



Penderfyniad ar Apêl

Ymweliad safle a wnaed ar 29/09/11

**gan Emyr Jones BSc(Hons) CEng
MICE MCMI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/10/11

Appeal Decision

Site visit made on 29/09/11

**by Emyr Jones BSc(Hons) CEng MICE
MCMI**

an Inspector appointed by the Welsh Ministers

Date: 11/10/11

Appeal Ref: APP/H6955/A/11/2155088

Site address: 4 Brook Street, Wrexham LL13 7LH

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 Lingar Property Partnership against the decision of Wrexham County Borough Council.
- The application Ref P/2010/1052, dated 23 December 2010, was refused by notice dated 6 June 2011.
- The development proposed is a change of use and alterations at former nightclub provide student accommodation on first and second floors and the conversion of the roof space.

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue in this case to be whether the proposal would be likely to create on-street parking problems.

Reasons

Parking

3. The proposal includes no off-street parking and, apart from a loading bay fronting the site which permits short-term loading only, Brook Street and Bridge Street in the immediate vicinity of the site are subject to no waiting and no loading/unloading at any time restrictions. There are a limited number of 30 minute waiting bays further along Brook Street and on Town Hill but these appear to be heavily used. Insofar as the nearest car parks at St. Giles and Island Green are concerned, the former is only short-stay and the latter is relatively expensive for those wishing to park for long periods.
4. *Local Planning Guidance Note No 16: Parking Standards* states that innovative car free housing schemes will be considered on their merits. *Technical Advice Note 18: Transport* (TAN 18) recognises that some car free housing development may be appropriate in locations with good walking, cycling and public transport links and where parking is controlled. In that regard the site is on the edge of the town centre and within 400m or so of the bus station, around 800m from the general train station which provides direct services to Chester, Cardiff and London, and approximately 1km from Glyndŵr University's main campus.

5. The appellants indicate that future residents will be made aware of the car free nature of the development before occupation through the provision of an Induction Pack that will not only detail the fact that they should be car free but also include full details of local facilities and public transport services. On this basis, they suggest that future occupants would be aware of the situation and commit themselves to a lifestyle choice where car ownership is not required or supported.
6. The existing restrictions in the vicinity of the signalised junction of Brook Street, Bridge Street and St. Giles Way are capable of being enforced and the loading bay could be used to offload/load possessions from taxis/relatives cars at the start and end of each term. In these circumstances, the proposal would not be likely to result in parking problems at the junction.
7. However, the Council is also concerned that it would not be possible to prevent a student from owning a car and parking along any of the residential streets in the area, the majority of which already suffer from significant on street parking problems. The appellants note that the commitment to a lifestyle choice where car ownership is not required or supported would be capable of being enforced through a leaseholder's agreement. Nevertheless, the Council would not be party to, and would have no control over, any such agreement.
8. As quoted in the appellants Statement, TAN 18 states that planning obligations will have a role to play in ensuring residents do not own cars and cites purpose-built student accommodation as an example where such agreements can be effective. Whilst an obligation has been submitted covering the payment of a sum of money to the Council as a consequence of the shortfall of car parking provision, it does not provide any mechanism to control occupiers' use of cars and this is not something that can be done by condition.
9. There is anecdotal evidence from two different sources of students staying elsewhere in Wrexham parking up in residential areas nearby causing added problems to already overcrowded streets. I have no reason to believe that those locations are substantially less accessible to the town centre, public transport and the University campus than the appeal site. In the absence of effective control through a planning obligation, I consider that there is a likelihood of such behaviour being repeated in this case resulting in existing problems being exacerbated. This would conflict with one of the objectives of *Wrexham Unitary Development Plan* (UDP) policy T8 which requires special regard to be paid to, amongst other matters, road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site.

Other considerations

10. Interested persons draw attention to the lack of a lift and question the proposal's compatibility with neighbouring café/restaurant, bar and nightclub uses. Nevertheless, accessibility within the building is a matter to be considered under the provisions of *The Building Regulations* and I have no reason to believe that noise generated by neighbouring uses could not be adequately mitigated by sound insulation. The adequacy of the proposed emergency evacuation route onto Bridge Street is also questioned, but it would appear that the proposal meets all relevant fire regulations.
11. I have already noted that a planning obligation has been submitted covering the payment of a sum of money to the Council as a consequence of the shortfall of car parking provision. UDP policy T8 specifically refers to financial contributions for

measures to assist public transport, or walking and cycling as appropriate where implementation difficulties arise in making parking provision on site or nearby. The undertaking is also directly related to the development and the sum to be paid is fairly and reasonably related in scale and kind to the development. It, therefore, satisfies the three statutory tests from the *Community Infrastructure Levy Regulation 2010* and I have taken it into account.

Overall conclusion

12. I recognise that it is difficult to facilitate the re-use of upper floors of buildings such as this, but for the reasons given above I conclude that the appeal should be dismissed.

E Jones

Inspector