

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

Appeal Statement

**Planning Appeal in respect of the refusal of planning permission by
Wrexham County Borough Council for residential development
[LPA ref: P/2018/0915]**

TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
2.0	SITE DESCRIPTION	3
3.0	PLANNING HISTORY	5
4.0	APPEAL PROPOSAL.....	10
5.0	PLANNING POLICY CONTEXT.....	11
6.0	PLANNING APPRAISAL.....	16
7.0	CONCLUSION.....	26

1.0 INTRODUCTION

- 1.1 Cassidy + Ashton have been instructed to submit a planning appeal in respect of Wrexham County Borough Council's refusal to grant planning consent for the following:

"residential development comprising the conversion of the first and second floors of Central buildings to provide 10 no. apartments with related alterations at ground floor level, and the erection of 28 no. apartments on adjacent land with associated parking, at Brook Street in Wrexham" (ref: P/2018/0915).

- 1.2 The planning application was accompanied by the following drawings, documents and assessments, which are submitted in support of this appeal:

Drawings

- 8821-L09 Existing and Proposed Elevations
- 8821-L17 Location Plan
- 8821-L22 Flat Layout
- 8821-L23 Proposed Refuse Tracking Layout
- 8821-L24 Highway Visibility Splays
- 8821-L30A Proposed Ground Floor Plan
- 8821-L38B Proposed Street Scene Alternative
- 8821-L39A Proposed External Finishes
- 8821-L42 Proposed Upper Floor Plans
- 8821-L43 Proposed Block Plan

Documents and Assessments:

- Application Form
- Ecological Assessments – including Bat Activity Report (2018 and 2019), and a Preliminary Roost Assessment
- Environmental Noise Assessment
- Flood Consequences Assessment and Addendum
- Planning Statement
- Report on Pre-Application Consultation (inc. Appendices)
- Transport Advice Note

- 1.3 A copy of all current and up-to-date application drawings and documents are provided in Appendix CA1.

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

- 1.4 The application to which this appeal relates was submitted to the local authority on 30th October 2018 and validated on 31st October 2018. The application was then refused by the Planning Committee, in line with the Chief Planning Officer's recommendation, on 4th January 2021.
- 1.5 The sole reason for refusal of the planning application was referenced on the decision notice as follows:
1. *The site lies partially in zone C2 and as a result the development is at unacceptable risk of flooding, thus being in conflict with advice in TAN15: Development and Flood Risk and policy EC12 of the Wrexham Unitary Development Plan.*
- 1.6 The Decision Notice and The Report of the Chief Officer (both dated 4th January 2021) are provided in Appendix CA2.
- 1.7 Accordingly, this statement will demonstrate that the reason for refusal can be positively addressed and that the appeal should be allowed and full planning permission granted.

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

2.0 SITE DESCRIPTION

- 2.1 The appeal site lies at the corner of Brook Street and Bridge Street, in Wrexham Town Centre.
- 2.2 The land comprises of a broadly L-shaped parcel of land, characterised in part by a 3 storey building fronting Brook Street, with vacant land to the rear, fronting Bridge Street. The existing building on site, referred to as ‘Central Buildings’, is occupied on the ground floor by Class A3 uses, with the upper floors remaining vacant.



Figure 1. Site Location [Source: Google Maps]

- 2.3 The surrounding area is characterised by a range of uses typical to a town centre, comprising supermarkets, shops, nightclubs, takeaways, restaurants and cafes, and residential properties including flats, apartments and private dwellings.
- 2.4 The site therefore lies within a highly sustainable location, in close proximity to a range of amenities and services. The nearest bus stop is located less than 100m to the west of the site, along Brook Street.
- 2.5 The building within the appeal site is not listed, nor does the site lie within a conservation area.
- 2.6 The Development Plan comprises of the Wrexham County Borough Council Unitary Development Plan (UDP). Within the UDP, the site lies within the Bridge Street/Cambrian Yard Regeneration area, under Policy H13. The Local Planning Authority have established that the site and its immediate surroundings are appropriate for development, in particular for residential, business and retail uses, to meet local needs.

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

- 2.7 The appeal site also lies within the Town Centre Masterplan area, whereby the site is again specifically identified as being suitable for a mixed use development including residential, retail, office and leisure uses. As such, the appeal site is overwhelmingly supported for redevelopment within local planning policy.
- 2.8 The majority of the existing building is located within flood zone C2, as shown in Figure 2 below.

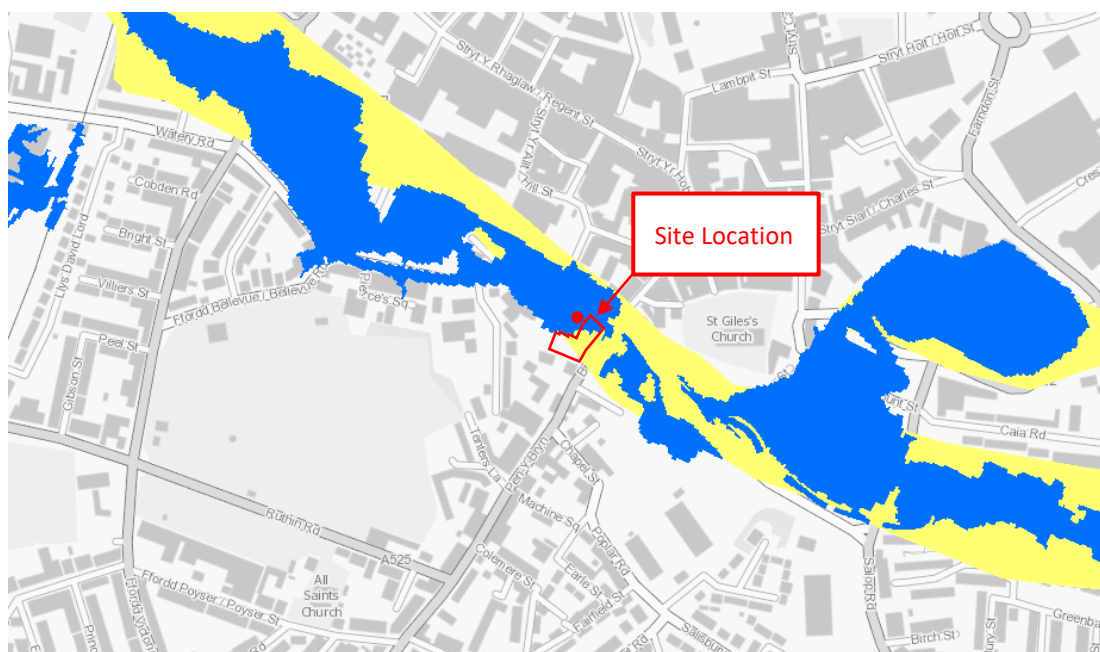


Figure 2. Development Advice Map [Source: Natural Resource Wales]

3.0 PLANNING HISTORY

3.1 The site has been the subject of three relevant planning applications, including the appeal application, details of which are summarised below.

