

REPORT OF THE HEAD OF ENVIRONMENT AND PLANNING
2 JANUARY 2018

APPLICATION NO:

P/2017 /0965

LOCATION:

2 COED ABEN FARMHOUSE COED
ABEN ROAD WREXHAM
INDUSTRIAL ESTATE WREXHAM
LL13 9UH

DATE RECEIVED:

22/11/2017

COMMUNITY:

Abenbury

CASE OFFICER:

MP

WARD:

Holt

DESCRIPTION:

CHANGE OF USE FROM C3
(RESIDENTIAL DWELLING) TO C2
USE (RESIDENTIAL CHILDRENS
HOME) INCLUDING FORMATION OF
NEW VEHICULAR ACCESS

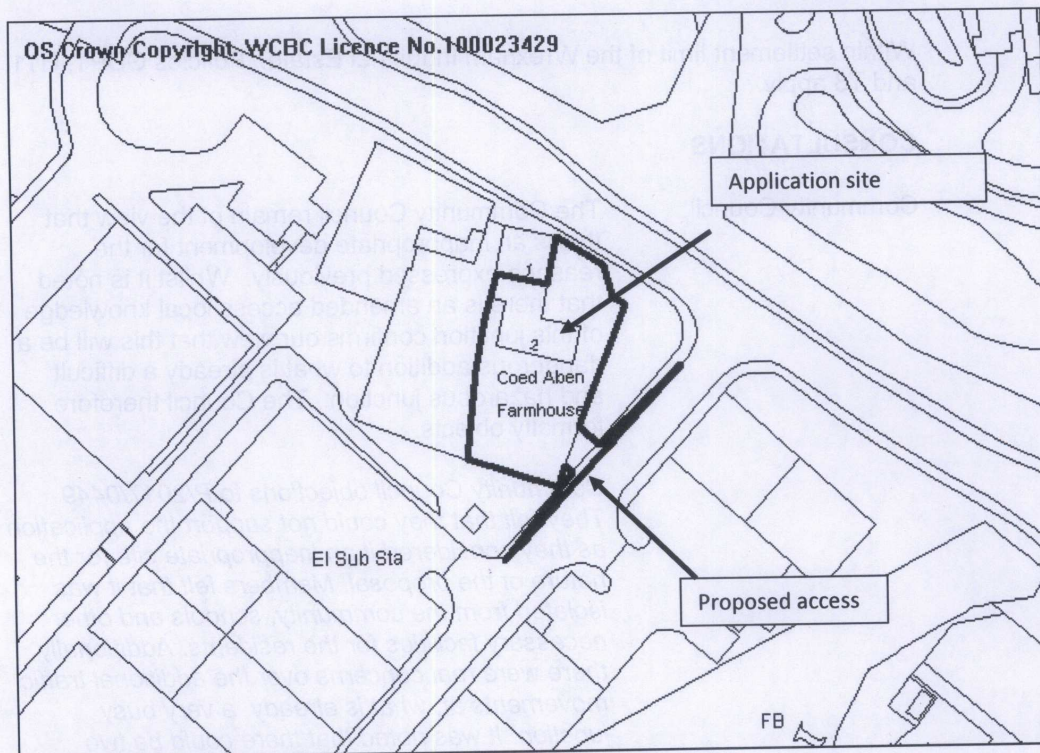
AGENT NAME:

DPA LTD
MR GAVIN PORRITT

APPLICANT(S) NAME:

MR BOB YETZES
BRYN MELYN CARE LTD

THE SITE



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PROPOSAL

As above. The property is to provide accommodation for up to 3 children between the ages of 10 and 18 who are in care. There will normally be 3 carers on site day and night, with carers working 2 day shifts and therefore sleeping on-site. During the night there will 2 staff sleeping and 1 on-duty. In addition to carers there will be a manager on site for up to 4 days a week and there will also be visits by other staff such as carers, therapists and psychologists.

HISTORY

- | | |
|-------------|--|
| P/2017/0264 | Use of the premises as a dwelling house providing care for up to three children living together as a single household with car provided by up to three residential staff at any one time. Lawful Development Certificate application. Refused 3.7.2017 |
| P/2017/0449 | Change of use from C3 (residential dwelling) to C2 (residential children's home).. Refused 31.7.2017 |

PLANNING POLICY

Within settlement limit of the Wrexham Industrial Estate. Policies GDP1, H11 and T8 apply.

CONSULTATIONS

- | | |
|--------------------|--|
| Community Council: | The Community Council remain of the view that this is an inappropriate development for the reasons expressed previously. Whilst it is noted that there is an amended access local knowledge of this junction confirms our view that this will be a dangerous addition to what is already a difficult and hazardous junction. The Council therefore formally objects. |
|--------------------|--|

*Community Council objections to P/2017/0449
They felt that they could not support the application as they considered it an inappropriate site for the nature of the proposal. Members felt that it was isolated from the community, schools and other necessary facilities for the residents. Additionally there were real concerns over the additional traffic movements at, what is already, a very busy junction. It was noted that there could be two carers to each resident, plus residential staff, which would increase the volume of traffic from*

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that which would be normally expected for the current use.

