

REFERENCE: P/24/369/FUL

APPLICANT: Serenity Support and Care 16 Derwen Road, Bridgend, CF31 1LH

LOCATION: 26 Ton Rhosyn Brackla CF31 2HU

PROPOSAL: Change of use from Use Class C3 (dwellinghouse) to Use Class C2 to provide care home for one child

RECEIVED: 19 June 2024

APPLICATION/SITE DESCRIPTION

Full planning permission is sought for the change of use from Use Class C3 (dwellinghouse) to Use Class C2 to provide a care home for one child at 26 Ton Rhosyn, Brackla.

The Applicant (Serenity Support and Care) has advised that the staff associated with the property would be 8 in total working in a shift pattern, consisting of a manager, two senior staff members, 2 night shift workers and 3 day shift workers. There would be a maximum of three staff members in the home during daytime hours (two carers and a manager), with two staff members being present at weekends. During night-time hours there would be two staff members on site (one waking staff member and one sleeping staff member). The young people residing at the home will require 2 to 1 support. The shift pattern of staff members would be:

Staff member 1: 07.30 to 21.00 hours

Staff member 2: 08.00 to 23.00 hours (who would also sleep at the property)

Manager: 09.00 to 17.00 hours

Waking night staff member: 21.30 to 08.00 hours

No alterations to the property are proposed to accommodate the change of use.



Figure 1 – Site Location Plan



Figure 2 – Photograph of the existing property & Associated Parking Area

The Application site consists of a two-storey semi-detached property. The dwelling is set back from the line of the adjacent road with a small garden area to the front part of which is enclosed by a short wall. To the rear of the property is an enclosed garden area and beyond that are properties located on Min Y Coed. The property has no on-site parking but does have access to allocated parking in a communal car parking area located approximately 50 metres to the west of the site. Unrestricted on street parking is also available. This location is within the settlement of Brackla with all boundaries of the site adjoining other residential development.

RELEVANT HISTORY

None.

PUBLICITY

Neighbours have been notified of the receipt of the Application.

The period for response to consultations / publicity expired on 19th August 2024.

CONSULTATION RESPONSES

Brackla Community Council: No objection raised

Transportation Officer (Highways): No objection subject to a condition that requires the development is carried out in accordance with the proposed description of development and staffing information.

SRS (Shared Regulatory Services): No objection raised subject to a condition requiring the development be undertaken in accordance with the staffing information provided by the Applicant.

PUBLICITY

Twelve letters of objection have been received in connection with the consultation undertaken (which includes letters from other nearby residents who were not specifically consulted).

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

- Concerns over other uses that a change of use-to-Use Class C2 could permit outside of housing children;
- Negative impact on value of neighbouring properties and rising cost of house and car insurance;
- Fear for security of existing residents and children playing in the street;
- Lack of parking facilities and impact on existing on street parking;
- Inappropriate location for this type of proposal;
- Noise and disturbance of neighbouring residents as well as other anti-social behaviour;
- No engagement by the Applicant has been undertaken with the local community; and,
- The whole street should have been notified of the Application.

RESPONSE TO REPRESENTATIONS RECEIVED

The following observations are provided in response to the comments / objections raised by 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 material to the determination of this Application are addressed in the appraisal section of this report. Other matters such as the impact of a development on property values are not material Planning considerations and will not be addressed further.

It is noted that a comment was made that all the properties in the street should have been notified of the proposal. In this instance all those properties adjoining the Application site (including those on the opposite side of the road to the site) were notified of the Application as these are the properties that are most likely to have an interest in the proposal. Given the scale of the development proposed it was not considered necessary in this instance to extend the formal consultation.

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

PLANNING POLICY

National Planning Policy and Guidance

National Planning Guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (PPW) are of relevance to the determination of this Application.

Paragraph 1.30 of PPW confirms that... *‘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). Para 2.3 states *“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.”*

At Para 2.7 PPW, it states: *“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.”*

PPW states at paragraphs 2.22 and 2.23 that the Planning system should: *“ensure that a post-Covid world has people’s well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being.”*

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 5 – Nature Conservation and Planning (2009).
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 – Transport (2007).

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.

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.

Local Policies

The Development Plan for the area comprises of the Bridgend Replacement Local Development Plan (**RLDP**) 2018-2033 which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:

Strategic Policy

- Policy SP1: Regeneration and Sustainable Growth Strategy
- Policy SP3: Good Design and Sustainable Placemaking
- Policy SP4: Mitigating the Impact of Climate Change
- Policy SP5: Sustainable Transport and Accessibility
- Policy SP6: Sustainable Housing Strategy
- Policy SP17: Conservation and Enhancement of the Natural Environment

Topic Based Policy

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species

Supplementary Planning Guidance

- SPG17 - Parking Standards
- SPG19 - Biodiversity

APPRAISAL

This Application is referred to the Development Control Committee in view of the number of objections received.

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 Brackla, as defined by **Policy SF1** Settlement Hierarchy and Urban Management of the Bridgend Replacement Local Development Plan (RLDP) adopted in 2024. Policy SF1 states that Development will be permitted within settlement boundaries at a scale commensurate with the role and function of the settlement.

The proposal seeks to change the use of the existing dwelling from Use Class C3 (Dwellinghouse) to Use Class C2 (Residential institution - Small Care Home), providing supported living for one child with a maximum of three staff being on site 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.

Concern has been raised by local residents as to what a consent for a C2 Use Class could encompass in respect of the occupants of the property, however, if this C2 use is granted it would be limited to the care of 1 child and any increase in numbers would require a further planning permission which 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 1 child and a maximum of 3 staff in a residential area which would display many similar features associated with a family dwelling. The change-over of carers would take place between 07.30 hours and 21.30 hours daily.