3.2 It is evidenced through local planning policy, together with the site's planning history and recent application, that Wrexham County Borough Council support the redevelopment of this site.

P/2003/0962

3.3 Outline planning permission was previously granted on 6th October 2003 across the wider site for residential, office, retail and A3 leisure uses, construction of new vehicular and pedestrian access and alterations to existing vehicular and pedestrian access.

3.4 A variation of condition application to vary conditions 2 and 3 of planning permission P/2003/0962 to allow extension of time for submission of reserved matters to be extended to five years was granted 15th August 2005 (application ref: P/2005/0603).

3.5 A further variation of condition application to vary conditions 2, 3 and 9 of planning permission P/2003/0962 to allow for extension of time for submission of reserved matters was granted 12th June 2008 (application ref: P/2008/0349).

P/2010/1052

3.6 A planning application for the change of use and alterations to the former nightclub occupying the Central Buildings, to provide student accommodation on first and second floors, and conversion of roof space was refused on 23rd December 2010. The application was refused as the development was considered to create additional parking problems to the detriment of highway safety.

3.7 A planning appeal against this refusal was submitted and dismissed on 11th October 2011.

3.8 As such, it is noted at no point has a view been taken that the site was not suitable for redevelopment with regard to flood risk.

P/2018/0915

3.9 A planning application for residential development comprising the conversion of the first and second floors of Central buildings to provide 10 no. apartments with related alterations at ground floor level, and the erection of 28 no. apartments on adjacent land with associated parking, at Brook Street in Wrexham.

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

- 3.10 The application was submitted to the local authority on 30th October 2018 and validated on 31st October 2018.
- 3.11 The application was the subject to review from a number of statutory consultees, including Natural Resource Wales (NRW).
- 3.12 Following submission of the planning application, NRW provided a consultation response dated 21st November 2018, the key points of which are summarised below:
- The proposals are for Highly Vulnerable Development (housing) in (partially) Zone C2 of the Development Advice Map. Paragraph 6.2 of Technical Advice Note 15 (TAN15) advises that Highly Vulnerable Development should not be permitted. A planning decision to permit development would therefore be contrary to planning policy advice.
 - Until NRW receives written confirmation [from Wrexham Council] stating that the authority believes that there are overriding reasons to consider granting the application despite its location partially in Zone C2, NRW would not review the submitted Flood Consequences Assessment.
 - NRW advises [Wrexham Council] that the application should be refused on planning policy grounds.
 - If Wrexham Council proposes to consider the development despite its location in Zone C2, NRW should be re-consulted. In such circumstances, NRW would review the submitted Flood Consequences Assessment (time permitting).
 - Should a local planning authority be minded to grant permission for a Highly Vulnerable Development (including residential developments of 10 or more dwellings) in Zone C2, there is a requirement to refer the application to the Welsh Government. It should not be assumed that sites located partially in Zone C2 or less than 10 units are excluded.
- 3.13 In a letter dated 14th June 2019 to NRW, Wrexham Council cited “*over-riding reasons*” and requested more detailed advice on the proposals and the submitted Flood Consequences Assessment. In response, NRW provided a further consultation response dated 15th July 2019.
- 3.14 NRW stated they had significant concerns with the proposed development as submitted and recommended that planning permission should only be granted if a (revised) Flood Consequences Assessment demonstrated:

“...that the risks and consequences of flooding could be managed to an acceptable level.”

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

3.15 NRW summarised its position by stating:

“Having reviewed the report, our advice is that the Flood Consequences Assessment has failed to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with TAN15.”

3.16 NRW concluded that:

“1. Compliance with A1.14 of TAN15 has not been demonstrated as sections of the site e.g. car parking area are shown to flood during the 1% annual probability (climate change and blockage event). The residential car parking should be treated as Highly Vulnerable development and should be designed to remain flood free.

2. There is some uncertainty as to whether blockage of the Island Green culvert would pose greatest flood risks to the site.

3. Offsite flood risks have been identified within the FCA and these could further increase should additional land raising be required on the site.

4. There is a lack of information within the FCA as to the flood hazards (flood depths and flood velocities) that future users of the development could be exposed to, so the decision maker does not have the necessary information to make an informed decision.

*Should your Authority be minded to grant planning permission contrary to C2 policy, the applicant should be required to submit a revised FCA prior to determination of the application as we believe that you do not have an adequate evidence base to conclude your planning decision. We can advise you whether the revised FCA is in accordance with the technical criteria in Appendix 1 of TAN15. If no further information is submitted, or the revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we **object** to this application and recommend that the application be refused.”*

3.17 Weetwood prepared an Addendum to the Flood Consequences Assessment to respond to the matters raised by NRW in its letter of 15 July 2019. The addendum was submitted in August 2019 [Appendix CA1]. In response, NRW provided a consultation response dated 17th October 2019.

3.18 In summary, NRW maintained its objection to the proposals on the basis that the submitted information:

“...failed to demonstrate that the consequences of flooding can be acceptably managed over the development lifetime.”