Local Member:

Notified 23.11.2017

Public Protection:

No comments.

Highways:

Have made the following comments:

- Any existing/proposed access onto Coed Aben Road would normally be required to provide visibility splays of 2.4 x 120m in both directions;
- Visibility from the existing access is adequate in a south easterly direction. However visibility in the north-westerly direction is inadequate providing a splay of approximately 2.4 x 30m;
- It would appear that the proposed development has the potential to generate more vehicle movements than would currently occur. I would therefore not normally be able to support any development that is likely to result in a significant increase in vehicle movements utilise this substandard access;
- The submitted plan indicates the construction of a new access off the private access road to the east serving existing business units. The applicant will need to have an agreement with the landowner in order to construct the access and provided the required visibility in perpetuity;
- It is proposed to provide a 4.8m wide access provided splays of 2.4 x 25m in both directions;
- I would normally recommend a minimum of 5m hard bound surfacing behind the access, no gates within 5m back from the footway, Aco drain or similar across the access, relocation of existing lighting column and dropped kerb crossing if the road was adopted;
- Recommend the existing sub-standard access onto Coed Aben Road is permanently closed up;
- Based on the submitted information there would appear to be potential for more to visit the site that parking spaces. There may be scope to provide adequate parking and turning at the rear of the site but this would require alterations to the current layout.
- No objection in principle.

Wales and West Utilities:

Consulted 20.12.2017

National Grid:

Consulted 20.12.2017

HSE:

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site

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Site Notice:	or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.
Neighbours:	Expired 20.12.17 The owners/occupiers of 5 nearby properties notified 29.11.2017.

SPECIAL CONSIDERATIONS

Policy: The application proposes the change of use of the property from a single dwelling (Class C3 use), to a care home (Class C2 use).

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 I consider it to be broadly applicable to the development proposed. I will comment on compliance with GDP1 separately below. Dealing with the other requirements of the policy in turn:

Garden/amenity space

The property has a substantial curtilage including a sizeable private garden area with stable building to the rear. The latter is to be retained and used for storage and potentially as recreational space – i.e. it will be used for purposes incidental to the care home. The submitted plans include proposals to increase the area available for parking within the rear garden however a lawned area of approximately 100 sq.m would be retained. This would be sufficient to provide an amenity space for the occupiers of the proposed care home.

The existing building is of adequate size

The existing building is a 5 bedroom dwelling with lounge, dining room, kitchen and utility. I am satisfied that it has sufficient space to provide

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accommodation for up to 3 children plus carers. There are no proposals to extend the building.

Accessibility of community facilities

The site is located on the Wrexham Industrial Estate. There are no local facilities in close proximity to the site and none within walking distance. Whilst the proposals therefore do therefore accord with part d) I do not consider this to be a valid reason to refuse permission in this instance.

The site is already in use as a dwelling. Whilst the nature of the proposed use is different in so far the occupation of the building will not be by a single family/household, the needs of the occupants in terms of accessibility to general/essential facilities will not be significantly different. Occupants of the property would need to travel by car to access shops, take children to school etc under the existing and proposed uses. The children that are cared for at the site are no more likely, indeed given that they are in care I would suggest they are less likely, to need independent/unaccompanied access to local services and facilities than children occupying the house as part of a single household (i.e under the existing permitted Class C3 use).

Amenity of neighbouring occupiers: The property adjoins another dwelling, no.1 Coed Aben Farmhouse. The front elevation of that property faces directly onto the front garden of the application site.

Privacy

No external alterations to the building are proposed therefore the development will not increase the overlooking of the adjoining dwelling from habitable rooms.

Based on the details submitted there would be a greater degree of activity associated with the use than a normal domestic household as a result of shift changes of care staff taking place (every other day), daily visits by other specialist staff and the arrival and departure of the site manager on 5 days a week. The busiest times will be when shift changes and staff meetings take place as several members of staff will arrive and depart in a short space of time. Staff or visitors who travel to the site by car will so do via the proposed new access to the east of the building which leads to a parking area to the rear of the building. The main entrance to the building is in the front elevation and is approximately 5m from the front elevation of no.1 Coed Aben.

Notwithstanding the above, an increased number of visitors to the property will not reduce the standard of privacy afforded to the occupiers of the adjoining dwelling. The ground floor windows in the front elevation no.1 Coed Aben will already be passed by occupiers coming/going to the application site, every visitor to the property as well as by anyone using the garden. Views (albeit

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more limited owing to the orientation of the property) are also possible from the adjoining highway.

I appreciate that the visitors to the site may be more transient than those associated with a normal household, for example care staff members may change over time or as a result of annual leave, sickness etc. However the identity of the visitor to a property does not increase the degree of overlooking or loss of privacy. It is worth noting that even a normal domestic household may have a variety of different visitors such as postal staff, delivery staff and visits by friends or family. There may also be circumstances where care workers visit members of a household as a result of age, illness or disability.

