

Councils Statement of Case for 6 Yorke Street, Wrexham

Councils reference: P/2017/0571

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Site

Property is located off the eastern side of Yorke Street, Wrexham with commercial / retail uses and associated accommodation to the north and south and residential units to the west. The site is located within the Wrexham Town Centre Conservation Area

Proposal

Conversion of a class A1 (shop use) to a 9 bed house in multiple occupation (H.M.O) (1 occupant per bedroom)

Development plan

Within the Town Centre shopping area and the Wrexham Town Centre Conservation Area. Policies PS1, PS2, GDP1, EC7 and S2 refer.

Consultation

Local Member

Concerns regarding loss of shop and a HMO does not fit in with this as an area for socialising and shopping. Parking very limited in the area and a large number of housing units close by. Limited outdoor space for bins and drying areas.

Community Council

Object on the loss of a retail unit and concerns regarding parking. Patterns for a retail unit tend to be short –stay whilst visiting and there is provision for this with half hour parking bays on one side of Yorke Street. Residential parking is more likely to be long stay and has the potential to create difficulties. In considering the application the Community Council would expect the impact of other HMO's in the area being considered.

Highways

The proposed development site is located on Yorke Street in Wrexham Town Centre. This area forms part of the pedestrianised zone within the Town Centre. Although there appears to be no parking provision for the development site, the HMO would be in highly sustainable location and given the lack of parking it is likely to appeal to future occupants who do not own cars.

The potential for on street parking problems in this area as a result of the development is low given existing traffic regulation orders in this area and Highways raise no objections.

Public Protection Condition required in relation to the implementation of the permission with regards to any noise and notes regarding noise advice, dust management, burning of waste and advice regarding a HMO licence application form and compliance with the new rent Smart Wales Scheme being registered and or licensed.

Conservation Within the Wrexham Town Centre Conservation Area with site prominently located and its architectural and historical interest making an important contribution to the street scene. Concerns were expressed initially regarding the provision of new openings / except as a replacement to the shop front or altering proportions of existing window openings. Every effort should also be made to retain and repair historic joinery elements. On this basis the initial layout and window alterations to the proposal could not be implemented within the constraints of the existing building – internal works indicated new partition walls intersecting the existing sash windows. It was not considered acceptable to match or replace the sash windows with an alternative style.

Subsequent proposals to reduce the number of occupants to 9 and to retain existing windows / openings and provide joinery details by planning condition will overcome the concerns regarding an adverse impact on the character and appearance of the Conservation Area.

Other representations Concerns regarding loss of privacy from a neighbour and concerns from Wrexham Area Civic Society with no illustration how the development will impact on the conservation area. Shop front should not be lost and should meet the standards of conservation and renovation in the street as with recent development.

With regards to the neighbour objection the provision of two new windows on the south facing elevation would be highly intrusive to the property of No 8 Yorke Street, overlooking an elevated outdoor area and to the rear windows of the property. Privacy would be significantly compromised and the proposed windows on the south facing wall of the application property should be deleted.

Other Issues / Consideration

The Councils initial concerns related to the initial proposal and its impact on the character of the conservation area and the forming of new openings or the alteration to the proportions of existing window openings. Internal works as referred to in the Conservation consultation could not be implemented without compromising the character of the building and the conservation area.

The proposed revisions to reduce the number of units / occupants and to utilise existing openings and retain existing windows have overcome the Councils main concern and would ensure the building would preserve / enhance the character and appearance of the

Conservation Area. I am not concerned with regard to loss of the shop window with a new window matching existing windows on the building and a new timber door which would enhance the character of the Conservation Area.

Highways

I am aware of concerns expressed by the local member and the Community Council regarding limited parking in the vicinity of the site. However I concur with the comments made by the Highways Department that whilst no parking provision for the development is provided, the site is within a highly sustainable location and given the lack of parking the property would appeal to future occupants who do not have a car. Traffic Regulation Orders are likely to prevent a potential for on street parking issues.

