Report of the Chief Officer Economy and Planning

Application Reference
P/2024/1123

Applicant
Wrexham County Borough Council

Agent
Mark Fidler

Site Address
CHANTICLEERS, STRYT MAELOR, BWLCHGWYN, WREXHAM, LL11 5YA

Description of Development
NEWID DEFNYDD O ADEILAD AC ANECS O DDOSBARTH C3 (ANNEDD) I DDOSBARTH C2 (SEFYDLIAD PRESWYL) YN CYNNWYS DISODLI ELFEN UN LLAWR AR OCHR Y PRIF ADEILAD / CHANGE OF USE OF BUILDING AND ANNEXE FROM CLASS C3 (DWELLING) TO CLASS C2 (RESIDENTIAL INSTITUTION) INCLUDING REPLACEMENT OF SINGLE STOREY SIDE ELEMENT ON MAIN BUILDING

Ward
Minera/Mwynglawdd

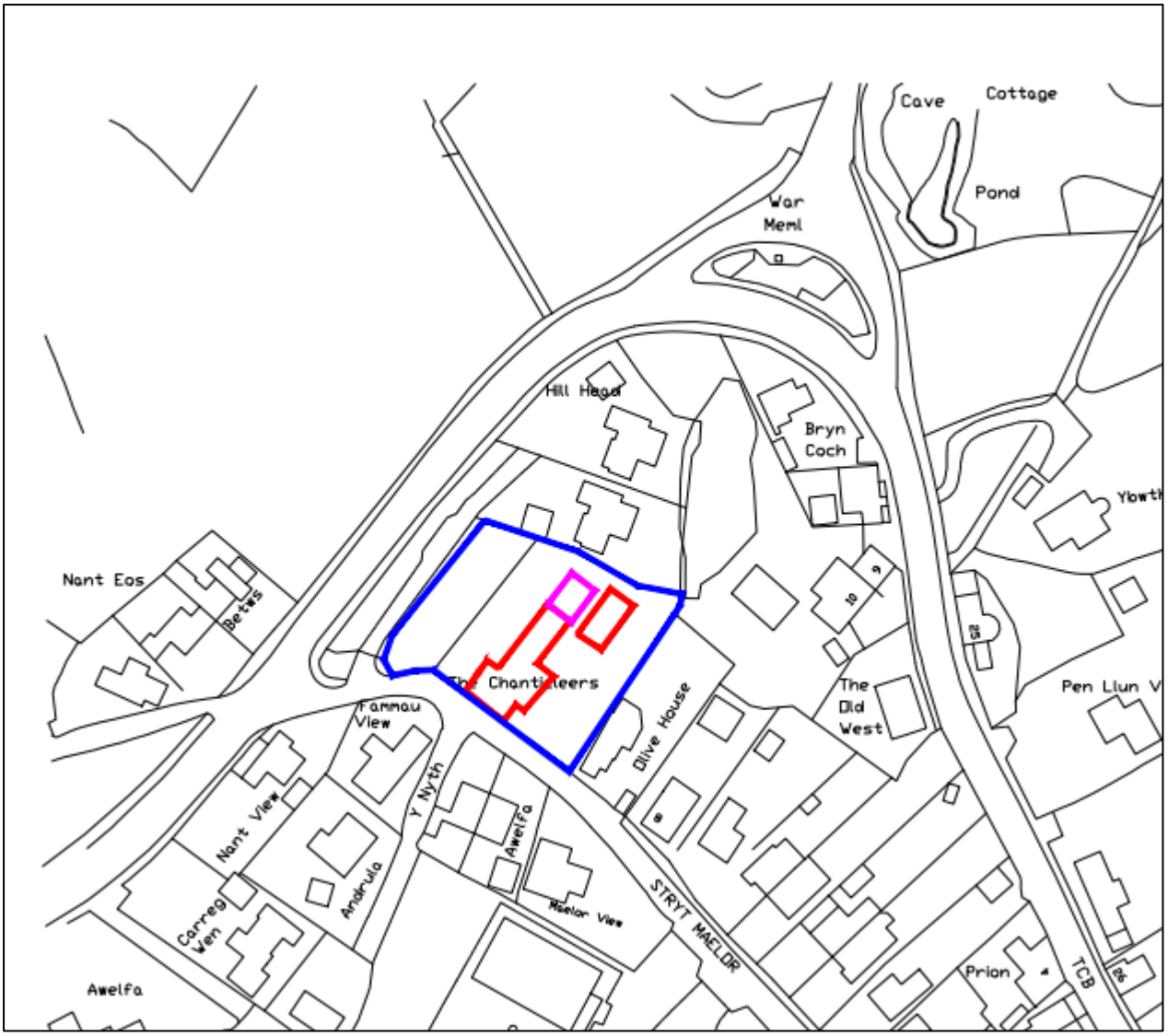
Community
Brymbo/Brymbo

Recommendation
Grant

Officer Report

Site Description
The site is occupied by a large two storey dwelling with a link attached garage located to the north of Stryt Maelor, close to the junction with the A525 in Bwlchgwyn. Within the rear garden towards the north of the dwelling is a single storey detached outbuilding that has been used as annexe accommodation. The dwelling sits within an ample plot with private amenity space to the east and west. Vehicular access is to the west of the property directly off Stryt Maelor and a large area of hardstanding sits to the front of the property.

The site is located within the Settlement Limits as defined in the LDP.



Proposal

Planning permission is sought for the change of use of the dwelling and annex from Class C3 (dwelling) to Class C2 (residential institution). In conjunction with the change of use, the following external alterations are proposed:

- The existing linked garage would be demolished and rebuilt with a single storey pitched roof extension;
- A lean-to at the rear of the building would be demolished and rebuilt;
- Alterations to windows.

The proposed development would have 3 en-suite bedrooms located on the first floor of the main dwelling with communal facilities (lounge, kitchen, snug, utility room) on the ground floor. Also on the ground floor would be a self-contained annex for a resident. A staff office is proposed within the main building which would have a bed in it for occasions when an additional member of staff is required to stay over.

The detached outbuilding would provide a staff bedroom, resident's bedroom and self-contained lounge / kitchenette.

