

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2022-2023:**

Agenda Item No.

**PLANNING AND
DEVELOPMENT COMMITTEE
7th SEPTEMBER 2023
REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

**APPLICATION NO: 22/1321 - Change of
use from residential to care home for
children (C2), 41 Wood Road, Treforest,
Pontypridd, CF37 1RH**

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to 17th August 2023 Planning and Development Committee meeting with an officer recommendation of approval. A copy of the original report is attached as Appendix A. At the meeting, Members were minded to refuse the application against officer recommendation. Members considered that the location of the development was inappropriate with a lack of parking provision, would impact on the local community and lacked outdoor amenity space for future occupiers. Consequently, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The officer considerations regarding the principle of the development are outlined in the original report, however, a summary is provided below:

The application seeks consent for the conversion of an existing residential dwelling to a children's home (C2) at 41 Wood Road, Treforest.

The site is situated within the settlement boundary limits of Treforest, in a predominantly residential area. The application site has good access to key services and facilities, being located on a bus route and within walking distance of both Treforest and Pontypridd Train Stations and within walking distance of other facilities and local amenities. The application site is in a highly sustainable location and the principle of providing a children's care home at this location is considered acceptable.

No external alterations are proposed, and it is not considered that the proposed development would adversely impact upon the amenities or privacy of neighbouring occupiers. Furthermore, it is not considered that the use would result in harmful levels of noise and disturbance, nor would it have any adverse impact upon highway safety in the vicinity of the site.

The application site is also considered of a sufficient scale, with reasonable levels of outlook provided and an area of outdoor amenity space provided to the rear and side of the property. Consequently, it is considered that the development proposal would provide adequate space for people's living needs both inside and out.

The Local Highway Authority considered that, in line with the Council's Access, Circulation and Parking Requirements Supplementary Planning Guidance (SPG), the increase in parking demand at the site would be minimal. The Local Highway Authority also considered that one parking space was provided at the site and that the application site was in a sustainable location near both bus and rail stops. However, Members were concerned with a lack of parking provision at the application site and considered that the children's home would represent a commercial operation with a lot of staff required. Members considered that the development would lack adequate car parking provision, and it is considered that the development could therefore be considered unacceptable in respect of a lack of adequate parking provision which would generate demand for on street parking in the vicinity of the site and could therefore potentially impact upon highway safety, the free flow of traffic and the amenity of neighbouring occupiers.

Some outdoor amenity space is provided to the rear and side of the application site, and the development site also includes land to the rear of the site, which appeared very overgrown at the time of the officer's visit. However, Members considered that the application site lacked sufficient outdoor amenity space for future occupiers of the children's home. Policy AW5 of the Local Development Plan (LDP) lists criteria that require all proposals contribute towards creating quality places and it is therefore considered that the development could be considered unacceptable if members consider that the proposal would lack sufficient outdoor amenity space for future occupiers of the children's home.

Furthermore, members considered that the location of the site was inappropriate for a children's home, and that the proposed use would have a detrimental impact on the amenities of the local community. However, it should be noted that the area is predominantly residential, which, as outlined in the officer's original report, was considered acceptable for a children's home. Furthermore, all social care homes in Wales must comply with the Regulations and Inspection of Social Care Act (Wales) RISCA and must comply with these regulations to be registered with Care Inspectorate Wales (CIW) to provide residential care provision. Care Inspectorate Wales would also therefore be the ultimate arbiter of whether this is an acceptable location to register a children's home.

However, notwithstanding the above, should Members be minded to refuse permission, then the following reasons are considered reflective of the concerns raised.

5. RECOMMENDATION

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reasons for refusal would be appropriate:

1. The proposal would result in a lack of outdoor amenity space for future occupiers of the children's home. As such, the application would be contrary to Policy AW5 of the Local Development Plan.
2. The location of the development is inappropriate, and the proposed use would have a detrimental impact on the amenities of the local community. As such, the application would be contrary to Policy AW5 of the Local Development Plan.
3. The proposal would lack adequate car parking provision for the proposed use. Consequently, the creation of demand for on-street parking in the vicinity of the site would be harmful to highway safety, the free flow of traffic and the amenity of neighbouring occupiers. As such, the application would be contrary to Policy AW5 of the Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1321/10 (GRD)
APPLICANT: Popcorn Property Developments
DEVELOPMENT: Change of use from residential to care home for children (C2)
LOCATION: 41 WOOD ROAD, TREFOREST, PONTYPRIDD, CF37 1RH
DATE REGISTERED: 24/01/2023
ELECTORAL DIVISION: Treforest

RECOMMENDATION: Approve, Subject to conditions

REASONS: The application site is in a predominantly residential area, within settlement boundary limits and in a sustainable location with good access to public transport and key services and facilities, which is considered acceptable. The site also relates to an existing residential property and, other than an element of care and the presence of a small number of staff, the proposed use would continue to be residential in nature.

