

REPORT OF THE HEAD OF ENVIRONMENT AND PLANNING – 5th NOVEMBER 2018

APPLICATION NO:
P/2018 /0772

LOCATION:
GARTHWYN 82 BEECHLEY ROAD
WREXHAM
LL13 7BA

DATE RECEIVED:
10/09/2018

COMMUNITY:
Offa

DESCRIPTION:
CHANGE OF USE TO HOUSE IN
MULTIPLE OCCUPATION (HMO) 6
NO. BEDROOMS WITH 7 NO.
OCCUPANTS IN TOTAL

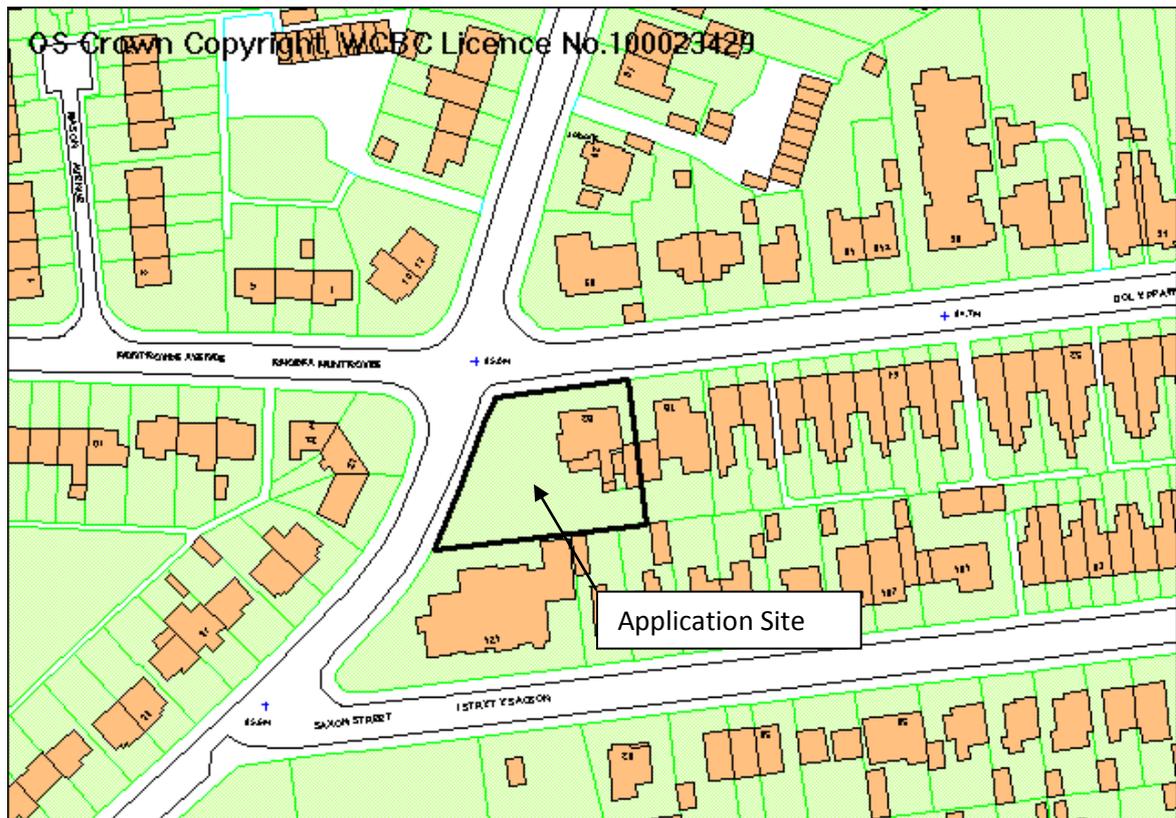
CASE OFFICER:
SEH

WARD:
Hermitage

AGENT NAME:
MR JENNIS KONADAN

APPLICANT(S) NAME:
MR JENNIS KONADAN

SITE



PROPOSAL

As above

HISTORY

None relevant

PLANNING POLICY

Within Town Centre settlement limit. Policies GDP1, H4 and T8 apply. Local Planning Guidance Notes (LPGN) Nos.5 'Conversion of Dwellings into Houses in Multiple Occupation' and 16 'Parking Standards' are also relevant