Outdoor amenity

Concerns have are expressed at the lack of amenity space. Whilst it would be possible to store bins to the rear consideration will be required to ensure bins are accessible for collection. Given the nature of the area to the rear with high walls, fences and metal girders it would appear to be unsuitable for other amenity provision.

Conclusion

The amended scheme reducing numbers of occupants and retention of existing windows have addressed the Councils concerns generally with regard to conservation issues. The amenity area is not appropriate to the rear of the substantial adjoining building and suitable only for bin storage. Drying facilities would need to be provided internally. Whilst I appreciate the amenity area is inappropriate given its location and size I am conscious that the location of the property in the town centre does enable other recreational opportunities within close proximity. Highways are not raising any objections on highway grounds given the sustainable location. With regards to the Community Council concerns and the impact of other HMOs in the area, I would confirm that only one other HMO is within 50m of the proposed development.

I am concerned to ensure that proposed windows on the south facing side elevation on the proposed new development are removed. I am concisions however that deleting the windows would potentially impact on two of the bedrooms on the first and second floor. With regards to the first floor, the loss of the window would result in a bedroom with no natural light and with regards to the second floor the loss of the window could potentially be compensated by provision of two sympathetically designed roof lights.

Should the inspector be minded to Grant Planning Permission the Council respectfully request that the following conditions are attached to the decision

Suggested conditions

- 01 The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

Reason – To comply with Section 91 (3) of the Town and Country Planning Act 1990.

- 02 Notwithstanding the submitted information full details of new windows, roof lights and doors shall be submitted to and approved by the Local Planning Authority prior to commencement of the development hereby approved. Works shall be carried out strictly in accordance with details as are approved.

Reason – In the interests of enhancing / protecting the character and appearance of the Conservation Area.

- 03 All new and replacement rainwater goods shall be cast iron or cast aluminium only.

Reason – In the interests of enhancing / protecting the character and appearance of the conservation area.

- 04 Prior to their use on the development samples of any new brick work or replacement roof slates shall be submitted to and approved in writing by the Local Planning Authority. Works shall only be carried out in accordance with the details as approved.

Reason – In the interests of enhancing / protecting the character of the conservation area.

- 05 All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday and at no time on a Sunday or Bank Holiday.

Reason – To protect the amenities of the occupiers of nearby properties.

- 06 Details of bin storage areas shall be provided prior to the first occupation of the proposed building and retained thereafter in accordance with details as approved.

Reason – To protect the amenities of nearby residential properties and the occupiers of the proposed development.

- 07 Details of all new door furniture shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the details as are approved.

Reason – In the interests of the character of the conservation area.

- 08 No works shall commence until drawings fully detailing all external joinery details (windows and doors) have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with

the details as are approved and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason – In the interests of preserving / enhancing the character and appearance of the conservation area.

- 09 No works shall commence until drawings fully detailing external decorative finishes (joinery and walls) have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the details as are approved and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason – In the interests of preserving / enhancing the character and appearance of the conservation area.

- 10 The number of bedrooms shall be restricted to 9 and 1 occupant per room.

Reason – In the interests of nearby amenity.

- 11 Notwithstanding the application documentation / drawings no windows shall be inserted into the south facing side elevation, of the proposed development.

Reason – In the interests of adjoining residential amenity.

Notes

The applicant is advised that under the Environmental Protection Act 1990, 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 any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact Council's Housing and Public Protection Department for further advice and information.

The applicant is advised that compliance with condition no 05 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing With Noise Nuisance Complaints and legal action may be taken where appropriate.

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 requirements of the notice can result in prosecution.
- Under the Clean 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 Act 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 Housing and Public Protection Department for further advice and information.

Housing standards would have no objection to the planning application provided the owner ensures he/she makes an application for a HMO licence prior to the property becoming occupied as a HMO. HMO licence application forms and guidance is available at

http://www.wrexham.gov.uk/english/council/housing/hmo_licensing.htm

The owner must also ensure that they comply with the new Rent Smart Wales guidance is available at <http://www.rentsmart.gov.wales/en/>