Furthermore, the proposal would not involve external alterations and would not impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties, nor would it have any adverse impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

- A written request has been received from a Councillor for the application to be reported to the Development Control Committee.

APPLICATION DETAILS

Full planning permission is sought for the conversion of an existing residential dwelling (C3) to a residential Children's Home (C2). The applicant has confirmed that the conversion would not result in any external or internal changes at the property, except for some minor works, such as repairing and/or replacing windows.

The application property has 8 bedrooms, with 6 of those bedrooms having en-suite facilities. The property also benefits from a kitchen, utility room, front room and living

space. Externally, the property benefits from a small outdoor amenity space and a detached garage.

A Statement of purpose submitted with the application notes the following:

The home would cater to young people, with a range of complex needs and issues. The age range of children would be between the ages of 11 to 18 years; however, the supporting statement also notes that it is recognised that mixing young people with large age gaps may not be suitable, and as such, the home would endeavour to ensure young persons under their care would be no more than 3 years apart in age range and that if this is not possible then there may be a need to reduce the occupancy of the home.

The statement notes that the Care Home would have a maximum capacity of 5no. residents. Each resident's bedroom would have en-suite facilities, whilst a provision of a separate shower and W/C is available for staff to use.

The supporting statement notes that all staff would be registered with or working towards registration with Social Care Wales. When the home is fully occupied, the staffing ratio throughout the day would be 1no. Manager, 1no. Shift lead/ Senior and 4no. Residential Care Worker. Overnight, there would be 3no. night staff with two on a sleep and one on a waking shift. It is noted in supporting information that the manager would be at the home Monday to Fridays for extra support if needed.

The care home would provide the residents with a living room area, a dining area, along with an outdoor garden/ yard.

SITE APPRAISAL

The application site relates to a rectangular shaped parcel of land is located on land that steeply slopes down from Cliff Terrace. From the frontage the property is viewed as a two-storey building, but the building is arranged over three floors due to the steep slope. The property is set back from and faces the adjacent highway to the southwest. A detached garage is also sited within the curtilage of the property. The property benefits from a small garden to the rear and side. The development redline boundary also includes land to the rear of the site, which is set at a lower ground level and appeared very overgrown at the time of the officer's visit.

The site is bound to the southwest by the adjacent highway, with the railway line to the northeast of the site. A neighbouring detached property is located approx. 9m to the southeast of the application property, and a disused Church is located to the northwest of the site. Whilst the church is currently vacant, planning permission was granted on appeal for the conversion of the church to 8 apartments in 2022.

The surrounding area is predominantly residential with a mix of detached and terraced properties visible from the application site. The area is also marked by several Licenced HMOs in proximity to the application site.

PLANNING HISTORY

09/0334/10: LAND ADJACENT TO 41 WOOD ROAD, TREFOREST, PONTYPRIDD, CF37 1RH. 'Construction of 1 no. detached house with parking area.' Refused, 04/02/2010

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of a site notice in the vicinity of the site. Letters of objection have been received from two individuals. Points raised are summarised as follows:

- No parking available at the property, and lack of parking spaces within the street;
- The street is already congested;
- Property would be more appropriate for students who don't need cars;
- Concerns with the loss of housing stock. Rented family accommodation is scarce due to the number of HMOs in the area;
- No facilities for the teenagers proposed to be accommodated;
- No public transport in the area;
- Concerns with the provision of two children's homes in proximity to each other, with another located along Tower Street.

The Local Member for the ward, Cllr. Powderhill has also noted his concerns with the application. Concerns raised note that the loss of another family home in the area would be harmful to the community. Concerns have also been raised that there are Houses in multiple Occupation (C4 Use Class) in proximity to the site with no control of occupants with many properties housing people with social and other issues. The Local Member has also noted that the highway is dangerous with inadequate parking facilities provided for staff and visitors. Furthermore, the Local Member is concerned due to problems caused within the area by another children's home.