CONSULTATIONS

Community Council:	Object due to the over concentration of HMOs in the locality and the negative effect on local residents. Beechley Road is already subject to parking on both sides of the road creating dangers for motorists and pedestrians. There would be an objection to the loss of green space if part of the garden area was converted to parking. Re-consulted 22.10.2018
Local Member:	Re-notified 22.10.2018
Highways:	Re-consulted 18.10.2018
Public Protection:	No Comments.
Housing:	No objection provided an application is made for a HMO Licence prior to occupation as a HMO.
Site Notice:	Expired 05.09.2018
Neighbours:	1 letter from the Beechley Road Residents' Association, 3 letters from neighbours, and 1 petition (90 signatures) received expressing the following concerns: <ul style="list-style-type: none">• We have, according to the authorities' website, six existing properties which have HMO status. Five of these properties are within 100 metres of No.82. Many of these properties have, at some point, been the subject of complaint by residents regarding antisocial behaviour, drug use, or refuse issues. Furthermore, the six properties have, in total, an estimated twenty six residents and one off road parking space available for use! This would appear to be a result of ill-considered planning decisions, made in the recent past, for which residents will suffer well into the future;• Parking in the road is a major issue. Seven additional residents will have a major impact. The proposals that have been put forward by the applicant cannot possibly be considered acceptable by the authority as they include the 'tandem' parking of 4 vehicles and the creation of further access closer to the corner of Bennions Road. Would the residents with cars be prepared to move several vehicles in order

to access their own? We think not. This level of manoeuvring would be undesirable at any time of day, with the road junction only a few metres away. Vehicles belonging to the existing tenants have already been observed parked on the double yellow lines leading up to the junction. This would become the norm. Photographic evidence of parking on the lines is available on request;

- The applicant has stated in his application that he has consulted with neighbours and local residents. We are not aware of anyone including the occupant of the adjacent house who has been consulted. The applicant has further stated that no one has any objection, a very misguided notion indeed;
- The applicant's submission is that no work has yet taken place, and yet, he has recently told the next door neighbour that the present occupants of his property (two he claims, more we think) are workmen, working on the house! Work has been going on since he took possession of the property and it is visited regularly by tradesmen. The drive of the house is permanently used as a dumping ground for all manner of debris including bags of household rubbish piled up around the bins, and the regular coming and going of people in the mornings and evenings, would indicate that the property is already occupied by a number of individuals;
- There are two mature and very much loved trees to the side, a chestnut and a Copper beech, what appears to be a Yew tree to the rear and a pollard tree of some description to the front of the property. Why, unless he proposes to cut them down, does he clearly state that there are no such trees? A number of residents think they may be the subject of a protection order;
- The quality of life experienced by residents of the road has been eroded steadily in recent years by the influx of short term residents. They are, in the main, young males who have no affinity with, or feel any responsibility towards, the existing community. As a result of their lifestyle they produce large quantities of waste and store this waste on their front gardens in overflowing bins. Furthermore, the bins are regularly left on the pavement for

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several days spilling rubbish onto the pavement! Recyclable refuse is routinely incorrectly boxed, meaning that that the collection operatives leave it on the pavement, where it stays for a protracted period. Does this sound like a road you might want to buy a house and bring up a young family?

- The Residents' Association exists to improve the wellbeing of the whole community and we recognise the need for good quality rental properties. We strive to return Beechley Road to a place which families, and people of all ages, can consider their home without feeling marginalised by large numbers of individuals who exhibit little or no respect for their environment;
- Parking of around 6 cars will causes problems and a hazard to an already congested road,
- There are double yellow, no parking, lines from the junction of Bennions Road into Beechley Road in front of this property. Cars already illegally park here;
- Household refuse mounts up on the driveway of No.82;
- This will exceed the 10% HMO rules.

