

**REPORT OF THE CHIEF OFFICER PLANNING AND
REGULATORY – 1 November 2021**

APPLICATION NO:
P/2021 /0810

LOCATION:
MORETON LODGE 48 ALEXANDRA
ROAD WREXHAM
LL13 7SH

DATE RECEIVED:
11/08/2021

COMMUNITY:
Offa

CASE OFFICER:
BB

WARD:
Offa

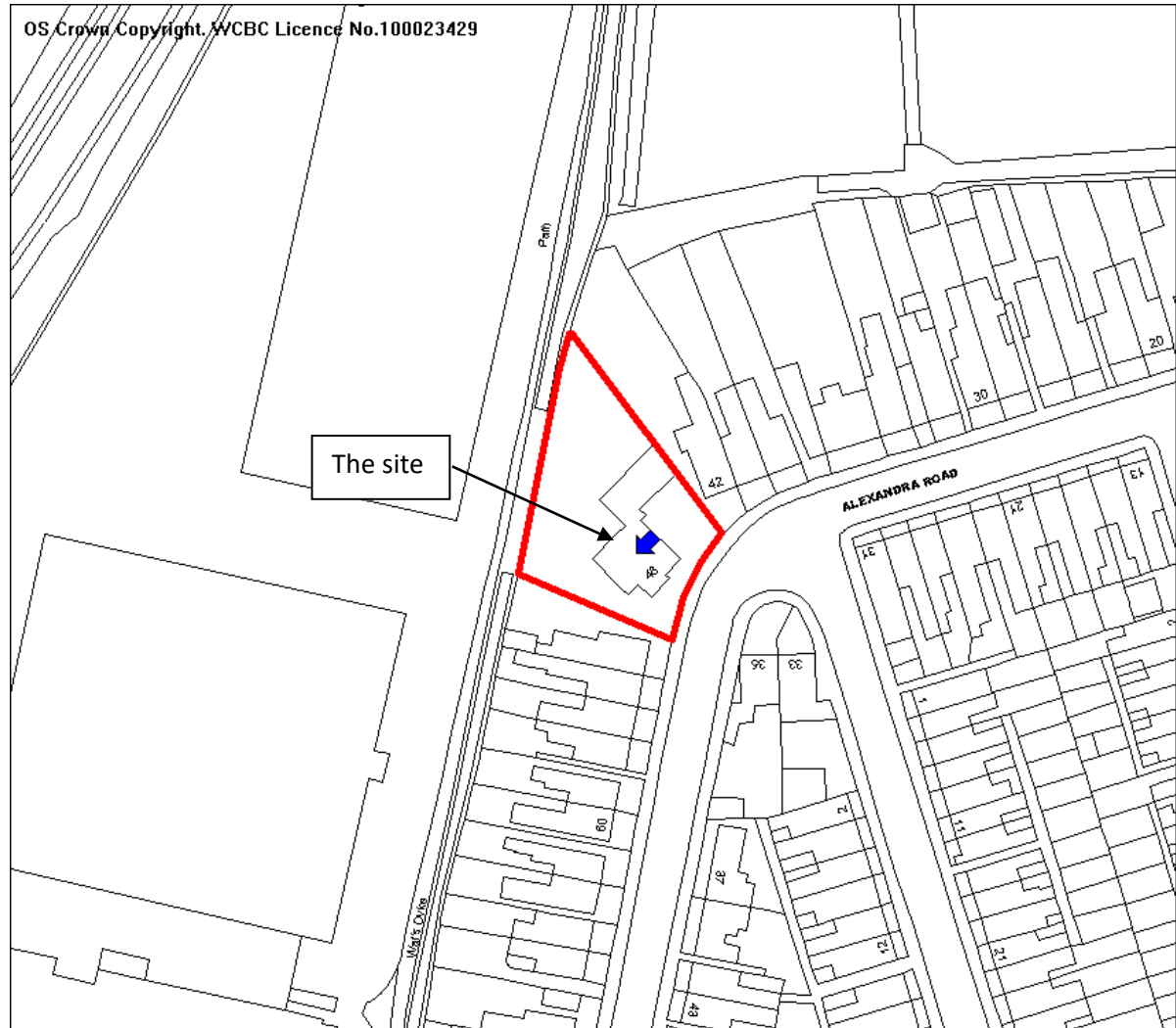
DESCRIPTION:
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(PENODI GOFALWR) YNG
NGHANIATAD CYNLLUNIO WRO
CB1520 I DDEILIADAETH FWYAF O 9
PERSON / VARIATION OF
CONDITIONS 2 (MAXIMUM
OCCUPANCY - 9 STUDENTS) AND 3
(APPOINTMENT OF A CARETAKER)
OF PLANNING PERMISSION WRO
CB1520 TO A MAXIMUM
OCCUPANCY OF 9 PEOPLE

