

<b>RECOMMENDATION : GRANT WITH CONDITIONS</b>
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**REFERENCE:** P/15/183/FUL

**APPLICANT:** HOMESTYLE CARE LTD  
THE WHITE HOUSE BRIARY WAY BRACKLA BRIDGEND

**LOCATION:** THE WHITE HOUSE BRIARY WAY BRACKLA BRIDGEND

**PROPOSAL:** CHANGE OF USE OF EXISTING DWELLING TO RESIDENTIAL CARE HOME AND TWO STOREY EXTENSION

**RECEIVED:** 18th March 2015

**SITE INSPECTED:** 20th April 2015

<b>APPLICATION/SITE DESCRIPTION</b>
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The application proposes the change of use of a substantial detached two and a half storey dwelling into a Residential Care Home specialising in care for autistic or similar needs on a full time basis. The care is to be provided in a family type environment and will be geared towards integrating people back into the community. The Care Home will provide facilities for 4 clients on a full time basis and be staffed by 5 permanent members of staff and 7 part time staff with four members of staff working on a one to one basis together with a Manager or Deputy Manager in attendance at any one time. There will be no sleeping facilities required for staff members.

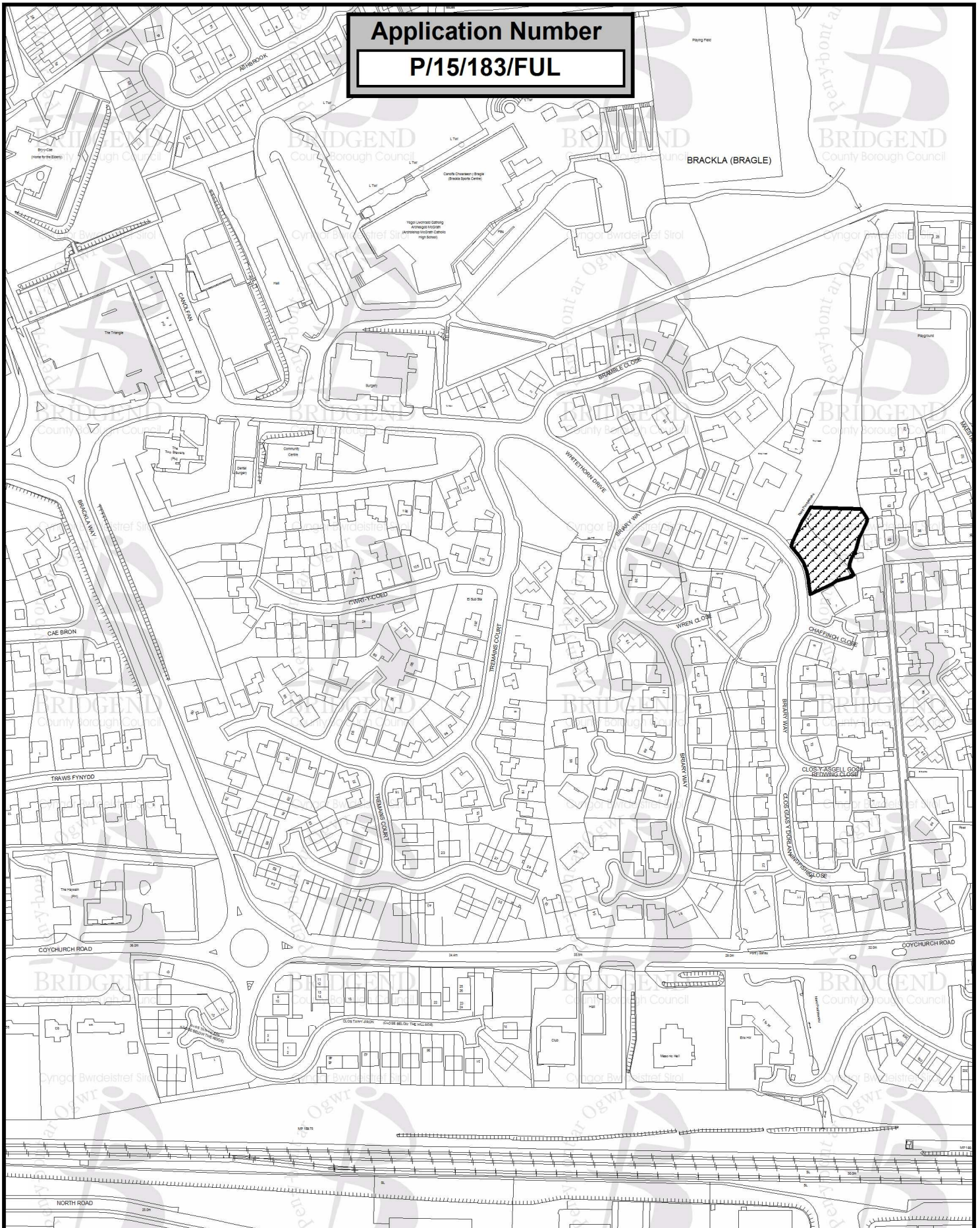
In order to facilitate the change of use some internal alterations to the existing accommodation are proposed. In addition, a one and a half/two storey extension is proposed to be attached to the southern elevation of the property. This element was originally approved in 2014 (P/14/ 806/FUL refers), however it is now intended to use this element to provide sensory rooms, a rebound room, disabled persons toilet and reception area with three bedrooms, bathing facilities, office and store created at first floor level and two further bedrooms and shower in the roof space over at second floor level. The area between the dwelling and the sliding, electrically operated gates has been hard surfaced in block paviours. The gates are set back just over 5m from the back edge of the footway, which is 1.85m wide.

