailing all new or replacement windows and doors 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.
7. All new and replacement rainwater goods on the front elevation of the building shall be cast iron or aluminium only.
8. 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.
9. No part of the development shall be occupied until a Servicing and Management Plan for the building has been submitted to, and approved in 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, storage areas, corridors and stairways. The building shall thereafter be serviced and managed in strict accordance with the Plan as is approved.
11. Notwithstanding the details shown on drawing ref: 10495.02.dsj, prior to the first use of the development, cycle and bin storage areas shall be provided in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the purposes of cycle and refuse 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.

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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 protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
5. 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).
6. To ensure the works reflect the character and appearance of the building in accordance with Policy DM1 of the Wrexham Local Development Plan.
7. 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.
8. 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.
9. 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.
11. 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.

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

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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 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

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

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated, and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 298884.

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.