Re- notified 22/10/2018

One letter received from the resident's associated expressing the following:

- We welcome the inevitable changes the applicant has made to his submission. This effectively creates a situation whereby it should not be necessary for occupants of the property to park on the public highway;
- It does however mean the felling of a mature tree which the applicant has failed to show on his plans and of which (along with the other three mature trees) he specifically stated did not exist on the property in his original submission. The loss of any mature tree on a road which otherwise only possesses a couple of small garden specimens is very regrettable, and I am sure, contra to general planning guidelines;
- The changes to the application do nothing to change the main thrust of our argument which is that the creation of yet another HMO will contribute to the general decline of the road and the lowering of property values. The house and its garden have long been the most

admired property in the road and its loss as a family residence would be greatly missed.

SPECIAL CONSIDERATIONS

Policy: Policy H4 allows for the subdivision of dwellings where:

- a) sub-division is possible without major alterations, extensions, or additional new buildings which would significantly alter the character of the original dwelling; and
- b) proposals accord with Policy GDP1;
- c) adequate private open space is available; and
- d) the proposal would not result in the over-concentration of Houses in Multiple Occupation to the detriment of crime levels, the social fabric of the area, and the amenity of existing residents.

Dealing with each of the above in turn:

a) Extent of extensions/alterations

No extensions are proposed.

b) Compliance with policy GDP1

I will deal with issues of amenity and parking separately;

c) Private open space

Houses in Multiple Occupation should have a large enough private outdoor area to provide external drying areas, cycle parking, bin storage and to provide for the amenity of the occupiers the property. The facilities should be secure and made available for use by all residents. The garden area is more than sufficient to provide external recreation space, and secure cycle storage is available within the existing garage.

The garage is also capable of housing the refuse and recycling bins. This area is easily accessible from within the dwelling, by internal door from the kitchen, and the garage is within easy access of the highway for taking out on collection day. The bin storage facilities can therefore be discreetly located in the interest the visual amenities of the area and this will be secured by planning condition.

d) Concentration of HMO properties

LPGN 5 advises that the Council will seek to ensure that proposals for new HMOs do not result in the number of HMOs exceeding 10% within a 50m radius of the boundaries of the application site. It goes on to advise that where the concentrations do exceed this, planning permission will not normally be granted unless there are relevant material planning considerations to justify doing so.

The map below (at figure 1) marks the existing HMOs in the locality with a dot, and the 50m radius with an oval outline. Members will see from the map that there are currently no HMOs within 50m of the application site and the proposed change of use accords with LPGN 5.

