

Item 4a

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Dated 27th JULY 2020

APPLICATION NO:

P/2018 /0915

LOCATION:

CENTRAL BUILDINGS AND
ADJOINING LAND BROOK STREET
WREXHAM
LL13 7LH

DATE RECEIVED:

30/10/2018

COMMUNITY:

Offa

CASE OFFICER:

MP

WARD:

Offa

DESCRIPTION:

RESIDENTIAL DEVELOPMENT
COMPRISING 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

AGENT NAME:

CASSIDY AND ASHTON
GUY EVANS

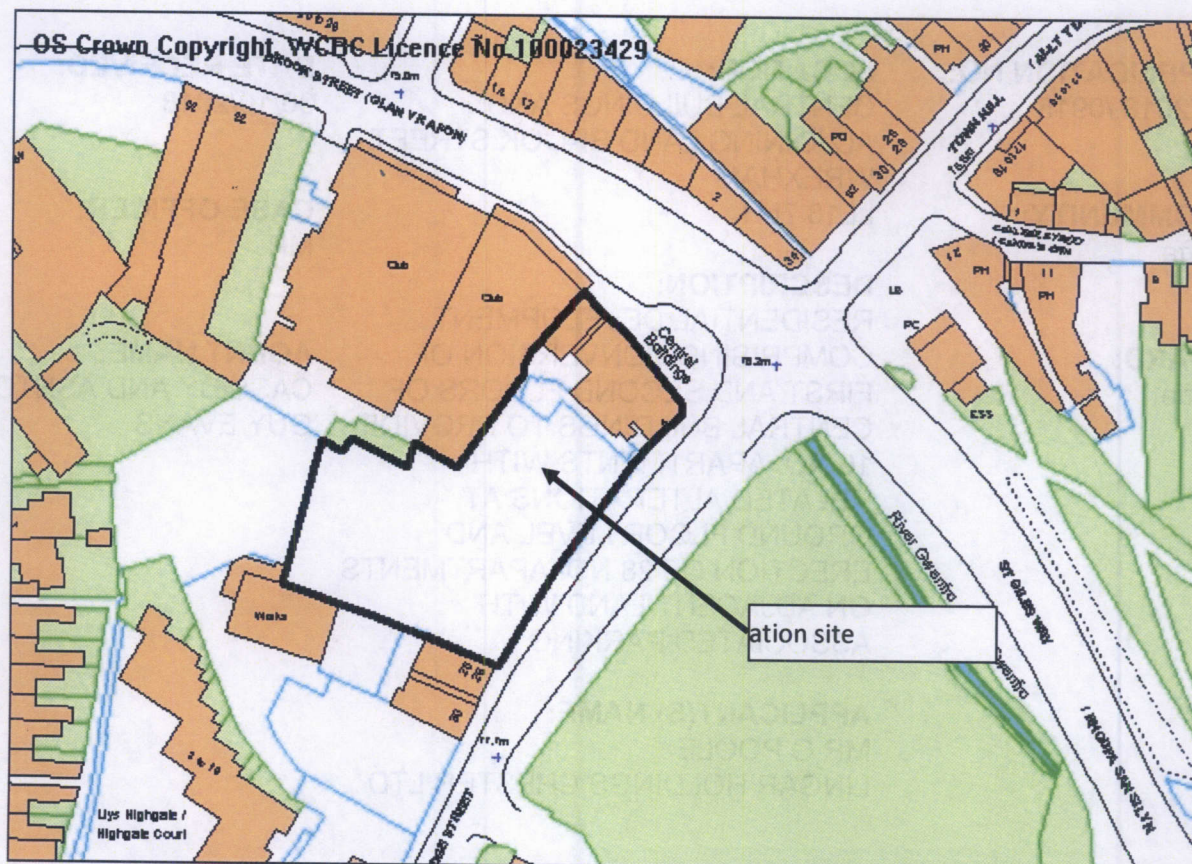
APPLICANT(S) NAME:

MR G POOLE
LINGAR HOLDINGS CHESTER LTD

THE SITE

The site occupies the corner of Brook Street and Bridge Street and is part occupied by 3 storey building, with the remainder of the site being vacant.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
Dated 27th JULY 2020



PROPOSAL

The development comprises of the conversion of the upper floor of the existing building to 10 no. apartments together with the erection of 28 apartments on the vacant plot to the rear of it.