In total there would be a maximum number of 5 bedrooms available for residents and 2 for staff members. Therefore the maximum number of occupants of the property at any one time would be a maximum of 7.

Supporting information submitted by the applicant outlines that the property would deliver supported accommodation for up to 5 individuals with housing and support needs aged 16 plus, including adults. 24 hour care would be provided by carers on a shift basis. At this time the number of additional support staff required is unknown and would fluctuate based upon the support required by the citizens.

The supporting statement outlines that the model for the proposal will focus on developing independence through the delivery of person centred enabled support. Residents would be supported to achieve their personal outcomes and aspirations, to increase independent living skills and to safely maximise independence. They would receive support and guidance to enhance social networks, to improve wellbeing and to become valued community members.

Reason for Committee Determination

More than 3 representations from different households received objecting to the proposed development.

Site History

No relevant history.

Development Plan

Wrexham Local Development Plan (2013-2028)

SP1 – Housing Provision
SP2 – Location of development
SP11 – Transport and Accessibility
SP12 – Design Principles & Masterplanning Framework
SP14 – Natural Environment
SP19 – Green Infrastructure
NE1 – International and National Nature Conservation Designations
NE6 – Waste Water Treatment and River Water Quality
DM1 – Development Management Considerations
T1 – Managing Transport impacts

Local Planning Guidance Notes:

LPGN16 - Parking Standards
LPGN20 – House Extensions
LPGN21 – Space around dwellings
LPGN30 - Design
LPGN32 - Biodiversity and Development

Relevant National Policy

Planning Policy Wales (Edition 12, 2024)
Future Wales: The National Plan 2040
Technical Advice Notes (TAN):

TAN 5 – Nature conservation and planning
TAN12 – Design

Consultation Responses

Community Council:
No comments received at the time of writing this report.

Local Member:
No comments received at the time of writing this report.

Natural Resources Wales:
Raises concerns in respect of the details submitted regarding foul drainage. Advises that consideration should be given to whether there would be a significant effect on the River Dee and Bala Lake SAC.