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

- 3.19 NRW concluded that the Flood Consequences Assessment Addendum and revised Appendix F indicated that the site would not remain dry during the 1% AEP design event with an allowance for climate change and would result in significant increased flood risk elsewhere up to the 0.1% AEP event. On this basis, NRW objected to the development as it fails to meet the requirements of TAN15 A1.2 and A1.14.
- 3.20 In an email dated 1st November 2019, the Council questioned NRW whether the (permitted) use of the upper floors of Central Buildings as a nightclub could be regarded as a Highly Vulnerable use, stating that in England, nightclubs and residential dwellings have the same vulnerability to flood risk, and if so, whether this would change NRW's position.
- 3.21 In its response dated 13th November 2019, NRW stated that:
- "The proposals would introduce new Highly Vulnerable Development into a ... Zone C2 area, e.g. small area of new residential car parking, and numerous residential flats on the upper floors of an existing building. The land uses from the NPPF in England are not relevant and the draft TAN15 land use categories do not list a nightclub as Highly Vulnerable Development. Therefore, the advice is unchanged in that respect. In relation to the two earlier questions: (i) NRW's advice is based on the scheme in its entirety rather than individual components of it, and the change of use of the upper floor conflicts with TAN15 advice."*
- 3.22 The consultation responses received from NRW are set out in full in Appendix CA3.
- 3.23 The application was first reported to the Planning Committee on 27th July 2020. Following the advice of NRW, the report concluded that:
- "The proposals offer considerable benefits in respect of bringing an under used building and vacant land back into use and contributing to housing supply.... However, the benefits are outweighed by the risk to the development of flooding, which brings the proposals into conflict with policy EC12 and TAN15"* [Appendix CA4].
- 3.24 The Chief Officer's recommendation was that permission be refused, solely on this ground.
- 3.25 The application was deferred to allow for a meeting with NRW to consider the Zone C2 designation of the site and the implications for the wider development of the area, following further amendments to the submitted plans.
- 3.26 A further Officer Report was issued to the Planning Committee on 4th January 2021, which noted that NRW declined to meet on the basis that its position on the matter was clear. The report indicated that NRW confirmed its view that the application should be determined in reference to the extant version

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

of TAN15, and not against an emerging update of the document. The report recommended that permission be refused [Appendix CA2].

4.0 APPEAL PROPOSAL

- 4.1 This appeal seeks full planning permission for residential development comprising the following:

“The conversion of first and second floors of central buildings to provide 10 no. apartments with related alterations at ground floor level and erection of 28 no. apartments on adjacent land with associated parking at Brook Street in Wrexham.”

- 4.2 The conversion works to the Central Buildings will result in the creation of 10 no. one-bedroomed apartments. The proposed floorspace of the units will range between 30m² – 42m², comprising space for a bedroom, bathroom and open plan kitchen, living and dining area. A number of the properties have been designed as studios, characterised as an open plan bedroom, kitchen, living and dining space. Access throughout the building will be possible via the existing central staircase.
- 4.3 The new build apartment block to the southern portion of the site has been designed to make the most efficient use of the space available, to optimise the provision of housing on site, whilst providing the necessary ancillary features to meet local planning requirements. This apartment building incorporates 28 no. apartments, over four floor levels. Each apartment will have the same internal layout. This will contain an open plan living, kitchen and dining area, a separate bathroom and a bathroom, with some storage provision in the hallway. There will be two internal staircases at either side of the building, as well as an accessible lift to ensure that the development is inclusive for all.
- 4.4 The overall appearance of the development is to be of a contemporary classic design, constructed of high-quality materials and via methods chosen to be sympathetic to the character of the surrounding area. The design and external appearance of the extension is considered wholly appropriate when viewed in the context of the varying architectural styles in the surrounding area. The design of the development was amended throughout the determination process, and subsequently considered acceptable by the Local Planning Authority.
- 4.5 Vehicular and pedestrian access, and egress, will be provided via Bridge Street to the east. The development will be served by 19 no. car parking spaces, a secure cycle shelter and a separate refuse storage area.

5.0 PLANNING POLICY CONTEXT

5.1 The current adopted Development Plan for Wrexham is comprised of the Wrexham Unitary Development Plan (UDP), which was adopted in February 2005. The Council are currently preparing the Local Development Plan (LDP), which will replace the UDP.

5.2 Other planning policies and guidance which are material considerations in the determination of this appeal are:

- Planning Policy Wales (PPW) Edition 11
- Technical Advice Note 15

5.3 Planning Policy Wales Edition 11 (PPW) was published in February 2021. PPW sets out the Welsh Assembly Government's planning policies for Wales and how these should be applied. This provides local government with the guidance to prepare their own local development frameworks and guidance in decision making.

5.4 Alongside PPW sits 24 Technical Advice Notes (TAN), which form planning guidance at a national level on various topics.

Planning Policy Wales

5.5 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015.

5.6 Section 3.3 places emphasis on good design being fundamental to creating sustainable places, where people want to live, work and socialise. Design is not just about the architecture of a building, but the relationship between all elements of the natural and built environment, and between people and places.

5.7 To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

5.8 Section 3.51 encourages previously developed land to, wherever possible, be used in preference to Greenfield sites where it is suitable for development.

5.9 Section 4.2 relates to Housing Supply. Planning authorities, land owners and house builders must work together constructively to identify deliverable housing land in sustainable locations for development.

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

- 5.10 Planning authorities should seek to maximise the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.
- 5.11 Planning authorities will need to ensure that through the development management process, they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.
- 5.12 Section 6.6 relates to Water and Flood Risk. Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself.
- 5.13 TAN 15: Development and Flood Risk should be referred to for further policy advice on development and flood risk. It will be important to note that developments located within flood risk areas remain at risk from flooding even if mitigation measures are applied.

Technical Advice Note 15

- 5.14 For the purpose of this appeal, there is only one Technical Advice Note that is applicable to the development.
- 5.15 The TAN 15 document relates to Development and Flood Risk. Natural Resource Wales' (NRW) Development Advice Map indicates that the northern portion of the site is located in Zone C2, whilst the southern portion is located in Zone B and Zone A.
- 5.16 Zone C2 is defined as the area of the floodplain without significant flood defence infrastructure. Zone B covers the areas known to have been flooded in the past, evidenced by sedimentary deposits, and Zone A is considered to be at little or no risk of fluvial or tidal/coastal flooding.
- 5.17 Section 6 of this TAN documents states that new development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue.
- 5.18 All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:
- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
 - ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

Wrexham Unitary Development Plan 1996 - 2011

5.19 The Wrexham Unitary Development Plan 1996 – 2011 was adopted on 14th February 2005. The key policies of relevance are as follows:

