Report of the Chief Officer Economy and Planning

Application Reference
P/2025/0093

Applicant
Mr Tim Pluves

Agent
Mr Carl Hughes

Site Address
67 KING STREET, WREXHAM, LL11 1HR

Description of Development
NEWID DEFNYDD ADEILAD O DDOSBARTH D1 (DEFNYDD ADDYSGOL) I DDOSBARTH SUI GENERIS (HMO) 7 TENEDD / CHANGE OF USE OF BUILDING FROM CLASS D1 (EDUCATIONAL USE) TO CLASS SUI GENERIS (HMO) – 7 TENANTS

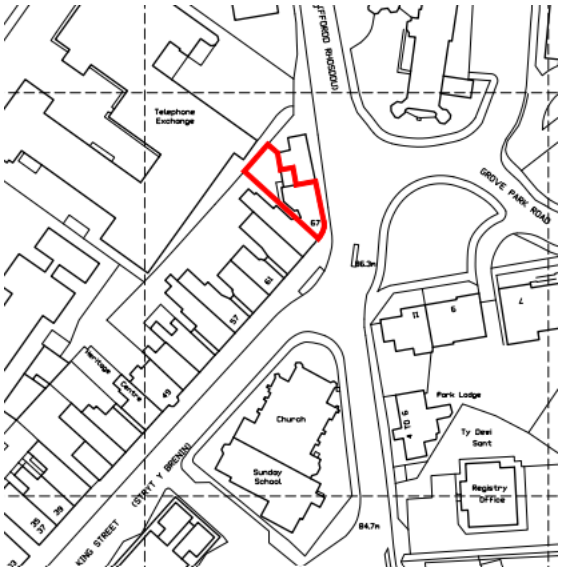
Ward
Grosvenor/Grosvenor

Community
Rhosddu/Rhos-ddu

Recommendation
Grant

Officer Report

Site Description
The application site comprises 67 King Street, Wrexham.



Proposal
The application seeks consent for the change of use of the building from Class D1 (Non-Residential Institution) into a 7 person HMO.

Reason for Committee Determination
Community Council objection

Site History
P/2025/0109 - Listed Building consent for change of use of building from class D1 education to class Sui Generis HMO - Pending

Development Plan
Unitary Development Plan
Policy PS1 - The Broad Location of Development
Policy PS2 - The Broad Location of Development
Policy GDP1 - Development Objectives
Policy T8 - Parking
Policy H4 - Sub-division of dwellings
Policy EC9 - Listed Buildings of Special Architectural or Historic Interest

Local Planning Guidance Notes (LPGN's)
LPGN 05 – Houses in Multiple Occupancy
LPGN 12 - Shopfront Design and Security
LPGN 16 – Parking Standards
LPGN 21 – Space around Dwellings
LPGN 30 – Design
LPGN 32 – Biodiversity and Development

Relevant National Policy
Planning Policy Wales Ed 12
Future Wales
Future Generations of Wales Act
TAN 11 - Noise
TAN 24- Historic Environment
TAN 12 - Design
TAN 18 - Transport
TAN 5 - Nature Conservation

Consultation Responses
Community Council:
Object, raising concerns about increased parking demand and lack of bins.

Local Member:
No response received

Natural Resources Wales:
Raise no objections. Advise it would be reasonable to screen out this proposal as not likely to have a significant effect on the River Dee and Bala Lake SAC in relation to nutrient inputs.

Dwr Cymru Welsh Water:

Raise no objection

Highway Officer:
Raises no objection, noting the sites' sustainable transport location

Contaminated Land Officer:
No comments

Public Protection Officer:
Raise no objection subject to conditions to secure noise attenuation measures and advisory notes in relation to construction dust, noise management and the burning of waste.

Publicity Undertaken:
Notification Letters

Responses to Publicity:
None

Principle of Development
UDP Policy PS1 states that new development for housing will be directed to within defined settlement limits. The site is located within the defined settlement limit of Wrexham so the proposed development accords with this policy.

The UDP has no specific policy regarding the change of use of non-residential buildings to HMOs. Policy H4 deals with the conversion of existing dwellings to HMOs. However, it is indirectly relevant in so far seeking to control the concentration of HMOs. Local Planning Guidance Note (LPGN5): Houses in Multiple Occupancy is also applicable and provides detailed guidance in respect of the concentration of HMOs. LPGN5 advises that proposals for new HMOs should 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.

There is an existing 10 person HMO at 61 King Street, which is within a 50m radius of the boundary of the site. Technically this guidance in the LPGN refers to residential properties within a 50m radius so the proposal would be contrary to the guidance, in exceeding the 10% threshold of residential properties. This is because the area is predominantly commercial in character. However, the purpose of the guidance is to protect character, community cohesion and residential amenity, therefore the fact the area is largely commercial in nature character these elements would not be materially impacted and as such justifies departure from the policy.

Notwithstanding the above, the proposed development would not lead to an unacceptable concentration of HMO's, maintaining a gap of 2 other buildings not in use as a HMO between a proposed HMO and any existing HMO. It is not considered that the development would lead to an adverse impact upon the highway network or it users and this is discussed in further detail below.

Furthermore the submitted Noise Assessment recommends the incorporation of noise attenuation measures including internal sound insulation, acoustic separation and installation of secondary glazing - discussed further below, which would ensure no detriment to the living standards afforded to future occupiers. For these reasons, the principle of development would accord with UDP policy PS1 and PS2.

