

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

Variation of Condition No 1 by replacing the word “students” with the word “residents” and removal of Condition No 2 imposed under planning permission code no P/2012/0185

at 86, Erddig Road, Wrexham

PLANNING REF: P/2016/0783

PINS REF: 3166742

Statement from R. Alun Jenkins,

Councillor representing Offa Ward on Wrexham County Borough Council

1, Maes Glas, Court Road, Wrexham. LL13 7SN

Telephone: Wrexham 352879

e-mail: alun.jenkins@wrexham.gov.uk

Many residents in my Ward approached me last August raising strong opposition to application P/2016/0783, which was seeking to change the conditions imposed in 2012, so as to allow other than Students to occupy the HMO at 86 Erddig Road, and expressing their concerns that the implications of this would be to exacerbate the already serious parking problems in the area. Their objections were submitted to the Planning Department, as were those of Offa Community Council, and there was relief in the area when the Council refused the application. Residents again contacted me this January when they heard that this Appeal had been lodged, and I believe that many local residents have already submitted their letters of objection to you directly, as have the Community Council. I fully endorse residents' concerns and fears, and **hope that Wrexham County Borough Council's decision to REFUSE the application will be supported, and that this Appeal will be DISMISSED.**

1: Background from 2012

Application P/2012/0185 for the change of use from Residential to HMO was submitted in March 2012 as an application in retrospect - the property having been used without valid permission for some time before that date. The application was reported to Planning Committee on the 30th April, when concerns were raised that there was already a proliferation and concentration of HMOs in the area, and that this additional HMO would have a detrimental impact on the predominantly residential area and on the character of the Conservation area. This application site like most properties in the area has no provision for off street car parking resulting in the congested nature of the existing highway network. Approving the application would increase on-street car parking to the detriment of highway safety and the amenity and well-being of residents in the area.

In addressing this matter, the Report to Planning Committee in April last year stated that *“The property has no dedicated off-street parking and, as with many other properties along Erddig Road and neighbouring streets, occupiers with cars are reliant on on-street parking.”* Local Planning Guidance Note 16 advised that as a five bedroomed property, the maximum standard would be for four parking spaces. As an HMO, the requirement would be one space for every 2 bed spaces. The report continues: *“However as 4 rooms are double rooms the number of potential bed spaces is 12 equating to 6 parking spaces. **It is therefore necessary to restrict the number of residents to 8 no. in order to safeguard against an increase in parking demand when balanced against the use of the building as a single dwelling.**”* As a result, the recommendation was for the approval of the HMO application, subject to the following condition: *“The property subject to this permission shall be occupied by a maximum on 8 tenants at any one time.”*

Planning Committee agreed a site visit, which was held on the 22nd of June. **The minutes of the Planning Meeting following the site visit record that:**

“During consideration of the application several Members commented upon the lack of available on-street and off-street car parking provision within the local area and suggested that, if the Committee was minded to grant permission, a further condition be included to limit the occupation of the property to student accommodation only. This was agreed by the Committee.”

The application was approved, subject to the two conditions now the subject of the current appeal:

- 1. The property subject to this permission shall be occupied by a maximum of 8 students at any one time.*
- 2. The property subject to this permission shall be occupied by students only.”*

The HMO Licence for the property granted subsequently also limits the use of the HMO to eight students.

The Committee therefore justified their approval for the use of the No 86 as an HMO only on the basis of it being used by students (limited to a maximum of 8 students) because of their concerns about increased parking problems. Removing these conditions would therefore risk creating the increased parking problems which the Members of the Committee were so keen to avoid.

2: Application P/2016/0783 - August 2016 - Variation of Condition No 1 by replacing the word “students” with the word “residents” and removal of Condition No 2 imposed under planning permission code no P/2012/0185

As covered earlier, objections to this application were submitted by local residents and by Offa Community Council. Whilst recognising that the property has a valid approval for use as an HMO, it is quite clear that since the use was approved in 2012, the students housed in the property have had few cars, and there is considerable fear that this will not be the case in future of tenants other than students are permitted in the property.

In response to the consultation, the Highways section submitted their comments on the application - copy attached. In this, the Officer says:

There are a significant number of residential properties in this area that have no off-street parking facilities. This results in a number of vehicles being parked on the carriageway in the vicinity of the development site and along the adjoining side roads. . . .

The property currently has no off-street parking provision. The previously approved HMO (planning application ref: P/2012/0185) consisted of 8 no. bedspaces in 8 separate rooms. LPGN 5 would normally

require 1 parking space per 2 bedspaces which would equate to a maximum requirement of 4 parking spaces. (i.e. the same as the original five bedroomed family house, and unlikely to result in an increase in parking demand compared with its current residential use, and the reason the planning approval limited the use to a maximum of 8 students) I assume that the proposed property still comprises 8 separate bedrooms with 8 no. bedspaces.