Dwr Cymru Welsh Water:
Confirms capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development and that the Five Fords WwTW has a phosphate permit.

Recommends a condition regarding restricting surface water from increased roof area / impermeable surfaces from discharging to the public sewerage system. Recommends Advisory Notes regarding:

- the location of public sewers and lateral drains;
- the requirement to seek consent from DCWW for any connection to the public sewer under a S106 of the Water Industry Act 1991;
- a sustainable approach is required in accordance with PPW12.

Highway Officer:
Raises no objections. Comments that visibility to the south-east would benefit from the removal of an existing gate post, but acknowledges that this would be unreasonable to request on the basis that there would be a negligible difference in traffic flow. Also commented that parking accords with LPGN16 and that there is a sufficiently large hard surfaced area that could accommodate any overflow parking demand from visitors.

Recommends a condition to require cycle parking facilities.

Contaminated Land Officer:
No comments to make.

Public Protection Officer:
Raises no objection. Recommends Advisory Notes be attached to a decision respect of construction noise, dust management and burning of waste.

Ecology Officer:

No comments received at the time of writing this report.

Publicity Undertaken:
Notification Letters sent to the owners/occupiers of 11 nearby properties.

Responses to Publicity:
5 representations objecting to the application and expressing the following concerns:

- House would hold adolescents therefore is more of a HMO not a care facility;
- Building is unsuitable and will require massive investment;
- The plot / position is unsuitable;
- Limited public transport to the site therefore most trips will be via car increasing traffic through the village;
- When Wrexham Maelor Social Services originally discussed the proposal with residents it was to be a home for children up to the age of 8 years old. Now it is to be for children / young adults preparing to leave the care home system;
- Proposed age group are vulnerable and potential targets for questionable behaviours both in the building and visitors;
- Area is occupied by large number of elderly people who live alone. The prospect of change causes great concern;
- Only 1 employee on site which provides no safeguards for the surrounding community;
- Placing 5, 16-18 year olds and various staff in an isolated village goes against the Council's own sustainable criteria;
- Limited amenities within Bwlchgwyn – no shops and limited access to public transport;
- With limited services, will be difficult for residents to get any gainful employment;
- Potential for anti-social behaviour; and
- Application form says only 1 full time employee however it is to be a 24hr supervision. Needs clarification.

Principle of Development
The LDP is silent on specific matters of a care home for young adults. However, policy SP2 directs new developments to sites within defined settlement limits and developments providing care would be acceptable in principle in such location. The property's permitted use is a C3 dwellinghouse meaning the principle of residential use of the site has already been established. It is the nature of the residential use that would change i.e. from a family dwelling to a dwelling for the care of persons 16 plus.

Concerns have been raised regarding the use being inappropriate for the rural area. Although the use does fall within a different use class from the existing property and the surrounding dwellings, the character of the use is still residential, and is comparable with many of the forms of use which can occur under Use Class C3. Notably, under Class C3 a dwelling could be occupied by

up to 6 adults living together as a single household where care is provided. As such the proposed use cannot reasonably be said to represent an inappropriate or incongruous use. A suitably worded planning condition could be imposed, should planning permission be granted, to require the submission of a management plan covering the issues such as the number of staff on site and shift patterns.

Subject to the proposal conforming to all other relevant LDP policies, the principle of development is considered acceptable.

Design

Policy DM1 of the LDP requires development to accord with and enhance the character and appearance of the site in terms of siting, layout, scale, height, design and materials.

The application proposes the demolition of the existing flat roof, single storey side extension. This would be replaced on the same footprint by a single storey extension with pitched roof. This extension would be of an appropriate scale, height and design and would remain subordinate to the host dwelling. The existing dwelling is white rendered with tiled roof and the proposed extension would be constructed of matching materials. A small, infill lean to extension is also proposed to the rear which would acceptable in terms of scale and design.

All windows would be replaced along with the removal of 2 windows from the front and rear elevation at first floor. The alterations to the windows are considered minimal works that would not harm appearance to the existing building.

Having regard to the above, the proposed development would accord with the requirements of Policy DM1 of the LDP and LPGN20.