The applicant has advised that he has been made aware of a campaign to generate objections to the development being conducted by some local residents. These campaigners have distributed a circular letter, a copy of which can be made available, encouraging residents to view application documents on the Council website, have suggested that inadequate consultation has been undertaken in respect of the submission and consider the development would be detrimental to the fabric of the neighbourhood and create increased traffic and parking problems. The campaigners have also highlighted that the applicant is a member of the Brackla Community Council and should be bound by the Code of Conduct for members of local authorities.

The applicant points out that the content of the circular letter is somewhat misleading in that the Care Home will not accommodate 6 residents as claimed with only four clients to be accommodated at any one time. Whilst there will be 5 permanent and 7 part time members of staff, a maximum of 5 only including the manager will be present at any one time. Any suggestion that as a Community Councillor, the applicant has not adhered to the Code of Conduct for Members of Local Authorities is utterly refuted by Mr. Williams. It is also highlighted that the operating company, Homestyle Care has developed a close working relationship with Bridgend Council's Social Care Department to ensure that residents will be well cared for in a family type environment. Despite seeking to discuss the issues with persons distributing the circular letter, these persons have declined to speak directly with the applicant.

Application Number

P/15/183/FUL



Scale 1:3,000

Date Issued:  
22/04/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
Council, Civic Offices,  
Angel Street,  
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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## RELEVANT HISTORY

**P/09/645/FUL**                      APPROVED      18-12-2009  
   +conditions  
PROPOSED RESIDENTIAL DEVELOPMENT (1NO. DETACHED DWELLING)

**P/11/405/FUL**                      Retro App +      08-08-2011  
   Conds  
REGULARISE THE BOUNDARY WALL

**P/14/634/FUL**                      Retrospect      24-10-2014  
   Approved  
RETROSPECTIVE APPLICATION FOR TREE HOUSE

**P/14/806/FUL**                      APPROVED      14-01-2015  
   +conditions  
TWO STOREY EXTENSION

## PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expire on 27th April, 2015.

## NEGOTIATIONS

In a letter sent to the applicant's agent concerns in respect of the following issues were raised:-

1. Examination of the submitted plans in respect of the proposed floor plans reveals that, at first floor level, bedroom 2 is effectively being created from the former dressing area, which served the previous master bedroom. The window serving this room is currently obscurely glazed in order to safeguard the privacy of the neighbouring property to the east in Underwood Place. It is not considered appropriate for such an arrangement to serve a bedroom nor would it be acceptable for the window to be replaced with clear glazing as this would infringe the privacy of the adjoining dwelling.

2. In addition, it was highlighted that bedroom one contains no windows as the window, which previously served the master bedroom is now located on the opposite side of a corridor leading to a proposed fire escape.

3. With regard to the proposed fire escape, there is concern that anyone utilising the facility would again overlook the gardens of the properties to the east of the application site. Whilst, it is appreciated that the facility should only be used to provide emergency egress in the event of fire, frequently the platform area is used as an informal balcony area and/or the stairs used as a means of ingress/egress rather than the main entrance.

Amended plans were handed to the case officer during the site inspection on 20th April, 2015. The revisions confirm the omission of the fire escape element, which enables the retention of the existing window within bedroom 1. In addition, bedroom 2 is now to be converted to a store and a corridor created to link bedroom 1 with a bathroom facility. The existing obscurely glazed window, which previously served the former dressing area, will now serve this corridor link. On the basis that the window would not serve a habitable room, the privacy of the neighbouring

property would be preserved.

In addition, it was noted during the site inspection that there is a significant difference in land level between the application site and the adjoining property to the east in Underwood Place such that the eaves height of the application site appears to be level with the ground floor of the dwelling in Underwood Place. It was also noted that a close boarded fence, located on top of a grassed bank and retaining wall runs along the boundary with this neighbour. It is considered that the privacy of the neighbouring property to the east is satisfactorily preserved.

