



**Bob Dewey
PLANNING**

GROUND OF APPEAL
PROPOSED AMENDMENT TO CONDITION
86 ERDDIG ROAD, WREXHAM

Background:

This statement is intended to explain why an appeal against the decision of Wrexham County Borough Council should succeed. The decision was to refuse permission to amend condition number 1 and to delete condition 2 on a planning permission ref P/2012/0185. The refusal was dated 2nd November 2016.

Planning History

The original grant by the Council was dated 22nd June 2012 and was for a change of use of use from single residential to House in Multiple Occupation (HMO) in retrospect.

The conditions which are the subject of this appeal are:

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 reason for both conditions was given as:

In the interests of highway safety due to the lack of on-street and off-street parking provision.

The application had been reported to the Council's Planning Committee on 30th April 2012 with a recommendation to approve subject to a single slightly differently worded condition:

1. The property subject to this permission shall be occupied by a maximum of 8 tenants at any one time.

The reason proposed to be given was the same as for the two disputed conditions.

The application to which this appeal relates was refused for the following reason:-

1. 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.

The site:

The site is located within an area almost entirely residential in character with very few properties having their own off street parking facilities.

It is located about 0.5 Km south of the town centre of Wrexham and thus is within easy walking distance. It is about 100 metres east of Ruabon Road which is served by many

regular bus services. It is a short walk, with part being through the park, leading to the railway station.

The streets are of restricted widths 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.

Officer's Report to Chief Planning Officer:

The Chief Planning Officer had originally recommended that permission be granted for the property to be occupied by up to 8 tenants. His report included comments attributed the Council's Highway officer:-

“Parking standard for the proposed HMO is equal to that of a five bedroom dwelling (as was). As there is no change to parking requirements, no recommendations are made.”

The Planning Officer agreed that the HMO parking standard was met if the number of occupiers was limited to eight. He recognised that the site is “within walking distance of the town centre which would encourage reduced reliance on the car.” He did recognise that student accommodation had been refused elsewhere in Wrexham due to parking issues.

The Committee decided to visit the site before making their decision and the meeting took place at 1.20 pm on 22 June. The conditions which were imposed are those dealt with in this appeal.

Planning Policy

The Council's planning policies are set out in the adopted Unitary Development Plan. Policy GDP1 requires that “all new development should .. (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 either on site or nearby in accordance with the Council's current parking standards...”

Local Planning Guidance Note 16 adopted November 2011 sets out “ a maximum (parking requirement) for new developments and changes of use and apply throughout the County Borough”.

The standard for a house with 5 or more bedrooms is 4 spaces.

The standard for HMO is one space for two bed spaces.

The Welsh Government says:

“Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past”. PPW 9 - 8.4.2

Conservation Area:

The proposal is intended to increase the viability of the property and will result in an upgrading of the building. This will provide an opportunity to enhance the character and appearance of the Conservation Area. Leaving it under used or vacant (which is likely as student demand is reported to be falling) could harm the Conservation Area.

Assessment:

The Council has adopted car parking standards for new developments as advised by WAG policy. The standard (as confirmed by the highway officer's report) is met because the proposed use as an 8 bed HMO requires the same provision as the original use (as a single dwelling).

Whilst the property has no off-street parking spaces, it is by no means unusual in the area and anyone taking up occupation in the area will be in no doubt of the situation. Indeed, whilst the appeal property has several potential parking spaces along its side elevation in Bath Street, many of the nearby properties have narrow frontages which would not allow sufficient space to park outside the property.

It is implicit in the Council's refusal of permission that they are seeking to impose a higher parking requirement than the adopted standard. Thus, whilst the standards are clearly described as "maxima" and it is clear that the policy T8 allows reductions where public transport is available nearby and local services and facilities are in close proximity. The officer agreed that the site is *within walking distance of the town centre which would encourage reduced reliance on the car*. There can be few sites so well situated. There are bus services along Ruabon Road, 140 metres away. (8 routes – 3 are hourly, 4 are half hourly and 1 irregular) linking the site to Wrexham Bus Station and to Oswestry, Cefn Mawr, Penrycae/Rhos, Llangollen and Acrefair. There appears every likelihood that a resident of the site could find a service to serve their needs. A short walk leads to the railway station (with part being through the park) would also provide links to Chester or Liverpool or Shrewsbury.