Impact on Neighbouring Amenity

Policy DM1. ii of LDP states that development must not have an unacceptable effect on the amenity of the occupiers of nearby properties/land.

Impact to neighbours from proposed extensions

The property is a detached dwelling set within an ample plot. Dwellings are located to the north and east boundaries of the site and on the opposite side of the road to the south. Whilst extensions are proposed to the building, these are single storey and, given the generous separation distances from the site boundaries, are unlikely to result in any significant harm to the living conditions of the occupiers of neighbouring properties.

Impact to neighbours from proposed change of use

The existing property is a 4 bedroom dwelling. The proposed development would increase the number of bedrooms within the property to 6 with the option of the staff office being used by a member of staff on occasions if an overnight

stay is required. A maximum of 5 occupiers would reside at the property along with 2 staff members.

The property is located within a predominantly residential area. During shift changes there would be some increased activity. However, this is not considered to be materially different to the comings and goings associated with the use of the property as a single dwelling where one or more occupants also require care.

Whilst the proposed use differs in so far as the property would not be occupied by a single family/household, the needs of the occupants in terms of accessibility of general/ essential facilities would not be materially different. Occupants would need to travel by car to access shops, educational facilities etc under the existing and proposed uses. Any noise from vehicular movements, given that the property is currently a four-bedroom dwelling, would be unlikely to be any more significant than if the property was to be used as a single residential property.

The level of noise expected to be generated from 5 residents living at the property would not be anticipated to be materially different from a family with teenage or young adult children, where no controls would be possible with regards to who may reside at the property and the nature of their lifestyle. In this instance, a degree of control is assured through the management of the property by the applicant and the carers who will be present each day and evening of the week.

Having regard to the above, the proposed use would not have a significant impact upon the standard of privacy or amenity afforded to adjoining occupiers. As such the proposal accords with Policy DM1 of the LDP.

Antisocial behaviour

Objectors have raised concerns regarding the potential behaviours of the residents. It would be for the care workers to ensure the security and safety of the children and adults who live at the site. The behaviour of prospective occupants is outside the scope of planning control.

Living Standards for future occupants

Within the curtilage of the site there is a large garden area which would provide suitable private amenity space for the occupiers and their carers.

All bedrooms are en-suite. The bedrooms are all of an appropriate size and have a window out for direct outlook. Communal kitchen, dining room and living room facilities are also provided for residents. Overall, the proposed development would provide an acceptable standard of accommodation for 5 residents and their carers.

Highway Considerations

Policy T1 of the Wrexham LDP seeks to provide safe, effective and efficient use of the highway network and development should not have an adverse impact on highway safety or create unacceptable levels of traffic generation (iii). It advises that developments should provide appropriate levels of parking and ensure access arrangements for the site to allow for safe manoeuvring (iv). Guidance regarding maximum parking provision is set out in LPGN16.

Based on LPGN16 requirements, the proposed 7 bedroom (maximum) residential use (C2) would require a maximum of 1 car space per 2 bedrooms. Each space would need to be independently accessible. The submitted plans show 4 parking spaces provided to the rear of the dwelling. In addition to this turning space would be provided within the site to allow vehicles to leave the site in a forward gear. Parking provision would be in accordance with LPGN16 guidelines.

No comments have been received from the Council's Highways Officer. However, although it acknowledged that traffic would be generated when carers arrive and leave at the beginning or end of their shifts, it is considered unlikely that there would be a materially greater volume of traffic entering or existing the site than were the property occupied by a large household and/or if one or more occupiers of a single household required care.

No cycle parking has been proposed however there is ample room to provide cycle parking on the site. This could be secured by a suitably worded condition.

Natural Environment

In accordance with Chapter 6 of Planning Policy Wales (PPW) a Green Infrastructure Statement (GIS) has been submitted to support the application. The GIS advises that the site has hedges and grassed areas would not be affected by the proposed development.

Chapter 6 of PPW requires all developments to demonstrate that provision has been made for Net Biodiversity Benefits (NBB). i.e a better outcome than if the site was left undeveloped. The applicant has proposed the installation of bat boxes on the main dwelling above 4m in height. Noting the scope of the development, these measures are appropriate. The NBB would be secured by a suitably worded condition.

