

PLANNING & DEVELOPMENT COMMITTEE

11 April 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1207/10 (JE)
APPLICANT: Aropa Care Group Ltd
DEVELOPMENT: Change of use from dwellinghouse (Class C3) to residential care home (Class C2) for up to 4 children and reinstatement of car parking
LOCATION: GWYNFRYN, BRYNBEDW ROAD, TYLORSTOWN, FERNDALE, CF43 3AE
DATE REGISTERED: 25/10/2023
ELECTORAL DIVISION: Tylorstown and Ynyshir

RECOMMENDATION: APPROVE

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 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 Councillor Robert Bevan for the application to be reported to Committee so that Members can consider the key impacts of the development.

APPLICATION DETAILS

Full planning permission is sought for the conversion of an existing residential dwelling (Use Class C3) to a residential Children's Home (Use Class C2).

The proposed change of use would be facilitated through internal conversion of the property. The proposed children's home would provide a living room, dining room, kitchen and staff welfare room at ground floor level along with a store and WC. To first

floor, the property would provide five bedrooms, a bathroom and office. The property benefits from outdoor amenity space to the front, rear and side with a driveway provided to the rear.

In addition to the internal changes proposed, the application also seeks to establish a formal parking area for 6no. spaces to the rear of the dwelling. Due to the sloping nature of this area this would require the construction of a new retaining wall that would raise ground levels by approximately 1.3 metres and would include a 1.1 metre high wall above for safety.

A Planning Statement has been submitted with the application, which notes the following:

The applicant operates several homes throughout South Wales and the proposed use would operate in a similar manner to other homes under their care. Up to four children, aged between 8 and 18 years, would live at the property. They would usually be long-term residents and typically, the reason for the children needing care is that they are not old enough to live independently or require additional support that cannot be provided within their current setting. The maximum number of care staff at any one time would be 4 persons. The care staff and manager would live elsewhere, and the dwelling is not their permanent residence.

The application is supported by:

- Planning Statement

SITE APPRAISAL

The application property relates to an existing two-storey detached property located within a modest plot in Tylorstown. The property is located on the corner of Brynbedw Road and Vivian Street. The property benefits from garden space to front (south) and side (east) elevations with an additional amenity area to the rear utilised for off street parking with an existing access onto Brynbedw Road. The property occupies an elevated valley side position with ground levels to the east decreasing away from the property.

The property is bound to the south by 64 Vivian Street, wooded hillside to the east, 51 Brynbedw Road to the north and the highway at Brynbedw Road/Vivian Street to the west.

The surrounding area is predominantly residential with a mix of terraced, detached and semi-detached properties visible from the application site.

PLANNING HISTORY

There are no recent planning applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

1no. letter of objection has been received following consultation. Members are advised that the objection does not identify any specific concerns and just notes a general objection to the proposal for a children's home at the property.

CONSULTATION

Transportation Section: No objection, conditions recommended.

Public Health and Protection: No objection raised.

South Wales Police: Objection raised.

Welsh Water/Dwr Cymru: No objection, advice provided in respect of foul water drainage.

Community and Childcare Services: No objection raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. 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 lies within the settlement boundary for Tylorstown but is not allocated for any specific purpose.

Policy CS1 – Sets out the criteria for development in the Northern Strategy Area.

Policy AW2 – Supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW5 – Sets out the criteria for new development in relation to amenity and accessibility.

Policy AW6 – Requires development to involve a high quality design and make a positive contribution to placemaking, including landscaping.

Policy AW8 – Sets out the criteria for the protection and enhancement of the natural environment.

Policy AW10 – Does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or amenity.

Policy NSA12 – Identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

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 12) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of all planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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 national policy guidance considered:

PPW Technical Advice Note 12 - Design

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 4 children (Use Class C2).

The site is situated within the settlement boundary limits of Tylorstown, in a predominantly residential area of the village where it would not conflict with surrounding uses. Further, the site has good access to key services and facilities being within walking distance. As such, the site can therefore be considered a sustainable location.

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.

Community and Children's Services:

Consultation was undertaken with the Council's Community and Childcare Services Department (CCS), who have raised no objection to the proposal, noting that the proposal is promising in its potential to increase capacity of such facilities.

In their consultation response it was also noted that best practice in terms of establishing new care homes strongly supports that a location assessment and engagement with CCS is carried out ahead of establishing a new children's home, which has not occurred in this instance. However, that all social care homes in Wales

must comply with the Regulations and Inspection of Social Care Act (Wales) (RISCA) to be able to be registered with Care Inspectorate Wales (CIW) and 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; and that this process applies to all homes seeking registration in Wales.

Consequently, while early discussion with CCS has not occurred, any potential issues would be appropriately addressed under the registration process.

