

Item 4c

APPLICATION NO:
P/2019 /0144

LOCATION:
86 ERDDIG ROAD WREXHAM LL13
7DP

DATE RECEIVED:
25/02/2019

COMMUNITY:
Offa

DESCRIPTION:
VARIATION OF CONDITION NO. 1
IMPOSED UNDER APPEAL
DECISION REF:

CASE OFFICER:
KH

WARD:
Offa

APP/H6955/A/17/3166742
(PLANNING REF: P/2016/0783) TO
CHANGE OCCUPATION FROM 8 NO.
RESIDENTS IN 8 NO. SINGLE
BEDROOMS TO ALLOW THE
PROPERTY TO BE LET AS 7 NO.
DOUBLE BEDROOMS (MAXIMUM
NO OF 14 RESIDENTS)

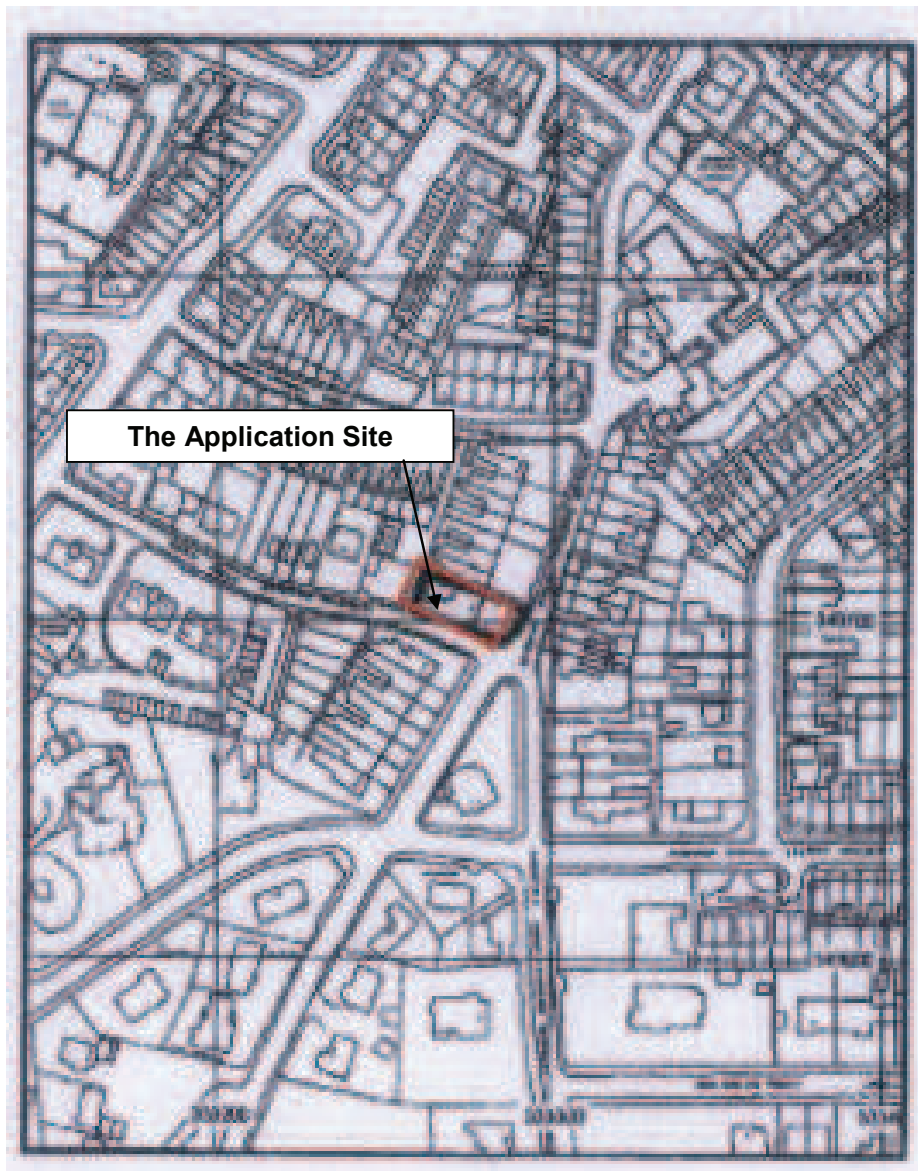
AGENT NAME:
BOB DEWEY
PLANNING
MR B DEWEY

