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Planning and Building Control
Wrexham County Borough Council
Lambpit Street
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10 April 2024

Our ref: U0025310/DPA/JWIL

Your ref: WRO/CBO1558

Dear Sir/Madam

Section 96A, Town and Country Planning Act 1990 (as amended) – Non-Material Amendment

Student Roost, Snowdon Hall, Vicarage Hill, LL13 7HN, Wrexham

Gerald Eve LLP is instructed by Roost Propco 4 Limited ("the Applicant") to submit a non-material amendment (NMA) application to Wrexham County Borough Council ("the Council") in order to insert a new planning condition into planning permission reference WRO/CBO1558, which relates to existing student residential accommodation operated by Student Roost at Snowdon Hall, Vicarage Hill, LL13 7HN, Wrexham ("the Site"). The purpose of the NMA is to define the planning permission's lawful use as student residential accommodation with flexibility added to enable occupation by non-students during the summer holiday periods.

The proposed description for this application comprises:

"Non-material amendment to planning permission WRO/CBO1558 to insert a new planning condition confirming the details of occupation for the student accommodation".

This planning application has been submitted electronically via Planning Application Wales (portal reference: PP-12756901).

The requisite statutory application fee in this instance is £115, which has been paid in full via Planning Application Wales.

Background

The Site currently operates as purpose-built student accommodation in accordance with planning permission WRO/CBO1558 ("the Operative Planning Permission"), approved by the Council on 26 November 1998 for the following development:

"New student accommodation, 2 shop units and new wine bar".

By way of background context to the proposed NMA, the majority of students leave the accommodation at the end of the academic year after exams and final assessments end in May, resulting in a significant portion of the Site being vacant over the summer period. The Applicant wishes to improve the commercial viability of the Site by adding flexibility into the Operative Planning Permission to also allow short-term lettings for non-students between 01 June and 31 August of any given year.

The Applicant has taken a similar approach at its site known as The Heights in Birmingham, where the Council permitted the variation of restrictive conditions across two planning permissions to allow lettings to non-students during the summer periods (Birmingham Council planning references: 2019/05254/PA and 2022/00332/PA).

For the avoidance of doubt, the primary lawful use of the Site would remain as student residential accommodation, continuing to contribute to the City's offering of high-quality student accommodation. As such, students will still be able to stay in their accommodation during the summer period if they wish, and the proposed flexibility during the summer periods (after exams finish in May) would not result in a change to the lawful use during term times (i.e. non-students would not be permitted to stay during term time). Student Roost would manage reservations for non-student accordingly, so that students and not students are not directly sharing accommodation / cluster flats.

Section 96A of the Town and Country Planning Act (1990), as amended, provides the mechanism for inserting new planning conditions into extant planning permissions and, where necessary, to amend the approved description of development where the effect of such changes would be 'non-material' to the planning permission overall. As the proposed flexibility would not result in a material change in the way the Site operates, the use of Section 96A is appropriate in this instance.

Site Description

The Site comprises student accommodation and is located in Wrexham Town Centre and is bound by Vicarage Hill to the west, Abbot Street to the north and commercial properties to the east and south. The surrounding area is mainly comprised of town centre uses with most properties comprising of ground floor commercial premises and 1st floor residential uses.

The Site is sustainably located in relation to public transport services and local amenities. It is situated within 2-minute walking distance from Wrexham city centre which offers a variety of shops, restaurants, bars and other amenities and services. It is also within 10-minute walking distance of Wrexham Central and General Train Stations as well as Wrexham Bus Station which provide services nationally.

Proposed Non-Material Amendment

In the absence of a planning condition that restricts the use of the Site, this application proposes the insertion of a new planning condition to clarify the lawful use of the Site as student residential accommodation, whilst introducing flexibility for the summer holiday period to enable short term lets for non-students. It is proposed that short-term lettings would be restricted to non-term time between 1 June and 31 August each year.

The proposal is non-material in nature, which is demonstrated by a number of factors which are outlined below.

The primary use of the Site will not change as a result of the proposal and the characteristics of the use for short-term lettings would be similar to the primary use as student accommodation as both uses do not offer permanent family housing, but rather shorter-term residential uses instead. There is no existing control over the length of stay, albeit typically students tend to reside for a period of a year or less.

The operation and servicing of short-term lettings would not be materially different to the use of the property by student residents.

The proposed summertime use would not replace the student use, but would be supplementary to it during periods when the student accommodation would be otherwise underused.

For the avoidance of doubt, no internal or external alterations are proposed as part of this application. As such, the proposed summertime use would not result in any external visual changes.

For the reasons outlined above, the off-site impacts of the proposal would be consistent with those of the primary use as student accommodation and as such the proposal is considered to be non-material in nature.

