

REFERENCE: P/21/605/FUL

APPLICANT: Mr & Mrs N Heard c/o John Matthews, Anglesey House, 47 Anglesey Way, Porthcawl, CF36 3QP

LOCATION: 20 Shakespeare Avenue Cefn Glas CF31 4RY

PROPOSAL: Change of use from dwelling house (use class 3(a)) to the residential care of 1 child (use class C2)

RECEIVED: 25 June 2021

SITE INSPECTED: 27 July 2021

APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the change of use from a dwelling house (use class 3(a)) to the residential care of 1 child (use class C2) at 20 Shakespeare Avenue, Cefn Glas.

This application is for the residential care of one child under 18 years of age and who is classed as vulnerable. The use will be subject to registration by the Care Inspectorate of Wales and the child will be in full-time care with a fully trained carer looking after him or her throughout the day and night with the exception of when he or she is in school. Each carer will work to 12-hour shifts with daily shift change-over times normally taking place at 07.00 and 19.00 hours respectively. The night-time carer will be a night shift worker and must stay awake and available should the child wake and require anything.

The child in care is classed as vulnerable as they come from a difficult background/home circumstances. Whilst some may have learning difficulties, they are victims of circumstances and are simply in need of proper care and attention.

No external alterations are proposed to the property as part of this application.

Figure 1 - Photograph of Existing Property:



The applicant's agent has confirmed that the existing dwelling is currently served by two off street parking spaces and a garage, i.e. three parking spaces in total.

The application site is located within the approved residential settlement boundary of Bridgend as defined by Policy PLA1 of the Bridgend Local Development Plan (2013). The application property comprises of a two storey, semi-detached property that is served by a front and rear garden with a side, ground floor porch, detached garage and side driveway which is set back off the main highway (known as Shakespeare Avenue) and is surrounded by similarly designed residential properties. The application site is located within a predominantly residential area.

Figure 2 – Site Location Plan:



RELEVANT HISTORY

None.

PUBLICITY

Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 3 August 2021.

CONSULTATION RESPONSES

Laleston Community Council - would like to Object to this planning application due to the following reasons:

- The property in question has previously been utilised as care facility, with no preceding request for planning permission, and caused much disturbance to neighbouring properties due to anti-social behaviour.
- Due to aforementioned anti-social issues in previous years, there is a great concern regarding the possible noise and disturbance resulting from use, which is only exacerbated by the lack of supervisory or regulated arrangements including that of BCBC Social Services.
- Council are aware of the need to aid vulnerable children and due to the fact that there is no evidence that a child living at this property would create disturbances or cause an increase to antisocial behaviour, Council would like to recommend that if permission is granted for the change of use, it only be provided on a temporary

basis to enable the impact of the proposal to be fully assessed.

Transportation Officer (Highways) – No objection to the proposed development.

Shared Regulatory Services (Noise) – There is very little information on the planning portal regarding this development. However, having spoken to the agent, the care home is to be used for vulnerable children as opposed to children with severe behavioural problems. Therefore, on this basis, no objection is raised to the proposed development.

REPRESENTATIONS RECEIVED

Cllr Charles Smith (Local Ward Member) – has raised an objection to the proposed development and has requested that it be reported to, and determined by, the Council's Planning Committee for the following reasons:

- Placing what is clearly a business enterprise in a residential area is inappropriate;
- The relationship between this business enterprise and BCBC social services is not clear, so the degree of professional supervision of circumstances at this location is uncertain;
- Neighbours provide evidence of serious issues arising when a similar arrangement was tried previously. They claim that the police and other agencies seemed powerless to prevent disturbance and threats to neighbours;
- Likelihood of nuisance to immediate and nearby neighbours;
- Lack of consultation with persons affected in the neighbourhood.
- Insufficient evidence of appraisal of alternative arrangements for the young client.

Three letters of objection have also been received from the neighbouring properties known as 18, 51 and 55 Shakespeare Avenue raising the following concerns:

- Concerns regarding the occupants of the property;
- Impact of noise and disruption of the proposed use;
- Limited parking on a busy street;
- Unacceptable previous experience of use of property for similar use;
- Property is unsuitable due to close proximity to neighbouring properties and concerned that previous circumstances will be re-visited.