However, it may be viewed that non-students/residents are likely to be in full time employment and are more likely to own a car. In this instance, on-street parking demand at the site may well increase”.

It has to be noted that the streets in the locality are extremely narrow, allowing cars to be parked on only one side of the road. There is great competition already for the limited number of on street parking spaces, especially at night when most residents are home from work.

The application was refused for the following reason:

To allow relaxation and deletion of the previously approved conditions would be likely to increase the demand for parking in the vicinity of the property and nearby side streets and result in increased congestion and highway danger to pedestrians and vehicle users. The proposals as such would be contrary to policy GDP1 (d) and Local Planning Guidance Note 16 Parking Standards.

3: Consequences of removing the “student only” condition:

The Agent acting for the applicant has submitted a breakdown of the numbers, but it is difficult to find justification for the figures he quotes.

The Council publishes the list of licensed HMOs, indicated which are Mandatory and which are Additional Licenses. Whereas the Council has information about each individual licensed property, the published list does not indicate the number of residents licensed at each individual address, or which are “student only”. There is certainly no information about car ownership in this or in any other sector of housing.

However, experience in the Ward shows very clearly that the “Student Only” condition has been the saving grace in many locations within the Ward, clearly showing that such HMOs cause fewer parking problems in the surrounding areas.

85 of the 316 registered HMOs in the County Borough are in the Offa Ward. Most of them are subject to the Additional Licensing Scheme, but of 28 Mandatory HMOs in the CB, generally larger units, 12 are in Offa Ward. One such property at number 2 Bath Road has 16 rooms, and houses mostly people from away from Wrexham, working on Contracts within the CB. Most of these have cars, and some have vans and lorries for which there is insufficient off street around the building, so have to park in Bath Road or other already overcrowded neighbouring streets. Other residents at this and similar properties work in deliveries or taxi driving using their own vehicles and adding to the parking difficulties.

At the other end of the spectrum, some HMOs certainly house residents who do not possess cars or cause parking problems, and contribute positively to the local community. However, experience in other parts of the ward again shows that some of these attract individuals with extreme personal problems of drink and drugs and antisocial behaviour, and their chaotic lifestyles that have a serious impact on the quality of life and well-being of the neighbouring community.

Either way, the consequence would have a significant negative impact on the Erddig Road area which is at the heart of the historic Conservation area. If HMOs are to be allowed in such locations, they are best limited to “student only” use. If student use is no longer viable, then the alternative must be to return

the property to use as a single residential property, or possibly to divide it into two flats which would not create an increased parking problem for the area, and would add to the amenity of the area and strengthen the local community.

In May 2015, Welsh Government issued its report on *"Houses in Multiple Occupation: Review and Evidence Gathering"*. They had commissioned the independent report to investigate "the effect HMOs can have on Communities." *"The report found a clear need to take action to ensure the continued confidence of residents in areas of large numbers of HMOs, whilst also protecting the rights of those people residing in them."*

Following this, Welsh Government introduced new legislation including the new C4 use class, to help Planning Authorities to identify HMOs and to manage their impact, and to *"consider the impact those dwellings may have on the local area before deciding whether to approve the planning application."*

The Minister, Carl Sargeant said:

"HMOs make an important contribution to the private rented sector by catering for the housing needs of certain groups and provide accommodation for individuals who cannot afford to purchase properties or rent larger accommodation."

"However, as our independent report found, large concentrations of HMOs can bring their own problems to local areas. I hope this legislation will be welcomed by those local communities affected by high concentrations of HMOs across Wales and by local authorities."

The local community and Wrexham County Borough Council have clearly shown their appreciation of the new opportunities available to them. If this appeal is granted, and the "Student Only" condition is removed from this property, a precedent will be set, and it would not be possible to prevent the same changes to all the other properties where the restriction presently applies - and this would result in a spread of the parking problems, and a significant loss of public confidence.

For all the above reasons, this application to remove the "Student only" condition at 86 Erddig Road needs to be refused. Approval would add to the considerable parking problems already experienced in the surrounding area, would be "detrimental to the social fabric of the area and the amenity of existing residents". It is clearly necessary to balance the well-being of those in need of low cost rented HMO accommodation with that of the established and stable residential community. Well-being applies to the whole population, and must not be applied discriminately at the expense of any one sector.

This Appeal needs to be dismissed for all the above reasons, and the student only condition retained on this property.

R. Alun Jenkins,

Councillor Offa Ward

February 2017