APPLICANT(S) NAME:
MR & MRS ANDREW SHIELD

THE SITE

The area around the site is almost entirely residential in character with very few properties having their own off-street parking facilities. It is located approximately 0.5 km south of the town centre of Wrexham and within easy walking distance. It is approximately 100 metres East of Ruabon Road which is served by regular bus services. It is also a short walk, with a section through the park leading to the railway station.

The streets in the area are of restricted width but traffic flows are for the most part limited to access to properties. Although most are through roads, they are not generally used as distributor roads.



PROPOSAL

The property is currently occupied by 8 residents housed in 8 single-bedrooms. The applicant is aware of the demands for such accommodation and liaises with the Council's Housing Officers to ensure that the accommodation he has to offer meets the identified demand both in terms of location and type. The applicant wishes to up-grade the property and respond to changing patterns of demand with the new rooms providing a higher standard of accommodation.

HISTORY

The original grant by the Council was dated 22nd June 2012 and was for a change of use from single residential property to a House in Multiple Occupation (HMO). A subsequent request to allow an amendment to the

conditions to enable occupation by 8 tenants (in lieu of 8 students) was granted on appeal on 26 April 2017.

DEVELOPMENT PLAN

Within the Fairy Road Conservation Area.

UDP Policy H4 deals with sub-division of dwellings and states “conversion may provide much needed smaller accommodation more quickly and cheaply than would the provision of new homes”.

Policy GDP1 requires all new development to be located where it has convenient access to public transport facilities wherever possible. Policy T8 requires that development granted permission will be required to provide vehicle parking spaces on site or nearby in accordance with the Council’s current parking standards.

Policy H6 of the LDP deals with the applications to convert properties into HMOs.

The Council’s revised LPG Note 4 on HMO in 2018. The relevant car parking standards have also been revised in 2018 and deal more explicitly with HMOs.

LPG Note 16 adopted November 2011 sets out a maximum parking requirement for new development and changes of use and applies through the County Borough. The standard for a house with 5 or more bedrooms is 4 spaces with the standard for a HMO is one space for two bed spaces.

CONSULTATIONS

- | | |
|--------------------|--|
| Community Council: | Insufficient amenity space for residents and cooking and eating areas inadequate. Potential noise and parking not adequate. |
| Local Member: | Objects to the application for the following reasons: <ul style="list-style-type: none">• It cannot be acceptable either in planning or in licensing terms that what was an original four bed roomed terraced house to house fourteen people. The facilities within the property are barely sufficient for the present 8 residents, with a single kitchen/dining room on the ground floor for all the residents, a single WC and separate shower room on the ground floor, and a single small shower/wc on the first floor;• It would appear that there are no proposals to improve the wc/shower facilities on either the ground or first floors to cater for the six additional residents.• The two front single bedrooms appear to be unchanged and become double bedrooms. |

The existing dining room/kitchen is shown as a double bedroom, and the existing single bedroom 3 is shown as a kitchen for the 14 residents - it would seem that there is not a separate dining room for the 14 residents.

- No plans have been submitted for the first floor, where eight of the 14 residents would sleep in the existing five rooms - would the three larger singles bedrooms therefore become double bedrooms, and the two single rooms remain as single bedrooms - though the application description refers to "14 residents in 7 double rooms".
- This is surely not the type of residential property that we would want to be encouraging in Wrexham.
- There is no space for the provision of off-street car parking, so any cars/vehicles owned by the residents would have to be parked on the already overcrowded streets, so that application cannot comply with the Council's parking standards. The Highway Response to the Consultation clearly explains the unacceptable conditions approval of this application would create.
- This part of Erddig Road is at the heart of the Conservation Area, and the creation of such sub-standard housing would be completely unacceptable and out of keeping with the area.
- For all these reasons, I am totally opposed to this application, and trust that the Department's recommendation will be for the application to be REFUSED.