COMMENTS ON REPRESENTATIONS RECEIVED

The concerns raised are addressed within the appraisal section of this report.

PLANNING POLICIES

Local Policies

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

- Strategic Policy SP1 – Regeneration-Led Development
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy SP12 – Housing
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-Use of a Building or Land

Supplementary Planning Guidance

SPG02 – Householder Development

National Planning Policy and Guidance

National Planning guidance in the form of Planning Policy Wales (Edition 11, February 2021) (PPW) and Future Wales – the National Plan 2040 (Feb. 2021) are of relevance to the determination of this application.

Technical Advice Notes:

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 21st 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"

Given the nature of the development in this instance (change of use proposal of an existing building), it is considered that there will be no significant adverse residual impacts on biodiversity. 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.

Well-being of Future Generations Act 2015

The Well-being of Future Generations 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 comprising 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 well-being goals/objectives as a result of the proposed development.

The Socio Economic Duty

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010), which came in to force on 31 March, 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and, whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

The application is referred to Committee to consider the representations made by the Local Ward Member, Laleston Community Council and local residents.

The application seeks full Planning permission for the change of use from a dwelling house (use class 3(a)) to the residential care of one child (use class C2).

The following main issues will be considered as part of this report:

- The principle of development – use class
- The impact on the amenities of neighbouring residents
- Parking and Highways Safety
- Residents' perception/fear of crime and antisocial behaviour
- Impact on visual amenities.

The Principle of development – Use Class

The proposal seeks to change the use of the existing dwelling house (from use class C3(a)) to a small care home for the residential care of 1 child (use class C2).

The C2 use class encompasses a number of different uses, including other types of residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. The C2 use class is distinct from the C2a use class, which groups together secure residential institutions, such as prisons, young offenders' institutions and secure hospitals.

In some circumstances, residential dwelling houses can be converted into children's care homes without the need for Planning permission. Each proposal has to be assessed on its own merits taking account of various factors, such as level and operational aspects of care.

The C3 use class, which encompasses residential dwelling houses, is split into the following three categories:-

- A dwelling house lived in by a single person or family. This category would include foster families.

- Up to 6 people living as a single household and receiving care. This includes supported housing schemes, such as for people with mental health issues or learning disabilities.
- Up to 6 people living as a single household, which do not fall within a C4 use (small house in multiple occupation), such as religious communities.

A recent Court judgement concluded that although adult carers will be present at all times they would not be living permanently at the property as part of a 'household' and a group of young people containing individuals under eighteen could not reasonably be regarded as being capable of living together as a single household.

In addition, the level of daily activity at the site would be more intensive and constant than might reasonably be expected to be generated by even a large dwelling house and as such, the overall character of the use may differ materially from that of a dwelling house. In view of this, it was considered that such a proposal represents a material change of use and therefore, the use would fall within Use Class C2.

In this case, however, the property will accommodate 1 child and 2 adult carers in a residential area which would display many similar features associated with a family dwelling. The changeover of carers would occur every 12 hours at 7am and 7pm.

The application site is located within the settlement boundary of Bridgend, as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP) 2006-2021 and, as such, the conversion of this existing building into a small scale care home of the nature proposed is considered to accord with the criteria set out in Policy COM3 of the LDP and Planning Policy Wales (2018) which supports the use of suitable previously developed land for residential purposes as it can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Furthermore, Strategic Policy SP1 seeks to encourage regeneration led development within the settlement hierarchy and it is considered that the proposed change of use of the existing building to another form of residential use in such a locality is compatible with surrounding land uses and is acceptable. It is considered that the proposed development is located within a sustainable location being located close to public transport links and local amenities which would be of benefit to potential future occupiers and staff at the premises.

In view of this, the proposed development is considered to accord with Strategic Policy SP1 and Policies PLA1, COM3 and SP10 of the Bridgend Local Development Plan (2006-2021) and can be supported in principle.

