

REFERENCE: P/24/32/FUL

APPLICANT: Mr J Fairley 1 Litchard Rise, Bridgend, CF31 1QH

LOCATION: 67 St John Street Ogmore Vale CF32 7BA

PROPOSAL: Change of use from use class C3 dwellinghouse to C2 residential care home for up to 2 children

RECEIVED: 17 January 2024

DESCRIPTION OF PROPOSED DEVELOPMENT

Retrospective planning permission is sought for the change of use of 67 St John Street, Ogmore Vale from a residential dwelling (Use Class C3) to a care home for 2 children (Use Class C2). The Application is retrospective in nature as the Placements team have advised that they have had to move a single child to this property in advance of securing planning permission.

The Applicant has advised that the staffing levels at the property would depend on the young people's needs however the maximum number of staff at the property at any one time would be 3. The age range of the young people living at the property would be from 5 to 18 years old. The changeover of carers will take place at 7.30am and 9.30pm daily.

In previous Applications of this nature, it has been established that the children to be cared for in these properties are classed as being vulnerable as they come from difficult home circumstances. Whilst some may have learning difficulties, they are victims of circumstances and are simply in need of proper care and attention. As such, they are not offenders and pose no threat to the local community.

No internal or external alterations to the existing building comprising the property are proposed as part of the Application.



Fig. 1: Existing and Proposed Floorplans (unchanged)

SITE DESCRIPTION

The Application site is located within the Local Settlement of Ogmores Vale, as defined by Policy SF1 of Bridgend County Borough Council's adopted Local Development Plan (2024). It comprises a two-storey terraced dwelling which faces the east and is positioned on the western side of St John Street.

The site is situated in a residential area characterised largely by terraced properties. The Application site is bounded by a rear lane to the west. The property is finished in stonework to its elevations and has a tiled roof with white UPVC windows and doors.



Fig. 2: Street View of Property

RELEVANT HISTORY

Application ref.	Description	Decision	Date
P/07/574/FUL	Second Storey Extension To Rear Of Property	Refusal	23/07/2007
P/07/1071/FUL	Proposed Second Floor Bedroom Extension To Rear Of Property	Conditional Consent	12/10/2007

In addition to the above, this Application follows a recent consent for the exact same facility at 57 Walters Road, Ogmores Vale (App. No. P/23/557/FUL refers). Members will recall approving that Application at the 30 November 202, Development Control Committee meeting.

This current Application proposes a likely alternative facility rather than an additional facility to that at 57 Walters Road as it is a replacement property. It is likely that the new owner of 57 Walters Road will apply to convert the premises back to a dwelling (C3).



Aerial plan showing 57 Walters Road (in the south) and the application site

PUBLICITY

This Application has been advertised through direct neighbour notification, as well as being publicised on site, the consultation period for which expired on 28th February 2024.

CONSULTATION RESPONSES

Cllr D Hughes – Concern regarding on-street parking in the area.

Ogmores Vale Community Council – Query regarding the timeline of events and why the Application is submitted retrospectively.

Transportation Officer (Highways) – No objection subject to conditions.

South Wales Police – No objection. Recommendations made to the Applicant regarding the operation of the site.

REPRESENTATIONS RECEIVED

Written representations objecting to the proposal have been received directly from 7 separate addresses located on St John Street, Ogmores Vale.

The reasons for objecting to the Application can be summarised as follows:

- Fear for security of existing residents;
- Lack of parking facilities;
- Highway safety concerns;
- Noise and disturbance of neighbouring residents.

RESPONSE TO REPRESENTATIONS RECEIVED

The following observations are provided in response to the comments / objections raised by local residents: -

Factors to be taken into account in making Planning decisions must be Planning matters, that is they must be relevant to the proposed development and the use of land in the public interest. The matters raised which are considered to be material to the determination of this Application are addressed in the appraisal section of this report.

The concerns relating to the proposed use; its impact on neighbouring amenity; parking and highways concerns; and the perceived fear of crime and anti-social behaviour are addressed in further detail within the appraisal section below.

RELEVANT POLICIES

The relevant policies of the Local Development Plan and supplementary planning guidance are highlighted below:

Policy SF1	Settlement Hierarchy and Urban Management
Policy SP1	Regeneration and Sustainable Growth Strategy
Policy SP3	Design and Sustainable Place Making
Policy SP6	Sustainable Housing Strategy
Policy PLA11	Parking Standards

Supplementary Planning Guidance 17 Parking Standards

In the determination of a planning Application regard should also be given to the local requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning Application:

Future Wales – The National Plan 2040 Planning Policy Wales Edition 12

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being 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 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 the Development Control Committee to consider the objections raised by local residents and the concerns of the Local Ward Member.