5.20 Policy GDP1 (Development Objectives) – All new development should:

- a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.
- b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.
- c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.
- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible
- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost
- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.
 - j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity
 - k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.
- 5.21 Policy EC12 (Development and Flood Risk) - Development (including the raising of land) within defined flood plains will only be permitted if it:-
 - a) would not be subject to an unacceptable risk of flooding on-site; and/or
 - b) does not result in an unacceptable risk of flooding on or off-site; and/or
 - c) does not adversely affect flood management or maintenance schemes.
- 5.22 Policy H2 (Residential Development within Settlements) - Residential development on unannotated land within settlement limits will be permitted subject to compliance with Policy GDP1.
- 5.23 Policy H7 (Affordable Housing) - Where there is a proven lack of affordable housing to meet local needs, the Council will negotiate with developers to provide an element of affordable housing in new proposals of 25 or more homes. The initial benefit of discounted prices will be retained for subsequent and future occupants through the scheme's management by a suitable local housing body with the aid of legal agreements.
- 5.24 Policy H13 (Bridge Street/Cambrian Yard Regeneration, Wrexham) - The regeneration of the Bridge Street/Cambrian Yard area of Wrexham of 4.73 hectares will be undertaken. In addition to property and environmental improvements a measure of redevelopment is proposed to include the Cambrian Yard site. The main land uses within the regeneration area will comprise residential development, business development (Class B1) and shopping provision for local needs.
- 5.25 Policy T8 (Parking) - Development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards.

Planning Policy Summary

- 5.26 National and local planning policy support new residential development, in sustainable locations, which meet the needs of the local population and achieve high quality design.

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

- 5.27 The proposed scheme, in terms of the principle of development, design matters and other material considerations, has been considered acceptable under the former planning application. Accordingly, this statement, alongside the supporting documentation, seeks to address the single reason for refusal, being flood risk.

6.0 PLANNING APPRAISAL

- 6.1 The Council's reason for refusing the application has been referenced within the earlier chapters of this statement. The purpose of the current chapter is to address the benefits of the scheme, against the reason for refusal, to ultimately demonstrate that the appeal should be allowed and full planning approval granted.

Principle of Development

- 6.2 As noted within earlier discussions, in the first consultation response received from NRW, dated 21st November 2018, it was summarised that if Wrexham Council considered there to be overriding reasons to consider granting the application, despite its location partially in Zone C2, NRW would not review the submitted Flood Consequences Assessment.
- 6.3 In this particular case, the development plan is supportive in respect to the principle of development, and this position is not challenged by the planning authority. Indeed, the Chief Officer's Report states:
- "The proposals offer considerable benefits in respect of bring an under used building and vacant land back into use and contributing to the housing supply."*
- "The proposals are also acceptable in respect of design amenity, access, parking and ecology."*
- 6.4 The provision of new residential development, to meet an identified need, is overwhelmingly supported under national and local planning policy, when proposed in sustainable locations.
- 6.5 The application site (and wider surroundings) is designated within the Bridge Street/Cambrian Yard Regeneration. Under Policy H13 of the Wrexham Unitary Development Plan, land designated under this policy will be retained for residential development, business development (Class B1) and shopping provision for local needs.
- 6.6 In addition, the site lies within the Wrexham Town Centre Masterplan area, where the site is also identified as being suitable for a mixed use development including residential, retail, office and leisure uses. The majority of Wrexham Town Centre finds itself within zone C2, according to the Natural Resource Wales' Development Advice Map. Accordingly, should the appeal be dismissed as a result of flood risk, this would negate the ability for the Council to achieve their regeneration strategy and aspirations for the entire Town Centre.
- 6.7 As such, the provision of residential development within this location, is considered entirely acceptable under local planning policy, which the Local Planning Authority remains supportive of.

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

- 6.8 It was noted during the 27th July 2020 Planning Committee, in regard to a separate application, that the Council need to consider meeting the request for further Housing to support the needs in Wrexham. The development will make a small, but tangible contribution to housing supply.
- 6.9 The proposed development seeks the conversion of the underutilised upper floors of the existing building, alongside a new apartment building on the vacant land to the rear of this site. As such, the scheme represents a part-brownfield development, which is considered favourably in both national and local planning policy.
- 6.10 Consideration of the site's planning history and local planning policy, provided in Chapter 2, evidences the support for residential development in this location. The Chief Planning Officer's Report for the Planning Committee highlighted that, in principle, the development is wholly acceptable and supported by local planning policy.
- 6.11 As such, there are considered to be overriding benefits that outweigh the minimal flood risk of the development, which will be demonstrated throughout this chapter.

Design

- 6.12 The creation of high quality buildings and places is fundamental to the planning and development process, with good design being highlighted as a key aspect of sustainable development, within both national and local planning policy guidance.
- 6.13 In designing the proposed development, care has been taken to take full account of the relationship of the site to adjacent properties both in terms of scale, massing and appearance. The site has considered the scale of the adjacent properties, to ensure that the development sits comfortably within its setting and is appropriate in terms of amenity.
- 6.14 The design and layout of the proposals has been set out to make the most efficient use of the land available, whilst meeting end users requirements. The scheme has sought to maximise the residential units to contribute to the local housing supply, whilst providing the necessary ancillary features, including car parking, to meet the needs of the future occupiers.
- 6.15 The proposed building would represent a significant enhancement to the currently vacant and seldom maintained land, and provide a contemporary and modern aesthetic within the local area. The building will make a positive contribution to the locality, through the use of good quality materials, promoting an active frontage and responding to the spatial character of the area.

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

- 6.16 It is considered that the development will be designed and built to the principles of energy saving, efficiency and sustainability. The efficient use of resources will be maximised through the adoption of appropriate design and specification practices.
- 6.17 The design of the new building has been considered acceptable by the Planning Officer. As such, the development accords with the requirements of the relevant local and national planning policies, including Policies GDP1 and H2 of the UDP, and represents sustainable growth.