South Wales Police

In their consultation response South Wales Police raise an objection to the application as it is their view that any child placed at this premise could be put at risk of harm or exploitation due to the identified high incidence of certain crimes in the vicinity of the proposed care home.

Whilst the comments of South Wales Police are noted with regard the suitability of the location of the proposed care home due to high crime figures in the area, it is not considered that this would warrant refusal of the application alone given the existing use of the property as a residential dwelling that could be occupied as a family home.

Impact on the character and appearance of the area

External works would be limited to the creation of a new raised hardstanding that will allow for level access and egress from the highway to serve the new parking spaces. Given the limited scale and nature of these works they are not considered to result in any impact upon the character and appearance of the area.

In addition, the proposal would not result in any external alterations or enlargement of the dwelling on the site. 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. As such, it is considered that the proposals are considered acceptable in this regard.

Impact on residential amenity and privacy

With regard to the works associated with the creation of the parking area and associated retaining wall, whilst these works are located towards the boundary with 51 Brynbedw Road, it is not considered that the scale of the works proposed would result in any adverse impact upon the amenity or privacy of the occupiers of that property.

Other than the element of care and the presence of staff, it is considered that the proposed care home, with a maximum number of 4 children, would be of a limited scale and would generally exhibit similar residential characteristics as that of the existing 4-bedroom 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.

The application dwelling also relates to a detached property bound to the west by the adjacent highway and hillside to the east. As such, the property is set away from neighbouring residential properties, thus lessening any potential impact on neighbouring amenities. The provision of a care home for children in a sustainable and predominantly residential area is therefore 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 from the dwelling, and an area of outdoor amenity space provided to the front and side of the property. Consequently, it is considered that the development proposal would provide adequate space for future occupiers, both inside and out.

Highway Safety and Parking Provision

The Council's Transportation Section were notified during the consultation process in order to provide comments on the suitability of the proposal with regard to highway safety. The following response was received:

Location

The property is located on a road bend between Brynbedw Road and Vivian Street. Fronting the property is a continuous footway link however there is no footway on the opposite side of the carriageway along the bend.

Access

Vehicular access to the property is gained via Brynbedw Road opposite its road junction with Cynllwyndu with an existing vehicular crossover in place. The property provides a separate pedestrian access which is served off Vivian Street.

The applicant proposes additional off-street parking as part of the development however no detail of the proposed surfacing of the off-street parking has been submitted and therefore, a condition has been suggested for the parking spaces/driveway to be surfaced in permanent materials and retained for the purposes of off-street parking only.

It is noted that the existing driveway is gated and although the proposed site plan does not indicate a gate, a note has been added to prevent any gates opening out over the highway.

Parking

The existing 5-bedroom dwelling has a parking requirement of 3 spaces in accordance with SPG: Access, Circulation & Parking Requirements (March 2011) with a minimum of 3 provided on the existing hardstanding/driveway.

The proposed change of use to a residential children's home has a parking requirement of 1 space per resident staff, 1 space per 3 non-resident staff and 1 space per 4 bedrooms in accordance with the Council's SPG: Access, Circulation & Parking Requirements (March 2011).

The applicant has submitted information within the application form that there will be 4 part-time staff and no resident staff, therefore, there will be a continuous rotation of staff working shifts within the residential home. Therefore, the proposed residential children's home has a parking requirement of 3 spaces with 6 spaces proposed, which is in excess of the maximum requirement set out within the adopted SPG. The layout of parking as tandem bays is not an ideal layout, as cars would be blocked in, however, it is not unreasonable for the small number of staff to manage utilisation of the parking spaces provided.

Drainage

No water run-off from the proposed driveway shall discharge onto the public highway and therefore a condition has been suggested accordingly.

Conclusion

The proposed development is in excess of the maximum parking standards set out within SPG which will cater for additional visitors and changeover of staff. The proposed is therefore considered acceptable in highway safety terms.

Public Health and Protection

The Council's Public Health and Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to construction hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to construction hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not necessary. An appropriate informative note is considered to be sufficient in this instance.

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 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: GRANT SUBJECT TO THE BELOW 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 plan numbers:-

- AL(90)01 (Location Plan)
- AL(00)03 (Proposed Plans)
- AL(00)04 (Proposed Elevations)
- AL(00)05 (Proposed Site Plan)

and documents received by the Local Planning Authority on 24/10/2023, 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 residential care home for children 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. Prior to commencement of the use hereby approved, a scheme for biodiversity enhancement measures 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.

5. Prior to the commencement of the use hereby approved, the operator shall submit a management plan for the premises to be agreed in writing by the Local Planning Authority. The premises shall operate in accordance with the agreed details for as long as the use is carried out at the property.

Reason: In order protect the amenities of neighbouring properties, in accordance with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The parking area shall be constructed in permanent materials and retained for the purposes of parking only.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.