## **CONSULTATION RESPONSES**

### **Town/Community Council Observations**

Notified on 31st March 2015

#### **Councillor J C Spanswick**

Wish to discuss this application further as it appears to be out of accord with the residential street setting. In this regard I wish the application to be referred to Committee for consideration.

#### **Head Of Street Scene (Highways)**

No objection subject to condition.

#### **Head Of Street Scene (Drainage)**

No objection subject to condition.

#### **Natural Resources Wales**

No objection

#### **Welsh Water Developer Services**

In the event that the Authority is minded to approve the development, it is requested that advisory notes are included within the decision notice in order to ensure no detriment to existing residents or the environment or Dwr Cymru/Welsh Water's assets.

## **REPRESENTATIONS RECEIVED**

### **Stephen Rees, 44 Underwood Place**

1 As stipulated in residential and nursing care council the criteria for people who are in need of substantial or critical care needs could mean people who have mental illness this could be a wide range of symptoms from agoraphobia to schizophrenia I personally believe that this is not the correct environment to integrate these vulnerable people into as it is a residential area with many children who are easily impressionable and who also on times can be cruel. Also I am concerned as it is a known fact that people with mental health issues are more likely to have violent outbursts and some one who as two young children I don't want them subjected to unreasonable behaviour

2 I have been resident for 10 years and on purchasing the house was told by redrow that the land would not be developed in a matter of time 3 developments have been built

3 As the proposed development will be in operation 24 hrs a day a increase in traffic and noise will be evident along with environmental issues

4 The house was also designed as a private house therefore how is the extra refuse waste to be contained along with sewage/water

5 Is the proposed development a no smoking site

6 Visitor parking where will they park

7 Security will there be 24 hr or no security

8 Will there be any sexual offenders housed there

9 Negative value on the value of my house

I look forward to your answers and comments on this matter yours Stephen rees

**David Miller, 3 Briary Way**

I strongly object to this application. It states accommodation for at least 6 residents, so how many could it go up to.

It will have 5 permanent and 7 temporary staff and as there could also be visitors to the home and as the site plans show no parking facilities within the grounds of the home, where will they all park.

This is a quiet residential street and the increase in road traffic and the parking problems this will cause is unacceptable and this application should not be allowed.

**Nicola Key, 30 Underwood Place**

Our back garden backs on to this property, it is a very quiet location, and I am deeply concerned about the future on this project going ahead, and the impact it will have on my home.

**W M & B A Jones, 1 The Woods**

Strongly object to the application for reasons, which are summarised below and have registered a request to speak at Committee:-

1. The Residential Care Home will provide facilities to 4 persons in need of full time care, who are suffering on the Autistic Spectrum. The surrounding area is a densely populated residential area with families with young children, elderly people and people living alone. The dwellings are highly expensive and residents are quiet and well behaved. We do not consider this location is suitable for this type of facility.

2. The application site lies in close proximity to the objector's home and there is concern regarding noise and anti-social behaviour in the rear garden of the application site with a fear that future occupants may be prone to screaming fits.

3. Additional noise and disturbance from additional traffic resulting from staff, visitors, doctors arriving at the property. The electric gates at the front of the property can also be slow to open and noisy, with the potential for cars waiting to enter potentially queuing and blocking the entrance to the private drive serving the objector's home.

4. Already experience problems from residents occupying the adjoining property The Woods, which is owned and operated by the current applicant. A number of examples of anti-social behaviour have been highlighted including noise, foul language and disturbance from taxis dropping off residents in the early hours of the morning. The same Company will operate the new enterprise and we are not confident that the premises will be operated in a reasonable manner.

5. The development will result in objector being sandwiched between the two facilities to the detriment of residential amenity.

6. The proposed development will impact on 10-12 properties in the area adversely impacting on the quality of life of local residents and resulting in loss of value in the event of sale.

The full observations can be reproduced if required.

**Adele Treharne, 6 Redwing Close**

I have great concern with this proposal of change of use to property.

My concerns are:

- 1 - on reading the 'Homestyle care ltd' website it states that their residents have mental health issues and complex and challenging needs, I have grandchildren living with me who play out in the street and I fear for their safety.
- 2 - increase of vehicles due to staff and any outside agencies that the residents will need.
- 3 - the property entrance is situated on a bend and with the increase of vehicle's will cause disruption to residents in the joining streets.
- 4 - the increase in traffic will again be a factor in my grandchildren's safety.
- 5 - increase in noise.
- 6 - the surrounding area to the proposed property is a well respected sought after area and I feel that the change of use of property would have an adverse affect on the area.
- 7 - decrease in the value of my house should I wish to sell.

