

REFERENCE: P/19/148/FUL

APPLICANT: Landsker Child Care Ltd:
The Old Cornstore, Northfield Road, Narberth, SA67 7AA

LOCATION: Cildaudy Farm, Cildaudy Road, Coytrahen CF32 0DL

PROPOSAL: Change of use to 4 bed residential children's home

RECEIVED: 6 March 2019

SITE INSPECTED: 5 April 2019

APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the change of use of an existing, substantial single detached residential dwelling (C3 use - that currently operates as a 3 bedroom children's home - P/18/614/LAE refers) into a 4 bedroom residential children's home (C2 use).

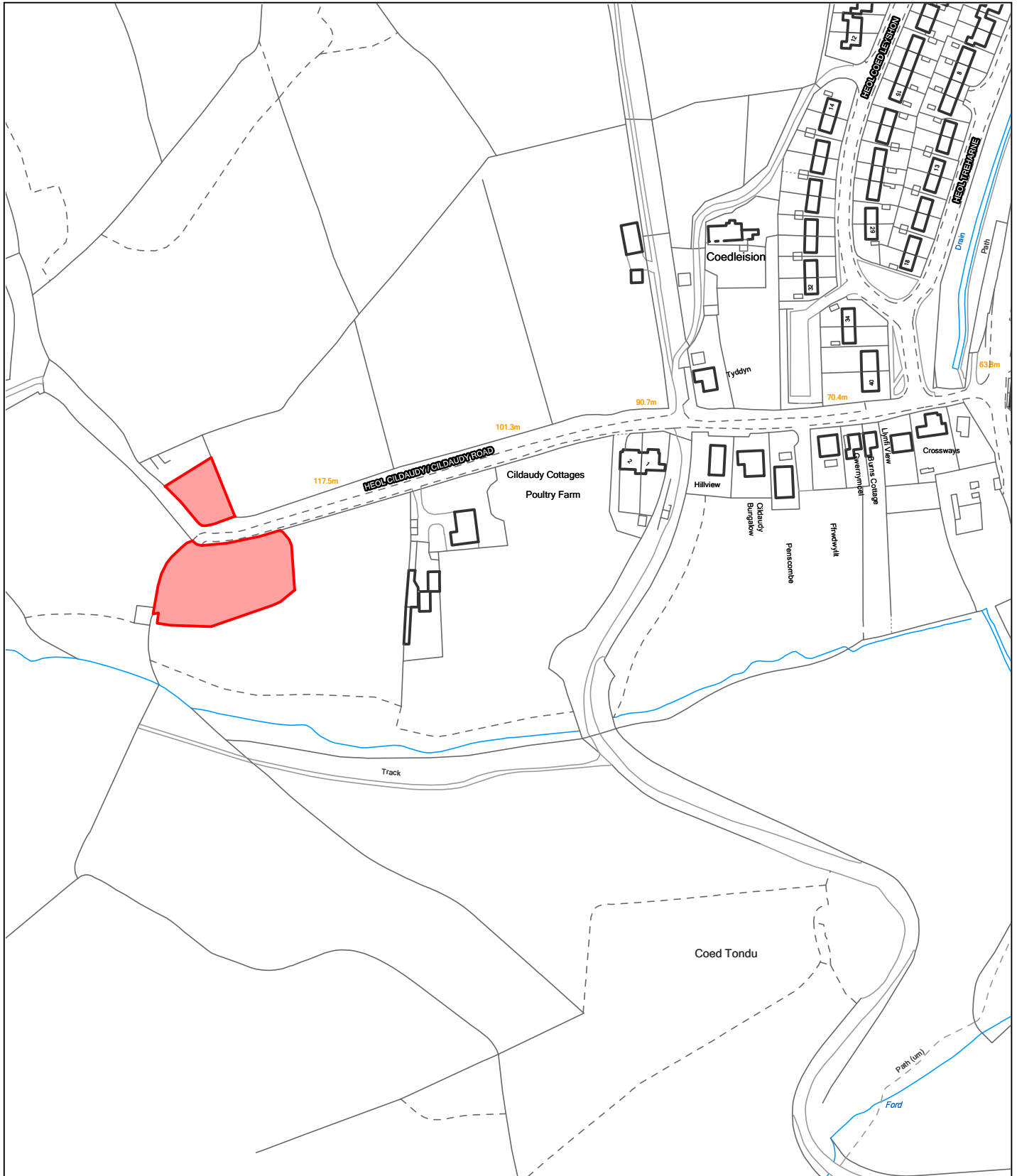
The planning history of the site indicates that a Certificate of Lawful Development issued on 12 October 2018 confirmed the current use of the dwellinghouse as a children's home for a maximum of three children and up to three carers did not constitute a material change of use of the property and the use of the property falls within Class C3 (Dwellinghouse) of the Town and Country Planning (Use Classes) Order 1987. The current planning application is seeking to increase the number of residents from 3 young people to 4 young people, changing the use of the building to a C2 use (Residential Institution).

