

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **3<sup>RD</sup> APRIL 2019**

**REPORT BY:** **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

**SUBJECT:** **FULL APPLICATION – NEW BUILD EXTENSIONS AND ALTERATIONS TO THE EXISTING PEN Y BRYN EMI RESIDENTIAL TO PROVIDE 36 NO. BEDROOMS AND ADDITIONAL LOUNGE SPACE AND SERVICES, TO INCLUDE ADDITIONAL CAR PARKING AT PEN Y BRYN EMI RESIDENTIAL, FRON DEG, BAGILLT**

**APPLICATION NUMBER:** **059174**

**SITE:** **PEN Y BRYN EMI RESIDENTIAL, FRON DEG, BAGILLT**

**APPLICATION VALID DATE:** **22<sup>ND</sup> NOVEMBER 2018**

**LOCAL MEMBERS:** **COUNCILLOR M A REECE**

**TOWN/COMMUNITY COUNCIL:** **BAGILLT COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST DUE TO CONCERN ABOUT ACCESS**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This is a full planning application for the extension, alteration and demolition of the existing Pen y Bryn EMI Residential Home to provide 36 no. new bedrooms, additional living space, car parking and associated infrastructure on land at Pen y Bryn EMI Residential, Fron Deg, Bagillt.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

2.01 That conditional planning permission be granted subject to:

Conditions

1. Time commencement
2. In accordance with plans
3. Materials to be submitted and approved
4. Scheme for Hard and Soft Landscaping and implementation
5. Facilities for parking, turning loading and unloading
6. Positive means to prevent surface water run-off onto highway
7. Condition Survey of the Top Hill approach road
8. Construction Traffic Management Plan
9. Full Travel Plan & Transport Implementation Strategy to be submitted and approved prior to first use
10. Details of surface water disposal to be submitted and approved
11. No surface water and/or land drainage allowed to connect directly or indirectly with the public sewerage network

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor M A Reece

Requests the application be heard at planning committee for concerns of highway safety. A site visit is also requested.

Bagillt Community Council

Objects to the proposal upon the following grounds:

- The development is inappropriate for the area and the plans have no consideration for the local residents.
- Poor road access and roads very narrow.
- It would create even more cars using the road therefore increasing the volume considerably.
- Cars already speed on this road therefore this development will only add to the problem.
- No drains for storm water, so unsuitable drainage for the development.

Head of Assets and Transportation

No objection subject to conditions:

- Facilities for parking, turning loading and unloading
- Positive means to prevent surface water run-off onto highway
- Condition Survey of the Top Hill approach road
- Construction Traffic Management Plan
- Full Travel Plan & Transport Implementation Strategy to be submitted and approved prior to first use

Community and Business Protection

No adverse comments to make.

Coal Authority

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report (January 2019) based on the professional opinion of Sladen Associates are sufficient for the purposes of the planning system and complies with PPW10 in demonstrating that the application site can be made, safe and stable for the proposed development. In light of the Report, the Coal Authority withdraws its original objection to the proposed development.

Welsh Water/Dwr Cymru

Welsh Water have assessed the proposal and note the developer proposes to dispose of foul flows via the public sewerage system. Welsh Water request a condition is imposed in relation to the control of surface water.

Natural Resources Wales

No objections.

Public Rights of Way (PROW)

Public Footpath 12 abuts the site but appears to be unaffected by the proposed development. The path must be protected and free from interference during construction.

Emergency Services:

Betsi Cadwaladr (NHS)

No response at time of writing.

North Wales Fire Service

The Fire Authority has reviewed the details submitted and raise no objections. Access to the properties along Fron Deg to include the nursing home can be achieved by priority vehicles.

**4.00 PUBLICITY**

**4.01 Press Notice, Site, Notice, Neighbour Notification**

The application was advertised by way of press and site notice.