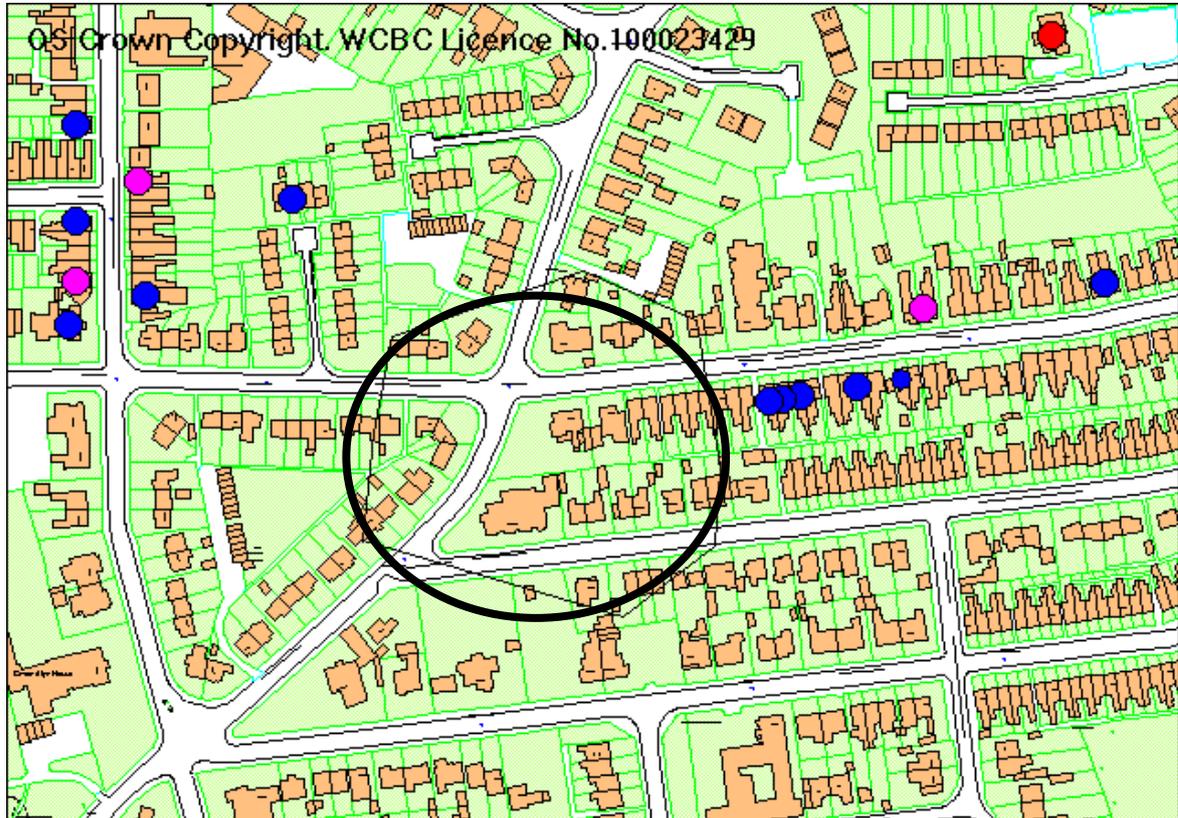
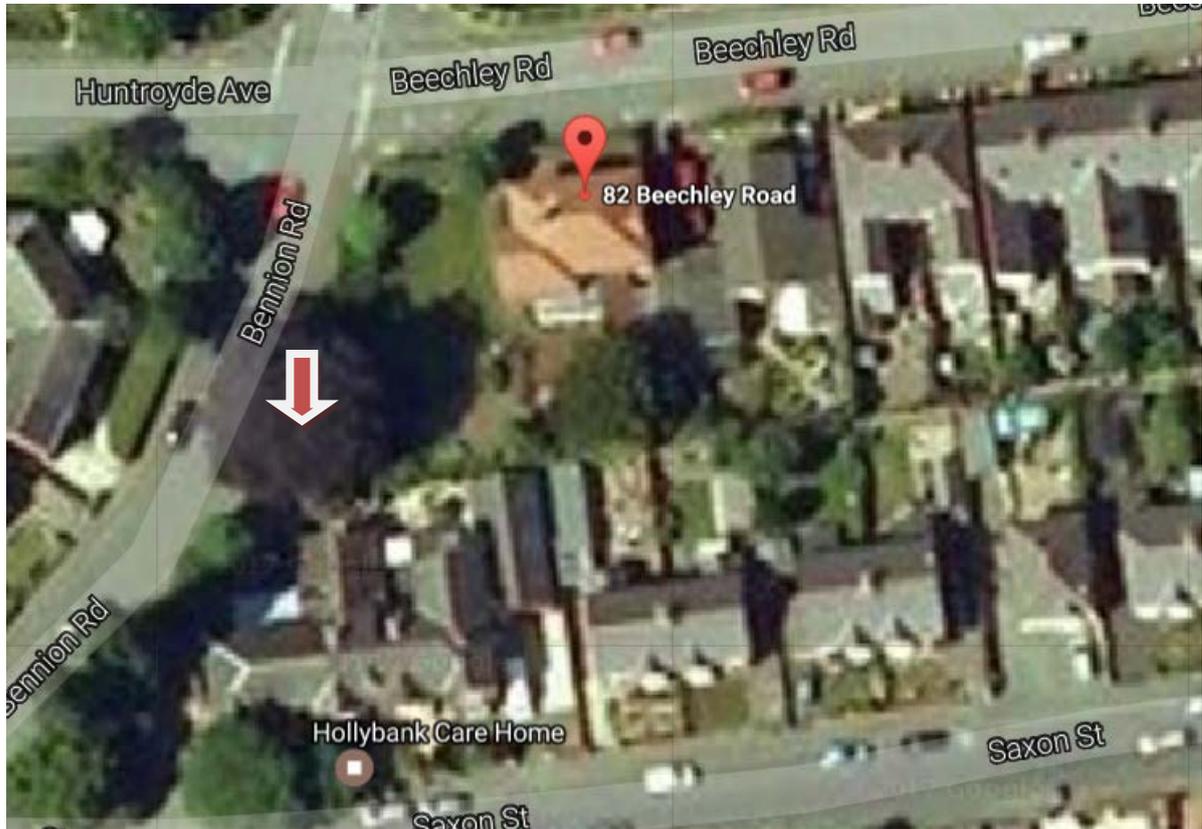