HISTORY

Central Buildings

P/2010/1052 CHANGE OF USE AND ALTERATIONS TO FORMER NIGHTCLUB TO PROVIDE STUDENT ACCOMMODATION ON FIRST AND SECOND FLOORS AND CONVERSION OF ROOF SPACE. Refused 23.12.2010. Appeal dismissed 11.10.2011

Vacant Land

P/2003/0962 Outline application for residential, office, retail and A3 leisure uses, construction of new vehicular and pedestrian access and alteration to existing vehicular and pedestrian access. Granted 6.10.2003

P/2005/0603 Variation of 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 (P/2003/0962)

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Dated 27th JULY 2020

refers to outline application for residential, office, retail and A3 uses, construction of new vehicular and pedestrian access and alteration to existing vehicular and pedestrian access). Granted 15.08.2005

P/2008/0349 VARIATION OF CONDITIONS NO. 2, 3 AND 9 OF PLANNING PERMISSION P/2003/0962 TO ALLOW FOR EXTENSION OF TIME FOR SUBMISSION OF RESERVED MATTERS (P/2003/0962 REFERS TO OUTLINE APPLICATION FOR RESIDENTIAL, OFFICE, RETAIL AND A3 USES. CONSTRUCTION OF NEW VEHICULAR AND PEDESTRIAN ACCESS AND ALTERATION TO EXISTING VEHICULAR AND PEDESTRIAN ACCESS). Granted 12.6.2008

DEVELOPMENT PLAN

Within settlement and Bridge Street/Cambrian Yard regeneration area. The site also lies partly within zone C2. Policies GDP1, GDP2, EC12, H2, H7 and T8 apply.

CONSULTATIONS

Community Council: Objected in response to initial consultation on the following grounds:

- The size of the development is over-intensive for the small site and consequently the flats are too small.
- Inadequate parking provision only 19 spaces for 38 flats. Other approvals nearby for similar development have achieved 1 parking space per flat but this is not achievable here. The number of apartments should be reduced to match the number of flats.
- Situated on a very busy traffic light junction there are real concerns over the implications for highway safety.
- Inadequate refuse and recycling collection proposals which will impact on the free flow of traffic at the traffic light junction.

The 4 ground floor flats will have little privacy and these should be converted to retail units instead, as per previous proposals for development on the site.

Commented as follows in light of the amended plans;

- The amended plans and elevations are superficial and do not address the major objections which Offa Community Council (and others) have expressed in response to the original application.
- We also note the comments from Natural Resources Wales pointing out that most of the site, including the proposed car park, is within the Gwenfro flood risk area. We therefore remain of the view that the application should be refused.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Dated 27th JULY 2020

Local Member:

In response to initial notification, commented that he cannot support the current proposals, for the reasons below:

1. It is quite disappointing that the proposals for the ground floor of the new building are for apartments rather than for commercial or business use as had been previously envisaged to complement the eventual redevelopment of the larger site on the opposite side of Bridge Street and alongside the St Giles Way link road beneath the Parish Church.
2. The use of the combined site is over-intensive, with 10 flats on the two upper floors of Central Buildings and 28 flats in a new build on the adjoining empty plot - far more than can be safely and sustainably provided on this limited site.
3. The proposed parking provision is far from adequate, proposing only 19 spaces for the total of 38 apartments. Planning Guidance Note 16 on Parking Standards specifies a maximum standard of 1.5 spaces for each bedroom space, giving a maximum requirement of 57 parking places for this total development of 38 flats. Planning Approvals for nearby developments have been for one parking space per bedroom space, plus additional space for visitors. This would give a requirement for at least 38 spaces.
4. In addition, the parking space sizes illustrated are smaller than specified in PGN 16, which would make the spaces difficult to use. If provided to the specified sizes, then it is unlikely that more than 13/14 spaces could be safely provided on the remaining space behind the new buildings, whilst still providing adequate space for delivery or refuse collection vehicles to turn within the site.
5. The proposed entrance to the car park area from Bridge Street adjacent to the Grade 2 listed Burton Building is too close to the signal controlled junction with Brook Street for the amount of traffic that would be generated by the development, and is located at the point where Bridge Street divides into two separate lanes - into Brook Street and into St Giles Way. This is one of the busiest entrances into Wrexham Town Centre. Further, any vehicles driving from Brook Street and wishing to turn into the site could find their route blocked by vehicles driving down the hill towards the town centre, so the street could become gridlocked.
6. Facilities for Waste and Recycling collection for the 28 flats is shown at the rear of the property, accessed from the car park area. Whilst the refuse vehicle