Public Protection:

Noise, dust management, burning of waste requires consideration and notes attached. Variation of current HMO licence required and compliance with Rent Smart Wales Scheme also required.

Highways:

Parking requirement would be identical to previous permission.

Neighbours:

Objections on following grounds:

- Appears to be run as a hostel
- Property cannot cope with 14 people
- Noise problems
- Lack of parking
- Highway safety
- Compromise the street scene
- Problems with rubbish.

Site Notice:

Expired 24.03.2019

SPECIAL CONSIDERATIONS / ISSUES

Principle of development: The property has been occupied as an 8 bed HMO for approximately 6 years and the applicant has endeavoured to ensure that the occupation does not affect the character or appearance of the area or the amenity of nearby residents. The only concern raised when the site was last considered by the Planning Committee in 2016 related to the availability of car parking in the area.

Because the property is already occupied as a HMO it is unnecessary to consider whether the proposals result in an over concentration of this type of accommodation.

Standard of accommodation: I note the concerns that have been expressed about the suitability of the building for proposed number of tenants, however neither policy H4 nor Local Planning Guidance Note 5 set out any standards in terms of minimum internal room sizes or the provision of certain types of shared facilities such as bathrooms. The applicant will need to seek a new licence for the property in addition removing the existing restrictions imposed by the planning condition. The property will need to meet specific standards regarding the internal provision of the property in order for the licence to be issued. Whilst I understand the concerns expressed, it is unnecessary for the planning system to seek to duplicate controls provided via other legislation.

LPG5 does set out standards for outdoor amenity space. For a property occupied by 14 residents a minimum outdoor amenity space of 44 sq.m is required. The property must provide sufficient space for 2 general waste bins, 2 garden waste bins, 3 recycling boxes for plastics and cans, 3 recycling boxes for glass, 2 recycling bags for paper and 3 food waste caddies.

The rear curtilage of the property has a usable area of approximately 60sq.m. There are also two outbuildings. I am therefore satisfied that the requirements of LPG5 are met. The property also provides sufficient space for residents to securely store bicycles.

Parking: In accordance with LPG16 the maximum parking standard for a large HMO (i.e. one with 6 or more tenants) is 4 spaces plus an additional 1 space per each additional bedroom in excess of 6. This application seeks to reduce the number of bedrooms from 8 to 7, therefore the parking requirement is identical.

Whilst it is accepted the property has no off-street parking spaces it is not unusual in the area. The applicant owns a number of similar properties and has carried out survey work on the actual parking requirements for the properties. The applicant has referred to a survey of 516 HMOs in 2016 in Wrexham the average car ownership to be just under 11% - 1 car per 9 beds. The survey has not been submitted therefore I am inclined to afford it limited weight.

In 2018 I undertook a survey of parking demand generated by HMOs in conjunction with the preparation of the current version of LPG16. A total of 10 landlords responded to the survey who together owned 83 HMOs – approximately a third of the licences HMOs in the County Borough at that time and therefore a representative sample. The survey found that:

- 49% of the HMOs in the survey had no demand for parking
- 35% of the HMOs in the survey required parking 1 vehicle
- 8.4% of the HMOs in the survey require parking for 2 vehicles
- 3.6% of the HMOs in the survey required parking for 3 vehicles
- 2.4% of the HMOs in the survey required parking for 4 vehicles
- 1.4% of the HMOs in the survey required parking for 5 vehicles

Based on the above survey there are on average 0.8 cars per HMO in Wrexham.

I have also had regard to the 2011 census for Wrexham – see below.

