

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

**APPLICATION NO:**  
P/2019 /0084

**LOCATION:**  
GEGIN FARM RUTHIN ROAD  
MINERA WREXHAM  
LL11 3UT

**DATE RECEIVED:**  
03/02/2019

**COMMUNITY:**  
Minera

**DESCRIPTION:**  
CHANGE OF USE FROM DWELLING  
TO CARE HOME (USE CLASS C2)

**CASE OFFICER:**  
PF

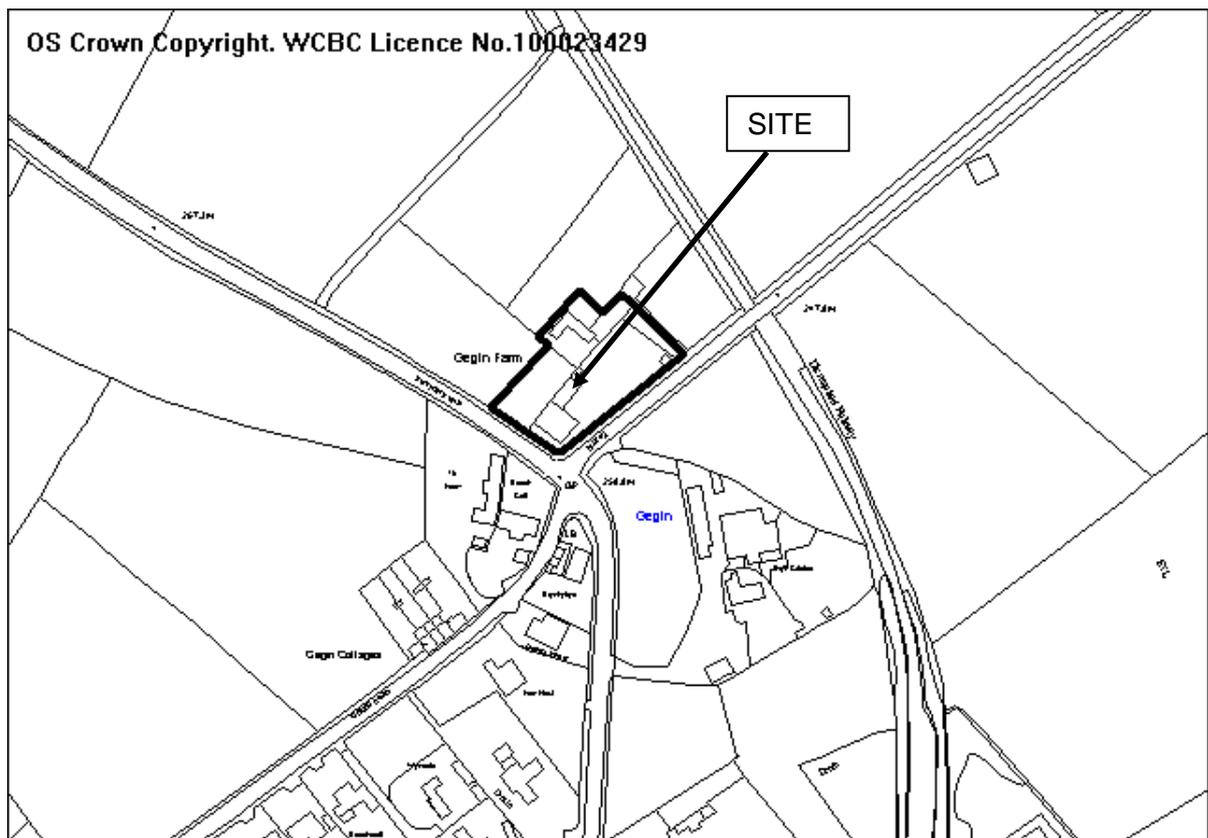
**WARD:**  
Minera

**APPLICANT(S) NAME:**  
BETHAN DAVIES  
CARE 4 CHILDREN

**AGENT NAME:**  
ROSE CONSULTING  
ADRIAN ROSE

---

**THE SITE**



**PROPOSAL**

Planning permission is sought for the change of use of the dwelling known as Gegin Farm from a C3 (residential) use to C2 (residential institution) use.

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

The applicant wishes to utilise the property to house up to four children/young people with up to two members of staff operating on a rota basis and sleeping on the premises to provide 24 hour care.

## **HISTORY**

P/2018/0791 - Application for a lawful development certificate for the proposed use of premises as a home for up to 4 no. children or young people with up to 2 no. full-time resident carers sleeping overnight and living together as a single household. Refused 22.01.2019.

## **PLANNING POLICY**

The site is located outside any defined settlement limit. Policies PS2, GDP1, H11 and T8 are relevant. Guidance is also contained in Local Planning Guidance Note 16 – Parking Standards.

## **CONSULTATIONS**

Community Council:	Consulted 08.02.2019
Local Member:	Notified 08.02.2019
Site notice:	Expired 06.03.2019
Public Protection:	No comments.
Highways:	Consulted 08.02.2019
Chief Officer Social Care:	Consulted 18.04.2019
Neighbouring occupiers:	4 neighbouring occupiers notified.