In light of the above in my opinion the proposed use will not have a significant impact upon the standard of privacy afforded to adjoining occupiers.

Noise

I do not believe the comings and goings associated with staff will prove significantly more disruptive than the existing use.

The supporting information suggests that a staff member may carry out domestic chores during the night such as washing and ironing. I consider it unlikely that this presents a risk of there being significant additional night time noise compared to the existing residential use. In any case, when such activities take place are outside of the scope of planning control – regardless of whether the building is used as a dwelling or care home.

It would be for the care workers to ensure that the children cared for at the property are not unduly disruptive. Judging the likely behaviour of prospective occupants of a building is outside of the scope of planning control, however I see no reason why the risk of the occupants of the property being noisy is significantly greater than under the existing residential use.

I appreciate that there will be a degree of noise associated with staff arrivals and departures, particularly if they travel to/from the site by car. Based on the details submitted, most of this activity will take place during the daytime when Coed Aben Road is also likely to be at its busiest with traffic with traffic to/from the Industrial Estate. I consider it unlikely that the level of noise generated by care workers arriving/leaving the site will significantly exceed existing background noise levels and as such I do not believe it will prove unduly disruptive for the occupiers of the adjoining dwelling.

Anti-social behaviour

As already mentioned above, it is outside of the scope of the planning system to judge the likely behaviour of the occupiers. It is also outside of the scope of the planning system to judge the performance of the applicants in their capacity as a care provider organisation, given that permission runs with the

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land not with individual applicants. It will be for the operators of the site to ensure that the children cared for at the premises do not engage in anti-social behaviour.

Appearance: The proposed new access will result in the loss of some modest sized trees however they are not of significant amenity value and as such the works will not adversely impact upon the appearance of the area.

Highways: The existing site access suffers from inadequate visibility to the north-west being substantially below the required 2.4 x 120. Given that visibility is obstructed by the adjoining dwelling there is no scope for the applicants to be able to secure improvements. The substandard nature of the existing access is the reason why the previous application (reference P/2017/0449) was refused.

The current application proposes a new access to the site onto a private road to the east which will have adequate visibility. The private road also serves as access to 9 industrial units so it is unlikely that the development will significantly increase the amount of traffic using the junction between the private road and Coed Aben Road and I am therefore satisfied it will not prejudice highway safety. The proposed access will need to be fully laid out and brought into use and the existing access permanently closed up to vehicular traffic. This will be required by condition.

The submitted plans show 6 parking spaces. I note the comments made by Highways but parking provision is in excess of the maximum parking provision for a Class C2 use of 1 space per 2 bedrooms or 2.5 spaces (rounded up to 3) for this type of development. However taking account of the details submitted, whilst parking demand will exceed the LPG16 maximum it is unlikely to regularly exceed 6 spaces.

Demand is likely to typically be 5-6 spaces if all staff arrived individually by car; 3 spaces for the on-site care staff, 1 for the manager when they are on site and 1 for other visiting care staff. The supporting information advises that the normally carer to child ratio will be 1:1 but on occasion it will be 2:1. The applicants have clarified that they anticipate that 2:1 care will only be required for one child at a time and whether additional care staff are required will be assessed on a day to day basis. The car park will also be fully occupied for short periods of time every other day when the on-site care staff change shifts.

The submitted details do identify up to 3 hours once a week when care staff attend the site for meetings and as a result parking demand may be up to 8 spaces, but only if all staff drive to the site. Whilst I appreciate that this exceeds the proposed number of parking spaces, there would be space for vehicles to park on the existing driveway between the proposed parking area and the existing access resulting in a limited amount of double parking. Whilst

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this is not ideal I consider it unlikely that this will give rise to off-site highway issues.

It is not unreasonable to assume that some staff will travel to/from the site together. In any case, in my opinion there is very little risk of vehicles parking regularly on Coed Aben Road. On-street parking already appears to take place on the private road that will serve as access to the site; however it will be for the owners of the road to take action should this ever become a problem. In my opinion the proposed level of on-site parking provision would not provide a valid reason for refusal in this instance.

CONCLUSION

The development broadly accords with policy H11 and is unlikely to give rise to significant issues in respect of the standard of amenity afforded to adjoining occupiers or to highway safety.

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 - P-01, P-02 Revision A, S-10 and S-20 and as contained within the application documentation.
3. No part of the building shall be used for the purposes hereby granted planning permission until the proposed access as shown on drawing No. P-02 Revision A has been laid out, surfaced and drained.
4. No part of the building shall be used for the purposes hereby granted planning permission until the existing access onto Coed Aben Road has been permanently closed up to vehicular traffic in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
5. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
6. The vehicular parking and turning areas as shown on approved drawing(s) No(s). P-02 Revision A 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.

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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. In the interests of highway safety.
4. In the interests of highway safety.
5. To ensure that adequate visibility is provided at the proposed point of access to the highway.
6. 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.

NOTE(S) TO APPLICANT

The development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