The application is accompanied by a:

- Supporting Statement;
- Landsker Child Care Statement of Purpose & Function for Cildaudy Farm (May 2018)
- A review of Children and Young People in Bridgend (Western Bay Population Assessment for 2016/17 covering the Bridgend Area) and an ESTYN school inspection report.
- A supporting letter from the Children's Commissioning Consortium Cymru that highlights the need to develop provision for residential care with Landsker being recognised as a highly regarded provider.
- An initial pre application letter from Bridgend CBC Planning Authority (dated 23 June 2017) that informally advises the use of the property by not more than 6 residents living together as a single household (including a household where care is provided for residents), would not require planning permission. This letter further advises that a single household is considered to have a kitchen, bathroom and living room which are shared by all residents;
- The decision notice issued by Bridgend CBC Planning Authority (dated 12 October 2018) certifies that the use of the site as a residential children's home for a maximum of three children and up to three carers has not resulted in a material change of use for planning purposes from the previous lawful use as a C3 dwelling house.
- Care Inspectorate Wales Approval (Notice of decision) detailing permission is granted to register Cildaudy Farm as a care home service for a maximum of 3 individuals.

The supporting statement and information submitted with the planning application highlights that:

- The application is requesting an increase in the number of residents from 3 young





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COMMUNITIES DIRECTORATE

P/19/148/FUL
Cildaudy Farm
Cildaudy Road
Coytrahen
Bridgend



Scale 1 : 2,500
 Date 21/03/2019

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- people to 4 young people.
- The age range of the children is 8 to 18.
 - No building work would be necessary to accommodate the increase from 3 to 4 beds. The additional bedroom is already part of the existing property.
 - Cildaudy Farm currently provides a three bedded group living environment for children and young people, male and female in the 'child looked after' system. It offers placements to children and young people who require a full assessment of their emotional, behavioural and educational needs.
 - Most children and young people accommodated would have experienced adverse childhood experiences and would have spent a significant period of their life in foster or residential care prior to placement; accommodated children having emotional, behavioural and social difficulties, mild to moderate learning difficulties and ASD (autistic spectrum disorder).
 - Cildaudy Farm is registered under the Regulation and Inspection of Social Care Act (RISCA) (Wales) 2016 – The registration authority is Care Inspectorate Wales (CIW).
 - The children, who do live here for years, regard the property as their home. They decorate their bedrooms and their personal possessions would be throughout the building; the home functioning as a single household.
 - All meals are communal with the adults and children cooking and eating together, whilst also sharing the use of the same bathrooms.
 - Activities are done jointly, with the home having a number of 'family' holidays during the year the same as other households.
 - There are two cars available for the home that are driven by the carers for everyday journeys such as shopping trips and visits. This is considered a very ordinary level of car use for a property of this size.
 - Bridgend County Borough Council currently use Landsker Child Care as a provider of services to 'Looked After' young people. This home will add to the range of provision within the local authority.
 - Landsker Child Care currently operates seven other children's homes across South and West Wales.
 - The increase in the number of bedrooms to be used at the property to four would result in fourteen full time posts being created.
 - The home is staffed 24 hours a day. Currently, there are a minimum of 2 Residential Care Workers on shift for the 3 young people who live there. If the home becomes a 4 bedded home, then there would usually be 3 or 4 staff on shift, 24 hours a day. The manager and teacher work Monday to Friday, office hours.
 - The Western Bay Population Assessment for 2016/17 covering the Bridgend Area makes it clear that there is a continuing need for residential care provision within Bridgend County Borough Council – with the identified need being met by Landsker Child Care.

The application proposes the provision of on-site car parking spaces to the west and east of the main building. The applicant has detailed that the unauthorised, large car parking area that has been created opposite, to the north of the site, outside the curtilage of the application property will be returned to a grassed area. The Local Planning Authority would seek to take enforcement action should the car parking area, that is considered unjustified development in the countryside, not be returned to open grassland within a reasonable time scale. No other physical works to the property are proposed as part of the planning application.

The application relates to Cildaudy Farm, which comprises a relatively large property that is situated towards the end of Cildaudy Road, Coytrahen. The property falls outside of the settlement boundary as defined by the Bridgend Local Development Plan, adopted 2013. The application site also falls within a Special Landscape Area (Western Uplands).

Figure 1: Photograph of the application building – Cildaudy Farm



RELEVANT HISTORY

P/98/488/FUL – Demolition of pigsty extension to house reroofing of house and garage – Granted 14/07/1998

P/02/501/FUL - Cildaudy Farm - Extension, New roof and Loft conversion - Granted 02/07/2002

P/04/789/FUL - Cildaudy Farm – Extension to farmhouse, new roof with loft conversion and detached garage - Granted 13/07/2004

P/18/614/LAE - Cildaudy Farm - Certificate of lawfulness for an existing use as a residential children's home – Certificate Issued 12/10/2018

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 01 May 2019.

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021, which was formally adopted by the Council in September 2013, within which the following policies are of relevance:

- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Strategic Policy SP5 – Conservation of the Built and Historic Environment
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy ENV1 – Development in the Countryside
- Policy ENV3 – Special Landscape areas
- Policy PLA11 – Parking Standards

Supplementary Planning Guidance

SPG02 – Householder Development

SPG17 – Parking Standards

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (PPW) (Edition 10, December 2018) is of relevance to the determination of this application.

Paragraph 1.30 confirms... Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications.