With the above in mind, it is proposed to insert a new planning condition to the Operative Permission, to state:

The development hereby approved is to be occupied by students only, with the exception of the period between 1 June and 31 August of any given year when the premises may also be occupied by non-students.

The Applicant considers that the proposed condition works within the parameters of the Operative Planning Permission and that such flexibility is often enabled by control of a planning condition. However, should the Council consider it to be necessary to amend the description of development to the Operative Planning Permission to reflect the new condition, this NMA application is capable of making such a change. The Applicant welcomes the opportunity to discuss this point further with the Council in due course.

For the avoidance of doubt, no internal or external alterations are proposed as part of this application.

Planning Considerations

Whilst Planning Practice Guidance confirms that the Development Plan is not relevant to the consideration of NMA applications (ID: 17a-008-20140306), it is useful to briefly note the Council's policy position regarding the principle of short term lettings over the summer period within the city centre to demonstrate that the proposed flexibility in land use would not result in any policy conflicts.

In this instance, the relevant development plan document comprises the Wrexham Local Development Plan (December 2023)

The following development plan policies are considered to be particularly relevant to this application:

- Policy R1 – Retail, Leisure and Commercial Centre Hierarchy
- Policy R2 – Development within the Wrexham City Centre Masterplan Area
- Policy SP7 – Wrexham City

The site is not subject to any site-specific allocations, however, is included within the wider Wrexham city centre and city centre masterplan area designations and is also adjacent to (but outside of) a conservation area and flood zone.

Policy R2 states that within the defined Wrexham City Centre Masterplan area, development proposals should support the regeneration, renewal and enhancement of the city centre and be compatible with the masterplan's vision, objectives and aims.

Policy SP7 outlines that Wrexham City will be the focus for new development for uses including, leisure and tourism, in order to strengthen the city's regional function as a settlement of national importance.

Policy SP8 states that the plan will, diversify the local economy and widen the economic base by, among other things, maintaining and enhancing the County Borough's tourism, culture and leisure offer taking into account the unique character, local distinctiveness and heritage of the area and its context in the wider sub region.

It is important to recognise that there are a number of clear benefits associated with the proposed NMA:

- Additional economic activity generated for businesses in the immediate area and across the city due to increased availability of tourist accommodation.
- Increased natural surveillance around the Site due to increased activity.
- Supports existing jobs for accommodation staff and associated suppliers.
- Opportunities to support the universities, city-wide events and a wide variety of corporate and other organisations through contracted block bookings for staff, delegates and visitors (e.g. conferences, sporting, charity and industry events etc).

Operation

The Applicant intends to market the accommodation as being most appropriate for families, couples, and organisational group bookings and will actively deter bookings for large weekend-only groups such as stag and hen parties. Student Roost's priority is to maintain a safe, secure and comfortable environment for all of its residents, so its reservation process will directly ensure any students remaining at the property during the summer period would not be affected by non-student guests.

Staff on Site would be responsible for ensuring amenity is protected for all of its residents and its neighbours. The general operation of the property would be exactly the same during the summer as throughout the rest of the year. The regimes around check-in/check-out, maintenance and servicing, waste storage and collection, fire safety strategy and security would remain unchanged, with staff being available on site 24 hours a day.

A minimum of 48 hours between bookings will be implemented to allow sufficient time for rooms to be cleaned and prepared. The checking in/out arrangements will be controlled by the Reception team, with guests using the same key card system as the students. For the avoidance of doubt, the accommodation will continue to be managed overnight, as well as during the day.

It is anticipated that guests will arrive by public transport and the Applicant will encourage use of sustainable transport modes when confirming bookings.

Summary

This proposal seeks to amend the Operative Planning Permission at the Site to define the lawful planning use of the property as student residential accommodation whilst adding flexibility of use for short-term lettings during the summer period between 01 June and 31 August (inclusive) of any year. Should the Council consider it to be necessary, this NMA could also be used to amend the description of development on the Operative Permission.

The proposal is considered to be non-material in nature, as it would not materially change the way the site operates or functions as permitted under planning reference WRO/CBO1558. As such, it is considered that the inclusion of a new condition to control the use of the site over the summer break using the provisions of Section 96A of The Town and Country Planning Act 1990 (as amended) is entirely appropriate.

I trust the above is sufficient to enable this planning application to be validated and determined within the statutory period of 28 days, however, please do not hesitate to contact either Dominic Page or Jenna Wilks of this office if you require any additional information or should you wish to discuss the proposal further.

Yours faithfully,

A black rectangular redaction box covering the signature of the sender.

Gerald Eve LLP