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Dated 27th JULY 2020

would enter the car park to empty the containers off-street, turn within the site and return in a forward direction back onto Bridge Street, it is not clear from the submitted plans whether such movements would be possible without affecting the free flow of traffic in both directions on Bridge Street. The arrangements for the 10 flats in Central Buildings are not acceptable. Their refuse and recycling bins would be stored in the alleyway leading to Voodoo Moon, and this would require refuse vehicles to park on Bridge Street, immediately before the traffic lights, blocking the turn into Brook Street.

Application P/2010/1052 for the conversion of Central Buildings into student accommodation was refused by the Planning Committee in June 2011 - "The development would create additional parking problems to the detriment of highway safety" - and the Appeal by the applicants was dismissed by the Planning Inspectorate in October 2011.

The document submitted by the applicant is misleading, in that it refers to the 10 flats in Central Buildings, with 19 car spaces behind, then elsewhere in the document refers to the 28 flats in the new building - with 19 car spaces behind. These are the same 19 spaces - serving the total of 38 apartments. There is no doubt that this severe shortfall would create additional problems for residents in the nearby residential areas. Experience from other developments in and around the town centre where there has been inadequate car parking provision shows that those residents leave their vehicles in these residential areas, where there is already insufficient car parking space for all the residents that live in those localities.

Many of these points have been raised in the Highways response. In the absence of any I believe that this application has to be refused for the following reasons:

1. The proposed development is grossly over-intensive. The site cannot support 28 new units in addition to the 10 proposed in Central Buildings.
2. There is insufficient car parking. There has to be a minimum one car parking spaces per bed space. Given that there is not space for 38 properly specified parking spaces, the total number of units has to be limited to the number of safe spaces that can be provided within the site.
3. Unacceptable impact on Highway safety at a busy junction on one of the busiest entrance routes into the Town Centre.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Dated 27th JULY 2020

4. Inadequate arrangements for collecting waste/recyclables, especially for the Central Buildings apartments.
5. Lack of privacy for those ground floor tenants facing Bridge Street, whose only windows would face directly onto the busy street

Commented as follows following submission of amended plans:

- There is no doubt that this application has to be refused, and the direction by National Resources Wales is the latest reason why this has to be done.
- However there are so many other reasons why the application is unacceptable. The Planning Highways Officer submitted a five page response to the consultation in 2018, listing his many concerns about the parking and access arrangements, and to date, none of the additional information he requested has been submitted by the applicant. We have Parking Standards clearly stated in our Planning Guidance Note, and although these are maximum standards, the proposed parking arrangements fall far short of the numbers required. Although a 28 bedroomed apartment block would be required to provide a maximum of 42 spaces, the 19 being provided do not even provide one parking space per unit, and makes no provision for visitor parking or for servicing by the owners - requirements that have been approved in other applications around the edge of the town centre.
- The conversion of Central Buildings was previously refused, a decision confirmed by the Planning Inspector, because the development had no provision for parking. As there are an insufficient number of spaces for the 28 new flats, there are effectively no spaces being provided for the 10 flats within Central Buildings, so the decision of the Inspector still applies, and the application should not be supported this time.
- Even with only 19 car parking spaces marked out, there would be insufficient remaining space to accommodate large vehicles such as refuse or delivery vehicles to service the flats, and the prospect of a second vehicle having to reverse out into Bridge Street as a result would have a horrendous impact on traffic and pedestrian safety along Bridge Street. The proximity of the proposed access to the traffic lights at the Brook Street junction is a major concern, especially as there are alternative arrangements that could more safely and adequately service the whole of the area along Brook Street between Bridge Street

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Dated 27th JULY 2020

and Lea Road service the very limited site of this application.