All development decisions...should seek to contribute towards the making of sustainable places and improved well-being. (Paragraph 2.2 of PPW refers)

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.(Paragraph 2.3 of PPW refers)

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people. (Paragraph 2.7 of PPW refers)

Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area. (Paragraph 3.56 of PPW refers).

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 12 – Design (2016):

Technical Advice Note 18: Transport (2007)

Other Relevant Policies:

Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that ‘every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. This “duty to conserve biodiversity” has been replaced by a “biodiversity and resilience of ecosystems duty” under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March, 2016.

Section 6 (1) states that “a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the

resilience of ecosystems, so far as consistent with the proper exercise of those functions.” Section 6(2) goes on to state that “In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.”

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The application proposes no significant works to the fabric of the existing building, particularly the roof space of the building, with the Council's Ecologist raising no objections against the proposal. It is considered that, overall, there will be no significant adverse residual impacts on biodiversity and therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

CONSULTATION RESPONSES

Destination & Countryside Management - No objection, it is advised the application raises no ecology concerns.

Head of Street Scene (Highways) - No objection.

Head of Street Scene (Drainage) - No objection. It is advised there is no increase in footprint proposed as part of the development or any modifications to the existing surface water drainage network, therefore no further surface water consideration is required.

Llangynwyd Lower Community Council - Object to the proposal. The objections raised are summarised as follows:-

- There has been a Lawful Development Certificate recently issued for the site where the number of children would be limited to three, between the ages of 8 to 18. In less than six months the company is now seeking to expand their business.
- Recently there has been a number of incidents where children, who are total strangers have absconded from the site and taken it upon themselves to approach local residents with claims of ill-treatment and physical abuse. Residents have contacted the police over these issues. Local residents are not equipped to deal with these situations, which some perceive to be threatening and upsetting. As a Community Council we are advised that a safeguarding investigation is being undertaken.
- In relation to the supporting statement provided by the applicant there are a number of discrepancies and misleading details provided.
- The community rightly fears a never ending expansion of the site with ever increasing numbers of looked after children.
- The Community Council presents an argument that the welfare of children at this home should be considered in any planning process especially if there is an intention to increase capacity.
- Although this is a fairly remote location this application will increase the threat of noise and general disturbance at Cildaudy Road.
- Vehicular access is currently having a detrimental effect on local residents. To increase capacity at the home would in effect increase vehicular traffic on a restricted country hill. Movements of vehicular traffic by staff members supervising the children would increase when you consider the company employs three staff members to every one child.
- The Community Council has seen no evidence from the Care Inspectorate of Wales that authorisation has been given to increase the number of children at the home to four.

REPRESENTATIONS RECEIVED

Objections have been received against the planning application from the occupiers/owners of the following residential properties:-

1 Cildaudy Cottages, Coytrahen
2 Cildaudy Cottages, Coytrahen,
Coedleision Farmhouse,
Tyddyn, Heol Cildaudy
Gwern-y-Moel, Cildaudy Road,
Cildaudy Bungalow, Cildaudy Road, Coytrahen.

The objections raised are summarised as follows:

The original planning went ahead without any consultation.

Residents were not informed of any building works or change of use of Cildaudy Farm from residential to business by new owners Landsker.

Highway safety concerns

- The proposal creates a highway safety danger with poor visibility in the area. Volumes and speed of traffic in the area has greatly increased
- Vehicles use private parking areas to turn or overtake with grass banks and verges being damaged.
- Ten fold increase in traffic on a very narrow, steep, country lane.
- Danger to adults and children who need to step into and walk on access lane.
- Unsuitable access road.

- Vehicle speed is often excessive.
- No passing places on access road.
- As a no-through road, all traffic has to return on the same route, effectively doubling the use.
- Vehicles become easily stranded in winter on the access road with accessibility by emergency vehicles not possible.
- Speed restrictions should be implemented.
- Lots of water running down Cildaudy Hill when it rains collecting on the main A4063.
- The steep lane was never built or maintained for heavy traffic use coming both ways.
- There is no pavement on either side from the bottom to the top of Cildaudy Hill for residents to walk safely – the safety of children and elderly needs to be met.
- Cars are driving at great speed through the lane and there is no room for two cars to pass on the hill.
- Street lighting is limited on the access route.
- Not only will this facility be used by staff there is also maintenance vehicles, health and social staff along with amenities and police activity using the hill.
- Increase in traffic volumes along what is essentially a single track farm road that has caused a detrimental impact on existing roads damage/pot holes and damage to grass verges and drainage infrastructure.
- Consent is approved for a new footpath in the area that would allow residents to wander over Pentwyn Woods and Maesteg Road via the new public footpath, causing a problem in finding any patients if they escape as the area is vast.
- No traffic calming measures in the area.

Creation of large car park

- A large car park has been created that is not fitting/intrusion in the countryside.
- A car park for 22 cars has been created on adjacent ground that is rural ground with a fresh water well situated on it.
- Car park created on agricultural land, loss of the ancient well and the remains of the building that was reputedly one of the first educational meeting places in Wales.