As detailed above, the semi-detached property is situated within the residential settlement boundary of Bridgend and it is considered that the conversion of an existing dwelling to a care home of the nature proposed, with no external or internal works proposed and with the visual character of the property being retained, would provide a valuable alternative type of living accommodation in the locality without harmfully or significantly eroding the character and appearance of the existing area.

The essential character of the area is derived from single households and the introduction of a small-scale care home of the nature proposed, which is appropriate in a residential setting, can be supported. Furthermore, the proposal is for a small one-person care home which is residential in nature and as such, it would not result in an undue concentration of incompatible uses in this location.

Notwithstanding the above, whilst the principle of a residential use, such as a care home, within a residential area is accepted and common place, it is necessary to consider the aspects of this proposed use which may have the potential to adversely affect the residential amenities of the area.

Impact on the amenities of neighbouring residents

Planning applications must be determined in accordance with the adopted Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers).

Policy SP2 (Design and Sustainable Place Making) in particular states:

All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by:

- 1. Complying with all relevant national policy and guidance where appropriate;*
- 2. Having a design of the highest quality possible, whilst respecting and enhancing local*
- 3. distinctiveness and landscape character;*
- 4. Being of an appropriate scale, size and prominence;*
- 5. Using land efficiently by:*
 - (i) being of a density which maximises the development potential of the land*
 - (ii) whilst respecting that of the surrounding development; and*
 - (iii) having a preference for development on previously developed land over*
 - (iv) greenfield land;*
- 6. Providing for an appropriate mix of land uses;*
- 7. Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;*
- 8. Minimising opportunities for crime to be generated or increased;*
- 9. Avoiding or minimising noise, air, soil and water pollution;*
- 10. Incorporating methods to ensure the site is free from contamination (including invasive species);*
- 11. Safeguarding and enhancing biodiversity and green infrastructure;*
- 12. Ensuring equality of access by all;*
- 13. Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;*
- 14. Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;*
- 15. Make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change; and*
- 16. Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.*

Local residents have raised a number of concerns regarding the impact that the care home would have on the residential amenities of neighbouring properties. There are three main strands to these concerns:-

- the potential noise and disturbance caused by additional comings and goings, relating to the institutional use of the site;
- the potential disturbance, resulting from the child's behaviour; and,
- the age group of existing residents.

The supporting statement advises that the home would accommodate one child under the age of 18. The applicant has confirmed that the home would be registered with the Care Inspectorate of Wales if Planning permission is granted. It should be noted that

registration with the overseeing body is not a requirement to grant planning permission but is a separate regulatory process.

There will be a fully trained carer looking after the child throughout the day and night apart from when the child is at school. Each carer will work to 12-hour shifts with daily shift changeover times normally taking place at 07.00 and 19.00 hours respectively. The night-time carer will be a night shift worker and must stay awake and available should the child wake and require assistance. Parking will be provided for vehicles at the side of the property with a maximum of two cars at the property at handover time. On the basis, that the staff could all arrive and leave individually, that would result in a minimum of 4 staff movements to and from the property per day.

The handover times (7am and 7pm) are at the quieter times of the day, where comings and goings could be more noticeable and disruptive to nearby residents. However, the property is located on a main road with its own off-street parking and the hand over will take place at times when residents are likely to be leaving for or returning to work. These changeover hours are, therefore, considered to be reasonable.

In terms of the level of amenity, the plot benefits from an enclosed front and rear garden that would provide a form of external amenity area and waste/recycling bin storage areas to potential future residents of the premises. No details have been provided of any regular visitors to the property, however, it would not be reasonable or enforceable in Planning terms to restrict, by use of a Planning condition, who could visit the property and when, as well as the number of visitors present on the site at any one time.

Such a condition would go beyond the remit of the Planning system as it could potentially interfere with the operational functioning of the home, affecting how and when key visitors, such as social workers and health visitors could attend the property. It would also be impossible to monitor.