**Mrs J Mcardle, 11 Briary Way**

We have serious concerns+ object all aspects of proposals

**Spephen & Jane Price, 46 Briary Way**

This is a totally residential area, with a high percentage of retired residents, if this planning application is successful you would be setting a precedent for other residents to convert their homes to businesses.

It would result in additional traffic at shift change (day and night)

Feel it would have an adverse impact on this relatively quiet area of Brackla

**B C & M C Kilby, 78 Briary Way**

- 1 The proposed change of use is not suitable for the area.
- 2 The development will cause a nuisance from the noise of traffic coming and going.
- 3 We believe the development will adversely affect us.
- 4 The development will have a adverse impact on the area as a whole.

**Alan Gifford, Briary Wood**

Supports the application and is please to see someone doing something positive for the proposed residents.

**Ian Hedley, 10 Briary Way**

Hedley Part 2

Briary Way is an attractive street with a charm which attracts people to buy here. This business development submitted by Mr Williams will destroy the very fabric of the area and all residents of the street and surrounding area are vehemently opposed to the proposal. There will certainly be increased traffic at all times of the day and night, which will cause parking issues and cause nuisance. There are several elderly residents living in very close proximity to the White House who did not know of the proposal and they have voiced their own concerns and they are extremely afraid of what the future holds.

It is evident to most Briary Way residents that Mr Williams has desperately been trying to sell his house for sometime without success. The White House is a large 6 bedroom property with numerous rooms and did not require an extension to be built given that Mr Williams lives there with his partner and only child. This only adds to the speculation that his application to build an extension which was approved in December was pre-meditated and a smoke screen to hide his true intent.

I believe that due diligence has not been carried out sufficiently throughout this planning application and would like the full planning committee to hold a review of the plans, intent, and falsities of this whole proposal taking into account the observations I have detailed in this submission.

**Ian Hedley, 10 Briary Way**



## Mr Hedley Part 1

The Applicant is Mr Gareth Williams, who states his company as Homestyle Care giving his address as the White House, Briary Way. Mr Williams does not have a company called Homestyle Care and has falsified his details. Homestyle Care is run by Mr Robert Sage with his wife Lisa, and are the only 2 directors. The address for Homestyle Care is Poplar House, 14 Poplar Avenue, Porthcawl, Mid Glamorgan. They are linked to Mr Williams by virtue that Homestyle Care is registered at 10 Garth Drive, Brackla Industrial Estate. This is also the address as Mr Williams' other companies.

Design and Access Statement 18/03/2015 Application Details. The agent states "a similar care facility is currently provide in Porthcawl and that his client wishes to locate to Brackla." This is a false statement as Mr Williams does not own the care facility in Porthcawl and therefore has nothing to relocate. Additionally, Poplar House has recently been refurbished to a high standard making you wonder why Homestyle Care would need to relocate.

Design and Access Statement dated 30/03/2015 states that the site provides easy walking areas to all facilities, shops, etc. To access the shops etc, there is a steep hill to climb and it is also 1/4 of a mile to the nearest bus stand up this hill which would be challenging for wheelchair bound residents. In contrast, Poplar House is on level ground and boasts that is within walking distance of shops, caf 's, beaches, parks, bus stops etc.; far more than what is on offer in Brackla.

Design and Access Statement dated 30/03/2015 states that the new 2 storey extension has the benefit of Planning Permission. This planning P/14/806/FUL was for a games room and is different to that proposed for the Rebound room in the new application. Decision Notice for 2 storey extension, page 3 para a. states that any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. P/15/183/FUL should be considered as a new application.

Why would Mr Williams apply for an extension 3 months earlier only to re-submit new plans once he had P/14/806/FUL approved?

Proposed Elevation and Site and Ground Floor Plans submitted on 19/03/2015 are incorrect as these are original build plans dated July 2009. Proposed plans exclude what the completed house would look like with the fire escape and new extension. This contravenes BCBC policy which requires properly drawn up plans showing the building or land as it is now and the proposed changes.

Plans state car parking spaces for 8 cars but there will only be enough room for 4 cars given they need space to manoeuvre. Lack of parking will result in staff and visitors parking on the street on a dangerous bend in the road. There have been numerous near misses on this corner over the years and also we are seeing more cars half parked on the pavement causing pedestrians to cross over the road to the opposite pavement.

Concerns iaw Building Regulations Approved Document B, that the cars parked in the property could hamper access to fire vehicles in the event of a fire. Also concerns that the requirements for fire vehicle access and the design of access routes listed in section 16 would not be met.

Concerns about the fabric and materials of the building being suitable for a residential home as it has been constructed as a domestic dwelling.

Fire Safety Risk Assessment for Residential Homes states about the Final exit doors and escape away from the premises. The White House has a 2 m wall surrounding the property and access is controlled by an electric gate. This gate has broken down several times and in the event of a fire, this could hinder escape for residents whilst also stopping fire crews from accessing the property.