AGENT NAME:
MRS VALERIE ROGERS

APPLICANT(S) NAME:
MRS VALERIE ROGERS

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THE SITE



PROPOSAL

As above

RELEVANT PLANNING HISTORY

CB1520 – Change of use from residential home for the elderly to supervised shared accommodation for nine persons. Granted - 06.10.1997.

P/2018/0881 - Change of use from residential dwelling house to a shared supported living accommodation for up to 7 adults. Granted - 14.11.18

DEVELOPMENT PLAN

Within settlement limit of Wrexham. Policy GDP1, H4 and T8 of the Wrexham Unitary Development Plan (UDP) is applicable.

CONSULTATIONS

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Community Council:	Object - This application cannot be considered in the absence of the following 4 documents: 1. Design and Access Statement 2. Parking Plan 3. Refuse and Storage Plan 4. Management Plan
Local Member:	Notified 04/06/2021
Highways:	No objection (see special considerations below)
Neighbours:	Notified 10/0/2021. 4 neighbours notified, 3 responses received with the following concerns: • Over concentration of HMOs and management concerns • Noise disturbance in and outside of the property • Lack of space for parking and consequently on-street parking • Lack of management of bins and waste • Antisocial behaviour in an otherwise quiet and pleasant area • Should be amending most recent application • Damage to adjacent walls and lack of garden upkeep

SPECIAL CONSIDERATIONS

Background and proposal: Planning permission had been granted in 1997 for supervised shared accommodation for nine persons. This permission had been subject to three conditions, this proposal is seeking to amend condition 2 and condition 3:

Condition 2

The property shall be occupied by a maximum number of nine students attending NEWI and by no other persons without the further permission of the Council.

Condition 2 would be amended to allow 9 people to live in the property as opposed to 9 students.

Amended condition: *The property shall be occupied by a maximum number of nine people.*

Condition 3

Prior to commencement of the approved use, a caretaker shall be appointed and the details of the times that he/she will be at the property together with a contact telephone number shall be displayed on a sign in accordance with

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details to be further approved, erected adjacent to the site access. A caretaker shall thereafter be retained during the period of the approved use.

The application form requests that Condition 3 be altered to allow the property to be managed by an agent as opposed to an onsite caretaker. Ensuring an agent is appointed to manage the properties is a matter entirely outside of the scope of planning legislation. The application has therefore been considered on the basis of the condition being removed entirely.



Views of the front of the property from Alexandra Road

Policy: This proposal is not seeking a change of use to a HMO. The property is an existing HMO for 9 students. This has been the case since the original permission in 1997. As such, the principle of the formation of a HMO cannot be re-examined as this is the existing lawful use. The main considerations are whether that amending/removing the above mentioned conditions would this result in unacceptable harm the amenities of neighbouring occupants and/or compromise highway safety and parking.

Neighbour amenity: In terms of neighbour amenity the key considerations are whether 9 people as opposed to 9 students and the removal of the requirement of an onsite caretaker would result in a discernible and/or unacceptable impact to neighbour amenity over and above that of the existing use.

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Concerns have been raised over additional noise and disturbance. The removal of the occupancy restriction does not increase the potential for noise and disturbance or anti-social behaviour over and above that of the existing permission. In any case these are matters related to the particular occupants of the property and not the use of the building. Planning controls are concerned with the use of land rather than the identity of the user.