CONSULTATION

Pontypridd Town Council

No Comments

Local Highway Authority

No Objection

Public Health & Protection

No Objection

South Wales Police

Concerns expressed

Waste Services

No Comments

South Wales Fire and Rescue Service

No Objection

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site relates to an existing residential property, that is located within settlement boundary limits. The following policies are relevant in the determination of this application:

Policy CS2 (Development in the South): sets out criteria for achieving sustainable growth including development that benefits Rhondda Cynon Taf as a whole.

Policy AW2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW8 (Protection and Enhancement of the Natural Environment): seeks to ensure that developments would not unacceptably impact upon features of importance to landscape or nature conservation.

Policy AW10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Planning Obligations

Access Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues

Principle of the proposed development

The application relates to the change of use of an existing residential dwelling (Use Class C3) to a residential Care home for up to 5 children (Use Class C2).

The site is situated within the settlement boundary limits of Treforest, in a predominantly residential area. The application site has good access to key services and facilities, being located on a bus route and within walking distance of both Treforest and Pontypridd Train Stations and within walking distance of other facilities and local amenities.

The application site is in a highly sustainable and predominantly residential area and located within settlement boundary limits. The principle of providing a care home at this location is therefore considered acceptable, subject to other normal planning considerations which are discussed in the following sections.

Impact on the character and appearance of the area

The proposal would not result in any external alterations to the property. The character and appearance of the property would therefore remain as existing. Furthermore, the provision of a children's care home in a predominantly residential area would not be considered to alter or harm the general character of the area.

Impact on residential amenity and privacy

The proposal would not result in any external alterations to the property and as such, it is not considered that the proposed development would adversely impact upon the amenities or privacy of neighbouring occupiers.

Furthermore, other than the element of care and the presence of staff, it is considered that the proposed residential care home, with a maximum number of 5 children, would be of a limited scale and would generally exhibit similar residential characteristics as that of the existing residential dwelling. Consequently, it is not considered that the use would result in harmful levels of noise and disturbance. As such, any potential impact upon surrounding properties would be limited in this regard.

Whilst concerns have been raised with regards to the location of the proposed care home for children, the area is nonetheless predominantly residential, and the property's immediate neighbours include a residential dwelling to the east of the site and a disused church to the west of the site with planning permission granted for residential use. The provision of a care home for children in a sustainable and predominantly residential area is considered acceptable and appropriate in terms of its impact on residential amenity.

The application site is also considered of a sufficient scale, with reasonable levels of outlook provided and an area of outdoor amenity space provided to the rear and side of the property. Consequently, it is considered that the development proposal would provide adequate space for people's living needs both inside and out.

Access and highway safety

The application has been assessed by the Local Highway Authority and no objection is raised in relation to the proposal. The comments received are summarised as follows:

Access

The proposal is served off Wood Road and located at the junction of Cliff Terrace. There are double yellow lines preventing on-street car parking fronting the site to protect the junction of Cliff Terrace and maintain the free flow of traffic.

Parking: Access, Circulation and Parking Supplementary Planning Guidance (SPG)

Existing:

The existing use as an 8-bedroom residential dwelling requires up-to a maximum of 3 off-street car parking spaces with one provided in the adjacent garage.

Proposed:

Residential children's homes / homes for elderly person's / nursing homes require 1 parking space per resident staff, 1 space per 3 non-resident staff, 1 space per 4 beds.

The proposed use to a children's care facility with up-to 5 residents and 10 staff with a maximum of 6 staff members on site at any one time require up-to a maximum of 4 off-street car parking spaces with one provided in the existing garage.

There are only 3 staff on a sleep shift pattern during the night when street space is at its highest in demand.

Some concern is raised due to the location of the proposal, with high on-street car parking demand and limited space available for on-street car parking. Objections have also been raised by neighbours and third parties in relation to a lack of parking spaces at the site and within the street, with objectors noting that the street is already congested.

However, whilst these objections have been noted and considered, considering the increase in the car parking demand is minimal (1 space) to the existing use at the site, along with the sustainable location of the proposal near both bus and rail stops to promote sustainable modes of travel, on balance the proposal is acceptable.

Local Highway Authority Recommendation:

Taking the above into consideration on-balance the proposed is acceptable in terms of Highway Safety, Parking and Access and no objections were raised by the Local Highway Authority.

Community and Children's Services:

Consultation was undertaken with the Council's Community and Childcare Services Department, who have raised significant concerns and have objected to the planning application.