The Schedule of Restrictive Covenants states that the land should not be used for any trade or business or permit or suffer anything which could become a nuisance.

**T & D Warren, 9 Briary Way**

Objects to the proposals for reasons including suitability of location for a Care Home, increase in traffic, location on a dangerous bend and increase in noise.

**Neil & Keri Morris, 17 Briary Way**

I am extremely concerned about this application. Briary Way is currently a desired street within Brackla, by having this approved would prove to be of detriment on the street. I'd also like to know why Mr Williams has applied for this when he is no part of Homestyle Care? The only link I have found is that he shares a registered office with them on Brackla Ind Est. I also believe that BCBC have not completed a full due diligence with regard to this & would remind you that as councillor Mr Williams has to abide by The Code of Conduct for members of local authorities in Wales. There will be increased traffic to the street which is a major concern due to the number of children who play in the street. We have already notice an increased police presence regarding another so called care home in The Woods, just off Briary Way. I believe this has not had planning approved for a business & would urge BCBC to investigate this.

**Neil & Keri Morris, 17 Briary Way**

I have numerous objections to this. It states in the deeds of Briary Way that no business shall be run from a property in the street. There will be increased traffic which will end up being parked on the street which will cause obstructions and there have been a number of near misses on the bend where the White House is. Mr Williams does not own Homestyle Care so how can he be applying for planning under this name? It's bad enough he was granted permission to build a house which is not in the style of Briary Way & was also granted permission to knock down trees protected by a preservation order. The trees he planted instead are not an acceptable alternative. There would be a fire/health & safety issue due to the electric gate which has failed to work on several occasions.

**Andrew Macleod, Briary Way**

We strongly object to this planning application for a change of dwelling to a residential care home and therefore a two storey extension , which is contradictory to the planning. NEWLY ELECTED Brackla councillor Mr Gareth Williams has not considered the local residents or area in this matter. There is definitely not enough room for parking. There is already a care residence that is rented out by Mr. Williams nearby and we have a high volume of taxis and police back and for to this residence. We are worried that the street will be used for parking which incidentally is on a bend. Small children use this pavement to walk to the nearby school. Elderly people live nearby and may have difficulty navigating the pavement if cars are parked on it. Referring to your planning act 1990 section 6 Mr Williams has ticked no to a new vehicle access. Today Mr. Williams began to cut into the pavement to create a new access. We fear as this is a closed off residence how in the event of fire or any emergency vehicles will be able to effectively access the property. As stated in the schedule of restrictive covenants, item 3.4 not to convert any private dwelling house into two or more tenements or flats. So as stated by Mrs E Woolley the proposed development appears to comply with planning application I urge you to reconsider. NEWLY ELECTED councillor Mr. Williams was not pleased with our democratic right to inform the neighbours and threatened solicitors letters to some of our residents. We are aware that this is a business and have found anomalies relating to this project. We as residents have collated information and can pass this to yourselves and the local media.

**Gareth Davies, 14 Briary Way**

1)If the application is for a change of use, do you think that the proposed use is suitable for the area?

I do not think that the proposed use is suitable as this is a totally residential area and it does not seem appropriate to have a change of use for business purposes directly in the middle of residential homes.

The application itself does not appear to be accurate as it names Gareth Williams and the Limited Company as the applicants at the home address (The White House), whereas Mr



Williams does not appear to be a director or official of the company and the company is not registered at that address. The Application also states that there will be a change from residential usage but the details are not completed in sections 18 and 19 as to what type of business the proposed usage is for.

2)Do you think that the development will affect you by way of loss of daylight, overshadowing, loss of privacy?

No

3)Do you think that the development will cause you any nuisance or disturbance for example from noise, traffic coming and going?

The planning application advises that there will be 5 permanent and 7 part time staff and whilst the plans say there will be parking available within the existing property boundaries, I cannot see that there is sufficient parking for the staff alone, never mind the visitors, relatives etc. Especially when you consider more ground is to be taken up with the proposed extension. Also with the type of facility being proposed, there is likely to be a number of meetings at the property with social workers, care workers, local government officials etc. , which will all require additional parking available. This will mean that a lot of traffic will end up parking outside the property on a 'blind bend', on the pavements etc. this will prove to be very dangerous for all residents and children using the street and the pavements.

The noise pollution caused by all this traffic and people coming to and from the property is also not suitable for a quiet residential area such as this.

As the residents of the proposed care home will require daily care, their behaviour may not be suitable for local children walking to and from the nearby schools, playing in the street etc. Mr Williams is already letting another property he owns (within a few metres of the White House) to people who need care such as the proposed residents and these are already causing some disturbances with their behaviour (for example after coming home from the pub late at night). There has been an increase in traffic to this property with taxis beeping, often again late night, and police cars being called or visiting etc. The additional traffic is also likely to cause more noise pollution.