Highways and Access

- 6.18 Owing to its location within the town centre, the site is easily accessible by sustainable transport methods. There are existing pedestrian facilities via raised pavements throughout the town centre, to access a range of retail, leisure and employment opportunities. The site is also within walking distance of Wrexham Central Railway Station and Wrexham Bus Station.
- 6.19 The development will be served by a new vehicular access point off Bridge Street, towards a car parking area consisting of 19 no. car parking spaces, alongside sufficient bicycle provision, which is considered appropriate for the sustainable location of the site, with occupiers of the apartments to be encourage to use sustainable means of transportation wherever possible. This is supported by Policy T8 of the UDP.
- 6.20 It is anticipated that there will be an increase in new vehicular trips as a result of the proposed development, however it is not foreseen to be significantly greater than the existing census data for similar types of accommodation. It is therefore considered that the traffic impacts resulting from the proposed development can be accommodated by the local highway network.
- 6.21 In light of the above, it is therefore concluded that the proposed development should not have a material impact in terms of highway operation and safety.

Ecological Impacts

- 6.22 The existing building has been assessed for the presence of bats and nesting birds, by Arbtech and Sambrook Associated Ltd. It was confirmed through the series of surveys and assessments, that the building has a low likelihood of supporting roosting bats, and so the works can be undertaken without the need for further surveys or detailed mitigation.
- 6.23 No evidence of nesting birds was found during the survey, although birds could use the vegetation on site for nesting. It has been recommended that three Schwelger bird boxes are installed on site, and any building/tree and scrub removal should be undertaken outside the period 1st March to 31st August inclusive.

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

6.24 As such, the proposed development is wholly acceptable in regards to ecology matters.

Sustainable Development

6.25 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015. There are three strands to sustainability; economic, social and environmental, of which each is to now be considered. These strands are interdependent and required to be pursued in mutually supportive ways.

6.26 Economically, the construction of the development will bring employment and require the purchasing of local goods, materials and services. In the long-term occupiers of the apartments will support local facilities and services, which are all within walking distance of the application site.

6.27 Socially, the proposals would contribute to the creation of a sustainable neighbourhood, by providing a mix of tenures, sizes and housing types within the local area. Occupiers of the apartments would improve the sense of community, through the integration of existing and new residents.

6.28 Environmentally, the site in part represents brownfield development, which is considered favourably in national and local planning policy. The application site is located within a sustainable location with good transportation links by both private vehicle and public transport.

6.29 The applicant and their Design Team have worked proactively with the Local Planning Authority throughout the determination process, amending the design scheme to satisfy the Planning Officer.

6.30 It is therefore accepted that the principle of development is not disputed and that the redevelopment of the site to meet an identified need, is acceptable. It is hereby considered that there are overriding benefits that outweigh the negligible risk to the development in regard to flooding.

Reason for Refusal - Flood Risk

6.31 The planning application, subject to this appeal, was refused on a single ground, relating to flood risk. The application was first supported by a Flood Consequences Assessment prepared by Weetwood in 2018, which was followed by an Addendum in August 2019 [Appendix CA1].

6.32 The following information draws upon the named reports and the final 'Statement of Case' prepared by Weetwood to support this planning appeal [Appendix CA5].

6.33 The Development Advice Map, as shown earlier in Figure 2, indicates that the northern portion of the site (i.e. the Central Buildings) is located in Zone C2, whilst the southern portion is located in Zone B

11/06/2021

Appeal Statement

and Zone A. Specifically, the majority of the car parking spaces and access off Bridge Street is in Zone A, with approximately 3 no. spaces and the proposed new apartment in Zone B.

- 6.34 According to NRW historic flood outlines, there are no records of the site being affected by historic flooding.
- 6.35 An assessment of the flood risk at the site was demonstrated within the submitted Flood Consequences Assessment and the subsequent Addendum document, which were based on a 1D/2D hydraulic model of the River Gwenfro prepared on behalf of Wrexham Council in 2016. The model outputs for the existing/pre-development situation (the baseline scenario) indicates:
- Present day 1 in 100 annual exceedance probability event (1% AEP event): *No site flooding*
 - 1 in 100 plus 20% climate change AEP event (1% AEP plus 20%CC): *No site flooding*
 - 1 in 100 plus 45% climate change AEP event (1% AEP plus 45%CC): *No site flooding*
 - Present day 1 in 1,000 AEP event (0.1% AEP event): Flooding to 75.95 m AOD. *Some flooding of northern part of the site i.e. part occupied by Central Buildings but no internal flooding of the building (FFL 76.02 m AOD).*
- 6.36 Figures 3 - 6 are included within Appendix 3 of the Flood Consequences Assessment (2018) prepared by Weetwood.

