

**REFERENCE:** P/23/291/FUL

**APPLICANT:** Aropa Care Group Ltd c/o C2J Architects, Unit 1A Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

**LOCATION:** 8 Llynfi Court Maesteg CF34 9NJ

**PROPOSAL:** Change of use from dwellinghouse (Use Class C3) to residential care home (Use Class C2) for up to 4 children

**RECEIVED:** 28 April 2023

### **APPLICATION/SITE DESCRIPTION**

The application seeks full planning consent for the change of use of the existing property from Class C3 – Dwellinghouse to Class C2 – Care Home providing supported living for up to four children.



**Figure 1 Site location plan**

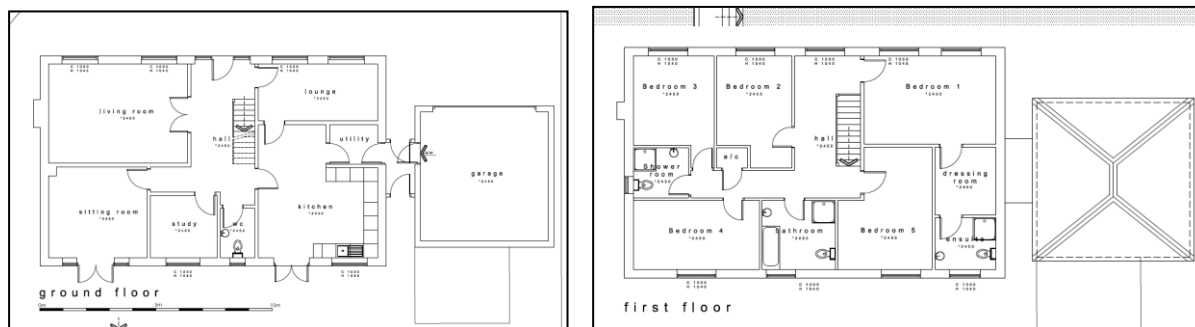
No changes are proposed to the external fabric and appearance of the existing dwelling building whilst limited internal changes are proposed to support the change of use. Key works proposed include:

- One of the bedrooms at the property (five bedrooms currently existing within the property) converted to a staff welfare room
- Ground floor sitting room converted to staff welfare room

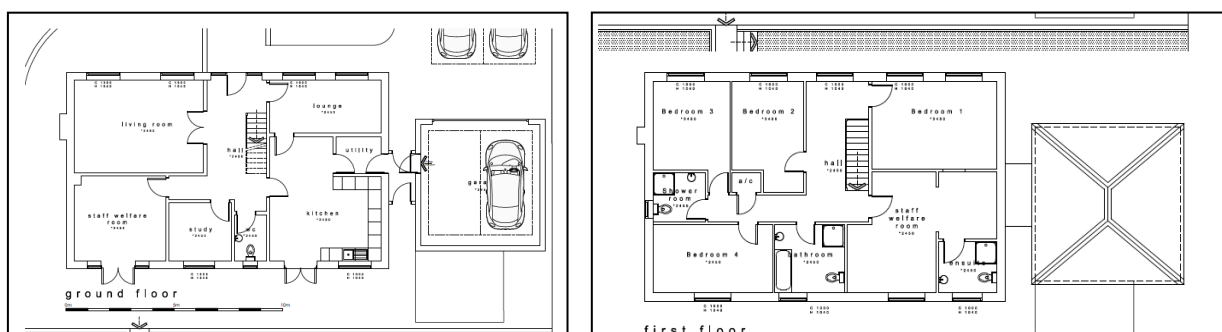


**Figure 2 Photograph of existing front elevation**

Plans of the existing and proposed internal layouts of the property are re-produced below:



**Figure 3 Existing internal layout**



**Figure 4 Proposed internal layout**

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

- The proposal is to change the use of the existing dwelling in order to enable 4 no. children to be cared for on site.
- The applicant (Aropa Care Group Ltd) operates several homes throughout South Wales that provide specialist care for children and this premises will be operated in a similar manner to the other homes.
- Children in the guardianship of Aropa Care Group are usually long-term residents and are being cared for until they are old enough to live independent lives as adults.
- The maximum number of care staff on site at any one time (including a manager) would be four. The care staff and manager would not reside at the property.
- A total of 4 off street car parking spaces would be provided within the curtilage of the site.

The application site is located within the main settlement boundary of Maesteg as defined by the Bridgend Local Development Plan (LDP) Policy PLA1 and comprises a 5-bedroom detached dwellinghouse on a corner plot on this self-build estate developed in the early 2000s.

## RELEVANT HISTORY

None relevant to this application.

## PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 9 June 2023

## **CONSULTATION RESPONSES**

Maesteg Town Council: Have no objection to the proposal

SRS – Shares Regulatory Services: Have no objection to the proposal

South Wales Police Designing Out Crime Officer: Has no objection to the proposal

Highways Officer: Has no objection to the proposal

## **REPRESENTATIONS RECEIVED**

A petition signed by a number of residents within Llynfi Court together with individual objections from the owner/occupiers of 9, 10, 14, 19, 25, 26 & 27 Llynfi Court have been received. The objections relate to: -

- Parking/increased traffic
- Noise
- Increase in waste
- Anti-social behaviour
- Covenant on land restricting commercial use

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The objections raised are addressed in the Appraisal section of this report.

With regards to the restriction of land use by way of a covenant, this is a private legal matter and not a material planning consideration.

## **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

SPG17 – Parking Standards

### **National Planning Policy and Guidance**

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

### **Technical Advice Notes:**

Technical Advice Note 12: Design (2016)

Technical Advice Note 18: Transport (2007)

### **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**

This application is referred to Development Control Committee for determination due to the number of objections received.

The following main issues are considered as part of this report:

- The principle of development
- The potential impact on the amenities of neighbouring residents
- Parking and Highways Safety
- Impact on visual amenities

### **The principle of development**

The application seeks full planning consent for the change of use of a dwellinghouse (Use Class C3) to residential care home (Use Class C2) for up to 4 children and associated works.

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.

In some circumstances, residential dwellinghouses 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 of and operational aspects of care. The C3 use class which encompasses residential dwellinghouses, 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.

The level of daily activity at the site would be more intensive and constant than what might reasonably be expected by even a large dwellinghouse and, as such, the overall character of the use would differ materially from that of a dwellinghouse, and such a proposal represents a material change of use. Therefore, the use would fall within Class C2.

The care is to be provided in a family type environment providing facilities for a maximum of 4 children. The staff members will be working on a shift pattern to cater for the needs of the residents with a maximum of 4 members of staff (including a manager) on site at all times.

The application site is located within the settlement boundary of Maesteg 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 housing development 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 in principle.

As detailed, this large property is situated within the settlement boundary of Maesteg and it is considered that the conversion of an existing dwelling to a care home of the nature proposed, with no major external or internal works proposed and 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 in large self-build units and the introduction of a small-scale care home of the nature proposed, which is appropriate in a residential setting, can be supported.

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

The use as a care home falls within Class C2 of the Town and Country Planning (Use Classes) Order 1987. This class also includes hospitals, boarding schools and residential colleges. A condition would be added to any consent restricting the use to a small care home, which would prevent any further changes to other uses within the same use class. Although the use to a care home is residential in nature, the increased level of care proposed would generate more movements outside the normal scope of a dwelling. However, it is considered that the scale of the proposal would not result in a use that would be detrimental to the general amenities of the area.

In terms of the level of amenity space provided within the site, the plot benefits from a rear garden that would provide a form of external amenity area and waste/recycling bin storage space for the residents of the property.

In terms of the likely impact on the residential amenities of the neighbouring properties, with particular reference to the immediate residents of Llynfi Court, it is considered that the proposed use 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 its occupation as a family dwelling. Given the small-scale nature of the use, the level of movement to and from the property may not intensify to such an extent that it would be incompatible in this residential area.

Whilst the maximum number of children placed at the home is limited to four (and this will be controlled by a Planning condition), the precise operational requirements of the use are not fully known and will ultimately be controlled by the requirements of the Care Inspectorate of Wales. These requirements could result in additional staff, visitors or vehicles movements over the estimates given by the applicant and different shift patterns at times of day which could be more disruptive for nearby residents.

In some circumstances a temporary Planning permission may be appropriate. This includes where a "trial run" is needed in order to assess the effect of the development on the area. In this case, whilst the precise day to day functioning of the care home is not known and there are limited existing examples within the vicinity, the information provided by the applicant indicates that the use could function without materially harming the amenities of nearby residents in terms of noise and disturbance from comings and

goings. As such, there are no conditions except for a cap on the maximum number of children, which could reasonably be imposed.

Objectors raise concerns that the proposed use will exacerbate existing anti-social behaviour in the area. The risk of 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 increased anti-social behaviour must be based on sound reasons and there needs to be reasonable evidential basis for that fear.

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 anti-social 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 anti-socially or create levels of noise over and above children living in a 'traditional' family unit.

Inspectors seem to 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 or gift 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 children living at this care home would create disturbances or cause an increase in other forms of antisocial behaviour over and above what would normally be associated with a regular dwellinghouse. As such, whilst the fear and perception of anti-social behaviour is a material Planning consideration, there is no reasonable evidence base for the fear in this instance and a refusal cannot be justified on the grounds of residents' fear of an increase in anti-social behaviour 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 parking space per 1 residential staff member, 1 parking space per 3 non-resident staff and 1 space per 4 bedrooms.

