

Report of the Chief Officer Planning and Regulatory – 10 January 2022

APPLICATION NO:
P/2021 /1051

LOCATION:
31 WATERY ROAD WREXHAM
LL13 7NP

DATE RECEIVED:
21/07/2021

COMMUNITY:
Offa

DESCRIPTION:
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DOSBARTH C3 I DY
AMLFEDDIANNAETH DOSBARTH C4
(OL-WEITHREDOL) / CHANGE OF
USE FROM CLASS C3 DWELLING
TO CLASS C4 HOUSE IN MULTIPLE
OCCUPATION (IN RETROSPECT)

CASE OFFICER:
SJG

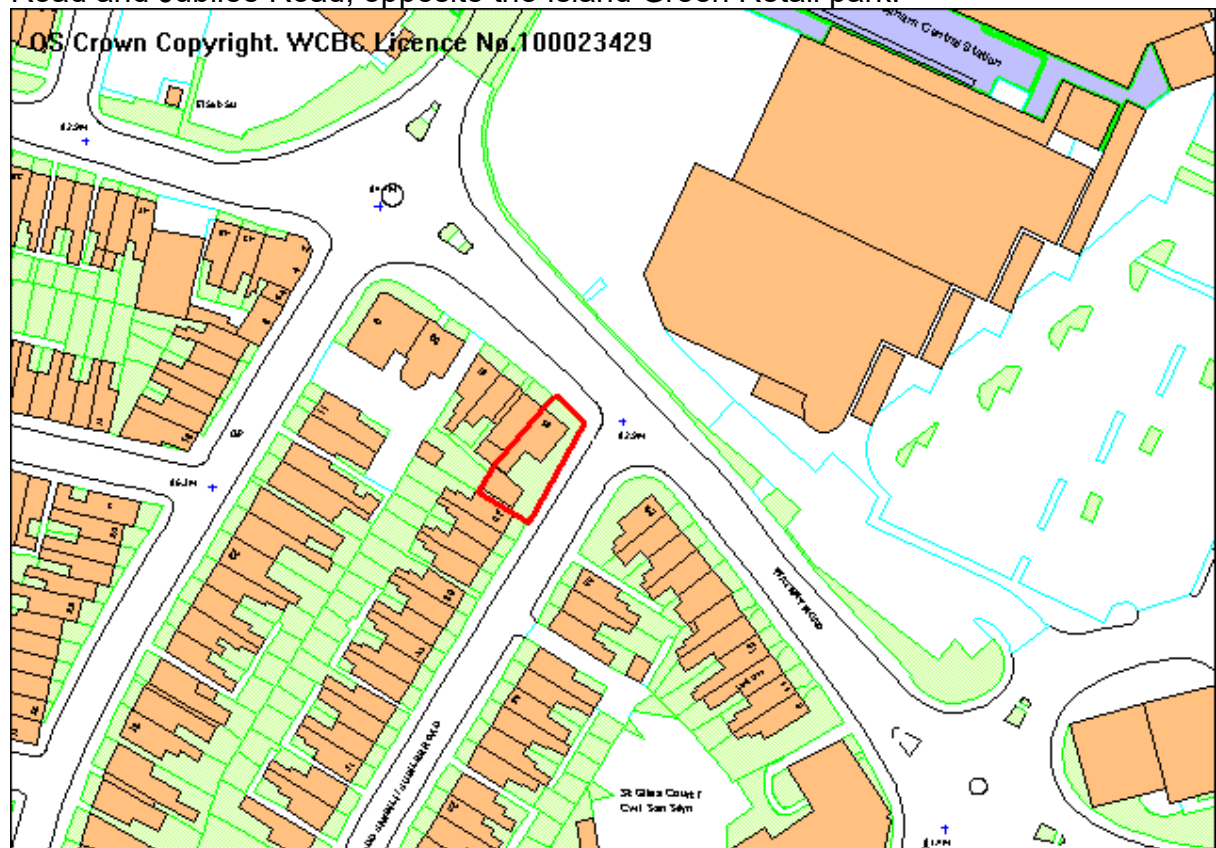
WARD:
Brynyffynnon

AGENT NAME:
MR DARREN EVANS
AND CHRIS TYE

APPLICANT(S) NAME:
MR DARREN EVANS AND CHRIS
TYE

THE SITE

The property is an end of terrace two storey house on the corner of Watery Road and Jubilee Road, opposite the Island Green Retail park.