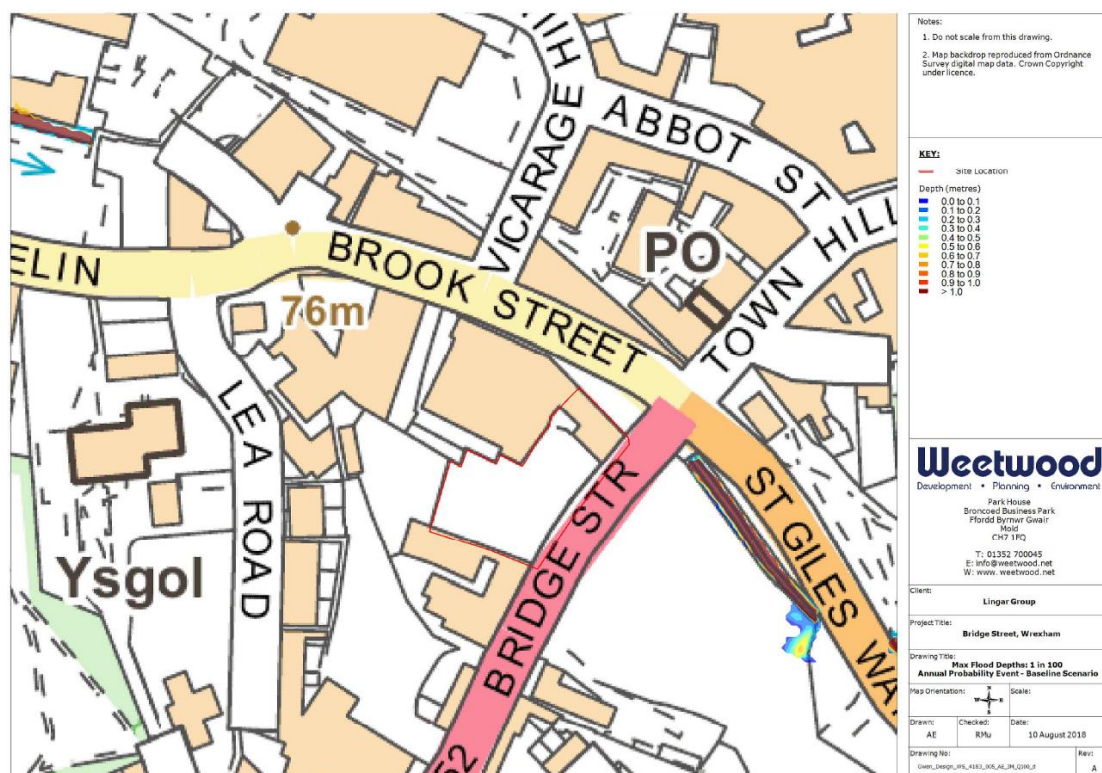


Figure 3. 1 in 100 annual probability event [Source: Flood Consequences Assessment – Appendix CA1]

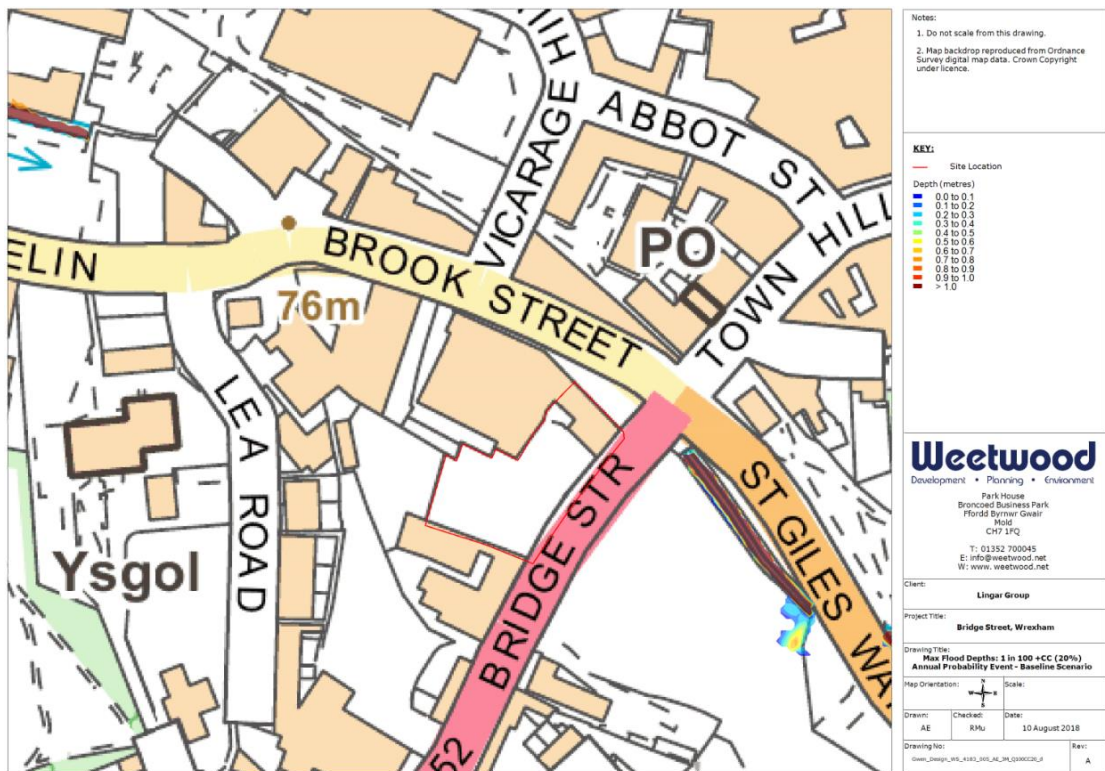


Figure 4. 1 in 100 + CC (20%) annual probability event [Source: Flood Consequences Assessment – Appendix CA1]

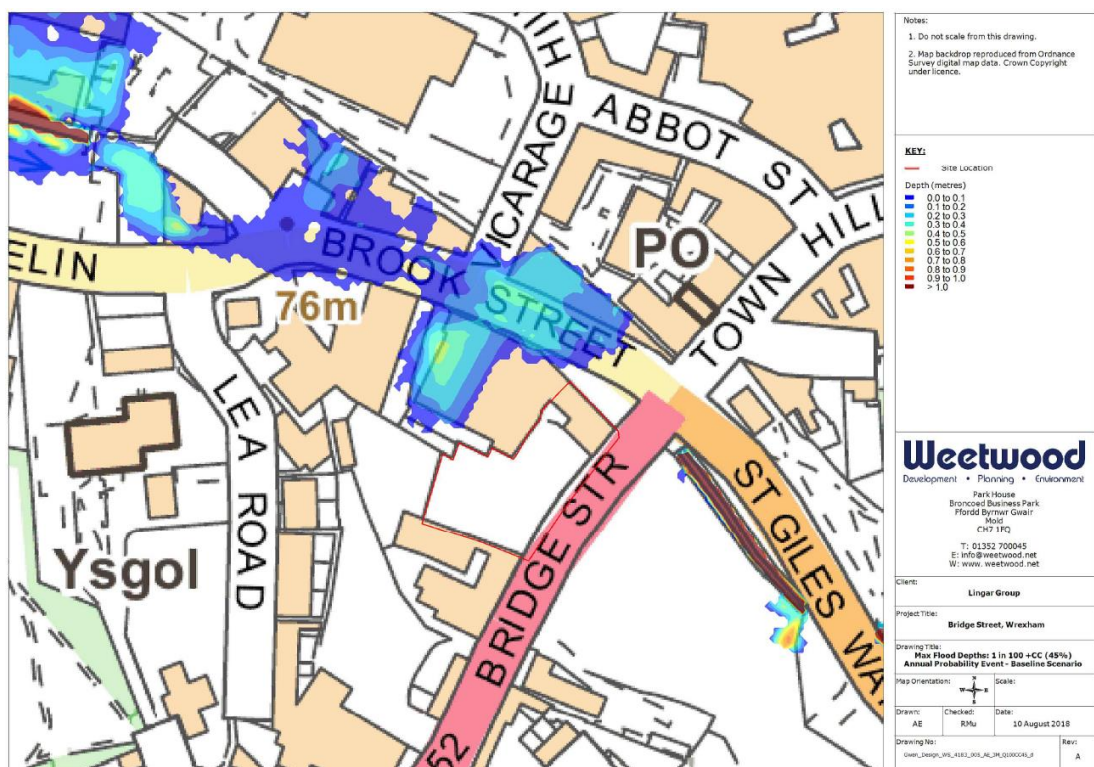


Figure 5. 1 in 100 + CC (45%) annual probability event [Source: Flood Consequences Assessment – Appendix CA1]