1 letter of support received.

63 responses received raising the following objections:

- The property is located on a very busy road on a bad bend;
- Traffic has increased and it is a main route between Wrexham and Corwen;
- Over the past 28 years a neighbour has witnessed over 30 accidents on this bend;
- Traffic to and from the property will be a major issue;
- There will be a greater impact upon the police;
- There are no facilities for young people in the area;
- The existing building is not suitable for the proposed use due to double flight of steps at the rear;

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**

**7<sup>th</sup> MAY 2019**

- This will be the second such facility in the area with its inevitable social impact upon a small community;
- There will be a big impact upon local emergency services;
- The rural location is not suitable – if a child absconds from the care home it would require a lot of man power to find them. There are dangerous quarries nearby;
- It would be better located in Wrexham where there are more amenities;
- There are already LA budget restrictions and Care4Children could seek additional funding from the council;
- The location of the building next to the dangerous highway would lead the occupants to a level of risk and harm as they are expected to integrate into the community;
- There are no local facilities nearby and this would be contrary to policy H11;
- Proposed policy DM1 in the deposit LDP seeks that development proposals take account of personal and community safety, and be accessible – this proposal does not accord;
- There is no path past the proposed children's home;
- The proposed ratio of 2 children to 1 carer does not seem enough to prevent children leaving the site given their background;
- A higher value property such as Gegin Farm should be retained as a dwelling promoting inward investment to the village;
- The site notice was posted in an unsafe position and only 3 neighbouring properties notified in writing;
- Are the children local, or are them from far away?
- Why did the company decline to meet local residents?;
- What about the additional traffic that this use will generate? There will be more than two cars on the site and possibly up to 8 given specialists that need to visit the site;
- The company's own 'good neighbour' document implies that problems will be dealt with – this implies that there will be problems;

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**

**7<sup>th</sup> MAY 2019**

- There are no safe crossings on the road network, limited footways and there is no street lighting;
- There should be a duty of care to residents and neighbours that the area should not be saturated with children's care homes where there have already been reports of antisocial behaviour from these establishments;
- The nearest police station in Coedpoeth will be put under undue pressure and the police should be consulted on the planning application;
- Crime statistic website indicates that there are increased instances of anti-social behaviour, vandalism and arson in the area of existing children's care establishments in the area;
- A more rural setting will be appropriate for this type of development;
- The applicant has not made the case for the development need in this location;
- The service that Care4Children offer is not typical of a normal residential household;
- There would be a loss of privacy for neighbouring occupiers as windows overlook from the building in question;
- There would be a great level of anxiety and distress from the proposed use of the building upon the community;
- The local health authority cannot cope with the needs of the children proposed to be housed – there is a 24 month delay currently. WCBC social services are already turning local children away;
- It is unclear if there may be any proposals to increase the number of children residing at the property;
- There is no safe crossing point on the A525;
- The planning application must be based on facts – this submission downplays the impacts of the development in terms of traffic generation;
- This will potentially adversely impact on the local community of placing children from far afield who have little affinity with the local community, Welsh culture and have a detrimental impact within the village;
- Traffic calming measure should be introduced along Minera Road if planning permission is granted;

## REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

7<sup>th</sup> MAY 2019

- I would not be happy sending my children to school in an area where there are troubled children;
- Concerns raised regarding the proximity of the site to Minera School and the safety of our children and community with the type of children that will be placed here;
- There is a high risk that the children who will be placed in the dwelling may be targeted by their abusers;
- The crime rates in Minera would be put in jeopardy with this institution in place;
- Such an institution will instil fear in the community and put children at risk of being dragged in to crime or radicalisation;
- Introducing young offenders to the area will potentially spoil the area – reoffending levels are high and this could lead to copycat crimes;
- Given the nature of the applicant's business, it should be located in a more rural location;
- Residents would feel unsafe walking alone at night;
- Will residents be able to contact their gang members and let them know where they are?

### **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).

The supporting information submitted with the application states that applicant, Care 4 Children (C4C), deal with children and young people who have had a challenging and difficult early life. They consider that existing properties within their control are not large care homes, but small family sized dwellings where two carers live with up to four young people providing 24 hour care and parental guidance. The purpose of this is to house the children in a structured manner as close as possible to a normal family home environment. Children would have a structured life depending upon their specific needs. The supporting information concludes that the application entails a change of use to a small residential care home which will have no greater impact than the existing lawful planning use.

Whilst the children in the care of C4C may have come from a specific background whereby guidance and care is required due to breakdown in their family life, they are not under the jurisdiction of the criminal justice system or a local authority where secure or custodial accommodation is required. I am

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

satisfied that the proposed use falls within the envelope of a C2 residential institution where care is required – that being the parental care of minors.

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/storage building to the rear. No indication is given within the submitted plans as to the purpose of this detached outbuilding – however it could be used for ancillary purposes associated with any permitted use of the property i.e. storage or annexe accommodation. There are no plans to alter the existing parking provision. The overall amenity space would equate to around 0.1ha which would be more than sufficient for the proposed use.