With regard to the removal of the requirement for an onsite warden, whilst the concerns regarding anti-social behaviour noted, as set out above, these are concerns associated within individual occupiers rather than the use of the land and therefore is a matter outside of the scope of planning control. In addition, condition 3, as worded does not require a 24/7 on-site presence.

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. As such, it is considered that the conditions of the HMO licence would ensure proper management of the site as opposed to requiring the occasional presence of an on-site caretaker.

Given the above the proposal is not considered to give rise to new potential impacts to neighbour amenity over and above that currently possible. The proposal is considered to meet the aims and objectives of policy GDP1.

Highways: Policies GDP1 and T8 require safe and convenient vehicle access and parking.

The development site benefits from two areas of hardstanding to the front of the property and Highways Officers have raised no objection to the proposals.

No evidence has been presented to demonstrate that the removal of the occupancy restriction will result in any material change in parking demand. In any case, LPGN 16 would normally require a maximum of 6 spaces for a 9 bedroom HMO. The property appears to have ample parking space served off 2 access points for 6 vehicles to park, thus the LPGN16 maximum can be achieved. It is also possible for this number of vehicles to park and be independently accessible, thus according with the requirements of LPGN5. Whilst it is recognised that there is already significant on-street parking in Alexandra Road, given there is adequate on-site provision for parking there is no reason to conclude that the proposals will increase on-street parking pressures.

In order to ensure that parking spaces are appropriately laid out as to avoid cars blocking the access or space within the site, it is considered reasonable to condition the submission of details in relation to vehicular parking and

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turning facilities. Parking spaces should be clearly marked and kept free of obstruction.

Concerns have been raised over disturbances from vehicular movements. There would be little difference in movements from that currently achievable. The parking requirements under LPGN16 are the same regardless of the current restriction requiring the building to be occupied by students only. In such a sustainable location where there is access to public transport and the town centre is within walking and cycling distance of the site, there is no objective case that this proposal would cause harm to highway safety. In my view, it is not always the case that each and every tenant of the development in a location such as this would own a car.

Given the above assessment, the proposals are considered to meet the aims and objectives of policy GDP1 and H8 along with guidance set out in LPGN 16.

Other matters: Concerns have been raised over the failure of the applicant to submit a management plan, design and access statement, refuse and storage plan and a parking plan.

As noted above, for clarity, and to ensure that cars are adequately parked on site it had been considered reasonable to condition the submission of a parking layout plan.

In relation to the submission of a design and access statement, this is not a validation requirement for section 73 applications as set out within the Town and Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

Regarding management, refuse and storage plans, given the large area of hardstanding outside, the property officers are confident that there would be space within the site for waste and recycling storage. However, controlling the operation of the HMO, including the proper use of bin and recycling facilities, is a matter that falls outside of the scope of planning control. Ensuring that landlords take all reasonable steps to ensure the satisfactory management and maintenance of a HMO are matters addressed through the HMO licensing regime. It would not, therefore, be appropriate to duplicate these under the Planning permission.

Concerns have been raised over potential damage to neighbouring walls, this would be a civil matter to be resolved by neighbours. Dangerous structures can be reported to Building Control to investigate.

Concerns have been raised as to which planning permission should be amended to allow the proposed changes. On the evidence available to officers, the 2018 permission has not been implemented.

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CONCLUSION

The relaxation of conditions are not considered to result in a material impact to neighbour amenity over and above that of the existing lawful use of the property to be occupied by 9 students. Whilst an onsite caretaker would no longer be required to visit the site, it is considered that the existing licence would provide adequate provision to take reasonable steps to control noise and disturbance through appropriate management as required by a HMO license. In terms of vehicular movements, these would unlikely result in a material increase over and above that possible by nine students and adequate space is within the curtilage of the property to accommodate the maximum number of cars under LPGN 16. Consequently, the development is considered to meet the aims and objectives of policies GDP1 and T8.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The property shall be occupied by a maximum number of nine people.
3. No part of the development shall commence until further details of the proposed vehicular parking and turning facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities as are approved shall be fully laid out with white lining materials, surfaced and drained prior to first use of the development, and shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
 2. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 3. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
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