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

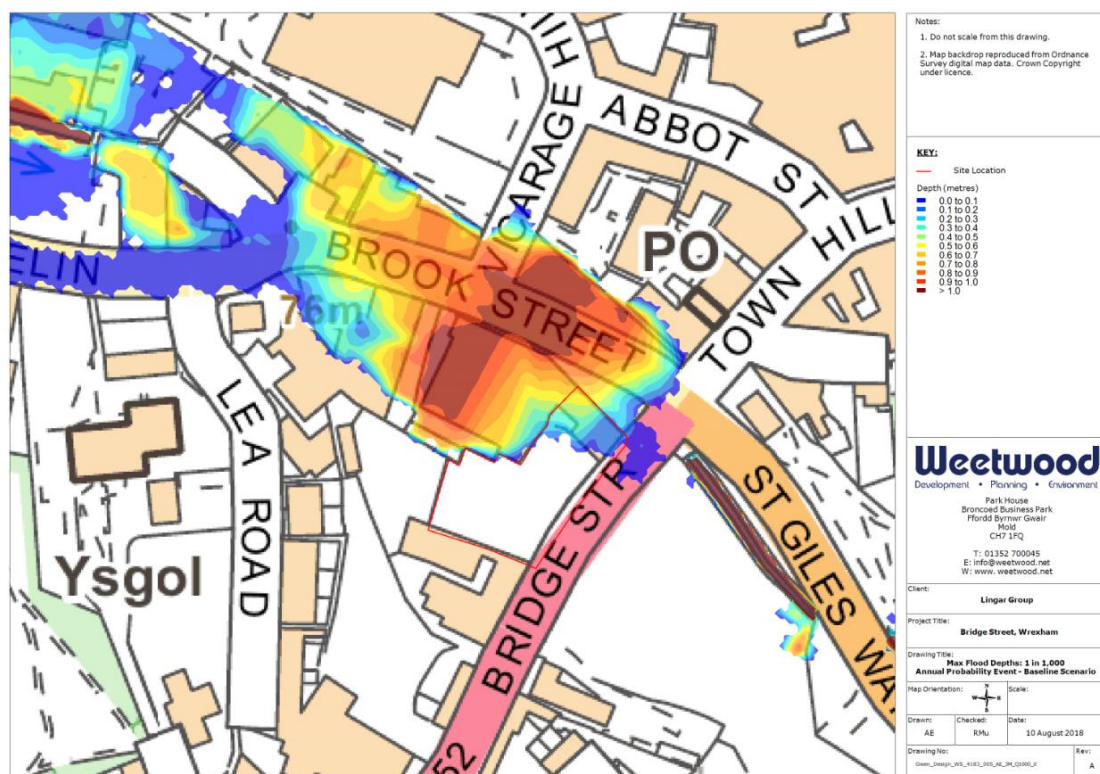


Figure 6.1 in 1000 annual probability event [Source: Flood Consequences Assessment – Appendix CA1]

- 6.37 For proposed highly vulnerable development, NRW require the entire development including all residential buildings, garden areas and driveways/parking to be shown to be flood-free during a 1:100 plus climate change (+CC) annual probability event in accordance with their interpretation with A1.14 of TAN15. The above mapping evidences no site flooding in either event.
- 6.38 The mapping indicates that some flooding of the site may be expected during a 1 in 1,000 annual probability event, but this is confined solely to the northern portion of the site, covering the existing building. As the existing surveyed finished floor level is 76.02m AOD and the maximum flood level depth would be 0.69m, it is reasonable to assume that there would be no flooding of the existing building to the north of the site, during a 1 in 1,000 annual probability event.
- 6.39 In respect of the residual risk of flooding (as opposed to a direct risk of flooding), modelling was undertaken of varying degrees of blockage of the inlet of a culvert 185 m upstream of the site (the Island Green culvert) and of the inlet to the culvert under St. Giles Way approximately 30 m downstream of the site (the St Giles culvert).
- 6.40 The modelling indicated that in the highly unlikely event that the Island Green culvert was blocked (for all levels of blockage), the northern half of the site would flood and that the southern part of the site would remain dry. The severity of the flooding, particularly the extent and depth, was found to be almost identical for the 1% plus 20%CC, 1% AEP plus 45% and present day 0.1% events. For a total

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

blockage during the present day 0.1% AEP event, the northern part of the site was indicated to flood to a level of 76.49 m AOD (1.21 m depth), i.e. 0.47 m above the finished floor level of the Central Buildings.

- 6.41 The proposed residential use of the site would therefore be located well above the anticipated flood levels. All residential use within Zone C2 would be located on the first and second floors, which by default provide a safe refuge in the event that Brook Street flooded, and that whilst some flooding to the rear of Central Buildings may occur during the present day 0.1% AEP event or due to culvert blockage, it is assessed that the Central Buildings could still be safely accessed/egressed to the rear (south), in line with Policy EC12 of the UDP.
- 6.42 It is also relevant to note that all floors of Capital Buildings can be lawfully used as a nightclub. As such, the proposals are to replace an existing Highly Vulnerable use (nightclub) with an alternative Highly Vulnerable Use (residential apartments).
- 6.43 According to Figure 2 of TAN15, Highly Vulnerable Development comprises;
- “all residential premises (including hotel and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites”.*
- 6.44 Whilst nightclubs are not explicitly referenced in TAN15, it is reasonable to assume that a nightclub would constitute a Highly Vulnerable use, in the same way that a leisure centre is.
- 6.45 Accordingly, the proposals do not create a new Highly Vulnerable Use. The proposed works involve the redevelopment of an existing building, and it is not considered that this should be treated with the same approach.
- 6.46 It is not unreasonable to assume that the proposed change of use would represent a reduction in vulnerability to flood risk, particularly as all residential dwellings would be restricted to the first and second floors, unlike the existing permitted use as a nightclub which can be on all floors of the building.
- 6.47 It is recommended that a Flood Warning and Evacuation Plan is prepared and implemented prior to occupation to ensure that all occupants, visitors and users of the development are aware of the risk of flooding, of the procedures to be followed in the event that flooding is forecast or actually occurs, and of the escape evacuation routes.
- 6.48 NRW consider a small section of the car park to be ‘new’ Highly Vulnerable Development in Zone C2 because the car park is associated with a highly vulnerable building. The Zone C2 extent within the proposed car parking area only relates to a fraction of the area, which is located at the extremity of the

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

Zone C2 outline, where flood depths would be very shallow. It has been consistently evidenced that the extremely small flood risk area within the car park should be considered safe and reasonable.