Highways:

Have made the following comments:

- Site is served by adequate footway provision and crossing facilities;
- There are car parks nearby however St Giles is only short stay and Island Green is relatively expensive for short stay;
- The submitted plan indicated provision of adequate splays;
- The submitted plan indicates a new 5.5m wide access with 6m kerb radii which is considered adequate. I would recommend that the access takes the form of a dropped kerb vehicular crossing in the interests of pedestrian safety;
- Pedestrian visibility splays of 2.4 x 3.3m should be provided;
- In order to improve access into/from the site, I recommend a yellow box junction marking is installed;
- LPGN16 would require a maximum of 1.5 spaces per apartment. The submitted plans indicate the provision of 19 spaces for 38 apartments. It is unclear which apartments will be allocated a space;
- Gates should be set back an appropriate distance to accommodate a refuse wagon clear of the highway;
- Require revised swept paths to indicate if refuse vehicle encroaches over the centre line of the carriageway when exiting the site;
- Turning facility needed for refuse wagon.

Public Protection:

Initially expressed concerns about noise from nearby late night uses. In light of further information, advised that the proposed mitigation should be effective.

Flood Management:

No information has been included with the application to detail how surface waters generated by the development will be managed (other than existing watercourse indicated on the application form). This information, making full consideration of the Welsh Ministers Statutory Standards for Sustainable Drainage Systems, should be submitted prior to the determination of the application to ensure a suitable system is feasible for the site.

Welsh Water:

Proposed development is in close proximity to a combined sewer. An easement of 4m either side of the centreline is required. Drainage condition also recommended.

NRW:

Object due to flood risk.

Press Notice:

Expired 8.12.2018

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Dated 27th JULY 2020

Site Notice: Expired 23.11.2018

Neighbours:

The owners/occupiers of 14 nearby properties notified initially on 23.11.2018 and subsequently in respect of amended plans on 15.01.2020.

1 objection received expressing the following concerns:

- The proposed building is not sympathetic with existing buildings in the area and not in keeping with the surroundings and will have a visual detriment to the area;
- Traffic joining Bridge Street will add to congestion.

SPECIAL CONSIDERATIONS

Policy: The site lies within the Bridge Street/Cambrian Yard Regeneration area in the UDP. Policy H13 states that the main use of the land within the regeneration area will be residential development, business and shopping for local needs. The site also falls within the Town Centre Masterplan area (the Masterplan) where it is identified as Key Site 2. The Masterplan identifies the site as being suitable for a mixed use development including any combination of residential, small scale local need retail, office and leisure uses.

The site currently comprises of an extant building located on the corner of Bridge Street and Brook Street which is occupied on the ground floor by Class A3 uses. The upper floors are currently vacant. To the rear of the building is a vacant plot of land that fronts onto Bridge Street.