4)Do you think that the development will adversely affect you in any way?

Likely to be affected by the traffic increase, particularly the parking on the blind bend and noise disturbance as well as the general quietness of the street.

5)Do you think that the development will have any adverse impact on the area as a whole?

The traffic, noise, type of business and points mentioned above I believe will adversely impact the area as a whole.

**Mr C Evans, 8 Redwing Close**

Due to the location of this property, which was erected as a family home, I have concerns over the proposed further development on such a small plot. It has been stated there will be at least 6 residents, 5 permanent and 7 temporary staff. The location is on bend in the road. The existing resident parks vehicles outside the premises on occasions. Where would the vehicles of potential employees be parked during their working hours?

**A J & I A L Davies, Briary Way**

Strongly objects to the proposal for the reasons summarised below:-

1. Proposals not sufficiently precise in respect of numbers of residents;
2. Inappropriate location as young adults with learning difficulties/mental health issues could pose a high risk and a danger to young families in the area;
3. Additional traffic
4. Potential that residents may roam freely posing a threat to the community;
5. Applicant seeking personal financial gain at the expense of the neighbourhood;
6. Devaluation of property if development approved

**Keith Hughes, 18 Bramble Close**

Firstly, I do not feel that BCBC have met the minimum statutory requirements under Article 13 of the Development Management Procedure Order in consulting the whole of BRIARFIELDS residents, as the potential implications of the change of use proposed under this application could well impact on us all. Not even having the decency to display a site notice near THE WHITE HOUSE to alert the very constituents that Mr. Williams as a Brackla Community Councillor represents is somewhat underhand in my opinion.

I also wish to register the following points in registering my objection to the change of use proposal:-

current Human Rights Law means that residents are entitled to a 'no locked door policy' allowing them free access to the local community. BRIARFIELDS is a quiet respectable community with a good mix of age groups and the prospect of having young adults (whose primary care needs relate to learning difficulties but they may have associated mental health problems and complex and challenging needs), freely accessing the area is very concerning.

The change of use proposed is not in character with the area and so far as my research has revealed to date not included in any Local Development Plan.

Integrating of young people with demanding needs is important but I do not feel that BRIARFIELDS is in any way the right place as I understand that there are already issues concerning Mr. Williams other property at BRIARY WOODS where three adults are already looked after.

When BRIARYWOODS was placed on the market BCBC planning gave permission for one property to be built on the site with a large raft of conservation requirements having previously denied EASTLAKE BUILDERS (A VERY REPUTABLE BUILDER WITH GOOD STANDING IN THE DEVELOPMENT) Mr. WILLIAMS has now built four properties on the site with the approval of BCBC and in fairness he has improved the whole outlook of the previous Eastlake site office base.

However, I am really concerned with the change of use proposed for his main residence and knowing that BCBC have already demonstrated their willingness to allow additional properties at BRIARYWOODS I suspect that this will not be the last planning application that we need to be alert to!!

Whilst most residents would agree with me in supporting new job creation I have been led to understand that the positions mentioned in the proposal could well be existing jobs with Homestyle Care LTD being relocated from Porthcawl.

Whilst additional traffic and parking flows will no doubt impact in an adverse way on the immediate neighbours I do not expect it to affect myself.

However I do feel that if the proposal is accepted and pursued the likely value of the surrounding properties is likely to fall (as discussed with local estate agents). We are all aware that BCBC are not in a position to reimburse residents for any such shortfall under current case law.

Finally, whilst I have no objection to Mr. WILLIAMS seeking to profit from his residence I do not feel it should be at the expense of the BRIARFIELDS residents who is was appointed to look after their interests and needs.

**Wynfred Marien Loveluck, 8 Bramble Close,**

I wish to object most strongly to the Change of Use of The White House from a family home, to that of a Limited Company, opening the door to applications for any sort of commercial venture "for profit". I am interested to know the owners motive.

The occupancy by "challengingly disturbed" young people (whilst a noble cause) would undoubtedly create an immediate fall in value of all properties in Briary Way. Not something to be welcomed by owner occupiers.

The extra foot fall ensuing - the whole of the estate being connected by walk-ways - fills me with concern. The residents of Bramble Close already experience damage to their rear fences from young adult users of the Path backing their homes, not to mention random objects being thrown into gardens, including large rocks. I fear my quality of life will be severely reduced by constant worry as to what will happen next with a new invasion of privacy by young challenged adults wandering around the estate.

**Amanda Parsons, 12 Kingfisher Close,**

As a resident in this area and having to pass this property several times a day, I do have concerns regarding parking issues. This property is situated on a corner and on occasions even one vehicle can cause a problem (the application states that there will be 7 staff plus then any health visitors as well as family/friends) in summary I feel that there will be a parking issue which will cause a danger to cars on the bend and to residents on the footpaths.