This equates to:

0 residential staff	0 spaces
5 non-residential staff	2 spaces
4 Bedrooms	1 space
Visitor parking	1 space
<b>Total</b>	<b>4 spaces</b>

The applicant has illustrated on a plan that there are 4 spaces available within the curtilage of the property and, therefore, the proposal meets the requirements of the parking standards.

The Council's Highways Officer has advised: -

*'During the site visit it was noted that the safety bollards have been removed from the footway along the site frontage. It is not entirely clear how the safety bollards were removed; however the bollards are required to ensure pedestrians are protected when using the footway and to ensure that vehicles do not park on the raised plateau area and in close proximity to the junctions. Therefore, the applicant will be required to submit a scheme of bollard replacement to be agreed by the Highway Authority and implemented before beneficial use of the dwelling.'*

*The Highway Authority notes the concerns of the local residents and has taken into consideration the comments provided to the LPA. However, during the site visit there was no evidence of inappropriate on-street parking to levels which would raise a highway safety concern. The vehicles using the highway were traveling at slow speeds commensurate with a cul-de-sac arrangement. There was a vehicle parked in close proximity to the junction and it is considered this can be mitigated by the proposed planning condition to restore the bollards. It was noted that vehicles had parked in the turning head which seemed to be residents, however the obstruction of the highway is a matter for the police and should be reported to them, if a highway safety concern is raised. Therefore, we have no evidence before us that the proposal is likely to lead to a material increase in detriment to Highway Safety.'*

As such, the Highways Officer has no objection to the proposal, subject to conditions.

### **Visual Impact**

No external works are proposed to the building and, as such, the proposed development would have no adverse impacts on the character of the existing property with the scheme as a whole raising no adverse visual amenity concerns.

### **Biodiversity**

Policy SP4 of the Bridgend Local Development Plan, 2013 (LDP) highlights that development which will conserve, and wherever possible enhance the natural environment of the County Borough will be favoured. Policy ENV6 Nature Conservation of the LDP further emphasises development proposals must retain, conserve, restore and enhance wherever possible existing natural features and habitats. Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.

Whilst acknowledging this is a small scale, change of use application, to fully ensure the development proposal meets the requirements of local and national planning policy that *states all development should maintain and enhance biodiversity*, a condition is recommended to ensure an appropriate bird box is introduced at the site in this case.



On the basis that the recommended condition is imposed to any approved consent, the proposal is considered to comply with local and national planning policy as well as the requirements of the Habitats Regulations 1994 (as amended) and Section 6 of the Environment (Wales) Act 2016.

## **CONCLUSION**

Having regard to the above and the objections raised, it is considered that, on balance, the proposal is acceptable in Planning terms. The proposed children's care home would be a 'residential type' use in an existing residential unit and area and there is no objection in principle to this use in this location.

The concerns raised by the neighbours are acknowledged, however, in their case and on balance, they are not considered to outweigh the other material issues connected to the development as to warrant refusal.

The proposed parking arrangements would meet the standards set out within Supplementary Planning Guidance 17 and the Highway Authority has not raised any highway safety concerns apart from seeking the reintroduction of the bollards.

A condition is 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 four at any one time.

Accordingly, it is considered that the proposed development is acceptable in terms of the likely impact on neighbouring amenity levels and therefore accords with Policy SP2 (12) of the Local Development Plan.

## **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:

AL (00) 03 Rev A - received 28 April 2023

AL (00) 04 - received 28 April 2023

Planning Statement - received 28 April 2023

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

2. The premises shall be used as a residential care home for a maximum of four children 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.

3. No development shall commence until a scheme for a staff and visitor parking management plan has been submitted to and approved in writing by the Local Planning Authority. The parking plan shall be implemented before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

4. No development shall commence until a scheme for the provision of safety bollards along the site frontage and raised junction plateaux has been submitted to and approved in writing by the Local Planning Authority. The safety bollard 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. Within 3 months of the date of implementation of this consent, an artificial nesting site for birds shall be erected at the site to one of the following specifications and retained as such thereafter:

Nest Box Specifications for House Sparrow Terrace:

- Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs to be placed under the eaves of buildings.
- Entrance holes: 32mm diameter
- Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

- Wide box with small slit shaped entrance hole placed under or close to roofs.
- Dimensions: H150 x W340 x D150mm

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 11, February 2021) and Policies SP4 and ENV6 of the Bridgend Local Development Plan 2013.

6. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

In order to comply with Condition 4, the applicant will be required to seek the permission to work on the adopted highway. The applicant 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:

- a) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- b) indemnify the County Borough Council against any and all claims arising from such works
- c) give not less than one calendar months' 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.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None