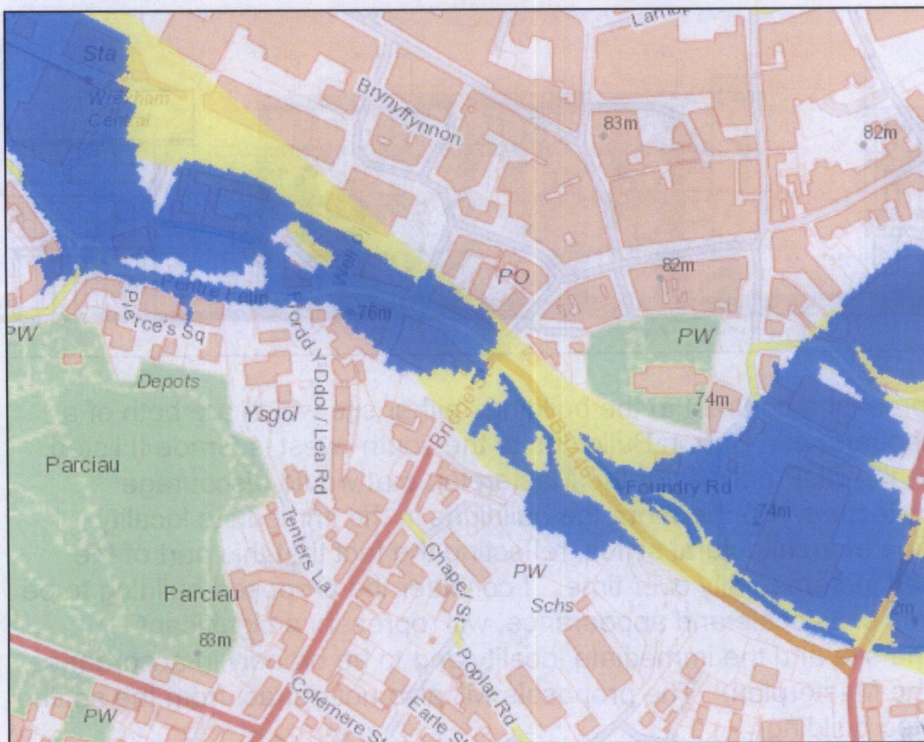
The proposals are consistent with the objectives of policy H13 and the proposed use in accordance with the Masterplan. They will bring the vacant upper floors of an existing building back into use whilst also bringing a vacant plot of land into beneficial use.

The application sites outside of the town centre shopping area but in close proximity to it. The introduction of residential development has the potential to be beneficial to the town centre, with occupiers of the site likely to be reliant upon the services available within walking distance. The site is also sustainably located and therefore ideally placed to promote travel by means other than private car.

Whilst noting the local member's disappointment that the new build element includes residential rather than commercial on the ground floor, there is noting in adopted UDP policies or indeed in The Masterplan that would justify refusal of the development due to the lack of ground floor commercial space. The development retains an element of commercial floor space in the existing building. Furthermore, Bridge Street and Penybryn beyond are of mixed use character, reflecting their edge of town centre location. Viewed in this broader context, the inclusion of residential use at ground floor level is broadly in keeping with the character of wider locality.

Flood Risk and drainage: The majority of the existing building is located within zone C2 and a small part of the proposed building and the associated communal external area will also lie within zone C2.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
Dated 27th JULY 2020



Paragraph 6.2 of Technical Advice Note (TAN) 15: Development and Flood Risk is very clear that highly vulnerable development should **not** be permitted within zone C2. TAN15 makes no exceptions. The Welsh Government have also issued a summary that supplements TAN15 of which is required for residential development to be considered. This summary advises that such development should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences, in other words Zone C1 of the Development Advice Map.

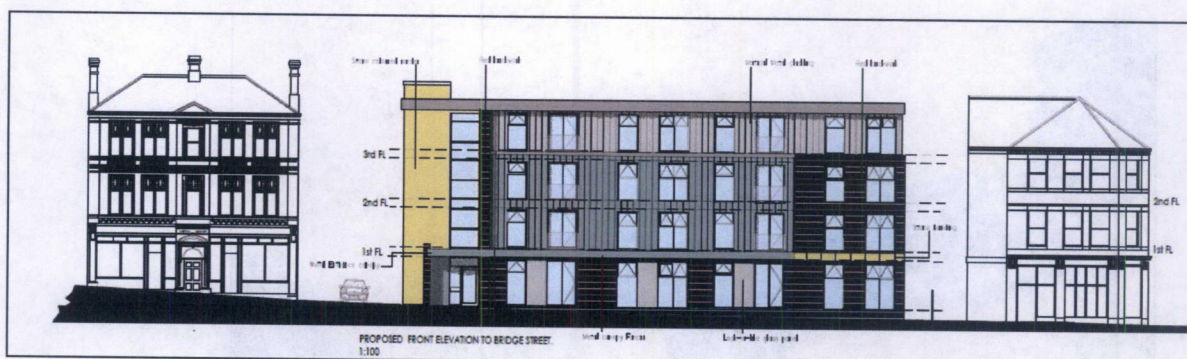
It is acknowledged that there are a number of factors that weight heavily in favour of the site, particularly in respect of contribution to the housing supply and bringing vacant floor space and previously developed land back into use. These very considerable benefits do not however justify the granting of permission for a development that is at unacceptable risk of flooding.