#### **COMMENTS ON REPRESENTATIONS RECEIVED**

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

**Suitability of Location for Type of Use** - Whilst objectors consider that the establishment of a Residential Care Home providing care for autistic or similar needs persons at the application site to be inappropriate, it is considered that the facility will provide residential care for up to four occupying the property as if living as a family. Notwithstanding the provision of care on a one to one basis for the residents, the use of the property will remain residential in this residential area.

**Fear of Disturbance and Anti-Social Behaviour of Occupants** - The objectors have expressed concerns in respect of noise and anti-social behaviour from future occupants on the basis of their disabilities. One objector is fearful that future occupants may have violent outbursts. However, the applicant has highlighted that care is to be provided on a one to one basis throughout the day and in this regard, it is considered that the occupants will be no more likely to disturb or adversely impact on neighbours than any other family.

**Traffic, Parking & Noise** - Whilst the property will provide accommodation for four clients, who will be cared for on a one to one basis together with a Manager or Deputy Manager also in attendance, it was noted during the site inspection that the forecourt area of the property is capable of accommodating a significant number of vehicles within the gated area. Given that staff vehicles are likely to be parked for the duration of their shift rotation, it is considered that the level of noise and disturbance would not be so significantly greater than if the property were to be occupied by a large family. The Highways Department has assessed the parking requirements against the Authority's adopted Supplementary Planning Guidance 17 : Parking Standards. A condition ensure the submission of a scheme demonstrating that the required number of spaces will be laid out.

**Extra Refuse & Sewage** - It is considered that the proposed use will be unlikely to generate significantly increased amounts of refuse or waste above that generated in normal family occupation.

**Smoking Restrictions** - The prohibition of smoking at the premises would be a matter controlled by other regulations and the issue is not considered relevant to the assessment of the planning merits of the development.

**Visitor Parking** - The substantial forecourt area, which is already hard surfaced is capable of accommodating sufficient parking spaces to serve the development. As indicated above the Highways Department has suggested that a scheme demonstrating the parking layout be required by condition to ensure the provision of adequate facilities for visitors in addition to staff provision.

**Security** - The submission does not clarify whether there is to be 24 hour security, however, the application site is enclosed by electrically controlled gates at the front onto Briary Way and fencing encloses the side and rear garden separating it from the stream that runs along the western site boundary.

**Occupancy** - One objector has queried whether sexual offenders will be accommodated - The Design and Access Statement, which accompanies the submission has clarified that the

premises will specialise in providing care for persons on the autistic spectrum or similar needs.

Devaluation - Objectors believe the development will adversely impact on the value of their properties but this is not material to the consideration of the planning merits of the scheme.

Capabilities of Operators - One objector highlights that the company operated by the applicant already operates a house adjacent to their home and has listed problems that they have experienced from occupants of this dwelling. The objector has questioned that capability of the company to operate the proposed development. The property identified by this objector has been investigated in 2014 when it was found to be occupied on a shared basis by four persons and notwithstanding that the occupants may require an element of care, this was not considered to constitute a material change of use of the property. In that instance, it was considered that planning permission was not required for the use of the property. In the event that the objector remains concerned about the professional capabilities of the carers or level of care provided to residents, this would be a matter to be resolved by Care Regulators not the planning system.

Fear of Occupants - One objector considers that future occupants may threaten or cause local residents to fear for their safety. As previously stated, care is to be provided on a one to one basis and the application site is enclosed by security gates so it would appear that future occupiers would have limited contact with surrounding residents.

A number of email observations have been received from a number of occupiers of Briary Way in which issues relating to the applicant's business status and his reasons for submitting the application, the applicant's conduct as a Community Councillor, the sustainability of the location in terms of access to amenities, questioning the motives behind the earlier consented application for the two storey extension, the accuracy of the submitted plans in that the fire escape is not shown, space within the curtilage for parking, building regulation matters, restrictive covenants, increased traffic and parking problems and finally that the Authority has not been duly diligent in reviewing the plans, intent and alleged falsities in the submission.

Many of the matters referred to in the letter such as the applicant's business status, that the applicant is a Community Councillor on the Brackla Community Council, motivations for this or any previous applications, building regulations and restrictive covenants are not relevant to the assessment of the planning merits of the proposal. With regard to the issue of car parking, as previously indicated, the Highways Department is satisfied that subject to a condition requiring the submission of a scheme showing the layout of parking spaces, the development can meet with the Authority's parking standards. In this regard it is clarified that whilst the application form refers to 5 permanent and 7 part time staff, there will only be four staff together with the Manager or Deputy Manager present at any one time. In respect of the accuracy of the plans, it is highlighted that the fire escape has been omitted from the scheme and updated elevational drawings obtained from the applicant's agent.