Circular 35/95 gives advice on the use of conditions.

The words of condition 2 are a precise duplication of condition 1 and it is entirely superfluous and therefore not "necessary". It therefore fails the test laid down in the circular.

Condition 1 is not precise in that it does not define "student". This could include part-time students or anyone in full time employment attending an evening class, for example. It is therefore unenforceable and not precise and fails the tests in the Circular.

The Council's Planning Officer and the Highway Officer concluded that it is necessary to limit the occupancy of the premises to 8 tenants in the interests of highway safety. The applicant had no issue with that.

If ever there was a site suitable for reduced parking this must be a very strong candidate.

The Council's basis of the refusal appears solely as summed up in the officer's report as "I am satisfied that allowing non-students to occupy the building is likely to increase parking requirements in an already busy and congested area." It ignores the fact that the Council's own standard for student accommodation is identical to any other HMO.

Whereas there is no evidence that the Council has undertaken any survey of the actual situation, the appellant has done. This is reproduced at the end of this report. In fact, in Wrexham students do generate more car demand than other tenants. (12% compared with 10%). Furthermore, photographs were taken throughout the immediate area.

1pm and 8 pm 24 November (Thursday)
7pm 25 November (Friday)

7pm 26 November (Saturday)

These can be supplied to the inspector if requested. These show a significant number of vacant parking spaces.

Other Comments:

Comments made by consultees suggested that there was an underlying concern that opening the property to occupation by “tenants” would lead to issues of poor behaviour and lack of engagement with the local community. The appellant has always tried to engage with the local community and remains anxious to be a good and responsible landlord willing to respond to any problems that may arise. No objective evidence was supplied to support the concerns and it rightly did not form any part of the stated reason for the Council’s decision.

There is a strong demand for accommodation for non-students. A less rigidly drawn restriction on occupancy is therefore needed and this has been confirmed by the Council’s own Local Lettings Agency Manager. He has indicated that, in his view, the make up of such tenants is likely to be much more varied which will surely enhance its suitability for fitting in with the community.

Conclusion:

The Council has failed to justify why the maximum standard is inadequate in this case or to provide any explanation for its departure from its and the Welsh Government’s policies. The Inspector is asked to allow the appeal and amend condition 1 to relate to “residents” and to delete condition 2.

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30 December 2016
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Survey undertaken by appellant autumn 2016.

Licenced HMO's in Wrexham			318
HMO's out of town			33
HMO's in town			285
QTY in town HMO's car parking info gathered			92
			32%
Bedrooms			516
Student Houses			47
No of Students			246
Cars			29
Car Ownership %			12%
Non Student Houses			45
Tenants			270
Cars			27
Car Ownership %			10%

Wrexham Council's parking standards

C3 Dwellings	1 bedroom	1.5 car space per unit	Sufficient space to provide at least 2 secure cycle parking spaces per dwelling. In the case of flats, this should be provided via safe and secure communal cycle parking areas.
	2 bedrooms	2 car spaces per unit	
	3/4 bedrooms	3 car spaces per unit	
	5 or more bedrooms	4 car spaces per unit	
Houses in Multiple Occupation	1 car space per two bed spaces	Provision for at least 2 secure covered cycle parking spaces per HMO via a safe and secure cycle parking area.	
Student Accommodation		1 car space per two bed spaces, and an area suitable for drop off/pick up either on site or close to the development.	1 cycle space per 5 bed spaces via a safe and secure cycle parking area.

Welsh Government Policy (PPW 9 Nov 2016)

8.4.2 **Car parking provision** is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. **Minimum parking standards are no longer appropriate.** Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.

TAN18

Maximum parking standards

4.6 Maximum car parking standards should be used at regional and local level as a form of demand management. Turning minimum standards into maximum standards will not necessarily be appropriate. Therefore evidence based on the likely effects of different parking levels for each land use should be considered, including consideration of the relative locations of land uses and their consequent accessibility.

4.13 Maximum parking standards should not be applied so rigidly that they become minimum standards. Maximum standards should allow developers the discretion to reduce parking levels.

Residential car parking

4.15 Some car free housing development may be appropriate in locations with good walking, cycling and public transport links and in areas where parking is controlled. On-site cycle and parking provision for those with disabilities will be required if such on-street parking cannot be provided... It is essential that, prior to occupation, the future residents should be made aware of the car free status of the development.