Whilst the maximum number of children placed at the home is limited to one (and this can be controlled by a Planning condition), the precise operational requirements of the use are not known and will ultimately be controlled by the requirements of the Care Inspectorate of Wales. Previously, temporary Planning permission has been granted to allow a "trial run" in order to assess the effect of the development on the area of such a proposed use, however, a recent appeal decision (Appeal Ref APP/F6915/A/121/3266841) for a similar type of development (subject to this application) against a condition for temporary planning permission was allowed stating that:

Guidance regarding the imposition of planning conditions is set out in the Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular'). Paragraph 5.23 advises that it will rarely be necessary to grant temporary permission for development which conforms with the provisions of the development plan. The material considerations to which regard must be had in granting permission are not limited or made different by a decision to make the permission a temporary one. The reason for granting a temporary permission should never be that a time limit is necessary because of the effect of the development on the amenity of the area.

Therefore, the Inspector found the temporary permission condition and a condition regarding the keeping of an up-to-date register for visitors to the property to be unreasonable and unnecessary. The Inspector also concluded that the removal of these conditions would not result in any harm to the general amenities of the area, amenity of neighbouring residents or result in any conflict with Policy SP2 of the BLDP(2013).

A full copy of the appeal decision has been attached as Appendix A to this report.

In view of the above and in terms of the likely impact on the residential amenities of the neighbouring properties, with particular reference to the immediate residents of Shakespeare Avenue, it is considered that the proposed use, by virtue of the low number of residents, would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality.

It is considered that the level of activity and other likely effects of the use would not significantly exceed what might be expected from the occupation of the existing house by a family. Given the relatively small-scale nature of the use, the level of movements to and from the property is not considered to intensify the use to the extent that it would be incompatible in this a residential area. Accordingly, there are no conditions, except for a cap on the maximum number of children, which could reasonably be imposed to ensure that the information submitted by the applicant is adhered to.

Taking into consideration the above, and the Inspector's recent appeal decision, it is considered that the proposed use as a children's care home for the care of one child under the age of 18 is acceptable and will not have a significant adverse impact on the existing amenities of the neighbouring properties which accords with Policy SP2(12) of the BLDP(2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Residents' perception/fear of crime and antisocial behaviour

The objectors raise concerns that the proposed use will result in antisocial behaviour from the children and from potential visitors to the property due their previous experience of the use of the property for the same use as proposed subject to this application. Whilst it is noted that there is no planning history regarding the previous use of the site as a children's care home, the applicant's agent has also advised that it was not registered or regulated by the Care Inspectorate of Wales, of which the use subject to this application will be fully registered and monitored by the relevant bodies.

The risk of crime and disorder and the perception of it arising from the proposed use is, in some instances, a material Planning consideration. In order to carry weight in the determination of a Planning proposal, fear of crime must be based on sound reasons and there needs to be reasonable evidential basis for that fear. No material planning evidence has been provided to demonstrate this.

Objectors' concerns and anxieties about the proposed use are acknowledged but there is no solid evidence to demonstrate that the change of use of the dwelling to a small children's care home would result in a spike in antisocial behaviour in the neighbourhood. Proposals for care homes are not an uncommon occurrence nationally and Planning appeal decisions relating to similar proposals have concluded that it cannot be assumed that children living in care would be more likely to behave antisocially or create levels of noise over and above children living in a 'traditional' family unit. In appeal decisions Planning Inspectors take note that in a care home children would be cared for by specialist supervising staff and care workers who are able to deal with any situations that might arise.

It is the case that in addition to holding the relevant planning permissions, residential children's homes which accommodate children under 18 years old must be registered with the Care Inspectorate for Wales and it is a criminal offence to run a children's home which is not registered with this body. As part of this registration process, the applicant must demonstrate that they meet certain legal requirements set out within The Care

Standards Act 2000 (Notification) (Wales) Regulations 2011, The Regulation and Inspection of Social Care (Wales) Act 2016 and The Children's Homes (Wales) (Amendment) Regulations 2017. The Care Inspectorate for Wales can take enforcement action where care homes have been shown to fall short of the legal requirements set out within the Acts and can remove a care home's licence. How the care home would function is a process that would need to be agreed as part of the registration process and as this is controlled by other legislation, it is not within the remit of the Planning system to seek to control the day to day functioning of the care home.