One objector has advised that work to create a new access appears to have been commenced in the last few days. The extent of this work will be separately investigated by the Enforcement Officer but in planning terms, the creation of a vehicular access from a non classified highway does not require planning permission. It is emphasised that any works within highway limits would be controlled by the Highways Maintenance Manager.

## **APPRAISAL**

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

The application seeks consent for the change of use of a substantial detached two and a half storey dwelling into a Residential Care Home specialising in care for autistic or similar needs on a full time basis. The care is to be provided in a family type environment and will be geared towards integrating people back into the community. The Care Home will provide facilities for 4

clients on a full time basis and be staffed by 5 permanent members of staff and 7 part time staff with four members of staff working on a one to one basis together with a Manager or Deputy Manager in attendance at any one time. There will be no sleeping facilities required for staff members.

In order to facilitate the change of use some internal alterations to the existing accommodation are proposed. In addition, a one and a half/two storey extension is proposed to be attached to the southern elevation of the property. This element was originally approved in 2014 (P/14/ 806/FUL refers), however it is now intended to use this element to provide sensory rooms, a rebound room, disabled persons toilet and reception area with three bedrooms, bathing facilities, office and store created at first floor level and two further bedrooms and shower in the roof space over at second floor level. The area between the dwelling and the sliding, electrically operated gates has been hard surfaced in block pavements. The gates are set back just over 5m from the back edge of the footway, which is 1.85m wide.

The application site is located on the north eastern side of Briary Way adjacent to a sweeping bend in the highway. A stream runs along the western site boundary and a private drive serving two detached properties known as The Woods runs on the western bank of the stream. An area of mature trees is located on the south-eastern site boundary. It was noted during the site inspection that there is a significant difference in land level between the application site and the neighbouring dwellings to the east in Underwood Place such that the eaves of the application site appear to be at land level to the properties in Underwood Place.

In terms of development plan policy, this application for the change of use of the property falls to be assessed against Policy SP2 of the Bridgend Local Development Plan. This Policy requires that 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 character and distinctiveness and landscape character;
3. Being appropriate to the scale, size and prominence;
4. Using land efficiently by:-
  - (i) being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; &
  - (ii) having a preference for development on previously developed land over greenfield land;
5. Providing for an appropriate mix of land uses;
6. Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;
7. Minimising opportunities for crime to be generated or increased;
8. Avoiding or minimizing noise, air, soil and water pollution;
9. Incorporating methods to ensure the site is free from contamination (including invasive species);
10. Safeguarding and enhancing biodiversity and green infrastructure;
11. Ensuring equality of access by all;
12. Ensuring that the viability and amenity of neighbouring uses and their occupiers will not be adversely affected;
13. Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;
14. Make a positive contribution towards tackling the causes of and adapting to the impacts of Climate Change; and
15. Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.

As a change of use to an existing dwelling, the majority of the above criteria are not particularly

relevant to the development, however, issues relating to access, parking, security/crime, refuse collection and foul drainage and the amenities of neighbouring properties have been raised by objectors and addressed in the previous section of the report providing comments on representations received. With regard to sewage, the Land Drainage Department has suggested a condition requiring a drainage scheme. It is noted that the development largely relates to a change of use with no alteration to existing foul drainage arrangements. The proposed extension is also to be constructed on an existing hard surfaced area and therefore there will be no increase in surface water drainage. The suggested condition is, therefore, not considered to be necessary. It is considered that subject to conditions controlling the numbers of clients to be accommodated and requiring a scheme to demonstrate the provision of adequate parking facilities, the development is compatible with the Local Development Plan.

During the processing of the application Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17 - Parking Standards were considered.

## **CONCLUSION**

The application is recommended for approval as the development complies with Council Policy and guidelines and will not adversely impact on highway safety, visual amenity, privacy nor so significantly harm the residential amenities of neighbouring occupiers as to warrant refusal of the scheme.

## **RECOMMENDATION**

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

- 1 The use of the property as a Residential Care Home shall accommodate a maximum of four residents in need of care at any one time.

Reason : To ensure that the Local Planning Authority retains effective control over the use of the property.

- 2 The development shall not be brought into beneficial use until a scheme for the provision of three parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details with the spaces individually demarcated in permanent materials prior to the commencement of the use as a Residential Care Home and retained as the car parking area in perpetuity.

Reason: To ensure adequate off street parking is provided in the interests of highway safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The application is recommended for approval as the development complies with Council Policy and guidelines and will not adversely impact on highway safety, visual amenity, privacy nor so significantly harm the residential amenities of neighbouring occupiers as to warrant refusal of the scheme.

(b) The observations of Dwr Cymru/Welsh Water are attached for the developer's information and consideration.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

## **Background Papers**

None