Police Involvement – Anti social behaviour

- Police have been called to the site in relation to absconded children who have been visibly violent towards their key workers and police officers.
- Anti social behaviour associated with residents and numerous incidents occurring of residents approaching neighbouring occupiers.
- This should be described as a secure unit - a far cry from a peaceful, caring home.
- Concerns that the facility is not simply for young people from the BCBC area and there is no logic of accommodating them such vast distances from their families.
- Police activity brought on by one child repeatedly leaving the property.
- Security risk associated with the users of the premises.
- The behaviour of the residents seems to be concurrent with a similar unit in Maesteg that has apparently had extensive Police involvement and attendance over the years.

Change of Character

Negative impact on the locality and change in the quiet rural character of this ancient settlement.

There was an absolute assurance from the care home manager that there would be a maximum of four children at the care home, yet apparently there is already an application for five, how many children will really be living there.

Lack of transparency/consultation

There is obviously a need for children's care homes but there has been a lack of transparency from Landsker from the beginning with residents opinions not even considered.

Councillor James Radcliffe has also objected to the proposal (with a request also being made that the application is referred to Committee in order to allow the Councillor to speak against the application).

The objections raised by Councillor Radcliffe are summarised as follows:-

Incorrect decision to issue a lawful development certificate at the site

Incorrectly a decision has recently been issued at the site that in the view of the Councillor goes against judgements made by the Planning Inspectorate, whereby planning permission should be required when a development of children's home is being undertaken by a private commercial enterprise and cannot be regarded as a family unit.

The history is important because it is quite clear that the strategy of the company concerned is to purchase properties, undertake building work and then to apply for certificates of lawful development based upon informing planning authorities that no more than three children are to be accommodated and it is effectively a family unit not a commercial enterprise. After such certificates are issued the company will apply for planning permission for larger numbers of children saying in practice that there is little difference in the impact of having 4 children compared to 3; the focus would then be on the one additional child rather than the impact of a new secure children's home of 4 children.

Furthermore, in this case the unit has operated as a secure unit with children only allowed out when staff approve of it. It is therefore the case that the Local Planning Authority should be regarding this application as one to establish a large residential secure children's facility, not merely letting an extra child into an existing harmonious household operating as a family unit.

The letter of concern/objection to the Lawful development application raised by the Councillor has also been provided in addition to the further objections against the current proposal.

Contrary to Local Planning Policy

The LDP for Bridgend designates Coytrahen as a small settlement in which development is to be extremely limited and where services are generally confined to those meeting purely local needs with limited retailing and community facilities. The application proposal cannot under any reasonable grounds be considered as 'meeting purely local need'. It is a significant development in a small village and intends to have 14 members of staff in addition to the 4 children. It is a medium sized business. The planning authority has refused applications for substantially smaller businesses in such areas. The move to accommodate one additional child will result in 3 extra members of staff operating on shift patterns.

The development further contradicts the policies of BCBC in moving looked after children away from residential children's homes and into foster placements. These are the most challenging children in the system and under no circumstances can this be reasonably considered a family unit with 'normal' foster children.

Suitability of the site – visual appearance and surroundings

This is a commercial operation that is completely out of character with the rural location of the area. The proposed children's home is currently at the top of Cildaudy Road, a narrow steep road that is only suitable for one vehicle at the time. There are residential homes below it and a few farmhouses near to it. Apart from that, this is essentially a rural location on the settlement border. The home is larger than nearby houses and has a large purpose built staff car park and receives frequent deliveries of groceries.

Impact on traffic

The location is at the very top of steep single lane hill, yet there is a large staff car park with a proposed 14 members of staff operating in shifts, not to mention external deliveries and visitors. Visitors alone could be extensive, constituting social workers, family members, probation service and so on. This is clearly not a residential house. Local residents report a significant increase in traffic in the area. It is also noted from the application form that the company has a contract with a waste disposal company that shows the development is significant – if this was a normal house they would be using the existing services provided by the authority.

Adverse safety impact and fear of crime

Fear of crime is only a material consideration if there is evidence to support the fear of crime expressed by local residents. Given the establishment has been home to 3 children since last summer, there is substantial evidence to support the concerns of residents.

Local residents have reported several incidents of absconding, acts of vandalism, staff chasing children down the road and verbal abuse, and the police have been called on several occasions.

The fear of crime is a reasonable consideration of this type of development. The children who are placed in such residential children's homes are the most challenging of looked after children, often requiring intensive personal support. Staff in a proper facility should be well trained and experts in calming teenagers down and dealing with anger management. Local residents cannot be expected to have the same level of expertise in dealing with such situations which, when combined with the already frequent reports of absconding, in my view represents a perfectly legitimate concern that forms part of the basis for rejecting this application on material grounds.

The proposed expansion of the facility will create an adverse impact on community safety and fear of crime. At the very least the company concerned should pay for security features on neighbouring properties including CCTV and engage more regularly with neighbours, which should be a condition of planning consent if the authority is minded to grant permission. Any consent should also be conditional on a one year probationary period and a report from South Wales Police is requested on the impact of the home already.

Environmental and Sewage

The car park already built by the company is over an old well yet there has been no assessment of the impact on this. A sewage and drainage assessment should therefore be undertaken for the development.

The intensified use of the property raises drainage concerns particularly on properties further down the road.

Creation of an undesirable precedent, making it difficult to resist similar proposals elsewhere.