13 no. letters of objection upon the following grounds:

- Condition of the access road up to the care home and neighbouring properties is poor
- Surface water runs down from the top of Top Hill and floods the road at the bottom
- Road is treacherous after extreme cold/winter weather
- The existing access is too narrow – 1 car width
- The existing access does not have pavements or passing places and there is concern of pedestrian safety

- Increase in traffic
- Increase in the risk of RTCs
- Increased difficulties for Emergency Services to access
- Construction vehicles will damage the existing access road
- Increase in noise and disruption during construction and operation
- Proposed development will lead to the creation of a 'cottage hospital'
- Insufficient parking provided
- Impacts access to the PROW

## **5.00 SITE HISTORY**

5.01 051331 Discharge of condition no.8 (intrusive site investigation works of the coal mining legacy) attached to planning permission ref: 050472. Approved 05.11.13

050812 Discharge of details relating to condition no.8 of planning permission ref: 050472 for the extension to a residential home and relating to intrusive site instigation works in regards to the coal mining legacy. Refused 10.07.13

050472 Extension to existing residential home. Approved 05.04.13

048346 Erection of link extension and alterations to existing care home. Approved 11.07.11

040988 Erection of a kitchen extension and new residents lounge. Approved 23.03.06

036125 Erection of a single storey day care centre. Approved 16.12.03

035512 Side extension to day-care centre and change of use of garage to chapel of rest/office/utility. Withdrawn 08.12.03

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
 STR1 New Development  
 STR2 Transport and Communication  
 GEN1 General Requirements for Development  
 GEN3 Development Outside Settlement Boundaries  
 D1 Design Quality, Location and Layout  
 D2 Design  
 D3 Landscaping  
 D4 Outdoor Lighting  
 L1 Landscape Character  
 AC2 Pedestrian Provision and Public Rights of Way

AC13 Access & Traffic Impact  
AC18 Parking Provision and New Development  
EWP12 Pollution  
EWP13 Nuisance  
EWP15 Development of Unstable land

SPGN no. 2 Space around Dwellings  
SPGN no. 11 Parking Standards

**Planning Policy Wales Edition 10 (December 2018).**

TAN 12 – Design  
TAN 18 - Transport

**7.00 PLANNING APPRAISAL**

**7.01 Introduction**

This is a full planning application for the extension, alteration and demolition of the existing Pen y Bryn EMI Residential Home to provide 36 no. new bedrooms, additional living space, car parking and associated infrastructure on land at Pen y Bryn EMI Residential, Fron Deg, Bagillt.

**7.02 Site Description**

The site extends for 0.47ha and comprises the existing Pen Y Bryn Residential Home situated on Fron Deg, Bagillt, Flint. The application site has a sloping topography which rises steadily from the road to the gardens at the rear, with its boundaries bound by post and wire fencing and hedgerow planting. Open countryside lies beyond the northern boundary. The home is located in extensive landscaped grounds and comprises the existing converted farmhouse and a number of single, two and three storey extensions situated to the front, rear and side.

**7.03** Pen y Bryn EMI operates as a family run residential home which specialises in early stage Dementia and Alzheimer's. The home is well established in providing elderly mental health care and respite, and also provides day care services and activities for those who are still able to live in their own home, this is a valuable service which places the importance on ensuring individuals retain their independency during early onset. The home currently provides 30 no. bedrooms, lounge and dining space, along with kitchens, wash rooms, staff facilities and associated services. The home also has a parking area along its southern boundary, providing 11 no. car spaces.

**7.04** There are three elements to the existing building. The two storey farmhouse, a pitched roof bungalow and a side extension which was constructed in 2013 to link the two elements. This extension is three storey in height, the lower level aligns with the pavilion whilst the

upper two levels align with the farmhouse. This alignment is helped by the sloping nature of the site, which requires the buildings to sit within the landscape, ultimately reducing the impact of their scale and presence.

7.05 Access to the Care Home is gained from a single tracked road, known as Fron Deg which is served off High Street, Bagillt.