An appraisal of the proposals in the context of the relevant material considerations is provided below.

The main issues for consideration in the determination of this Application are the principle of development; the visual impact of the proposal; its impact on residential amenity; the fear of anti-social behaviour; and highway safety.

PRINCIPLE OF DEVELOPMENT

The Application site lies within the Local Settlement of Ogmores Vale, as defined by Policy SF1 of the Local Development Plan (2024). Policy SF1 states that development will be permitted within settlement boundaries at a scale commensurate with the role and function of that local settlement.

The proposal seeks to change the use of an existing dwelling from Class C3 - Dwellinghouse to Class C2 – Small Care Home providing supported living for two looked after children with two members of staff on site at all times. A maximum of 3 members of staff will be at the property at any one time.

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. If this C2 use is granted it would be limited to the care of 2 children and any increase in numbers would require a further Planning permission and that would be assessed on its own merits.

It should also be noted that Use Class C2a is a different Use Class, and a separate planning consent would be required to change from a C2 use (residential institution) to a C2a use (Secure Residential Institution).

The property is to accommodate a maximum of 2 children and 3 adult carers in a residential area which would display many similar features associated with a family dwelling. The changeover of carers would take place at 7.30am and 9.30pm daily.

The Application site is located within the local settlement boundary of Ogmores Vale, as defined by Policy SF1 of the Bridgend Local Development Plan (**LDP**) 2018-2033. 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 SP6 of the LDP and Planning Policy Wales (2024) 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 Policies SF1 and SP1 and Policy SP6 of the Bridgend Local Development Plan (2018-2033) and can be supported in principle.

As detailed, the property is situated within the local settlement boundary of Ogmores Vale, and it is considered that the conversion of an existing dwelling to a care home of the nature proposed would provide a valuable alternative type of living accommodation in the locality. Furthermore, as no major external or internal works are proposed, the visual character of the property would be retained, causing no harm or impact on the character and appearance of the existing area.

The 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, two-person care home which is residential in nature and as such, it would not result in an undue concentration of such 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, it is necessary to consider the aspects of this proposed use and their effect on the amenities of residents in the area.

NEIGHBOUR AMENITY

Planning Policy Wales (Edition 12, February 2024) states at paragraph 2.7 that *placemaking in development decisions happens at all levels and involves considerations at a global scale, including the climate emergency, down to the very local level, such as considering the amenity impact on neighbouring properties and people.*

Policy SP3 of the Local Development Plan (2024) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals and in addition, seeks to ensure that development aligns with the principles of good design.

Some neighbouring residents have raised concerns relating to the noise levels which may be associated with the proposed development. The concerns relate to the potential noise and disturbance caused by additional comings and goings of staff, relating to the institutional use of the site, as well as general noise and disturbance.

The Applicant has advised that the home would accommodate a maximum of two children between the ages of 5 and 18. The home would also need to 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 would be at least two carers on the premises at any one time, providing one to one supervision for the children. Overnight, two carers will remain on the site, one of which will sleep and the other staying awake. The staff handover would take place at 7.30am and 9.30pm.

Parking is likely to be limited to on-street parking, presumably either using St John Street or the public car park to the north of the Application site. The times of the handover of staff shifts, 7.30am and 9.30pm, are at quieter times of the day, where comings and goings are more likely to be noticeable and disruptive to nearby residents. However, the movement of people and their vehicles at these times are not out of the ordinary and could be similarly

attributed to a traditional residential dwelling. The level of disturbance as a result of staff shift patterns is not considered to be significant enough to warrant the refusal of the Application.

The conversion of the building from a residential dwelling to a small-scale care home will likely result in a minor increase in the number of people living within the building comprising the property, which could potentially result in an increase in the noise levels associated with the inhabitants and the property. The noise levels associated with a C2 use, which is a residential use, would be broadly in line with the anticipated noise levels from a C3 dwellinghouse. Any potential for noise increase is not likely to result in a significant detrimental impact to the amenity of neighbouring occupiers.

It is considered 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 the occupation of the building 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.