Figure 1. Existing HMOs

Parking: LPGN 16 advises that the maximum parking required for the proposed use is 4 spaces, which is the same as the 4 spaces required for the existing dwelling. Whilst parking for the existing dwelling meets with the standard, the existing driveway and garage parking is in tandem. This is not acceptable for a HMO where parking spaces should be independently accessible. The applicant has therefore amended the original scheme to provide 4 new on-site parking spaces, together with turning area (see figure 2 below), and the proposal accords with LPGN 16. The highway authority have been consulted on the proposal and any comment received will be reported by way of addendum to this report.

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Trees: There are a number of trees on the site. The most significant tree is a copper beech and is marked with a red arrow on the photograph below. A condition should be attached to the planning permission to ensure that this tree is retained. Care should be taken to ensure that the new on-site parking does not affect the health or stability of this tree and so a condition securing tree protection measures during construction works is required.



The other trees on site are not particularly good specimens and do not contribute to the visual amenities of the area in the same way as the copper beech does. There is no justification to insist upon their retention and their removal, should the land owner find necessary, is therefore considered acceptable.



Other matters: The Council has been made aware of works having already been carried out within the property. Planning permission is not required for the internal renovation and redecoration of the dwelling and they are not matters that are material planning considerations. The Council is also aware that currently 2 people reside in the property, and I confirm that this is a lawful use of the dwelling. Finally, the impact the proposal may have upon the sale value of nearby properties is not a material planning consideration.

CONCLUSION

The development accords with UDP policies GDP1, H4 and T8. The re-consultation period associated with the amendments to provide on-site parking expires on Monday 5 November 2018. Delegated powers to determine the application after this date, subject to the following conditions, is therefore requested.

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 development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 001, 002 and 003 and as contained within the application documentation.
3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.

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4. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. 001.
5. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 001 shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.
6. Prior to first use of the development hereby approved a pedestrian visibility splay shall be established measured from the centreline of the vehicular access 2.4 metres back from the back edge of the footway to points 3.3 metres either side measured along the back edge of the footway. Within these splays there shall be no obstruction in excess of 0.6 metres in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
7. Nothing shall be planted, allowed to grow or erected to a height greater than 1 metre in height above the level of the nearside edge of the adjoining highway for a distance of 2.4 metres measured back from the adjoining highway along the entire site frontage with Beechley Road. The splays shall be provided prior to first use of the development and shall thereafter be permanently retained clear of any such obstruction.
8. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.
9. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.
10. Notwithstanding the details shown on the approved plans, the existing garage shall be used for household refuse and recycling bin storage, together with secure cycle parking facilities, in accordance with a scheme which has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as is approved shall be fully implemented prior to first use of the development, and bins / refuse shall not otherwise be stored on any other part of the site.
11. The existing copper beech tree to the south west corner of the site shall be permanently retained, and shall not be cut down, grubbed out, lopped or uprooted. Should this tree become severely damaged or diseased, it shall be replaced with a tree of the equivalent size and species.
12. No equipment, machinery, plant or materials of any kind in connection with the development shall be brought onto the site until tree protection fencing and ground protection measures have been implemented in strict accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details should include specification and location for the fencing. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.
13. The tree protection fencing and ground protection measures approved in connection with condition no. 12 shall be kept in place until all external site works have been completed and the removal of the fencing has been approved in writing by the Local Planning Authority.