By refusing this application, we avoid encouraging this trend in which commercial

companies are buying properties and developing them to create residential children's homes. They are bypassing the usual planning process by applying for certificates for lawful development then expanding later on when the consideration will simply be the impact of an additional child. These applications should go through the proper procedures, and not seek development through stealth and exploitation of perceived loopholes in planning law.

Inaccuracies in the current application submission

- The claim that no building work is required to accommodate the 4th child may be technically correct – but that is because they have already done the building work over the last 8 months.
- There are no local shops in Coytrahen and therefore the claim that all shopping is done at local shops cannot be true. Local residents instead report frequent deliveries from well-known supermarkets to the site. The application submission is largely a cut and paste from other applications they have made to other authorities.
- The company claim the intention is for the children to be residents for years although this cannot be guaranteed. They know full well that the trend of each local authority is to bring people back to the authority and reduce expenditure on out of county placements.
- The claim that the property lies 'off the main Maesteg road' and therefore the residents and staff can use public transport is misleading.
- The claim that there are 2 cars for the home – used by carers is incorrect. Residents have highlighted the purpose built car park has contained more than 2 cars and is often full of vehicles.
- The company claims Bridgend Council use this home – this is not the information provided by the Authority or the information provided by the manager to the community council in July 2018. The evidence suggests that all the children accommodated here have been from outside the borough.
- The supporting documents highlight that the Care Inspectorate Wales registration specifically states 'a maximum of 3 individuals can be accommodated at this service'. In other words the company does not have CIW registration for 4 individuals.

COMMENTS ON REPRESENTATIONS RECEIVED

The original planning went ahead without any consultation.

The planning history of the site reveals that on 12 October 2018 a lawful development certificate was granted at the property that details the use of the property as a residential children's home for a maximum of three children and up to three carers has not resulted in a material change of use for Planning purposes from the previous lawful use as a C3 dwellinghouse and the current use of the property falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987.

This was not a planning application and was therefore not the subject to the level of consultation and publicity of a planning application.

The current planning application being considered for the site has been correctly advertised in line with the requirements of Article 12 (5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) with a site notice and direct neighbour letters being issued for the development proposal.

Highway safety concerns/Impact on traffic

The Council's Transportation Officer has assessed the submitted scheme and raises no objections against the proposal as further discussed in the Appraisal Section of this report.

Creation of large car park

It is acknowledged that at the time of the site inspection, undertaken on 5 April 2019, a large car parking area had been created opposite the application building within an area of land that formed part of an open field within the countryside. A review of the aerial photography for the area indicates the car parking area, which is considered to be outside of the curtilage of the application site, has been created relatively recently (since 2017) and is effectively unauthorised and an unjustified development in the countryside. On this basis the applicant has been advised to remove the car park and restore the land to its previous grassed status. The applicant has advised in writing that this work will be undertaken as a matter of urgency. Failure to reinstate the grassed field and remove the car parking area will result in formal Enforcement Action being undertaken by the Local Planning Authority. The revised red line boundary submission does not include the created car parking area and it is considered reasonable to determine the change of use planning application on the basis the large car park does not form any part of the application proposal.

Police Involvement – Anti social behaviour/Adverse safety impact and fear of crime

The objections raised make reference to current anti-social behaviour problems relating to the site and raise concern that this proposal will exacerbate the situation. Any such issues are matters for the police and the proposal, which is a residential use, is unlikely to result in such high levels of anti-social behaviour to warrant the refusal of the planning application. The submitted details highlight there is a level of care to be provided to the residents on a 24 hour basis and the occupants are no more likely to disturb or adversely impact on neighbours than the occupants of a large family home.

Furthermore, anti-social behaviour is a broad term and responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police and local authorities. There are a raft of regulations and several pieces of legislation (The Anti-social Behaviour, Crime and Policing Act 2014, Part III Environmental Protection Act 1990, Noise Act 1996, Section 80ZA of the Environmental Protection Act 1990, Community Protection Notices and The Clean Neighbourhoods and Environment Act 2005 etc.) to deal with anti-social behaviour and these are dealt with separately from the planning system. It is up to the applicant Landsker to appropriately manage the property and its occupiers, who would also have responsibilities under other legislation to assess any such risk and take any appropriate measures to safeguard the wider community (and the future occupiers of the facility).

Perception and fear of crime can be a material planning consideration and whilst residents have documented there have been instances of individuals absconding from the application premises that have resulted in police being called to the site, it is considered that a children's residential care home, that is a type of residential use, of the nature and scale proposed in this location does not raise such serious or adverse concerns in this regard to justify the refusal of the planning application.

Conditions suggested by the Local Member in relation to the provision of security features, by the applicant, to neighbouring properties are not considered reasonable. Welsh Government Circular 016/2014 entitled "*The Use of Planning Conditions for Development Management*" (October 2014) states at paragraph 3.1 that "conditions should be necessary, precise and enforceable, ensuring that they are effective and do not make unjustifiable demands of applicants."

Given the advice provided by Welsh Government, it is considered that a condition requiring the applicant to install security measures to neighbouring properties is not reasonable, necessary or proportionate, given the scale and nature of the scheme in this instance.