No evidence is available to demonstrate that the child living at this care home would create disturbances or cause an increase in other forms of antisocial behaviour. As such, whilst the fear and perception of crime is a material Planning consideration, there is no reasonable evidence base for the fear in this instance. A refusal cannot be justified on the grounds of residents' fear of crime in this case.

Parking and Highways safety

Criterion (6) of Policy SP2 states that developments should have good walking, cycling, public transport and road connections to ensure efficient access to the site and this is supplemented by Supplementary Planning Guidance 17 which requires 1 space per resident staff, 1 space per non-resident staff and 1 visitor's space per 4 beds.

It is noted that the existing dwelling is a 2 bedroom property which would generate a parking requirement for 2 spaces. Currently there is a driveway which can provide two spaces albeit it is constrained by the side porch, however, there is evidence to show a car parked beyond it. The proposed use of a care home for a single child and two non-resident members of care staff would also generate a parking requirement for only 2 spaces (1 per 3 non-resident staff = 1 space + 1 visitor space per 4 beds). Accordingly, the proposed use is not considered to generate any greater movements or parking than the current use a residential dwelling therefore there are no highway capacity or safety concerns and is considered that the parking provision would comply with Policy SP2(6) of the BLDP(2013) and the standards for staff with visitor parking being accommodated on-street states within the Council's Supplementary Planning Guidance SPG17: Parking Standards.

Visual amenities

No material alterations are proposed to the exterior of the building and therefore it is considered that there would be no material harm to the character and appearance of the area which accords with Policy SP2(2) and SP2(3) of the BLDP(2013).

CONCLUSION

This application is recommended for approval because the development complies with Council policy as the proposed children's care home would be a residential type use in a residential area and there is no objection in principle to this use in this location. Also, given the relatively small-scale nature of the use and on the basis of the information provided by the applicant, the proposal is not considered to result in any comings and goings in excess of those which could reasonably be expected in a residential area.

There is no tangible evidence to demonstrate that the creation of a children's care home in this location would result in anti-social behaviour or crime. Whilst the perception and fear of crime can be a material Planning consideration it must be based on sound evidence rather than anecdotal evidence.

It is not within the remit of the Planning system to manage the operation of the care home, as this is covered by other legislation and managed by the Care Inspectorate of Wales.

The care home would have to be registered with the Care Inspectorate of Wales and comply with all the necessary legislation that ensures the care home is run to an appropriate standard.

The proposed parking arrangement would meet the standards set out within Supplementary Planning Guidance 17 and the Highway Authority has not raised any highway safety concerns.

A planning condition has been suggested, restricting the use to a children's care home only and limiting the number of children living in the home to a maximum of one at any one time.

Accordingly, it is considered that, on balance and having taken into consideration the concerns raised by the Local Ward Member, Community Council and local residents, in this case, they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds.

RECOMMENDATION

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

1. The premises shall be used as a residential care home for a maximum of one child and two care providers as specified in the application details 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 safeguarding the general amenities of the area.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background papers

None

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/03/21

gan P J Davies, BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23/4/21

Appeal Decision

Site visit made on 19/03/21

by P J Davies, BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 23rd April 2021

Appeal Ref: APP/F6915/A/21/3266841

Site address: 10 Woodside Avenue, Litchard, Bridgend, CF31 1QF

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr & Mrs Neil Heard against the decision of Bridgend County Borough Council.
- The application Ref: P/20/652/RLX dated 28 August 2020, was refused by notice dated 27 October 2020.
- The application sought planning permission for a change of use from dwelling house (use class C3(a)) to the residential care of 2 children (use class (C2)) without complying with conditions attached to planning permission Ref: P/20/299/FUL dated 23 July 2020.
- The conditions in dispute are Nos 1 and 3.
- Condition 1 states: *'The use hereby permitted shall be discontinued on or before 31 December 2022'*.
- Condition 3 states: *'An up to date register shall be kept at the residential care home (use class C2) premises from the first beneficial C2 occupation of the property. The register shall be made available for inspection by the local planning authority upon request. The register shall contain details of the names and occupations of all visitors to the property, the date, the time of arrival and the time of departure from the property'*.
- The reason given for Condition 1 is: *'To enable the Local Planning Authority to assess the impact the development has on the amenities of the area and to enable the matter to be reviewed at the end of the period of the temporary consent'*.
- The reason given for Condition 3 is: *'To inform the Local Planning Authority of the use of the property at the end of the temporary period'*.