Design

The building is Grade II Listed. No external alterations are proposed to accommodate the development and as such the proposed development would not harm the character of the historic asset, the visual amenities of the site or wider Grosvenor Road Conservation Area. It therefore accords with UDP policies PS2, EC9 and GDP1 in this respect. Internal alterations are the subject to a separate application for listed building consent, Reference P/2025/0109.

Impact on Neighbouring Amenity

The application is accompanied by a Noise Report (NR). The NR confirms that the dominate noise source is traffic on King Street and Rhosddu Road. Monitoring has shown that the noise levels recorded on side of the building facing Rhosddu Road fall within Noise Exposure Category (NEC) C for both day and nighttime. Technical Advice Note (TAN) 11 advises in respect of NEC C, Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

For the side facing onto King Street the noise levels were within category NEC B which TAN11 advises require mitigation. The report has demonstrated that with the installation of secondary glazing in the habitable rooms would ensure appropriate noise levels are maintained.

The NR demonstrates that with windows open for ventilation, appropriate noise levels would not be achieved. The NR has recommended that the windows remain openable, but that alternative ventilation means be provided and has set out options to achieve the required noise levels. The Council's Public Protection Officer confirms that the proposed measures are appropriate. These measures could be secured by a suitably worded planning condition.

The NR also considers the internal sound insulation and acoustic separation, confirming that the floors and party walls require acoustic attenuation. Measures to achieve appropriate noise levels have been recommended by the NR. The Public Protection Officer has confirmed the suggested options to be appropriate, and these measures can be secured via a suitably worded planning condition.

Notwithstanding the TAN11 guidance in respect of residential development in NEC C, only part of the building falls within this NEC category. The building is Listed, therefore it is preferable for it to be in use to ensure its ongoing maintenance and preservation. Furthermore, subject to appropriate noise

mitigation, appropriate living conditions would be provided to future occupants. The proposed development accords with UDP policy GDP1 and TAN 11.

Highway Considerations

In accordance with LPGN16 guidance, the maximum parking provision for the existing lawful use of building is 12 spaces. For the proposed HMO it would be 5 parking spaces.

There is provision for 1 off-road parking space to the rear of the site. The site is within a sustainable location within walking distance of the City Centre and its amenities and employment opportunities. The site is also within a short distance of the two railway stations and adjacent to the City's bus station. The area is served by a number of public car parks, and it can be assumed on the basis of the 2021 Census data that not all occupants would have vehicles. Data from the 2021 Census shows that although 63% of households living in rented accommodation in the Grosvenor Ward have access to a car or van, only a small minority (4%) households have access to more than two vehicles. Moreover, 32% of households in the Ward do not have access to a car or van at all. To further support sustainable transport, a covered, ground anchored cycle store is proposed.

The Council's Highway Officer raises no objection on the basis of the above. It is considered that the proposed development proposed is unlikely to give rise to parking or highway safety concern. As such it accords with UDP policies GDP1 and T8 and LPGNs 5 and 16.

Natural Environment

The application is supported by a Green Infrastructure Statement which identifies that there is green infrastructure on the site that would be affected by the proposed development. To achieve a net biodiversity benefit, 3 no. House sparrow nest boxes would be installed on the rear elevation of the property. The net benefit to biodiversity proposals are considered to be proportionate to the scale of the development and accord with the requirements of Chapter 6 of PPW12 and the guidance contained in LPGN 32 - Biodiversity.

Drainage

The application site is served by a public sewer connection. Dwr Cymru/Welsh Water made no comments in respect of the capacity of the network to accommodate the additional foul flows from the site despite.

In accordance with NRW's guidance '*Planning advice to planning authorities for planning applications affecting nutrient sensitive Special Areas of Conservation*' the proposed development has been assessed to determine whether it is likely to have a significant effect on the River Dee and Bala Lake SAC.

The proposed development has been amended since the application was originally submitted to reduce the number of proposed tenants from 9 to 7. This was in order to ensure that there would be an overall reduction in foul water flows from the site compared to the previous use. On this basis there would be no additional foul water flows from the site and entering the catchment of the

SAC, and it is considered that the development can be 'screened out' as not likely to have a significant impact in term of increased nutrients/phosphates. Limiting the number of occupants to be 7 could be secured by a suitably worded condition.

Having regard to the above, the proposed development would accord with UDP policy EC6 and Chapter 6 of PPW12.

Conclusion

The proposed development does not give rise to planning policy, design, heritage or highway concerns and therefore accords with the relevant national and local planning policies.

Conditions

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

   KS/PD/12 Proposed basement plan and side elevation

   KS/PD/11 Proposed rear elevation

   KS/PD/10 Proposed front elevation

   KS/PD/13 REV A - Proposed site plan

   KS/PD/07 REV E - Proposed ground floor plan

   KS/PD/08 REV E - Proposed first floor plan

   KS/PD/09 REV E - Proposed second floor plan

3. The building shall not be occupied as a House in Multiple Occupation until the noise attenuation and mitigation measures recommended in the Noise Impact Assessment RSA512/2025 have been implemented in full. The measures shall be retained thereafter.

4. The use of the premises shall be restricted to a House in Multiple Occupation (HMO) occupied by no more than 7no. individuals.

Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

3. In the interests of the amenities of the future occupants of the development in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

4. To ensure no detriment to the River Dee/Bala Lake as a result of increased foul flows in accordance with Policy EC6 of the Wrexham Unitary Development Plan.

Notes

You are advised that this permission does not in itself authorise the carrying out of the development hereby permitted until the necessary Listed Building Consent has been obtained. Your concurrent application for Listed Building Consent has now been forwarded to the Cadw for their consideration.

Notes

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

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.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's

Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Notes

The Applicant is advised that under the 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Notes

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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

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