On balance, the proposal is considered to be acceptable in terms of its impact on neighbouring amenity.

ANTI-SOCIAL BEHAVIOUR

A number of objectors to the Application raise concerns that the proposed use could result in issues of 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 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 anti-social behaviour. 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. A refusal cannot be justified on the grounds of residents' fear of anti-social behaviour.

HIGHWAYS

Policy PLA11 of the adopted Local Development Plan (2024) stipulates that all development will be required to provide appropriate levels of parking in accordance with the adopted parking standards.

The existing 3-bedroom property generates a requirement for 3 off-street parking spaces but does not benefit from any legitimate off-street parking and this would be accommodated as overspill parking on the highway. The proposed conversion of the dwelling house to a 2 bedroom children's home would generate a requirement for 2 off street spaces (based on 3 staff suggested with only one being considered "resident"). The additional visitor parking requirement of $\frac{3}{4}$ space (at a ratio of 1 space per 4 beds) increases the requirement to 3 spaces which is comparable to the existing use and it is considered to be a nil detriment situation.

However, in order to assist in encouraging sustainable travel to the site, a request is made for secure cycle parking to be provided.

On balance and in consideration of the sustainable location of the Application site, as well as the proximity of the site to a public car park, the provision of cycle storage facilities is considered to be acceptable in this instance and the development is considered to be acceptable in highway safety terms.

VISUAL AMENITY

The acceptability of the proposed development is assessed against Policy SP3 of the Local Development Plan (2024) which stipulates that *all development should contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment*. Design should be of the highest quality possible and should be appropriate in scale, size and prominence.

Planning Policy Wales (Edition 12, February 2024) (PPW12) states at paragraph 3.9 that *the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations*.

No external alterations are proposed to the existing building on the property. As such, no further consideration is given to the impact of the development on visual amenity.

CONCLUSION

Having regard to the above and after weighing up the merits of the proposed scheme against the objections and concerns of neighbouring occupiers, it is considered that, on balance, the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and will not have a detrimental

impact on the residential amenities of neighbouring occupiers. Therefore, the Application is recommended for approval.

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 two children as specified in the Application details and for no other use including any other use 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.

2. Notwithstanding the submitted drawings a scheme for the provision of secure cycle storage for 3 cycles shall be submitted to the Local Planning Authority. The agreed scheme shall be provided within 3 months of the date of approval and retained as such thereafter for the purposes of cycle storage.

Reason: In the interests of promoting sustainable means of travel to / from the site.

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

- (a) Having regard to the above and after weighing up the merits of the proposed scheme against the objections and concerns of neighbouring occupiers, it is considered that, on balance, the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and will not have a detrimental impact on the residential amenities of neighbouring occupiers. Therefore, the Application is recommended for approval.
- (b) South Wales Police suggest that a Management Plan (agreed by both Children's Services, BCBC and the Chief Constable of South Wales Police) is put in place and fully operational prior to the premises opening, to ensure that the safeguarding of the children residing at the premises is given the highest priority.

SWP Proposed Management Plan Terms:

- The Children's Home must be registered with Care Inspectorate Wales (CIW).
- No more than 2 Children and/or Young Persons to receive care at the premises at any one time.
- The children in care should have an age range of no more than three years between the oldest and the youngest, at any one time.
- Staff must be suitably qualified to work with children and young persons who have additional, emotional needs and must be suitably vetted.
- There are no less than two staff on duty between 0700hrs and 0800hrs to prepare children for school, or between 1430hrs and 2230hrs.
- There are no less than 2 staff on duty at weekends and during school holidays and normally no less than 1 waking staff at night, to provide support to the children.
- Vehicles used by staff or residents are to be legally parked, where they cause no obstruction to other road users or residents.

- Information must be kept for all children on a “Child Information Form” which would include the most up to date photograph of the child. This is available from the Children’s Services Department of the Local Authority and must be kept up to date and information amended to reflect any changes. This Form (CIF) must be readily available for Police to receive should a child be reported missing, whether that is by telephone or by officers visiting the premises. These plans should be kept on site as they will also include details of any medical arrangements for a child. Data Protection legislation will apply to any documentation of this confidential nature.
- A suitable Fire safety/evacuation plan is in place, agreed by FRS.
- Consultation should be made with the local Policing Inspector prior to opening as this will be key to ensuring that staff, Police and other partner agencies have agreed the terms of any management plan to ensure a safe and clear working relationship.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None