Decision

1. The appeal is allowed and planning permission is granted for a change of use from dwelling house (use class C3(a)) to the residential care of 2 children (use class (C2)) at 10 Woodside Avenue, Litchard, Bridgend, CF31 1QF in accordance with the application Ref: P/20/652/RLX dated 28 August 2020, without compliance with condition numbers 1 and 3 previously imposed on planning permission Ref: P/20/299/FUL dated 23 July 2020 and subject to the following condition:
 - 1) The premises shall be used as a residential care home for a maximum of two children as specified in the application details and for no other purpose including any other purpose in Class C2 of the Town & 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: In the interests of the general amenities of the area (LDP Policy SP2).

Main Issue

2. This is whether the disputed conditions are reasonable and necessary in the interests of the general amenities of the area.

Reasons

3. The appeal property is a 2-storey semi-detached house situated at the head of a cul-de-sac in a built up predominantly residential environment. I observed some on-street parking which has the effect of narrowing the carriageway, but most dwellings have driveways and off-road parking facilities, and traffic speeds and flow are low. The development to which this appeal relates is a residential home providing 24-hour care for a maximum of 2 young people.
4. The Council confirms that the principle of the development is acceptable. Given that a residential use would be compatible with the character of the area, I do not disagree. From the Council's officer report and statement it is evident that whilst it was accepted that the development may not result in excessive comings and goings over and above the existing residential character, given the extent of local concerns, and because the business had not been registered with the Care Inspectorate, Condition 1 was considered reasonable to allow an assessment of the impact on residential amenity to be made. Related to this, Condition 3 was considered necessary to enable sufficient information to be available as evidence to support an assessment under Condition 1.
5. Guidance regarding the imposition of planning conditions is set out in the Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular'). Paragraph 5.23 advises that it will rarely be necessary to grant temporary permission for development which conforms with the provisions of the development plan. The material considerations to which regard must be had in granting permission are not limited or made different by a decision to make the permission a temporary one. The reason for granting a temporary permission should never be that a time limit is necessary because of the effect of the development on the amenity of the area.
6. The development is a small care home that would be occupied by up to two children with associated care workers providing 24-hour supervision and care. Given that the appeal property is a family sized dwelling, the intensity of occupation would be similar to a private family household. I concur that the development would result in a greater propensity for visits from various service providers, however, families can also generate delivery and service traffic and are not exempt from visits from care professionals or emergency services. The scale and occupation level of the care home use would be proportionate to the size of the appeal property, and I consider that the amount of activity associated with either use would not be fundamentally different.
7. I have had regard to the objections from nearby residents and the reported issues around child supervision and anti-social behaviour. However, these are problems that can equally apply to a family household and, in this case, the development would be regulated by care bodies outside the planning system. Taking account of the small-scale nature of the operation, there is little evidence that general activity from the care home would amount to actual harm to residents' living conditions. Similarly, I have had regard to concerns relating to parking congestion and traffic, but there is no

tangible information, such as evidence from the Highway Authority, to demonstrate that the occupancy level of the care home would materially change the volume or flow of traffic to and from the site. The Council does not indicate that any parking standards would be breached and, notwithstanding local concerns, I have no reason to believe that the development would prejudice highway safety interests or cause unacceptable inconvenience to residents.

8. Having regard to the advice in the Circular, I conclude that Conditions 1 and 3 are not reasonable or necessary. Removing the disputed conditions would not result in any harm to the general amenities of the area, or result in any conflict with Policy SP2 of the Bridgend Local Development Plan which seeks high quality, attractive and sustainable places by, amongst other things, ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected.
9. The original permission contained a condition to restrict occupation to a maximum of two children, and I consider that this is necessary to safeguard the amenities of the area. I have therefore reimposed the condition on this permission.
10. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the Act.
11. For the above reasons and having regard to all matters raised, the appeal is allowed.

P J Davies

INSPECTOR