

FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 2nd SEPTEMBER 2020

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

SUBJECT: 060792 - APPLICATION FOR A CHANGE OF USE FROM A DWELLINGHOUSE (USE CLASS C3) TO A HOME FOR 11 CHILDREN (USE CLASS C2), INCLUDING THE CONVERSION OF THE GARAGE ANNEX TO ON-SITE EDUCATION FACILITY, AND THE DEMOLITION OF AN ON-SITE BUILDING AND ITS REPLACEMENT TO PROVIDE A SELF-CONTAINED UNIT FOR ONE OF THE CHILDREN (11 CHILDREN IN ALL). ALSO TO INCLUDE CAR PARKING AT OAKLEA GRANGE, SANDY LANE, HIGHER KINNERTON.

APPLICATION NUMBER: 060792

APPLICANT: YOUNG FOUNDATIONS LTD

SITE: OAKLEA GRANGE,
SANDY LANE,
HIGH KINNERTON,
LL12 9RP

APPLICATION VALID DATE: 18TH DECEMBER 2019

LOCAL MEMBERS: COUNCILLOR MRS. G. HEALEY

TOWN/COMMUNITY COUNCIL: HOPE COMMUNITY COUNCIL

REASON FOR COMMITTEE: AT THE REQUEST OF THE LOCAL MEMBER DUE TO CONCERNS REGARDING INADEQUATE INFRASTRUCTURE

SITE VISIT: YES

1.00 SUMMARY

1.01 This application is for a change of use from a 8-bed dwelling house (use class C3) known as Oaklea Grange, to be converted into a children's care home for 11 children (use class C2) at Sandy Lane, Kinnerton. The application also proposes the conversion of the garage annex to on-site education facility, the demolition of an on-site building and its replacement to provide a self-contained unit for one of the children (11 in all) and to include car parking.

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

2.01 Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. The forming and re-construction of the eastern (car park) site access shall not commence unless and until the detailed design thereof has been submitted to and approved.
4. The works associated with forming the means of site access shall be kerbed and completed to carriageway base course layer up to the internal tangent point of the entrance radii prior to first occupation of the development.
5. The proposed accesses shall have a visibility splays of 2.4m x 33m to the left and 2.4x37m to the right, within which there shall be no obstruction to visibility in excess of 1m in height.
6. The stated visibility splays at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
7. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the submitted scheme. Such facilities being completed prior to the proposed development being brought into use.
8. Landscaping scheme, to include any external lighting.
9. Implementation and retention of landscaping

3.00 CONSULTATIONS

3.01 Local Member Councillor Glady Healey

- Object to the application on grounds of inadequate infrastructure.
- Road is full of potholes and is subject to flooding does not help. Cllr has flagged this up with Streetscene.
- All properties in the area are on a septic tank and do not have the standard means of sewerage disposal. It is naturally felt

that a home with a capacity for 11 children and all the other associated employees and visitors will put a strain on this system.

Hope Community Council

The Council support this application with the following provisions:

- External low level lighting
- Highway - condition of the highway needs addressing
- Drainage needs addressing. Due to the installation of a new drive/parking, the drainage on site needs to be addressed ensuring it complies with ecological regulations.
- An Environmental Impact Survey needs to be undertaken
- The premises should have inclusive access to the first floor
- The self-contained unit should be relocated closer to the main house.

Education

A contribution will not be sought because the number of units being created is less than five. This facility will not be 11 separate units within one house, but rather one unit with 11 bedrooms.

Social Services

The applicant has worked closely with colleagues to ensure that their model meets the needs of children in Flintshire.

Highways Development Control

No objection.

Survey data included within the Technical Note confirms the relatively low number of current traffic movements on Sandy Lane; the proposed development will result in additional traffic movements but not to a level that are considered significant in relation to capacity. Available visibility from the three accesses is considered adequate in relation to recorded traffic speeds. Visibility at the Sandy Lane/Kinnerton road junction is limited however any shortfall is marginal and not considered sufficient justification to recommend refusal. Parking levels are appropriate for the proposal in this location.

Recommends the imposition of conditions.

PROW

No adverse comments. No footpath in the close vicinity.

Community and Business Protection

No adverse comments to make.

Ramblers Association

No response at time of writing.

4.00 PUBLICITY

4.01 The application has been publicised via the display of a site notice and the issue of Neighbour Notification letters.

4.02 At the time of writing 11 responses have been received. The key planning issues raised are summarised below:

Flooding

- Poor condition of Sandy Lane and inadequate road drainage will be further impacted by car use.
- Tarmac car park proposed on open grassland impacting saturation levels.