*The existing building is of adequate size*

The existing building is a 5 bedroom dwelling with multiple living spaces, dining room, kitchen and utility. I am satisfied that it has sufficient space to provide accommodation for up to 4 children plus the carers. There are no proposals to extend the building but internal alterations are proposed to increase the number of bedrooms to 6 which would be to accommodate rota based staff. It is conceivable that the number of children housed at the property could increase without further planning control but this increase would be relative to existing scale of the property and assessment by the Care Standards Wales. A C2 use would not benefit from permitted development rights to extend without further planning control.

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

*Accessibility of community facilities*

The site is located outside any defined settlement limit between Bwlchgwyn and Minera/Coedpoeth.

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.

Whilst there are no local facilities directly adjacent to the site or within the nearest settlement, provision of many services is available with Coedpoeth within reasonable walking distance. I acknowledge that children alone would not be expected to walk to such services, but it must be borne in mind that the proposed residents would be cared for in the same way with the same parental responsibilities as if it were retained as a C3 family home. Therefore it would not be unreasonable to assume that the services in Coedpoeth are easily accessible.

**Amenity:** The supporting information submitted with the application states that activity levels arising from the proposed use will be very low key and will involve a maximum of four residents. During the day, depending upon their specific needs, children would either attend education as well as other structured activities. Therefore, daytime activities will be limited and there is unlikely to be marked difference from the current lawful use of the building as a single dwelling.

The behaviour of the children under the care of the operator is an unknown and variable factor, however it is known that it is not secure accommodation. The behaviour of individual prospective children falls outside the scope of the planning process. The effective management of the site is the responsibility of the operator and is governed and monitored through other legislation within the remit of the Care Inspectorate Wales. Profiling and risk management of individual children will likely govern whether the proposed home is a suitable home for a particular individual. Ultimately, these individuals are minors and C4C assume parental responsibility.

Matters of crime prevention are indeed a material consideration in terms of land use planning. Gegin Farm is a typical family dwelling and there are no characteristics of the building or the land which lead me to believe that its use would be a victim of crime or disorder. In respect of perceived fears of increased crime in the locality from the use of the site, it is not the role of the local planning authority to profile end users. There are no specific circumstances within the locality that make it different to any other area in the borough whereby a C2 use would be deemed unacceptable. There is no specific evidence to suggest that the proposed use will result in higher levels of crime or disorder or any other perceived risk to the public.

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

**Highway safety:** Gated access to the site is taken from Gegin Lane. There are no proposals to change this or the layout of the existing parking area. The parking area is relatively large and could accommodate approximately 6 vehicles with sufficient remaining space for turning. This is well in excess of the maximum standards laid out in adopted LPG16 which would require a maximum of 3 spaces (1 per two bed spaces). That said, I understand that concerns have been raised in representations regarding the likely traffic generation from additional traffic movements such as managers, social workers, deliveries and maintenance staff. I am satisfied that the site can adequately cater for such vehicle movements. The access is well laid out and affords good levels of visibility. The driveway and parking area is adequate to allow for turning on site. The concerns raised are also based on a worst case scenario that all secondary visitors would turn up at the same time. This is highly unlikely to occur. I am satisfied that traffic generation at the site may increase slightly but not so much that it would be considered unsafe. On balance, I would not wish to resist the application on this basis.

Much concern has been raised regarding whether it is appropriate to use the site as a care home given its position adjacent to the A525. It is acknowledged that the A525 is a busy key route between Wrexham and Ruthin. In respect of the behaviour of the children and risk of absconding, as alluded to earlier in the report, responsibility for the safety and security of the children remains with the operator which will include risk assessments of the children and matching their behaviour characteristics to the accommodation setting. Gegin Farm is typical of many other family dwellings in the locality where there is close proximity to the A525 carriageway. I have no reason to believe this should pose a significant risk to highway users or the general public.

**Other matters:** I had not initially sought the advice of the council's Social Services team as they are not a statutory consultee. The circumstances, current home of the children and the placement strategy of a local authority is not a matter for the planning process. This is simply a land use issue and C4C or any other subsequent care provider does not need to demonstrate a need for the proposal.

However, in the interests of transparency and given the nature of concerns raised by the local community I have consulted with the Chief Officer Social Care. Any comments received will be reported in the addendum.

**Conclusion:** I am satisfied that this development accords with the council's development plan policies. There are no other material planning considerations which convince me to deviate from said policies and therefore I recommend accordingly.

**RECOMMENDATION:** That permission be GRANTED

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

**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 19-02-20-002 Rev P1, 19-02-20-001 Rev P1 and 19-02-20-010 Rev P1 and as contained within the application documentation.
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), no part of the premises shall be used except for the precise purposes described in the application plans and documents.

**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. In the interests of controlling the level of development for the purposes of highway safety in accordance with policy GDP1 of the Wrexham unitary Development Plan.
-