7.06 Proposed Development

The proposed development would involve the demolition of a single storey conservatory to facilitate an extension to the front elevation of the bungalow to provide a larger dining area. The two single storey, flat roof outriggers to the rear would also be demolished to facilitate the proposed extension, which will provide 36 no. new bedrooms, day room and dining space, kitchen and staff facilities. The existing and proposed building would provide a total 60 no. bedrooms specifically tailored to meet the needs of residents who are adjusting to living with Dementia.

7.07 The new build rear extension will be three storeys in height, similar to that of the 2013 extension. The development will require ground excavations to create a level platform for the development, allowing the extensions and existing building to link as one entity. The new build extension will have two levels which align with the ground and first floors of the farmhouse. Level 1 of the proposed extension will align with the ground floor of the 2013 building. Level 2 is set at external ground level at the rear of the site and aligns with the first floor of the 2013 extension. Level 3 aligns with the first floor of the farmhouse and the second floor of the 2013 extension.

7.08 The proposed extension and new bedrooms have been arranged as three wings in a U shaped plan which encloses a courtyard, providing a safe outdoor space for residents.

7.09 The proposed materials include white render and red brick walls, accompanied by grey roof tiles. The proposed palette is considered to be in keeping with the other buildings on the site, uniting the proposed structure with both the farmhouse and the newer additions.

7.10 Access to the site will continue to be served from Fron Deg. The proposed development will also include the extension of the existing parking area which currently provides 11 no spaces. Parking spaces are to be increased to 22 no. spaces, with three spaces to be allocated for disabled users.

7.11 Principle of Development

The site lies outside and adjacent to the settlement boundary of Bagillt in the adopted UDP. In terms of adopted UDP policies, policy STR1 refers to the requirements of new development, while policy GEN3 sets out those instances where development may take place

outside of settlement boundaries. In this case it can be argued that the proposal relates to criteria c) and g) as the proposal involves the extension and adaptation of an existing facility which falls within Use Class C2 'Residential Institutions'. Criterion g) continues to state that development related to institutional establishments will be permitted provided there is no unacceptable impact on the social, natural and built environment. The principle of development is therefore considered to be acceptable provided there are no adverse impacts demonstrated as a consequence of the proposal.

7.12 Character & Appearance

The Residential Home is a long standing local facility which is situated amongst a group of dwellings that travel along Fron Deg, where it terminates. The land rises steeply in this location, with the home situated at the top, also referred to as Top Hill. By nature of the local topography, the home is considered to be in a prominent location, with the front elevations of the home comprising the bungalow and former farmhouse being most visible. This aspect experiences vast views which extend towards the coast. The former farmhouse, although not a building of local interest or heritage, is considered to possess features of architectural merit, through its symmetry and decorative exterior. It is this elevation which has pleasing character.

7.13 The home has been subject to a number alterations to include the most recent 2013 side extension (south elevation), which comprises three storeys and rises behind the bungalow. At the time, it was considered that the extension would not give rise to a detrimental impact upon the open countryside, as the existing building is set within extensive grounds and relates to an existing group of dwellings. The extension would therefore assimilate with the existing built form. The time lapse in this case is beneficial, as it allows for an assessment of the planning balance afforded to the previous extension. Having visited the site I consider the judgement to be an accurate reflection of how new development can be appropriately designed and positioned, so as to not interfere with the existing built character which remains distinguishable.

7.14 The proposed scheme would see the demolition of two single storey elements to facilitate an extension to the rear of the site. The extension would sit closely behind the buildings away from the public highway, to avoid disrupting the views of the existing frontage. The proposed development has been designed in a compact arrangement to encourage a close knit relationship with the built form, minimising the sprawl of development and retaining the meadow to the rear.

7.15 The layout and form of the proposed development is similar to the previously approved scheme in terms of its siting and orientation within the site, the architectural style of the building/s, and the component parts of the development. The siting and orientation of the proposed buildings respects and complements the existing built

pattern and provides an attractive outlook for residents to both the coastline and open countryside beyond. However, the scale of the current proposal is greater than previously considered.