Ecology and Landscaping

- Biodiversity of wildlife within the Open Countryside, Environmental Impact Assessment (EIA) has not been submitted.
- Existing waste water streams will not support new development.
- Landscaping proposed does not reinforce sense of place.
- No consideration of natural corridors, mitigation or compensation.

Living conditions

- Visual impact.
- Noise and light pollution.
- Vehicle emissions pollution.
- Ringfield Cottage facing car park.
- Changes in employee shift times could conflict with peak traffic times and unsociable hours.
- Removal of trees.

Highways

- Concerns of safety on Sandy Lane for road users as development will rely heavily on car use.
- Technical Note failed to recognise fatal road traffic accident on 17 February 2018 between cyclist and car.
- Open Countryside has no pavements or cycle infrastructure to accommodate new development.
- Access and egress to proposed commercial school will be made from north/south access. Sharp bend on Sandy Lane near south access and dangerous junction near the north access onto Kinnerton Road.
- Three access and egress points unnecessary.
- Sandy Lane is narrow with no specific passing places

Other Issues

- Impact on open countryside.
- Scale and layout will not be in keeping with the rural character of the area.
- Alternative locations not been considered.
- Inadequate local amenities and infrastructure to support development.
- Extensive work to be proposed. Should not be considered a change of use as demolition of existing outbuilding is proposed and a new unit that will not be built on same footprint.
- No details on methods and frequency on how development will achieve financial spend of £500,000 in local area.
- Existing sewage system is inadequate for new development.

5.00 SITE HISTORY

5.01 041499

Erection of a two storey side extension – Approved 28.09.2006

043675

Partial demolition, alteration, extension and conversion of existing dwelling to form 2 no. one bedroom apartments and removal of demolition condition for ref. 97/3/00786 – Refused 07.11.2007 – Appeal Dismissed 08.07.2008.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 New Development

Policy GEN1 General Requirements for Development

Policy D2 Design

Policy TWH1 Development Affecting Trees and Woodlands

Policy TWH2 Protection of Hedgerows

Policy L1 Landscape Character

Policy AC1 Facilities for the Disabled

Policy AC3 Cycling Provision

Policy AC13 Access and Traffic Impact

Policy AC18 Parking Provision and New Development

Policy CF2 Development of New Facilities

Supplementary Planning Guidance

SPGN No. 11 Parking Standards

SPGN No. 29 Management of Surface Water for New Development

National: Guidance

Planning Policy Wales Edition 10 December 2018.

7.00 PLANNING APPRAISAL

7.01 Proposal and Site description

The application site measures approximately 0.56ha and lies 1km north east of Hope. It is occupied with a large single dwelling (8 bedrooms) together with a triple garage/annex building. There is an outbuilding at the northern boundary. Access (x3) to the site are from Sandy Lane.

7.02 The north east boundary of the site is Sandy Lane with the dwelling "Ringfield" opposite the main access. It adjoins the garden to the dwelling "Sandy Acres" to the north which in turn fronts Kinnerton Road. The remainder of the site is surrounded by open countryside.

7.03 The proposal seeks to convert the main dwelling to create a care home for 10 children, convert the garage for an education facility and replace the existing outbuilding to the north with residential accommodation for one child. The new unit will be set away from the boundary closer to the house and the boundary defined by formal hedgerow planting. In the northwest corner is the water tank for the sprinkler system which will be screened with new hedges.

7.04 The proposal retains all three existing access points. The most southern would provide access to the main car park (22 spaces). The existing main (central) access connects to the 6 disabled parking spaces. Cycle and bin stores are discretely located by the proposed school building and screened from the road by mature landscaping that is to be retained and supplemented with additional boundary planting (1.8m in height).

7.05 The hard standing areas would have a permeable gravel finish. Within the parking area 6 new trees are proposed to soften this area. Trees and section of hedge will be removed to facilitate the new parking area and independent unit and these are confirmed as being category C and U. The applicant has proposed the use of suitable construction methods to mitigate any harm to the root protection areas.

7.06 The foul drainage would be dealt with by the existing septic tank behind the main house, which will be upgraded if required.

7.07 Main Issues:

The main issues to be considered in determination of this planning application relate to:-

- a) The principle of the development
- b) Character and appearance
- c) Living Conditions
- d) Highways
- e) Drainage