Change of Character

In terms of the impact of the use on the existing character of the locality the proposal involves limited external changes to the building fabric of the host property, which would retain its appearance as a large, detached domestic property that is established at the end of a country lane. The change of use would have limited impact on the general character of the wider village.

The facility would provide residential care for up to four children/young people occupying the property as if living as a family. Notwithstanding the provision of care to the residents, the use of the property will remain residential in this quiet residential village (albeit the application site is situated outside the settlement boundary) and would have no substantial or adverse impact on the quiet rural character of this locality.

The application seeks permission for a four bedroom residential children's home and any proposal to materially alter or increase this figure would generate the need for a further planning application that would then be judged on its individual planning merits (further controlled by means of a recommended planning condition should permission be granted for the application proposal).

Lack of transparency/consultation

For an application of the scale proposed (not a major application) there is no requirement under planning legislation to undertake any pre application consultation with local residents.

According to Article 12 (5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended), the Local Planning Authority must publicise an application by giving requisite notice-

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving notice on any adjoining owner or occupier.

Consultation letters were sent to neighbouring/adjoining properties and a site notice was erected within the vicinity of the application site. As such, the statutory obligation of the Local Planning Authority to undertake the relevant publicity of the application has been undertaken in compliance with Article 12 (5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). Therefore the comments made in respect of insufficient consultation being undertaken will not be considered further.

Incorrect decision to issue a lawful development certificate at the site

The Local Planning Authority issued a Lawful Development Certificate at the site, which is not a planning application, that established the use of the premises as a children's home for a maximum of three children and up to three carers that did not result in a material change of use for planning purposes from the previous lawful use as a C3 dwellinghouse and the current use of the property falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987.

On the balance of probabilities it was considered that there was no material change of use for planning purposes from the previous lawful use of the property as a dwellinghouse (C3 use). Advice was sought from the Council's Legal Officer on the determination of that application and given that this decision has now been issued, matters raised in relation to the determination of the lawful development certificate are not considered relevant to the determination of the current planning application.

Contrary to Local Planning Policy

The characteristics and policy allocation of the site are duly acknowledged, as further highlighted in the appraisal section of this report, and it is considered that the creation of a four bedroom residential children's home, within an existing established building, which represents a residential use on the fringes of the village, does not seriously or adversely conflict with the primary aims of local or national planning policies.

Suitability of the site – visual appearance and surroundings

The proposed children's home is a type of residential use which is considered appropriate in this location. The application plot is situated within a relatively isolated position at the end of a country lane with a level of offset from the nearest residential properties. Visually, limited changes are needed or detailed to the external fabric of the domestic property with the general use of the building for the purposes detailed not being overly noticeable or harmful in visual amenity terms.

Environmental and Sewage

It is considered that the proposed use is unlikely to generate any harmful environmental issues above that generated in normal family occupation. Both the Council's Ecologist and Land Drainage Officers have raised no objections against the change of use planning application.

Creation of an undesirable precedent, making it difficult to resist similar proposals elsewhere.

Any future applications of a similar nature to the application proposal submitted to the Local Planning Authority would need to be judged on their own individual planning merits.

Inaccuracies in the current application submission

Regard has been given to the comments raised in relation to the inaccuracies and discrepancies of the supporting information submitted with the application however, the application is accompanied by appropriate information to allow the application to be appropriately assessed and determined. The characteristics and relationship of the development proposal to existing neighbouring plots has also been assessed during the Officer site inspection and the applicant has submitted a revised red line boundary plan during the processing of the application. It is considered the submitted information is sufficiently detailed to determine this planning application.

It is acknowledged that there are no local shops in Coytrahen and, like many residential properties, there may be deliveries from supermarkets to the site however, additional shopping could be done in nearby settlements/shops.

APPRAISAL

The application is referred to Committee at the request of the Ward Member and to enable consideration of the objections received from local residents.

Landsker Child Care currently use this residential unit to home three children/young people (and associated care staff) as a single household with an element of care under its lawful use as a class C3 dwellinghouse (Town and Country Planning Use Classes Order 1987 refers). An application for a Lawful Development Certificate was issued by the Local Planning Authority on 12 October 2018 confirming that the use of the building as a residential children's home for a maximum of three children and up to three carers is lawful use and the current use of the property falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987.

The applicants are now seeking to increase the number of children housed at the

premises to four that would effectively represent a material change of use of the property and the change of the dwellinghouse (C3 use) to a residential children's home (C2 use). It is detailed that no significant alterations are proposed to the building with the fourth bedroom already being present within the application building. As part of the proposal, off street car parking would be provided within the curtilage of the application building and the unauthorised parking area that has been created opposite the site (and outside the revised red line boundary submission) will be returned to grassland.

The care is to be provided in a family type environment, providing facilities for a maximum of four children and a total of 14 staff members largely working on a shift pattern to cater for the needs of the residents. If the home becomes a 4 bed home, there would usually be 3 or 4 staff on shift, 24 hours a day. The general manager and teacher at the site would work Monday to Friday, during normal office hours. In order to facilitate the change of use no internal or external alterations are required to the fabric of the main building and associated curtilage buildings that make up the property.