Drainage

The site would dispose of foul waster via a connection to the public sewer network. NRW has commented that inadequate information had been submitted regarding foul drainage. The site is located within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC) and as such Planning Authorities must consider the phosphorous impact of proposed development on water quality within the SAC river catchment.

Dwr Cymru/Welsh Water (DCWW) has confirmed that there is capacity within the public sewer network in order to receive the domestic foul only flows from

the proposed development site. It also advises that Five Fords WwTW has an Environment Permit. It is therefore possible to conclude that the proposed development would not have a significant effect on the SAC and in light of Dwr Cymru/Welsh Water, sufficient details are available with regards to foul water drainage.

DCWW has recommended a condition that relates to additional surface water discharge from additional roof / hard standing areas. Whilst an alteration from the flat roof to a pitched roof over the single storey element is proposed, this is not likely to increase surface water discharge. No new areas of hard standing are proposed. As such, this condition is considered to be unnecessary. DCWW has requested Advisory Notes regarding potential connections to the public sewer as well as the requirement to utilise a sustainable approach in accordance with PPW12. These Advisory Notes will be included in the decision notice. Based on the above, the proposal would not have a significant effect on the River Dee and Bala Lake SAC. In such terms, it accords with Policies NE1 and NE6 of the LDP.

Other Considerations

A number of residents have raised in their objection letters that when they were originally consulted on the proposal by Wrexham Social Services, the property was to be used to care for children up to the age of 8. The proposal now however is to offer accommodation for citizens 16 years plus. Neighbours have made comments that this site is unsuitable for young adults.

The applicant has been asked to pass comment on this matter and has stated that '*the site was originally sourced to deliver a small Children's home, but following review, Wrexham Social Services requested that the property be transferred to deliver supported housing which was agreed.'*

Whilst the nature of the proposal has changed since neighbouring residents were initially notified by Wrexham Social Services, the application put before the planning department is for a supported housing scheme for citizens of 16 plus years. Neighbouring residents have been invited to comment on this application and neighbouring representations received have been taken into consideration in the decision making process.

Conclusion

The principle of development is considered acceptable for a site located within a defined settlement limit. The extensions and alterations proposed to the building would not adversely impact upon the host dwelling, wider street scene or upon the living conditions of occupiers of neighbouring properties. It is anticipated that the levels of comings and goings and general activity at the site would not be materially different to those associated with the use of the property as a single dwelling. Acceptable living standards would be provided for future residents. Suitable parking would be provided as well as proportionate measures to deliver Net Benefit to Biodiversity. On this basis, the proposal accords with Policy SP2, SP12, DM1, T1, NE1 and NE6 of the Wrexham LDP.

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):

   Dwg No 1 - Existing and Proposed plans and elevations - received on the 20.07.2024

   Dwg No 3 - Proposed site plan - received on the 26.07.2024

3. The external surfaces of the building(s) shall be constructed of the materials specified on:

   Dwg No 1 - Existing and Proposed plans and elevations - received on the 20.07.2024

   Materials section on the submitted application form

4. No part of the development shall commence until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be implemented in full, prior to first occupation / use of the development, and thereafter maintained for the lifetime of the development.

5. Prior to first use of the development on-site bicycle parking facilities shall be provided in strict accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of bicycles.

6. Prior to the first occupation of the care facility hereby permitted, a detailed Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. For the avoidance of doubt the Management Plan shall set out:

- Details of the number of staff to occupy the property at one time and the pattern of staff shift changes;
- The maximum number of residents to occupy the property at one time;
- Expected frequency and purpose of visitors to the site;
- The arrangements for the management and maintenance of all the outdoor amenity area within the site.

The care facility will be operated in accordance with the approved Management Plan at all times.

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. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.

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

5. To assist occupiers/users of the development to make sustainable transport choices in accordance with Policy DM1 of the Wrexham Local Development Plan.

6. To safeguard the amenities of the adjoining premises and the area generally, having regard to Policy DM1 of the LDP.

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.