The Application site is located within the local settlement boundary of Brackla, as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Bridgend Replacement Local Development Plan (RLDP) adopted in 2024. 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 RLDP and Planning Policy Wales (2024) which seek to prioritise the use of suitable previously developed land for residential purposes as it can assist regeneration and also 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 the above, the proposed development is considered to accord with Strategic Policies SF1 and SP1 and Policies SP6 of the Bridgend County Borough Local Development Plan (2018-2033) and can be supported in principle.

As detailed, the property is situated within the local settlement boundary of Brackla, 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, one child, 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 climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.”

Criterion (k) of Policy SP3 of the Local Development Plan (adopted 2024) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected by development proposals.

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 one child and would need to be registered with the Care Inspectorate of Wales. It should be noted that registration with the overseeing body is not a requirement to grant planning permission – this is a separate regulatory process.

There would be a maximum of three members of staff on the premises at any one time, providing ‘two-to-one’ supervision for the child. During the daytime this would comprise two carers and a manager and, 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 07.30 hours and 21.30 hours.

Parking will be limited to the one allocated parking space associated with the property together with on-street parking. At handover time, it is assumed that there would be a maximum of 4 members of staff at the premises (if shift patterns for both members of on-site staff are aligned). On the basis that the staff could all arrive and leave independently, this would result in a minimum of 8 staff movements to and from the property per day. The times of the handover, 7.30 hours and 21.30 hours, are at quieter times of the day, when comings and goings are more likely to be more noticeable to nearby residents. However, at the scale proposed, the movement of people and their vehicles at these times would not be 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 so significant to warrant the refusal of the Application.

Residents suggest that the conversion of the building from a residential dwelling to a small-scale care home could result in a minor increase in the number of people living within the building and potentially an increase in the noise levels associated with the occupants. 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. Shared Regulatory Services (SRS) have not raised an objection to the proposal based on the information provided by the Applicant. This is however subject to the imposition of a condition requiring the care facility to be managed in accordance with the staffing requirements indicated.

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 will 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

Several 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. 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 a 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 care home for one child 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 trained 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 a child 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 parking requirement would generate a parking requirement for 3 spaces. Currently there is a single parking space allocated to the dwelling and consequently an element of overspill parking on the highway will occur due to the shortfall in parking, and by visitors to the property.

The proposed use is a care home for a single child, with 3 non-resident members of staff during the day and 1 resident and 1 non-resident staff members overnight. This would generate a parking requirement for only 2 spaces during the day (1 per 3 non-resident staff) = 1 space + 1 visitor space per 4 beds).

Overnight the parking requirement would be 3 spaces (1 per 3 non-resident staff = 1 space + 1 per resident staff = 1 space + 1 visitor space per 4 beds). As such the proposed use is not considered to generate any greater movements or parking than the current use as a residential dwelling therefore there are no highway capacity or safety concerns raised by the Transportation Officer. To ensure that this remains the case it is recommended that a condition be imposed to require that the development shall be carried out in accordance with the proposed description of the development and staffing information provided.

On balance and in consideration of the sustainable location of the Application site and that the car parking requirement of the proposed use will not differ from that as the dwellings use as a private family residence the proposal is acceptable in highway safety terms.

VISUAL AMENITY

The acceptability of the proposed development is assessed against Policy SP3 of the Local Development Plan (adopted 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 by:

- 1. Demonstrating alignment with the principles of good design; and*
- 2. Demonstrating a Sustainable Placemaking approach to their siting, design, construction and operation”*

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.

BIODIVERSITY

In assessing a planning Application, the Local Planning 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, under the Environment (Wales) Act 2016.

Planning Policy Wales 12 (PPW12) states in Section 6.4.4: *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.”* It further goes on to state that *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”*

Technical Advice Note 5: Nature Conservation and Planning states that: *“Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife.”*

Policy SP3 of the adopted Local Development Plan (2024) requires development to Safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP6 states *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning Application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created wherever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species”*

Policy DNP7 states *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”*. Policy DNP8 requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network.

In this case the proposed site is located within the settlement of Brackla, and the proposal involves a change of use from a dwellinghouse to a care home for one child. Given the nature of the proposal and that the site is a residential dwelling with limited biodiversity value within its curtilage, a bird box would be considered sufficient to enhance biodiversity at the site given the limited value. A condition can be imposed to ensure this is implemented. A note can also be attached advising the Applicant of ways that they could enhance biodiversity at this location. As such the proposal is acceptable in terms of Biodiversity.

On balance the proposed development is considered to be compliant with Policy SP3 DNP 6, 7 and 8 of the Local Development Plan (2024) and is therefore acceptable in terms of Biodiversity.

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 conditions: -

1. The premises shall be used as a residential care home for a maximum of one child 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. Prior to the first beneficial occupation of the building hereby permitted, 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. Must be placed under or close to roofs, at least 5m from the ground.
- Dimensions: H150 x W340 x D150mm

Reason: In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012) and to accord with Policy DNP6 of the Bridgend County Borough Local Development Plan (2018-2033) adopted March 2024.

3. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

Having regard to the above and after weighing up the merits of the 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.

The Applicant is advised to incorporate bird and/or bat boxes into the development which would provide summer roosting opportunities for birds/bats and would contribute to the environmental sustainability of the development. Further information can be found on page 46 Section 7.0 of the above SPG. Incorporation biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None