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PROPOSAL

As above

The three bedroom property has been in use as a 5 bedroom HMO but this is not licensed. The application refers to a 5 bedroom HMO, but this relies on the use of the basement as communal space.

The applicant has stated that the occupancy of the property could be restricted to 4 persons

HISTORY

None

DEVELOPMENT PLAN

The property is within settlement limits as set out in the Wrexham Unitary Development Plan. Policies GDP1 PS2 PS1 T8 and H4 are relevant, together with Local Planning Guidance Notes 5 HMOs, 16 parking and 21 space around dwellings.

CONSULTATIONS

Offa Community Council:

Object. Agree with Highways recommendation for refusal on the basis of inadequate parking and to continue to object on the following grounds:
This is a small-terraced house and the proposals will be over intensive.
Plans do not show adequate storage for bins and recycling facilities
The 2 parking spaces are inadequate for a 5 bed HMO

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Local member:	The communal room located in an underground cellar is unacceptable and may not comply with fire safety regulations Consulted 3/11/2021
Highways:	Raises concerns regarding parking
Public protection:	No comments
Licensing:	The property is an unlicensed HMO and the owners were prosecuted and fined last week . There is an additional HMO licence application being processed at the moment for the property
Welsh Water:	No objections subject to comments and a condition. Sewer crosses the site.
Natural Resources Wales:	No objections
Other representations:	Adjoining occupiers notified: 3/11/2021 One objection received: 1. Noise and disturbance to adjoining occupiers 2. Increased anti-social behaviour and problems with refuse storage 3. Parking problems will be exacerbated

SPECIAL CONSIDERATIONS

Policy: Policy H4 allows for the subdivision of dwellings where:

- a) sub-division is possible without major alterations, extensions, or additional new buildings which would significantly alter the character of the original dwelling; and
- b) proposals accord with Policy GDP1; and
- c) adequate private open space is available;
- d) the proposal would not result in the over-concentration of Houses in Multiple Occupation to the detriment of crime levels, the social fabric of the area, and the amenity of existing residents.

Dealing with each of the above in turn:

a) Extent of extensions/alterations

No extensions or external alterations are proposed.

b) Compliance with policy GDP1

Issues of amenity and parking will be dealt with separately;

c) Private open space

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The property has curtilage/garden area to the side and rear of approximately 70 sq.m. This is large enough to provide space for cycle parking, bin storage, external drying space and outdoor amenity space for the occupants of the property.

d) Concentration of HMO properties

Policy H4 of the Wrexham Unitary Development Plan allows for the change of use of dwellings to Houses in Multiple Occupation (HMO) provided the proposals would not result in an over-concentration of such uses.

Local Planning Guidance Note 5 advises that the Council will seek to ensure that proposals for new HMOs do not result in the number of residential buildings in use as a HMOs exceeding 10% (rounded to the nearest whole number) within a 50 metre radius of the boundaries of the application site. It also advises that where the concentration exceeds 10%, planning permission will not normally be granted unless there are relevant material planning considerations to justify doing so.

At present 10% of the residential properties within 50 metres of the site are currently in use as HMOs. This would increase to 12% if no.31 Watery Road is converted to a HMO. Whilst this would exceed 10%, the HMOs within a 50 metre radius are situated on Bradley Road and Jubilee Road. There is only 1 other HMO on this section of Bradley Road and this is 60 metres from the application site. Furthermore, this part of Watery Road is not primarily residential in character with the Island Green shopping centre being located opposite and other commercial premises a short distance away. Taking these factors into account the proposed change of use is unlikely to be significantly prejudicial to the character of the immediate locality and as such do not represent a conflict with policy H4 in this instance.