Accommodation Type by Tenure By Number of Rooms – all rental accommodation (includes houses, bungalows, flats, maisonettes and apartments)							
Car/Van Availability	Total	No Car/van	1 car/van	2 car/van	3 car/van	4+ car/van	Average Number of Vehicles Per Household
Total: Number of rooms	100%	43.3%	42.8%	11.5%	1.9%	0.5%	0.73
1 room	100%	74.6%	21.6%	3%	0.8%	0%	0.30
2 rooms	100%	59%	36.4%	3.9%	0.5%	0.2%	0.50
3 rooms	100%	59.2%	37.2%	3.2%	0.3%	0.1%	0.50
4 rooms	100%	45.9%	44.8%	8.3%	0.8%	0.2%	0.65
5 rooms	100%	38.7%	45.1%	13.9%	1.9%	0.4%	0.80
6 rooms	100%	34.9%	44.6%	17.1%	3%	0.4%	0.90
7 rooms	100%	25.1%	41.7%	24.4%	7.2%	1.6%	1.20
8 or more rooms	100%	20.3%	34%	29.7%	10.7%	5.3%	1.50

Source: 2011 Census

The above demonstrates that very few households living in rental accommodation in Wrexham have more than 2 vehicles, with a significant proportion of households in rental accommodation not having access to a vehicle or only have 1 vehicle per household. The average number of cars per households in rental accommodation in Wrexham ranges from 0.5 per for properties with 1 room to 1.5 per dwelling for properties with 8 or more rooms, with an overall average being 0.8 cars.

The 2011 census data for the Offa ward for all accommodation types is included below and also demonstrates that very few households have more than 2 vehicles:

Car/van availability Offa Ward	Percentage
All categories	100.0
No cars or vans in household	33.0
1 car or van in household	43.3
2 cars or vans in household	19.1
3 cars or vans in household	3.8
4 or more cars or vans in household	0.9

Source: 2011 Census

The 2011 census suggests that the 2016 HMO parking survey is broadly representative of the demand for parking at HMOs and therefore parking from the proposed development is unlikely to exceed the maximum provision set out in LPG16.

Parking standards should also be applied with regard to the sustainability of the location of a site. The Appeal Inspector in 2017 considered the location. The site is located on the corner of Bath Road and Erddig Road. These roads and those in the wider area are unrestricted by parking or transport orders. The site is situated in a highly sustainable location approximately 450 metres from the town centre shops and in terms of access to employment, transport hubs, health and community facilities. It is therefore well located for occupiers who do not need to rely on private cars for the majority of their journeys.

Conclusion

The proposal seeks to reduce the number of bedrooms from 8 to 7 and on the basis of the new standard the parking requirement is identical. The proposal will result in an up-grading of the property and will provide an opportunity to enhance the character and appearance of the Conservation Area and preserve the areas character. The sustainable location reduces the requirement for occupiers to be reliant upon a car, with the property in close proximity to the main roads, bus routes, employment, access to shops and health and community facilities.

The property will provide general waste and garden waste bins. Open space will be provided in the 50m² rear garden and 60m² front garden. There is proposed cycle parking for 2 bicycles and a drying line will also be provided.

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 areas indicated for general and garden waste, recycling storage, bicycle storage and drying lines shall be provided prior to occupation / re-occupation of the HMO and retained thereafter.
3. Development shall only be carried out in strict accordance with details shown on the approved drawings : Site Layout, Drawing No. ST-01, Supporting Statement, Proposed floor plans Dwg No. ER1PD02, Location plan and contained within the application documentation.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. In the interests of the occupiers of the properties and nearby residential amenity.
3. In the interest of the amenity of the occupiers of the property and nearby residential amenity. .

NOTE(S) TO APPLICANT

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environment and Planning Department on 01978 315300 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

LPA - Noise Nuidance Advice 1990

An application for a variation of the current HMO Licence prior to the property becoming occupied by additional residents.

The owner must also ensure that they comply with the Rent Smart Wales Scheme being refistered and / or licensed as necessary.