- 7.08 Principle of the Development
Policy CF2 supports the principle of converting the existing building into a care home, together with the ancillary facilities. The applicant's submission highlights the level of need for this type of accommodation within Flintshire.
- 7.09 Policy CF2 also allows for extensions and building on land with a previous use. These objectives are reflected in UDP Policy GEN3 which allows the conversion, extension and adaptation of existing buildings in the Open Countryside. The proposal must also comply with other UDP policies particularly those relating to design and living conditions and these are dealt with below.
- 7.10 Whilst the site is outside of the settlement, it makes effective use of previously developed land. The amount of floorspace proposed for the independent unit (46.5sqm) and water tank (10sqm) is considered appropriate, particularly when offset against the removal of the existing outbuilding which amounts to some 54.5sqm. of floor area. Accordingly, the net gain in terms of floorspace on the site amounts to only 2sqm.
- 7.11 The proposed use provides an important community facility and the principle complies with UDP Policy.
- 7.12 Character and appearance
The proposal makes minor alterations to the external appearance of the main dwelling and garage. The independent unit is sympathetic in style and materials, using brick and concrete tiles to match the main house. Its scale is incidental and its siting closer to the main dwelling ensures a close and functional relationship with the main dwelling.
- 7.13 The buildings sit within substantial gardens, which will provide space benefiting the health and wellbeing of the children. The proposal incorporated landscaping of native species reinforcing the character and value of the natural environment.
- 7.14 It is considered that the proposal satisfies the requirements of UDP Policies D2 and D3.
- 7.15 Living Conditions
The existing dwelling is of a significant scale having 8 bedrooms and only modest modifications are required to facilitate the proposed use. The proposed care home would have 11 residents and will be supervised with an onsite manager 9-5 and other staff providing the necessary levels of care and support.
- 7.16 The proposed independent unit has been repositioned and sits 15m from the nearest property and the elevation that faces the northern

boundary has no windows to ensure there is no adverse impact in terms of privacy and overlooking, satisfying UDP Policy GEN1.

7.17 Highways

The proposed visibility/layout is acceptable to accommodate the proposal. The amount of parking exceeds the policy requirement set out in LPGN11 (1 space for every 3 bed spaces plus 1 space for each member of staff) but as noted in paragraph 5.2 the maximum standards can be flexed in certain circumstances. As recommended by Highways Development Control conditions relating to the visibility splay and parking are recommended to be imposed. A number of issues have been raised by third parties regarding highway matters but these are addressed by the comments of Highways development control in their assessment of the proposals and therefore there is no need for me to comments further.

7.18 I note however, that a comment is made in relation to an accident which it is claimed was fatal and not reflected in the Technical details provided as part of the application. I have queried this claim with Highways Development Control colleagues and, whilst records indicate that 2 minor incidents occurred within the vicinity of the site in 2015 and 2017 respectively, neither was serious or fatal. The accident referenced by the third party is recorded as having occurred in the vicinity of the Sandy Lane junction with Shordley Road, some 0.65km distant to the site. It should be noted that the junction serving the site is the junction with Kinnerton Road.

7.19 Taking the above into account, I note that Highways Development Control colleagues are satisfied that the proposals will not result in additional traffic movements to a level that are considered significant in relation to capacity and accordingly I am satisfied that there is no conflict between the proposals and highway safety, satisfying the requirements of Policy GEN1 in this regard.

7.20 Drainage

The design incorporates permeable hard surfaces facilitating sustainable drainage of surface water. The original submission mistakenly referenced connection to the mains but has since confirmed foul drainage will be dealt with by the existing septic tank that will be upgraded if required and is subject to separate licensing.

7.21 Other matters

A development of this scale does not require an Environmental Impact Assessment. The development proposes very few physical changes on the site and therefore it is not considered that there are any particular issues with the proposed landscaping scheme as the site was and remains in a residential use and very few natural corridors will be disturbed.

7.22 Overall it is not considered that the proposed use, including any

comings or goings would have a greater impact on noise, light, vehicles than the occupation and comings and goings of a family large enough to require an 8 bedroom home.

- 7.23 Representations have been made in relation to the removal of a limited number of trees within the site, mainly in connection with the formation of the parking area. The trees upon the site have been the subject of assessment and those identified for removal are categorised as Class C or U. That is, trees of very limited merit, impaired condition or of such structural or diseased state as to make their retention of questionable value. It should be noted that the proposals include the provision of new trees as part of the landscaping scheme. Accordingly, the proposals, in relation to the retention and/or removal of trees, is consistent with the requirements of policies in this regard.
- 7.24 There is no planning policy requirement for the applicant to apply a sequential test and demonstrate they have considered other locations. There is also no planning policy requirement for the applicant to demonstrate how the development will achieve a financial spend of £500,000.00 in the local area and moreover, this would not be a material planning consideration in relation to the proposal.

8.00 CONCLUSION

- 8.01 The proposal makes effective use of existing buildings and previously developed land to provide specialist accommodation in a home environment for children with complex needs. Local residents have raised concerns and the applicant has provided additional information and revised the proposals. Officers are now satisfied that there are no adverse impacts and therefore recommend planning permission be granted subject to appropriate conditions.
- 8.02 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.
- 8.03 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.
- 8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.05 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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