

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

APPLICATION NO:
P/2023 /0638

LOCATION:
1 OAKLEA CLOSE PANDY
WREXHAM
LL11 2AU

DATE RECEIVED:
16/08/2023

COMMUNITY:
Gwersyllt

DESCRIPTION:
NEWID DEFNYDD ADEILAD O
DDOSBARTH C3 (ANNEDD) I
DDOSBARTH C2 (CARTREF GOFAL)
/ CHANGE OF USE FROM CLASS C3
(DWELLING) TO CLASS C2 (CARE
HOME).

CASE OFFICER:
JP

WARD:
Gwersyllt South

AGENT NAME:
O ROUKE DESIGNS
MR JAMES O ROURKE

APPLICANT(S) NAME:
MR ALEX ARESTI
OMEGA CARE GROUP

THE SITE



PROPOSAL

Permission is sought to change the use of the Class C3 dwelling to a Class C2 care home. This would be occupied by two children supported by a total of six carers who would work in shifts, with two staff sleeping overnight. A manager would also be present during working hours.

HISTORY

No planning history relevant to the proposal.

PLANNING POLICY

Unitary Development Plan

Within a defined settlement limit. Policies GDP1, H11 and T8 apply.

Local Development Plan

Within a defined settlement limit. Policies DM1 and T1 apply.

CONSULTATIONS

Community Council

Consulted 19/9/23. No response received.

Local Member

Objects and expresses the following concerns:

- A small cul-de-sac with 4 other residential houses is an unacceptable site for a care home;
- Residents are worried about the value of their properties being reduced;
- Lack of parking spaces for carers and employees;
- Poor access for emergency vehicles;
- Proximity of the A483 and Wrexham to Chester railway line as a potential red flag for children with suicidal tendencies;
- The impact on the wider community of Pandy in respect of the proper integration of the children into the community;
- The house is being sold to the applicants by one of their employees. This is a strange situation as the applicants have promised a “cash sale” if planning permission is granted;
- The applicants have several very poor Ofsted Reports which brings doubt into their quality of running such a facility; and
- The majority of the local residents are against this proposed development.

Highways Officer

Raises no objection. Considers the parking demand and traffic flows are likely to be comparable to the existing use.

Advises that a Travel Plan be submitted to demonstrate the applicant's commitment to car sharing and the use of public transport.

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Public Protection Officer

Has no comments.

Contaminated Land Officer

Has no comments.

Simon Baynes MP

Has been contacted by constituents who object and who have asked to pass on the following comments/concerns:

- Lack of prior consultation with the residents who live on adjoining properties;
- The type of youngsters who will be housed there, the supervision, the monitoring, the security, the effect on noise pollution, light pollution and increase in traffic;
- The number of children who will occupy the house;
- Who will foot the bill for repairs to the property;
- The impact on residents due to rebuilding works;
- The provision of local primary school places;
- What will the children be doing in the evenings;
- Would the Council consider using the building for an alternative purpose;
- Request deferral of a decision until residents are included in any future talks.

Natural Resources Wales

Raise no objection.

Welsh Water

Raise no objection.

Neighbours

The owners/occupiers of 8 nearby properties notified on 10/10/23.

2 representations received in support of the proposal

2 representations from the current occupants of the site detailing their circumstances.

28 representations received objecting to the proposed development and expressing the following concerns:

- Increase traffic in cul-de-sac;
- Encroachment of parking onto neighbouring sites;
- Increased noise impacting upon amenity;
- Lack of facilities for occupants;
- Restricted access for emergency vehicles ;

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- Reference to a refused planning permission P/2012/0414 for a change of use to dog grooming parlour at No.5 Oaklea Close on the grounds of highway safety;
- Location of railway and bridges nearby posing safety risks;
- Reference to legal covenant which states no businesses are to be run from the estate;
- Potential increase in anti- social behaviour; and
- Quality of Ofsted reports for the company.

SPECIAL CONSIDERATIONS

Principle of Development: Policy H11 deals specifically with residential care homes and states that proposals for elderly persons residential care homes, nursing homes and development for specialist health care will normally be allowed where:

- a) The development accords with Policy GDP1; and
- b) Adequate garden area for the amenity of residents can be provided; and
- c) In the case of change of use, the existing building is of an adequate size for the use proposed without substantial extension; and
- d) the facility is accessible to community facilities (e.g. shops, post office, doctor's surgery, etc.).

Whilst the policy does not specifically refer to care homes for children it is considered to be broadly applicable to the development proposed.

Garden/amenity space

The property has a sizeable curtilage which exceeds the 50m² advised for properties of this size in LPG 21 and is therefore considered adequate and accords with this part of the policy.

The existing building is of adequate size

The existing dwelling has 5no. bedrooms over the first and loft floor. The proposed plans indicate that there will be 2no. main bedrooms and 2no. staff bedrooms at first floor, with the loft floor used as a lounge/games area. No extensions or external alterations are proposed and as such the proposals accord with this part of the policy.

Accessibility to community facilities

There are no local facilities in close proximity to the site and none within walking distance. However this would not be a valid reason to refuse permission in this instance.

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The site is already in use as a dwelling. Whilst the proposed differs in so far as it the property would not be occupied by a single family/household, the needs of the occupants in terms of accessibility to general/essential facilities would not be materially different. Occupants would need to travel by car to access shops, take children to school etc under the existing and proposed uses. The children occupying the property are no more likely to need independent/unaccompanied access to local services and facilities than children occupying the house as part of a single household.

Amenity of neighbouring occupiers: The property is located within a predominantly residential area. Excluding times during staff shift changes, there is likely to be 4-5 individuals on site most of the time. The activity with associated with the use would not 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 required care.

It would be for the care workers to ensure the security and safety of the children who live at the site. The behaviour of prospective occupants is outside the scope of planning control. Notwithstanding this, no empirical evidence indicates the proposed use poses a significantly greater risk to the safety or amenity of nearby residents than the current use as a single dwelling.

Access and Parking: The proposed use is unlikely to generate a material greater number of vehicle movements than if the property was occupied by a large family and/or a family where one or more members required care.

Two parking spaces would be available within the curtilage of the property for 2 carers. Whilst some on-street parking may occur when a manager is present or when staff shift changes occur, this would be for relatively short periods of time. To note, on-street parking could also occur under the extant use, if occupants have a number of visitors.

Having regard to the above, the proposal would not give rise to highway safety concerns and in such terms accords with policies GDP1 and T8 of the UDP and DM1 of the draft LDP.

Phosphorous: The number of occupants of the proposed use is comparable to the levels associated with the current use therefore the development would not lead to a material increase foul water discharges from the site. Accordingly there would be no significant effect upon the integrity of the River Dee and Bala Lake SAC. The proposed development accords with policy EC6 of the UDP and NE1 and NE6 of the draft LDP.

CONCLUSION.

The development accords with the relevant UDP and draft LDP policies.

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 01 and 02 and as contained within the application documentation.
3. The development hereby permitted shall not be occupied until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been implemented in accordance with a scheme first submitted to and approved in writing by, the Local Planning Authority. The approved scheme shall be retained thereafter

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 the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.
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