Whilst there may be scope to develop the land to the rear of the existing building in a manner that sites a residential building entirely outside of zone C2, the current proposals must be considered in their entirety, and on this basis the proposals are in clear conflict with TAN15 and policy EC12.

Design: The alterations to the existing building are comparatively modest and will retain its existing character.

The new building is of a contemporary design – see plan below:

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
Dated 27th JULY 2020



The proposals represent a contrast to the buildings either side of the site which are both of a more traditional appearance. Burton Buildings to the south-west is Grade II listed. There is nothing in the UDP policies or the Masterplan that would discourage contemporary architecture. Furthermore the buildings in the immediate locality display a wide range of architectural styles, reflecting the fact that this part of the town has developed incrementally over time. I consider the proposed building to be appropriate in terms of its scale and appearance, will represent a significant enhancement to the site and the immediate locality and to be broadly in accordance with guidance in the Masterplan. The proposals will also not detract from the setting of the adjacent listed building.

Amenity: The internal layout of the development will provide adequate daylight to and outlook from each of the flats. The development will also be provided with adequate space for refuse storage.

Whilst noting comments about the ground floor apartments in the new building, having residential properties fronting onto a footpath is not unusual in an urban context, indeed there are many examples of developments that front either directly onto the footpath or, in a similar manner to the proposed development, are separated from the footpath by 1-2 metres within a short distance of the site. I am not aware this necessarily unduly compromises the standard of amenity afforded to ground floor occupiers. Furthermore, the Council has no policy or adopted guidance which requires habitable rooms on ground floors to be located a minimum distance from a footway or where a ground floor is located close to a footway, for it to be occupied by non-residential uses.

The flats are not provided with any individual or communal outdoor amenity space, LPGN10 advising 10 sq.m per flat. However LPGN21 is guidance rather than a standard to be applied rigidly to every proposal. The lack of outdoor amenity space is not uncommon for residential developments in or on the edge of town centres. The occupiers of the site would not be denied access to opportunities for recreation, the site being approximately 300m on foot from the entrance to Belle Vue Park. The proximity to the town centre also offers a broad range of other recreational and leisure opportunities. I am therefore satisfied that the proposals do not prejudice the standard of amenity afforded to future occupiers in this instance.

The development sits adjacent to a nightclub. PPW10 paragraph 6.7.24 is particularly relevant in this instance and advises that:

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

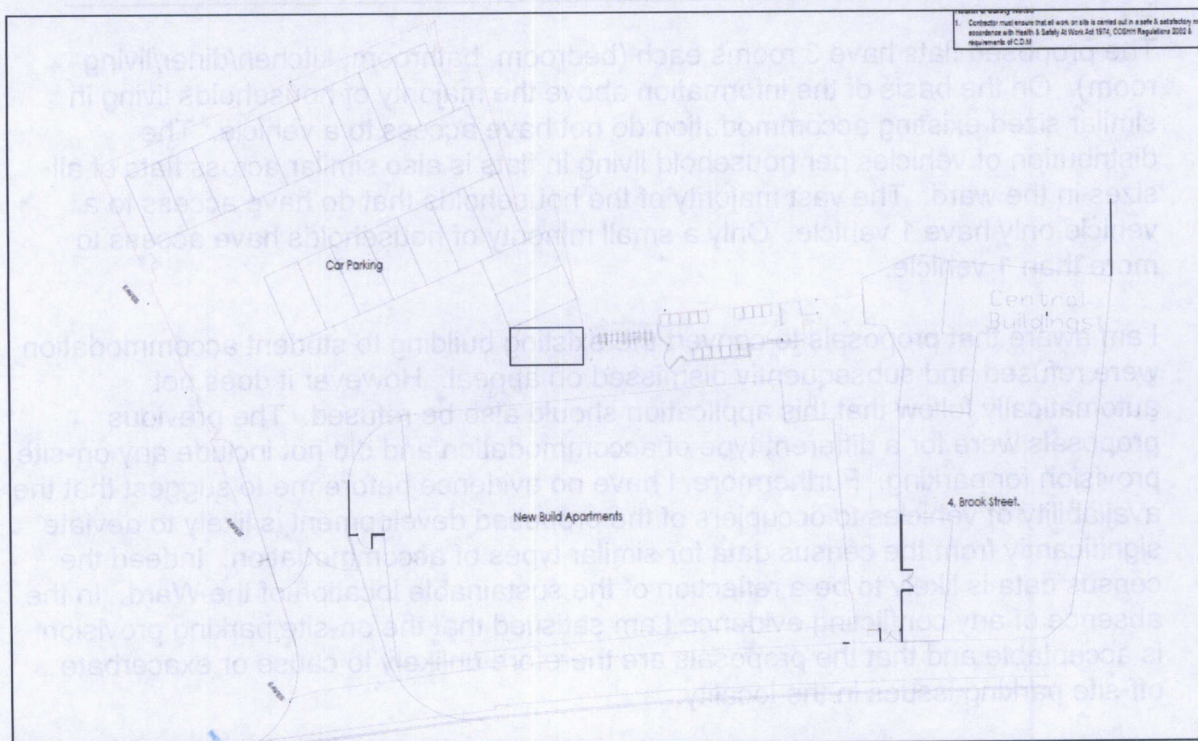
Dated 27th JULY 2020

The potential impacts of noise pollution arising from existing development, be this commercial, industrial, transport-related or cultural venues (such as music venues, theatres or arts centres), must be fully considered to ensure the effects on new development can be adequately controlled to safeguard amenity and any necessary measures and controls should be incorporated as part of the proposed new development. This will help to prevent the risk of restrictions or possible closure of existing premises or adverse impacts on transport infrastructure due to noise and other complaints from occupiers of new developments. It will be important that the most appropriate level of information is provided and assessment undertaken.

Public Protection initially expressed concerns over a lack of detail in respect of noise mitigation. Following the submission of additional information they have now confirmed that it would appear the mitigation measures proposed will adequately mitigate noise. The implementation of a scheme of noise mitigation could be secured by condition.

Open Space: The development does not provide any on-site open space site, however policy CLF5 acknowledges that contributions towards off-site provision may be appropriate in the case of urban infill development. The site is relatively close to Belle Vue Park and it would seem appropriate to secure contributions toward enhancing facilities within the park in lieu of on-site provision.

Access and Parking: The site will be provided with a new access onto Bridge Street. The proposed site layout plan is shown below:



The layout and design of the access meet with Highways requirements. Adequate visibility can also be provided. The applicants have also provided additional plans in response to a request from Highways which demonstrate that a refuse vehicle can

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Dated 27th JULY 2020

enter and leave the site safely. The plans also confirm that such a vehicle can turn within the site. I am therefore satisfied that the proposals do not pose a danger to highway or pedestrian safety.

Each flat has 1 bedroom. The LPGN16 maximum parking provision for the development is 1.5 spaces per flat or a total of 57 for the whole development. The development will be provided with 19 parking spaces, which would be sufficient to provide half of proposed flats with one space each.

LPGN16 does not set a minimum parking standard and where parking is provided below the maximum, the location of the site must be taken into account. In this instance the site is in a highly sustainable location on the edge of Wrexham town centre, with a range of retail, leisure and employment opportunities within walking distance. The site is also within easy walking distance of Wrexham Central railway station and Wrexham bus station. It is therefore well located for occupiers who do not need to rely on cars for journeys.