Residential amenity: Whilst the concerns regarding noise, disturbance and anti-social behaviour are noted, however these are matters that could arise under the extant use of the premises as a dwelling and relate to the individual occupiers of the property. Members are reminded that Planning controls concern themselves with the use of land rather than the identity of the users.

The applicant will need to obtain a licence issued from Public Protection in order to let the property as a HMO. Licensed HMOs are subject to conditions that require landlords to take all reasonable steps to control noise and anti-social behaviour. Breaching licence conditions can ultimately result in landlords being prosecuted and their licence(s) being revoked. Accordingly there appropriate other controls to deal with these matters should they arise.

Highway safety: Visibility from the existing / proposed access is considered adequate providing a splay in excess of 2.4 x 25m in the southerly direction measured to the centerline of the adjoining highway (as a one way system).

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It is recognised that due to a lack of off-street parking provision, the occupiers of existing properties are reliant upon on-street parking and therefore cars are typically park along both sides of the road.

The existing 3 bedroom property currently has a 3.9m wide access with a driveway depth of 3.9m. The driveway depth is insufficient to accommodate parked vehicles without obstructing the footway and therefore for the purposes of LPGN16 the property does not currently have any off-street parking provision.

The LPGN16 maximum parking provision for the existing permitted use of the property as a dwelling is 3 spaces, compared to 4 spaces for the proposed use. Whilst the LPGN16 maximum for the proposed is 1 space more than the existing use, this is not, in itself, a valid reason to refuse permission. LPG16 advises that where parking provision is below the maximum the Council will need to be satisfied that this is appropriate for the likely level of demand.

The site is in a sustainable location on the edge of Wrexham town centre, with both bus and two railway stations in close proximity. It is therefore in an area well suited to occupiers who do not have or need access to private cars.

The 2011 Census data for the Brynyffynnon Ward for all accommodation is also shown below:

No. of cars or vans per household – Brynyffynnon Ward, 2011 census					
	Total	0	1	2	3 +
All Tenures	100%	28%	46%	22%	4%
Owner Occupied	100%	14%	48%	32%	6%
Rented	100%	40%	45%	13%	2%

The above demonstrates that very few households in the ward have more than 2 vehicles. Furthermore, it also demonstrates that occupiers of rented accommodation are significantly less likely to have access to vehicles than those living in owner occupied accommodation and are also significantly less likely to live in households with 2 or more vehicles.

2011 Census data demonstrating the number of vehicles per household was taken into account by the Inspector when she allowed an appeal against the Council's refusal of a variation of condition application (P/2019/0144) to permit an increase in the number of occupants of a HMO at 86 Erddig Road from 8 to 14. The Inspector also commented as follows:

“shared accommodation is usually occupied by low income tenants who are less likely to own a car. I therefore consider the evidence provided to be

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indicative of the general level of parking demand expected from such properties.”

No evidence has been presented to demonstrate that vehicle ownership rates are likely to deviate significantly from the data presented above or to suggest that there are significantly different material considerations applicable to this case than those considered by the Inspector when she allowed the appeal for 86 Erddig Road.

Taking all of the above into account, the development is unlikely to result in any increase in demand for on-street parking in the vicinity of the site and in turn is unlikely to result in any highway safety concerns.

CONCLUSION

It is considered that the proposal is acceptable and complies with adopted policies on the basis of a 4 bedroom HMO.

RECOMMENDATION: That permission be GRANTED

1. The development shall only be carried out in strict accordance with the details shown on the approved drawing received 9/11/2021 and as contained within the application documentation.

REASON(S)

1. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

NOTE(S) TO APPLICANT

Your attention is drawn to Highway Supplementary Notes - Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
[http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)

You are advised to make adequate provision for the storage and collection of the household recycling and refuse from the property clear of the highway footway..