The application site is situated in a relatively secluded, isolated position towards the western edge of Cildaudy Road, Coytrahen. The narrow, sloping highway known as Cildaudy Road gives vehicle access to the site. The plot benefits from a generous curtilage and is largely surrounded by open countryside. There is a detached neighbouring property approximately 90m further to the east of the application site. It was noted during the site inspection that a large unauthorised car park has been created opposite the application site (to the north) that will be subject to the necessary enforcement action should the applicant not remove this facility and return the land to its previous status (grassed area/open field).

The key considerations in the determination of this application are the principle of the development proposal, the visual impact of the development in this countryside location, the impact on the residential amenities of the neighbouring properties, and highway safety.

Principle of the Development

The site is located outside of any settlement boundary as defined by the Bridgend Local Development Plan (LDP), Policy PLA1 Settlement Hierarchy and Urban Management and is, therefore, located in the countryside where Policy ENV1 Development in the Countryside ensures that development is strictly controlled. Development may be acceptable where it can meet one of the following ten criteria:

- 1) Agriculture and/or forestry purposes;
- 2) The winning and working of minerals;
- 3) Appropriate rural enterprises where a countryside location is necessary for the development;
- 4) The implementation of an appropriate rural enterprise/farm diversification project;
- 5) Land reclamation purposes;
- 6) Transportation and/or utilities infrastructure;
- 7) The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;
- 8) The direct replacement of an existing dwelling;
- 9) Outdoor recreational and sporting activities; or
- 10) The provision of Gypsy traveller accommodation.

Where development is acceptable in principle in the countryside it should where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.

The main aim of LDP Policy ENV1 is to protect the integrity and openness of the countryside and prevent inappropriate forms of development. As the application proposes the conversion of an existing, well established dwellinghouse, it is considered that the proposal would have minimal impact upon this countryside location. It is further considered that the application building is structurally sound and suitable for conversion, and with no external changes being proposed, the proposed development is considered to accord with Policy ENV1 (7). The residential children's home is a form of residential use which is considered appropriate and compatible in this location and raises no 'in-principle' concerns.

In addition, it is fully acknowledged Planning Policy Wales Edition 10, 2018 (PPW) sets out Welsh Government's objectives to reduce the need to travel especially by private car. In this case, it is generally considered that the use of private transport is the most realistic and feasible option for the proposed use given the location of the site outside the settlement towards the end of what can be described as a country lane that, for the most part, is lacking in footpaths and lighting. Travel journeys to the nearby, more built up settlements would be relatively short and the proposal relates to an existing residential site that would have previously generated traffic movements reliant on private means of transport. Moreover the proposed use would provide a form of residential use to vulnerable children who would live in a relatively tranquil setting that would contribute to their quality of life. This would be consistent with other sustainability objectives to achieve a healthier Wales. As such and when taking a balanced view, the scheme would not be so unsustainable as to result in conflict with the objectives of PPW or the general, principle aims of local LDP Policies that seek to encourage sustainable development.

Visual Impact

With regard to the external physical works proposed to the application building there are no external changes proposed as part of this change of use development proposal. The general domestic character and appearance of the existing dwelling house would remain largely unchanged as a result of the proposal with the scheme raising no adverse visual amenity concerns.

It is acknowledged the site does fall within a Special Landscape Area (as defined by Policy ENV3 of the LDP) although, given the application effectively relates to a change of use of an existing building that is already well established in this locality, the scheme will have no adverse impact on the setting, character or distinctiveness of the Special Landscape Area.

The unauthorised car parking area that is outside of the curtilage of the property and does not form part of the current red line boundary submission would also be restored by the applicant to an open field/grassed area.

Impact on neighbouring properties

With regard to the impact of the proposed development in respect of the change of use on the neighbouring properties, it is considered that as there are no directly adjoining properties located next to or adjacent to the site, the nearest residential building being sited approximately 100m to the east of the site there are no overlooking, overshadowing or privacy issues to consider in the determination of this application.

The distance from the proposed development to the nearest residential dwelling known as the Poultry Farm is approximately 100m. Whilst some noise may be generated from the property, it is considered that this would not exceed the normal noise levels generated by a large residential property. In view of this, it is considered that the proposed development will not have a significantly adverse impact on the residential amenities of the neighbouring properties.

A number of residents have raised concerns regarding community safety and security risk regarding the nature of the service users that will occupy the property however, as previously discussed, the development is not considered of a scale and nature to raise such adverse concerns in this regard. The proposed four bedroom children's home that would accommodate 8 to 18 year olds, with a level of appropriate staffing to provide the necessary care on a 24 hour basis, within its own grounds that are somewhat offset from the nearest neighbours, is unlikely to materially harm the levels of residential amenity currently enjoyed in the locality.

In land-use terms this proposal appears very much like a large family home but arguably what makes it different is the perceived personalities of the young people that would occupy the site and the potential level of disruption that might arise from the behaviour of such residents. This is somewhat of an unknown, variable factor and one that it is difficult to predict in the consideration of this planning application (although the comments of the residents' experiences from the current operations of the building have been fully acknowledged as earlier detailed). The intensity of the use of the site would to some degree differ from that of a normal household as the level of care and support would result in a more frequently accessed site by carers and staff and is likely to lead to some additional activity compared to its use as a single dwelling. The movements caused by the members of staff would however, be relatively minor and would not be significant in relation to impact on local amenity. It is considered that the scheme would create a small increase in activity at the site but this would not be harmful compared to the activity associated with the existing lawful use of the property. Key to any impact is the effective management of the site which would be a matter for the site operator and would be outside the effective control of the planning process.

