Report of the Chief Officer Economy and Planning

Application Reference
P/2026/0174

Applicant
Violetta Niklas-Pecha

Agent
Mr Theodore Speaks

Site Address
FIRST AND SECOND FLOOR FLAT, 36 BROOK STREET, WREXHAM, LL13 7LL

Description of Development
NEWID DEFNYDD O FFLAT 3 YSTAFELL WELY (DOSBARTH C3) I DŶ AMLFEDDIANNAETH 3 YSTAFELL WELY (TAI AMLFEDDIANNAETH) (DOSBARTH C4) - UCHAFSWM O 4 PRESWYLYDD / CHANGE OF USE OF 3 BEDROOM FLAT (CLASS C3) TO 3 BEDROOM HOUSE IN MULTIPLE OCCUPATION (HMO) (CLASS C4) - MAXIMUM 4 OCCUPANTS

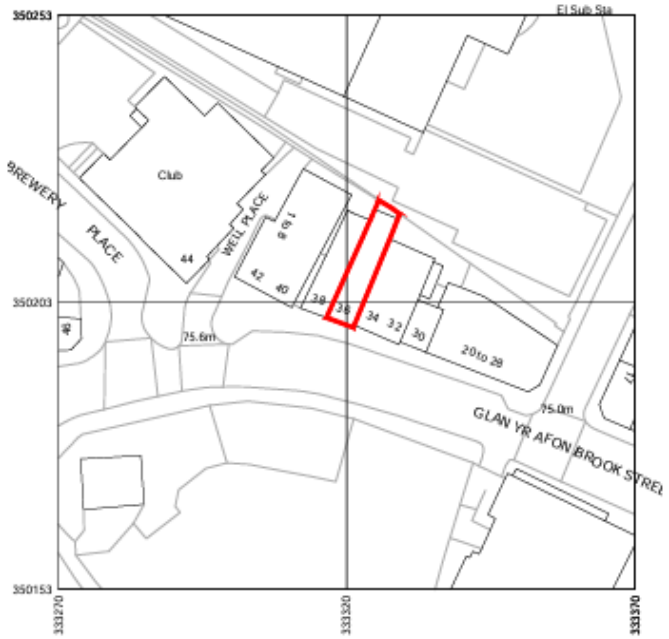
Ward
Brynyffynnon/Brynyfynnon

Community
Offa/Offa

Recommendation
Grant

Officer Report

Site Description
The site comprises a 3-bedroom residential flat over the first and second floors of the building, with a retail unit beneath on the ground floor.



Proposal

Permission is sought for the change of use of the existing 3-bedroom flat to a 3-bedroom, 4-person HMO.

Reason for Committee Determination

Community Council objection.

Site History

P/2024/1362 - RETENTION OF GROUND FLOOR AS SHOP WITH STORAGE AREA TO REAR, NEW SHOPFRONT AND CONVERSION OF FLAT ON FIRST AND SECOND FLOORS INTO 3 NO. APARTMENTS - Permission Refused due to increase in Phosphates from the site and flood risk associated with increased number of units.

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 EC6 - Biodiversity
Policy EC13 - Flood Risk
Policy EC14 - Protection of Controlled Waters
Policy H4 - Sub-division of dwellings

Local Planning Guidance Notes (LPGN's)

LPGN 05 – Houses in Multiple Occupancy
LPGN 16 – Parking Standards

Relevant National Policy

Technical Advice Note (TAN) 11: Noise

Consultation Responses

Community Council:
Objects. Raises concerns about the impact of the development upon the River Dee and Bala Lake SAC, due to potential increase in nutrients / phosphates from the HMO.

Local Member:
No response received.

Natural Resources Wales:
Raise no objections.

The planning application proposes highly vulnerable development (conversion to HMO). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 (Rivers). Given the nature of the proposed development, with no change in vulnerability (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences.

Dwr Cymru Welsh Water:
Raises no objection and confirms capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site

Highway Officer:
Raises no objection.