- 7.16 The local topography is an advantage in this case, as there is a need to excavate the land to create a flat, workable platform. As a result, the land level drops and the proposed development of three stories would sit in line with the two storey Farmhouse. Whilst this reduces the proposed development impact, it also creates uniformity and rhythm. By focusing the proposed development to the rear of the site, the farmhouse maintains its dominance when approaching the Residential Home off Fron Deg, and the proposed extension although greater in size appears subservient. I consider the proposed development to be commensurate with the size and extent of the land holding to which the Residential Home sits, without adversely impacting upon the open countryside and neighbouring properties. The proposal will in time assimilate with the existing built form, with the use of similar materials reinforcing this.
- 7.17 Whilst a detailed landscaping scheme does not form part of the submitted details, the requirements and delivery of appropriately landscaped spaces can be adequately controlled through the imposition of conditions. It is considered that an appropriate landscaping scheme will also help to maintain the rural feel of the site.
- 7.18 Highways  
The site will continue to be served by the existing access off Fron Deg. This access was improved as part of the 2013 extension, which comprised a new parking area and turning facility along the southern boundary of the site, providing 11 no. car spaces. The proposed development would include an extension to the existing parking arrangements to provide a further 11 no. spaces. This would result in a total parking provision of 22 no. spaces, with 3 no. allocated for disabled users.
- 7.19 The maximum parking standards for Residential Institutions as set out in the SPGN no. 11 requires 1 car space per 3 bed spaces plus 1 car space per staff member. In accordance with the SPGN, there is a shortfall in the number of parking spaces being provided.
- 7.20 The application is supported by a Transport Statement, prepared by Cameron Rose. This dictates that the site is in a reasonably sustainable location, with the settlement of Bagillt regularly serviced by public buses. The statement also confirms that the majority of the care staff employed at the Home are local, and or travel from within the locality using public transport or by car share.
- 7.21 The comparable parking ratios (taken from Appendix 8 of the original application and updated) shows an average of 1 parking space per 3.6 bed spaces. This application seeks to provide a greater degree of

parking than this with a proposed ratio of 1 parking space per 2.7 bed spaces. This ratio maintains that currently in operation at the Pen Y Bryn Residential Home. It is therefore considered that with reference to comparable sites, the car parking provision represents a consistent approach and maintains the existing parking supply status.

- 7.22 The anticipated car park usage (taken from Appendix 9 of the original application and updated) identifies a predicted parking demand. The methodology used in this assessment was accepted for the original and approved consent. In order to update this assessment the study doubled the arrival trips, to reflect the doubling of room numbers. The only vehicle numbers that have been retained are the service and delivery vehicle numbers, as these in reality would not increase in line with the bed numbers. Indeed, this overall approach of a linear relationship is overly robust, (for example a doubling of bed numbers would not double the amount of managers on site); but again provides a consistent assessment approach.
- 7.23 The Statement therefore demonstrates that the lack of parking being provided should not prejudice the delivery of development in a location that is clearly sustainable, a term which in the context of the site and its established use goes beyond just parking requirements and transport links. However, on the subject of parking, paragraph 4.1.51 of PPW10 states *“parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.”* PPW10 continues at paragraph 4.1.53 stating that *“Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.”* The standards set out in SPGN no.11 are a maximum, not a minimum. Therefore, it is considered that given the site’s established use, and sustainable location, the proposed parking provision and arrangement is acceptable and complies with the relevant policies.
- 7.24 Highways confirms that it has no objection to the development subject to the imposition of conditions.
- 7.25 The application has received a number of objections in relation to the access road, Fron Deg, in particular to emergency vehicle access, its poor condition and the noise and disruption along the highway during any construction phases.
- 7.26 Whilst the Health Board did not respond during the consultation period, North Wales Fire Service did, who confirmed that the access to the properties along Fron Deg to include the nursing home can be achieved by priority vehicles. The Fire Service therefore raised no

objections in respect of the proposals.