The 2011 census data showing the number of cars or vans for households living in flats, maisonettes and apartments within the Offa ward.

Availability of cars/vans - Flat, maisonette or apartment, Offa Ward					
		car or van	car or van	s or van	rs or vans
(all sizes)	100%	46%	45%	8%	1%
with 1 - 3 rooms	100%	56%	41%	3%	0%

The proposed flats have 3 rooms each (bedroom, bathroom, kitchen/diner/living room). On the basis of the information above the majority of households living in similar sized existing accommodation do not have access to a vehicle. The distribution of vehicles per household living in flats is also similar across flats of all sizes in the ward. The vast majority of the households that do have access to a vehicle only have 1 vehicle. Only a small minority of households have access to more than 1 vehicle.

I am aware that proposals to convert the existing building to student accommodation were refused and subsequently dismissed on appeal. However it does not automatically follow that this application should also be refused. The previous proposals were for a different type of accommodation and did not include any on-site provision for parking. Furthermore, I have no evidence before me to suggest that the availability of vehicles to occupiers of the proposed development is likely to deviate significantly from the census data for similar types of accommodation. Indeed the census data is likely to be a reflection of the sustainable location of the Ward. In the absence of any conflicting evidence I am satisfied that the on-site parking provision is acceptable and that the proposals are therefore unlikely to cause or exacerbate off-site parking issues in the locality.

Affordable Housing: In accordance with policy H7 and Local Planning Guidance Note 28, 25% of the proposed dwellings should be affordable. The applicant has submitted a viability appraisal that suggests that with the provision of affordable

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Dated 27th JULY 2020

housing, the rate of return (profit) is in the region of 8%, which is considerably below the 15-20% that Inspectors have considered to be appropriate in planning appeals.

In 2019 the Council commissioned the District Valuer Services (DVS) to carry out additional viability work in preparation for the Local Development Plan Examination in Public. The application site lies in the sub-market area of South Wrexham that the DVS report (September 2019) recommended a 10% affordable housing requirement should apply to. However the DVS only assessed the viability of Greenfield sites. The DVS also found that sites of less than 50 dwellings in the South Wrexham area are unlikely to be able to sustain affordable housing contributions at all.

There are differences in some of the assumptions made by the DVS and the viability report submitted by the applicants in respects of build costs and market values. Despite this, based on the available evidence, in my opinion this is a site that is unlikely to viably sustain an affordable housing contribution. As such I do not believe the absence of such a contribution would provide valid grounds to refuse the application.

Drainage: The application is not accompanied by any details to demonstrate how surface water will be managed. This is however a previously developed site. The proposals would, at worst, result in no greater run off from the site than could occur were it to remain in its existing condition and assuming no mitigation is provided. The redevelopment of the site does present the opportunity to manage surface water in manner that reduces the pressure on existing surface water drainage systems. This is a matter that can, in my opinion, be appropriately dealt with by planning condition.

Ecology: The existing building has been assessed for the presence of bats. The report submitted by the applicant confirms that the site is of low value to bats with no bats recording around the building during activity surveys. The proposals are therefore unlikely to affect bats so can be undertaken without the need for mitigation.

CONCLUSION

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 and a condition and an obligation can be imposed to secure drainage and off-site contributions towards open space provision respectively. However the benefits are outweighed by the risk to the development from flooding, which brings the proposals into conflict with policy EC12 and TAN15.

Members are advised that as this proposal constitutes Flood Risk Area Development on the grounds that 10 or more residential units within zone C2 are proposed meaning the provisions of Circular 07/12: The Town and Country Planning (Notification) (Wales) Direction 2012. Notwithstanding the recommendation below, should Members resolve to grant planning permission, the Council is required by the Circular to give notice of its

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Dated 27th JULY 2020

intentions to the Welsh Government who then have a statutory period of 21 days to determine whether to call the application in or not.

RECOMMENDATION: That permission be REFUSED

REASON(S)

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.