6.49 The submitted Flood Consequences Assessment and Addendum confirm that no internal flooding of the proposed residential apartments in Central Buildings or the new apartment building would occur during any modelled flood event (including culvert blockage scenarios), and that there would be less than 600 mm of water on access roads and that all elements of the development.

6.50 The proposals for the redevelopment of the southern part of the site, being located in flood zone A (car park) and flood zone B (new apartment block) comply with planning policy.

6.51 In respect of flood risk mitigation, the following measures were proposed to mitigate the residual risk of flooding, due to culvert blockage, for the southern portion of the site, whereby there is no direct risk of fluvial flooding:

- New apartment building: FFL to be not lower than 76.73 m AOD. This would provide 300 mm freeboard above the maximum modelled flood level during the 1% AEP plus 20%CC event with a total blockage of the Island Green culvert and is also significantly above the maximum flood level during the total blockage scenarios for the 1% AEP plus 45%CC event and present day 0.1% AEP event.
- Car park: Given that the car park is shown to remain dry (no flooding) during the present day 0.1% AEP event (no culvert blockage), and that that only a small part of the car park would flood, to a depth less than 100mm during the total culvert blockage event, with a Very Low flood hazard (FCA Addendum Figure 2), no specific mitigation measures are proposed.
- Site access and egress: The site could be safely accessed/egressed at all times.

6.52 In terms of off-site flood risk, given that the new apartment block is located in Zone B and the car park is almost entirely in Zone A, the proposals would not increase flood risk elsewhere for the present day 0.1% event (or during the 1% AEP plus 20%CC and 45%CC events), in accordance with Policy EC12 of the Wrexham Unitary Development Plan 1996 – 2011.

6.53 For further information, please see Appendix CA5.

Conclusion to Planning Appraisal

6.54 It is considered that this statement has appropriately demonstrated how the application conforms to local policy and the LPA's reason for refusal has been positively addressed.

CENTRAL BUILDINGS AND ADJOINING LAND AT BROOK STREET, WREXHAM

11/06/2021

Appeal Statement

- 6.55 The information presented demonstrates that flood risk could be appropriately mitigated and that the risks and consequences of flooding could be managed to an acceptable level. It is concluded that the proposed development would be safe for its lifetime, and the proposals would not materially increase flood risk elsewhere.
- 6.56 As such, there is no reason why consent cannot be granted for this planning application.

7.0 CONCLUSION

- 7.1 This statement supports an appeal against the refusal by Wrexham County Borough Council of full planning permission for residential development comprising the conversion of the first and second floors of Central buildings to provide 10 no. apartments with related alterations at ground floor level, and the erection of 28 no. apartments on adjacent land with associated parking, at Brook Street in Wrexham (ref: P/2018/0915).
- 7.2 The proposals represent the development of a parcel of land for residential use within a sustainable location. The development will offer considerable benefits in respect of bringing an underutilised building and vacant land back into a sustainable, long-term use and contributing to the housing supply, as confirmed by the Planning Officer and supported by the Planning Committee. The redevelopment of the site is encouraged throughout local planning policy for potential residential, business and retail uses. As such, it is contended that there are considerable benefits to the scheme that would outweigh the negligible risk to the development from flooding.
- 7.3 For the reasons set out within the statement and within the supporting documentation, it is considered that the comments relating to flood risk are unjustified and there are no adverse effects of the development.
- 7.4 Accordingly, it is considered that the appeal should be allowed and full planning permission granted.

APPENDIX CA1 – A COPY OF ALL RELEVANT PLANS, DRAWINGS AND DOCUMENTS ASSOCIATED WITH THE ORIGINAL PLANNING APPLICATION (REF. P/2018/0915)

**APPENDIX CA2 - DECISION NOTICE AND COMMITTEE REPORT
(APPLICATION REF. P/2018/0915)**

APPENDIX CA3 – CONSULTATION RESPONSES RECEIVED FROM NATURAL RESOURCE WALES

APPENDIX CA4 – REPORT OF THE CHIEF OFFICER DATED 27th JULY 2020

APPENDIX CA5 – FINAL STATEMENT OF CASE TO SUPPORT THE PLANNING APPEAL PREPARED BY WEETWOOD

Cassidy+Ashton

C+A

Cheshire Office:

10 Hunters Walk, Canal Street,
Chester, CH1 4EB

T: +44(0)1244 402 900

E: chester@cassidyashton.co.uk

Lancashire Office:

7 East Cliff, Preston,
Lancashire, PR1 3JE

T: +44(0)1772 258 356

E: preston@cassidyashton.co.uk

South East Office:

First Floor, 189-193 Earls Court
Road, Earls Court, London, SW5
9AN

T: +44(0)2079 534 052

E: london@cassidyashton.co.uk

North Wales Office

St Andrews Business Centre, St
Andrews Park, Queens Lane, Mold,
Flintshire, CH7 1XB

T: +44(0)1352 706 246

E: mold@cassidyashton.co.uk

Email us:

architecture@cassidyashton.co.uk

surveying@cassidyashton.co.uk

planning@cassidyashton.co.uk

Follow us on:



www.cassidyashton.co.uk

Architecture + Building Surveying + Town Planning

Cassidy and Ashton is a trading style of Cassidy and Ashton Group Limited
Registered in England and Wales No. 2510645 – 7 East Cliff, Preston, PR1 3JE

RIBA  RICS  RTPI 