The management of the site would be regulated outside the planning process by The Care Inspectorate Wales. The management of the site would also apply to the concerns regarding perceived fears of an increase in crime. Provided the site is managed responsibly there is no reason why there should be any increase in crime or anti-social behaviour as a result of the proposal.

In view of the above, it is considered that the proposed development complies with Policy SP2 (7) and SP2 (12) of the Bridgend Local Development Plan (2006-2021).

Highway Safety

The Council's Transportation Officer has assessed the submitted scheme and raises no objections against the proposal.

In considering the transportation implications of this application, it is noted that the property currently benefits from a Certificate of Lawful Development issued on 12 October 2018 which confirmed the current use of the dwelling house as a children's home for a maximum of three children and up to three carers.

As a result of the above, the Highway Authority has considered the impact of the potential traffic generated by an additional child and additional staff at this location. It is noted that Cildaudy Road at the site location is a narrow single track country lane environment which widens to a single lane highway with a section of footway at the junction with the A4063. Whilst it is agreed that the introduction of an additional bed and staff will result in a small increase in vehicular traffic on Cildaudy Road, the increase is not considered to be a material increase to the point where it becomes a detriment to highway and pedestrian safety. In addition, it is considered that measures can be put in place which would mitigate the increase in traffic to ensure that there is nil detriment to the existing highway situation. It must also be considered that the property could return to its previous use as a farm

which could generate a higher number of slow moving, large farm vehicles and machinery on Cildaudy Road.

To ensure that the proposal does not create additional highway and pedestrian safety concerns therefore the Highway Authority requests the imposition of a number of conditions should planning permission be granted for the development. Firstly, a condition is requested for the applicant to provide a comprehensive scheme of vehicle passing places along Cildaudy Road, which would also act as pedestrian refuges in some instances. This would ensure that vehicles generated by this proposal can pass oncoming traffic without having to reverse for long distances. In addition, it will provide step off points for pedestrians when faced with vehicular traffic.

The Highway Authority also requests a scheme of signage, warning motorists that there is the potential for pedestrians to be walking in the carriageway. This would help ensure that residents of Cildaudy Farm have the opportunity to choose to make short journeys by walking or cycling rather than use the private motor vehicle.

In terms of off-street parking, it is noted that a previously created car park on land adjacent to Cildaudy Farm has been removed from this application and therefore, the site does not currently have adequate off-street parking provision to serve the proposed development as detailed in the adopted parking standards SPG. It is, however, considered that there is room to provide parking within the site and therefore a condition for a scheme of 7 off-street parking spaces together with a turning area to be created within the site's curtilage will be required to be submitted and agreed before the additional bedroom is brought into use.

Finally, it is considered that whilst one additional bedroom and child living at the property would not generate a material increase in vehicular traffic on the highway network, any additional increase above and beyond four bedrooms may tip the balance, without further junction assessment by the Highway Authority. Therefore, it is also requested that a condition which limits the property to a maximum of 4 beds/4 children to safeguard the operational capacity of Cildaudy Road, is imposed in this instance.

Overall and subject to the imposition of conditions, the Highway Authority raises no objection against the application.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or crime emanating from the occupiers of the care home, as to warrant refusal on those grounds. There is an identified need for such children's residential care facilities within the Borough and in balancing the planning merits of the proposal, the scheme is considered acceptable and can be supported.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents:

Ground & First Floor Layout plan received 10 April 2019

Reason: To avoid doubt and confusion as to the nature and extent of the approved

development.

2. No development shall commence until a scheme for the provision of 7 off street parking spaces and a delivery/emergency vehicle turning area within the site curtilage (so as to enable vehicles to enter and leave in a forward gear), has been submitted to and agreed in writing by the Local Planning Authority. The parking and turning area shall be completed in permanent materials in accordance with the approved layout prior to the 4th bedroom being brought into beneficial use and shall be retained for parking/turning purposes in perpetuity.

Reason: In the interests of highway safety.

3. No development shall commence until a scheme for the provision of 'Pedestrian in Road' signage along Cildaudy Road has been submitted to and approved in writing by the Local Planning Authority. The agreed signage scheme shall be implemented before the 4th bedroom is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

4. No development shall commence until a scheme for the provision of 3 vehicular passing places along Cildaudy Road has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

5. The premises shall be used for a children's residential care home for a maximum of four 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.

Reason: To enable the Local Planning Authority to retain effective control over the use of the premises in the interests of highway safety and residential amenity.

ADVISORY NOTES

- a. This application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or crime emanating from the occupiers of the care home, as to warrant refusal on those grounds.
- b. No surface water is allowed to discharge to the public highway.
- c. No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.
- d. Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. The Highway Maintenance Inspector for the area can be contacted at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.
- e. The Developer is reminded that consent under the Town and Country Planning Act

1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:

- i. obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- ii. indemnify the County Borough Council against any and all claims arising from such works;
- iii. give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers

None