There is no off-street parking provision for the existing or proposed property. There is no increase in the number of bedrooms as part of the proposal and therefore no increase in parking demand. the proposed development is in a highly sustainable location. It is also likely that the proposed apartments will appeal to those who don't own a car. The LHA would raise no objections to the proposed development in respect of parking provision.

Both the existing apartment and proposed 3 bed HMO have the same cycle storage requirements ie/ minimum of 2 cycle spaces. As both the existing and proposed accommodation have the same shortfall in adequate cycle parking / storage ie/ no provision, the LHA would raise no objections in this instance.

Clarification on whether the bins / recycling will be brought to the footway at the front of the building for collection by an external entrance on the ground floor.

Contaminated Land Officer:
No comments.

Public Protection Officer:
Raise no objection subject to a condition to secure noise attenuation measures between floors and advisory notes in relation to licensing requirements.

Publicity Undertaken:
Notification Letters to nearby properties.

Responses to Publicity:
2 representations received raising the following points:

- This property is currently a single dwelling with no outdoor space at all.
- The current tenants waste bin is kept on the public pavement in front of the property.
- The bins will block access to the rear of the site.
- works to the property may cause structural issues for the neighbouring property.
- The higher turnover of residents associated with a HMO could potentially impact the safety and character of the neighbourhood.

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. The development therefore accords with this policy.

Policy H4 allows for dwellings to be converted to HMOS provided the proposals do not result in an over-concentration of HMOs to the detriment of crime levels, the social fabric of the area and the amenity of existing residents. 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% within a 50 metre radius of the boundaries of the application site.

There are 2 existing HMOs which are within a 50m radius of the boundary of the site, at Snowdon Hall on Abbot Street and Vicarage Hill. Because the area is predominantly commercial in character, the proposal would technically exceed the 10% threshold. However, the purpose of the guidance is to protect community cohesion and residential amenity. The guidance also recognises that there may be circumstances where the granting of planning permission is justified.

The application site is in an area that is largely commercial rather than residential in character. The proposed development would not materially alter the character of the area. Moreover, it would also maintain a gap of 2 other buildings not in use as a HMO. Considered in this context, the development would not be unacceptable nor would it undermine the objectives of either policy H4 or LPGN5. The principle of development is therefore considered acceptable.

Design

No external alterations are proposed to accommodate the development and as such the proposed development would not harm the character of the building.

The proposal relates to an existing upper-floor town-centre flat which does not benefit from private outdoor amenity space. The impact of the proposed change of use is therefore neutral in this regard and would not worsen the existing

situation in terms of residential amenity. Moreover, the site is located within a highly accessible town-centre location where occupants have convenient access to public open space, services and leisure facilities.

Refuse and recycling would be stored within suitable containers in accordance with Wrexham County Borough Council requirements. The internal bin storage area would be available to all residents and managed through the tenancy and property management arrangements. Waste would be presented for collection in accordance with the Council's normal kerbside collection arrangements. A Service Delivery and Management plan can be secured by planning condition to ensure the proposer management of refuse and recycling at the site, in accordance with the submitted plans.

Drawing the above together, the development accords with UDP policies PS2, H4 and GDP1, and LPGN 5 in this respect

Impact on Neighbouring Amenity

Given the modest scale of the proposed HMO and the restriction to a maximum occupancy of 4 residents, the development is unlikely to generate any significant increase in activity, noise, disturbance, vehicle movements or waste generation beyond that associated with the existing lawful residential use.

Technical Advice Note (TAN) 11 advises that planning permission should not normally be granted in town centre locations unless there are no alternative quieter sites available. The application site is already in residential use, and so the impact upon the occupiers of the development would be neutral in this regard. Moreover, the Public Protection Officer raises no concerns with the use of the property as an HMO.

The proposed development accords with UDP policies GDP1 and H4, and TAN 11.

Highway Considerations

In accordance with guidance set out in LPGN16, the maximum parking provision for the existing lawful use of building is 3 spaces. For the proposed HMO it would also be 3 parking spaces.