In their consultation response, they have noted that best practice in terms of establishing new care homes strongly supports that a location assessment is carried out ahead of establishing a new children's home. This is deemed necessary to match new development with local need, and to seek Local Authority and Police views about the suitability of the site. Furthermore, it is noted that a location assessment is important from the point of view of safeguarding and crime prevention, particularly linked to safeguarding young people from criminal exploitation.

The Council's Community and Childcare Services have advised against this specific location for a care home as they hope to see a better spread of such services across Rhondda Cynon Taf and consider that there are several accommodation provisions for vulnerable people within this community.

The Council's Community and Childcare Services Department also raised concerns as to whether any setting could meet the needs of 5 children with complex needs in one home.

The Council's Community and Childcare Services Department have noted that there is a need for children's homes in Rhondda Cynon Taf. However, they have objected to the proposal as they consider that there is insufficient need for a care home at this location. Furthermore, the Council's Community and Childcare Services Department object to the proposal as they consider that insufficient engagement was undertaken with the Council's Children's Services Department in the location assessment.

The Council's Community and Children's Services Department have also noted that all social care homes in Wales must comply with the Regulations and Inspection of Social Care Act (Wales) RISCA and must comply with these regulations to be registered with Care Inspectorate Wales (CIW) to provide residential care provision. As part of this process, applicants would need to provide a location assessment, Statement of Purpose, and Policies in relation to the provision of care and support, along with other relevant information. As advised by the Council's Community and Children's Services Department, this process applies to all homes seeking registration in Wales.

Comments received from the Council's Children's Services department are noted and have been considered; however, the nature of concerns and objections received are not considered material planning considerations. As outlined above, issues and objections raised by the Council's Community and Children's Services Department could be addressed through the process of complying with the Regulations and Inspection of Social Care Act (Wales) (RISCA) and through registering with Care Inspectorate Wales (CIW).

Consequently, issues raised by the Council's Community and Childcare Services Department would be addressed under legislation, regulations and procedures relating to Social Care Provision in Wales, with processes and regulation undertaken by the Council's Community and Children's Services Department and Care Inspectorate Wales.

Other Issues:

Following consultation, the South Wales Fire and Rescue Service have no objections to the proposed development.

The Council's Public Health Department have issued no objection to the proposal, with standard advice recommended in respect of hours of construction, noise, dust and waste.

No external or internal alterations are proposed, and as such, the development would not be considered to impact local ecological interests. However, a condition for biodiversity enhancement details is recommended.

Third Party Comments:

Objections have been received opining that the property would be more appropriate for students, who objectors claim do not need cars. Additionally, objections have been received with regards to the loss of housing stock in the area, noting that rented family accommodation is scarce due to the number of HMOs in the locality. Whilst these concerns have been noted, the Local Planning Authority (LPA) must consider the application on its own merits and assess whether the provision of a care home for children (Use Class C2) would be acceptable at this site. The LPA consider that the provision of a Residential Care Home, in a sustainable location and within a predominantly residential area is acceptable in principle.

Concerns were also raised by objectors that there are no facilities within the locality for teenagers which would be resident at the site, and that there is no public transport within the area. However, it is considered that the application site is located on a bus route, within walking distance of train stations and has good accessibility to key facilities and amenities.

Concerns have also been raised that another care home is located close to the application site, with objectors noting that the other children's home currently in operation has caused 'trouble' in the area. However, it is considered that other bodies including Care Inspectorate Wales, the Council's Community and Childcare Services Department and South Wales Police would be best placed to ensure the care home meets the required standards and regulations, along with effective operations at the care home.

COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

CONCLUSION

The application site is in a predominantly residential area, within settlement boundary limits and in a sustainable location with good access to public transport and key services and facilities, which is considered acceptable. The site also relates to an existing residential property and, other than an element of care and the presence of a small number of staff, the proposed use would continue to be residential in nature. Furthermore, the proposal would not involve external alterations and would not impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties, nor would it have any adverse impact upon highway safety in the vicinity of the site.

RECOMMENDATION: Approve, subject to conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Location Plan. Title Number: WA304452
- Drawing Title: Existing Floor Plans;
- Drawing Title: Existing Floor Plans;
- Drawing Title: Existing Site Plan;

And documents received by the Local Planning Authority on 10/11/2022, 19/01/2023, 24/01/2023, 15/06/2023 and 13/07/2023 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The premises shall only be used as a regulated children's home and for no other purpose; including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. When the use hereby approved ceases, the premise shall revert back to its original Class C3 use.

Reason: In the interest of residential amenity and highway safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Within 2 months of the date of this decision, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.