7.27 The concerns in respect of the poor condition of the access road are noted. In order to avoid further deterioration, a condition has been imposed by the Highway Authority which requires the Applicant to undertake a condition study prior to works commencing on site. This is to ensure that no historical damage can be attributed to the construction traffic associated with the build, and once works have been completed, the Authority can establish if any additional damage has been caused. Any additional damage identified shall be remedied by the Applicant and at their own cost.

7.28 Furthermore, I note objections were raised regarding the noise and disruption experienced by neighbouring residents during the construction of the 2013 extension. I understand that this consent did not have the controls of a Construction Traffic Management Plan which would have otherwise sought to control and minimise disruption where possible. The Highway Authority have therefore requested the imposition of such a condition for which I consider to be wholly reasonable.

#### Drainage

7.29 Welsh Water have assessed the proposal and note the developer proposes to dispose of foul flows via the public sewerage system.

7.30 Welsh Water raise no objection to the proposal subject to the imposition of a condition to control surface water disposal. There is no anticipated concern about the management of surface water.

#### Land Stability – Mining

7.31 The application is supported by a Coal Mining Assessment, prepared by Sladen Associates, dated September 2013. The application is also supported by an Addendum, dated January 2019 also prepared by Sladen Associates.

7.32 The findings of the supporting information identify known workings below the site at 110m depth and deeper. There is evidence of unrecorded workings at shallower depths but in excess of 30m depths. It is considered the risks to the proposed development associated with these and the deeper workings, are very low. Whilst the reports do not consider specific stabilisation works to be necessary, It is recommended that foundations for the new structure be reinforced such that minor ground movements could occur without structural damage.

7.33 The reports confirms that based on the recorded position of the mine entries and results of the ground works undertaken as part of the bungalow construction, and the excavations undertaken as part of the construction of the 2013 extension, the on-site mine entry (033) is not located within 20m of the proposed extension, the risk associated with

this shaft is therefore considered to be very low.

- 7.34 The Coal Authority previously objected to the proposal in December 2018 as it did not consider an adequate assessment of all coal mining risks associated with this particular proposal had been undertaken. Following the submission of additional information in January (2019), The Coal Authority were invited to comment. The Coal Authority confirmed that they had reviewed the details and consider the identified mining features would not pose any significant risk to the proposed development. Furthermore, The Coal Authority agrees with the professional judgements made and therefore withdraws its objection to the proposed development.

Impact on residential living conditions

- 7.35 The majority of the bedroom windows have open views to the west and south, and or otherwise look into the courtyard. To the north, 'Wesley Mount' is the only neighbouring property close enough to the proposal to warrant consideration. The orientation of the neighbouring property and the positioning of the proposed fenestration to the north elevation would avoid any direct overlooking or loss of privacy to any such opposing habitable space(s). The proposals are in excess of the separation distances of 22m to include the applications of sloping ground.

- 7.36 Adequate separation distances between the existing and proposed dwellings are therefore provided, ensuring the privacy and amenity of existing and proposed occupants is maintained. As such it is considered that the opportunity for overlooking is limited given the orientation of the development, the internal arrangement and subsequent placement of openings. The development is therefore considered to be in accordance with SPGN no 2 – Space Around Dwellings.

## **8.00 CONCLUSION**

The proposal would see the development and expansion of an existing local care facility, which provides essential support for those living with Dementia.

The proposed extension would increase the current residential provision to provide a total no. of 60 bedrooms. The UK has an aging population which is seeing an increase in the number of people being diagnosed with Dementia. It is therefore essential that such local facilities are supported and allowed to adapt, so that they may accommodate the increasing need for elderly mental health care. It is also important to understand the value of such facilities, not only do they create employment opportunities, but they provide home from home support for local people so that they may remain independent,

but also stay within the area to which they are familiar, ensuring the transition during these early and difficult stages of the illness are less traumatic.

It is considered that the proposal complies with planning policy. Accordingly, I recommend that planning permission is granted subject to conditions as set out within paragraph 2.01 of this report.

#### 8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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