There is no off-street parking provision for the existing or proposed property. However, there would be no increase in the number of bedrooms as part of the proposal and therefore no increase in parking demand. The proposed development is also in a highly sustainable location and likely to appeal to those who don't own a car.

Both the existing apartment and proposed 3 bed HMO have the same cycle storage requirements i.e a minimum of 2 cycle spaces. There would be no cycle parking provision. However, as both the existing and proposed accommodation have the same shortfall in cycle parking, this would not be a valid reason to refuse planning permission.

Clarity on whether the bins / recycling will be brought to the footway at the front of the building for collection by an external entrance on the ground floor is required. This could be secured by a planning condition requiring a Service Management Plan for the building. The bins are stored on the highway now and this will continue. The proposed development does not give rise to any additional impacts in this regard.

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 (GIS) which identifies that there is no green infrastructure on the site that would be affected by the proposed development. To achieve a net biodiversity benefit (NBB), one nesting bird box and one bat box would be installed on the building. The NBB proposals are considered to be proportionate to the scale of the development and accord with the requirements of Chapter 6 of PPW12.

The application site is served by a public sewer connection to the Five Fords Waste Treatment works. 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 is for a maximum of 4 occupants and there would be no increase in the number of bedrooms. On this basis the occupancy levels would the same as the existing use and in turn there would be no increase in foul water flows from the site. The development can be therefore be 'screened out' as not likely to have a significant impact in terms of increased nutrients/phosphates. Limiting the number of occupants to 4 could be secured by a suitably worded condition.

Having regard to the above, the proposed development would accord with UDP policies GDP1, EC6 and EC14, and Chapter 6 of PPW1

Flood Risk

The planning application proposes highly vulnerable development (conversion to HMO). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 (Rivers). Given the nature of the proposed development, with no change in vulnerability, NRW has confirmed that the proposals are acceptable, subject to the developer being made aware of the potential flood risks and consequences. An advisory note can be attached should permission be granted.

Having regard to the above, the proposal complies with UDP policy EC12.

Conclusion

It is considered that the proposed development would have no unacceptable impact in respect of visual amenity or highway safety. It is also considered that the proposal would not have a significant adverse impact on health or quality of life, having particular regard to residential amenity. Subject to the conditions set out below, the development accords with the relevant UDP policies.

Condition(s)

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):
   - Block Plan Reference 289/BSW/PL/202 Rev A
   - Existing / Proposed Ground and First Floor Plan Reference 289/BSW/PL/103 Rev B
   - Proposed second Floor Plan Reference 289/BSW/PL/104 Rev A

3. No part of the development shall be occupied until a Servicing and Management Plan for the building has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the management of the refuse storage and collection, and cycle storage etc. The building shall thereafter be serviced and managed in strict accordance with the Plan as is approved.

4. Prior to the first occupation of the development for the use hereby permitted, a scheme of noise insulation and attenuation measures between floors shall be implemented in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The approved measures shall shall thereafter be permanently retained.

5. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) shown on Block Plan Reference 289/BSW/PL/202 Rev A have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

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

Reason(s)

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

2. To comply with Section 71ZA(2) of the Town and Country Planning Act, 1990.

3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and suitable standard of accommodation in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

4. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

5. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

6. To define the scope of the permission in the interests of the residential and environmental amenities of the site in accordance with polices GDP1, H4, EC6, EC13 and EC14 of the Wrexham Unitary Development Plan.

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.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 298884.

The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 (Rivers). The developer is strongly advised to take any opportunity to incorporate flood resilient design where feasible. Guidance on resilient design can be found in Chapter 13 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025, which references advice from Construction Industry Research and Information Association, including a Code of Practice and Guidance for Property Flood Resilience.

The Applicant / Developer is required to make an application for a HMO licence, prior to the property becoming occupied as a HMO. The HMO Licence application form and guidance is available at: http://www.wrexham.gov.uk/english/council/Housing/hmo_licensing.htm

The Applicant / Developer is also required to comply with the Rent Smart Wales Scheme being registered and / or licensed as necessary. Further information on Rent Smart Wales is available at: https://www.rentsmart.gov.wales/en/

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