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14. Prior to first use of development a pavement crossing to the site shall be constructed in strict accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
15. The vehicular access hereby approved shall be a minimum width of 5 metres.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To define the scope of the planning permission
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
4. In the interests of highway safety.
5. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
6. To ensure that adequate visibility is provided at the proposed point of access to the highway.
7. To ensure that adequate visibility is provided at the proposed point of access to the highway.
8. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.
9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
10. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
To protect the amenities of the occupiers of nearby properties.
11. To ensure the amenity afforded by the trees is continued into the future.
12. To ensure that the retained trees are adequately protected during development in the interests of amenity.
13. To ensure that the retained trees are adequately protected during development in the interests of amenity.
14. In the interests of pedestrian safety.
15. To ensure the formation of a safe and satisfactory access.

NOTE(S) TO APPLICANT

The applicant is advised to ensure that the proper licence is obtained prior to occupation of the dwelling as a HMO. Guidance and application forms are available at: www.wrexham.gov.uk/english/cpouncil/housing/hmo_licensing.htm

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs 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.

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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 should adhere to the times given above wherever possible. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

PLANNING COMMITTEE - 5 NOVEMBER 2018
ADDENDUM REPORT

Pages 155 – 166 WRO P/2018/0772

Garthwyn, 82 Beechley Road, Wrexham

AGAINST: Mr John Harding (Representing Residents' Association)

Consultations

Community Council Re-consultations Response

Objects due to the over concentration of HMOs in the locality and the negative effect on local residents. Beechley Road is already subject to parking on both sides of the road creating dangers for motorists and pedestrians. Members object to the removal of mature trees within the garden in order to facilitate parking provision.

Highway Authority Response

The development site is located on the corner of Beechley Road and Bennions Road, which are both unclassified roads subject to 30 mph speed limits.

The applicant has submitted a revised layout plan which indicates the widening of the existing access off Beechley Road to 4 metres. A condition should be attached to increase this to 5 metres (see conditions on the main agenda report) to improve manoeuvrability.

The applicant also proposes to reduce the height of the boundary hedge which will maximise visibility from the existing access, and this will be secured by planning condition.

The maximum parking provision (4 spaces) has been proposed on site and the spaces are independently accessible. There are no objections to the proposal on highway safety grounds, subject to planning conditions.

Representations

Additional representation received from a local resident expressing the following:

- *Potential for approx. 7 additional vehicles in an already congested location;*
- *Illegal Parking in double yellow lines;*
- *Off-street parking is not available to this property;*
- *Waste refuge being left at the property is overflowing the bin and if more occupant are allowed then this will get worse;*
- *There are no fire escapes at the property.*

Additional representation received from the Beechley Road Residents' Association expressing the following:

- *With regard to the 50metre radius criteria used in regard of existing HMO properties; I would suggest that using this criteria it would, in theory, be possible to grant licences to several more properties in the road. This would raise the percentage of HMO properties beyond the present 9.5% to say*

16%. Does this sound like a good idea? This possible scenario fills us with anger as well as fear.

- Linear criteria should also be in place to ensure that its character as an entity is not compromised. A line has to be drawn somewhere to ensure the quality of life of long term residents is maintained, and in our opinion this is where that line should be drawn.
- The committee report refers to effects on house prices and state that this is not a material planning decision. There has already been an adverse effect on prices in the road as a result of decisions taken in the past by the planning department. This deterioration can only accelerate given the authorities perceived plan of allowing properties in the road to become nothing more than cheap accommodation for short term residents and all the problems they bring with them. We see this as a direct attack on our future and we will do our utmost to prevent this from happening.

Applicant's Submission

Observations

No new matters raised that have not already been addressed in the main agenda report. An additional condition is required to secure the details of the access widening scheme, together with relocation of the lighting column, for further approval.

Recommendation

Additional Condition and reason

No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:

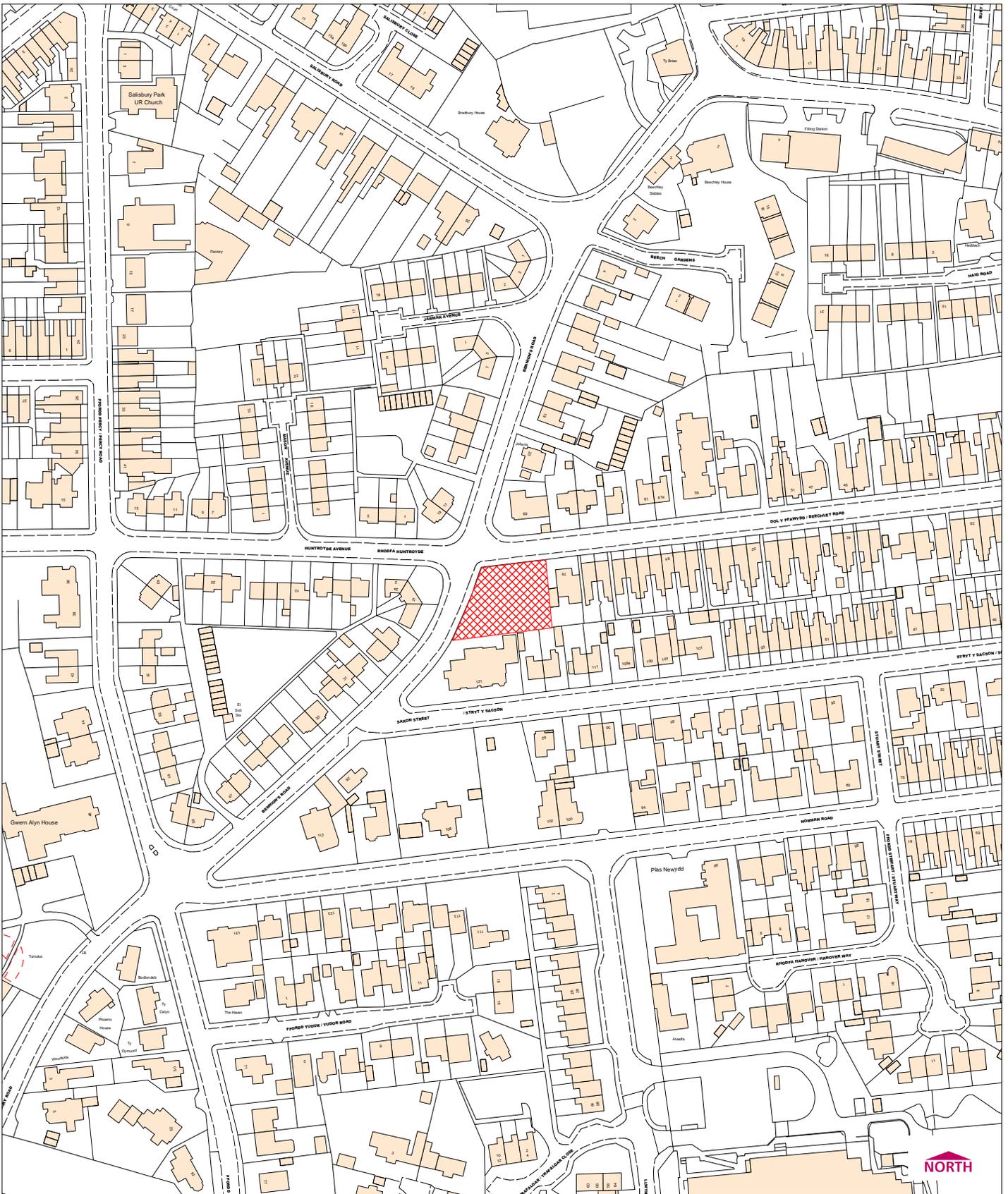
- 1) Detailed layout, design, drainage and construction of the proposed new access, and
- 2) Relocation of existing street lighting column.

The scheme as is approved shall be fully implemented prior to first use of the development.

Reason – To secure the creation of a safe and satisfactory access in the interests of protecting highway safety.

Additional advisory note

There is an existing lighting column located alongside the access which must be moved in order to widen the access. The applicant is advised to liaise with the Council's Street Lighting Section to arrange and fund any required works – Mr Paul Rogers on 01978 729673.



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HEAD OF ENVIRONMENT AND PLANNING
 16 LORD STREET
 WREXHAM
 LL11 1AY



Scale 1:2500

Town & Country Planning Act 1990
Site Location Plan
P/2018/0772 - GARTHWYN 82 BEECHLEY
ROAD, WREXHAM
COUNCILLOR GRAHAM ROGERS



