

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2021/0567	<u>DATE:</u> 07/06/2021
PROPOSAL:	Change of use from a Dwellinghouse (C3) to a children's home (C2)
LOCATION:	4 Dalrymple Street, Aberavon, Port Talbot, SA12 6DY
APPLICANT:	Mr Simon Bujega - Bespoke Care Group Ltd
TYPE:	Full Plans
WARD:	Aberavon

BACKGROUND

Cllr Stephanie Lynch requested on 14th July 2021 that this application be determined at Planning Committee having regard to the proposal potentially creating anti-social behaviour and its effect on highway and pedestrian safety by virtue of its limited parking provision.

The 'call-in' Panel subsequently met and agreed on 2nd August 2021 that the application should be determined at Planning Committee on the above grounds.

SITE AND CONTEXT

The application site relates to a terraced residential property located at 4 Dalrymple Street, Aberavon, Port Talbot, SA12 6DY.

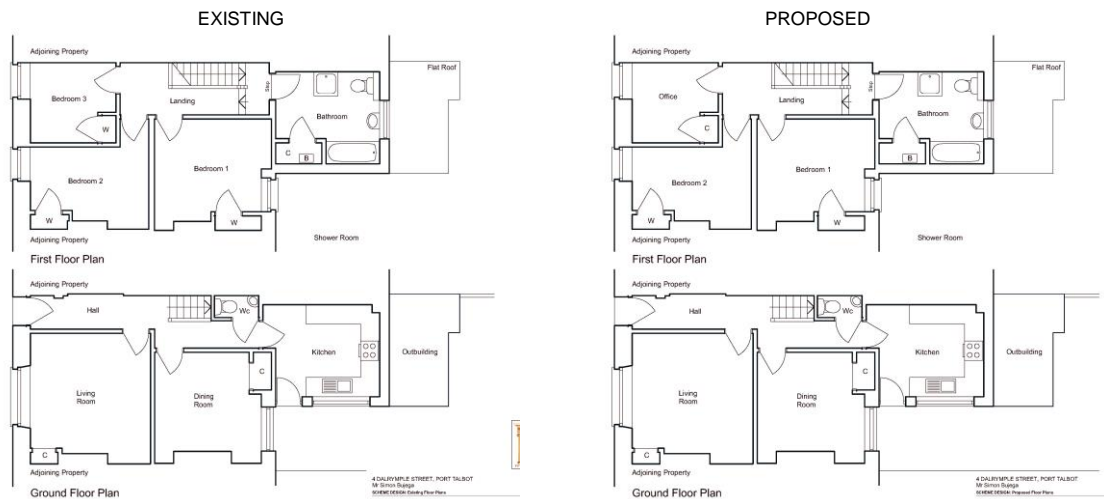
Council records show the premises has historically been occupied as a House of Multiple Occupation (HMO) between at least 2000 until 2019 with all of the enforcement interactions concerning the property by the Environmental Health, Housing Enforcement Team having been conducted on the basis of it being a HMO. Therefore it should be noted that for most of the last 2 decades, multiple occupancy has been the norm at this premises, although in planning terms its authorised use is a Class C3 dwelling (not a Class C4 HMO which came into effect in 2016),

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the change of use of the property from a residential unit (Use Class C3) to a children's home (Use Class C2).

The existing plans (below) identify that the property has three existing bedrooms at first floor, with the submitted documentation not detailing any external alterations to the property, with the only internal alterations comprising changing one of the bedrooms to an office.

The application forms state that there will be four staff, with the applicant having verbally confirmed that only two staff would be present at any one time.



All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

NEGOTIATIONS

None

PLANNING HISTORY

The application site has no relevant planning history.

CONSULTATIONS

Environmental Health: No objections

Head of Engineering and Transport (Highways): No objections

REPRESENTATIONS

The neighbouring properties were consulted on June 7th 2021

In response, to date 7 no. representations have been received, with the issues raised summarised as follows: -

- Concerns from neighbouring properties with regard how close their houses are to the change of use.
- A Children's home is completely inappropriate to be positioned at this location.
- Noise and disturbance generated as a by-product of the use.
- Increase vehicular congestion given the limited parking provision offered on the street.
- It is an inappropriate location for 15-19 year old children released from the Criminal justice system to reside
- The affect the development will have on resident's mental well-being.
- The area is already housing a lot of societies vulnerable families, drug users and has a number of shared housing
- Gangs of youths already hang around the Chip Shop, this development will increase their numbers.
- The street already has a property which is classed as shared accommodation.

- Not all properties in the street were notified. This was an attempt by the council to deal with the planning application without disruption. This is against the rules.
- Anti-social behaviour.
- What guarantees can you give that the workers will be able to control the young people's behaviour?
- Children will always be noisy
- Privacy issues with regard to the rear gardens of the immediate neighbouring properties.

REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

National Planning Policy:

[Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

Local Planning Policies

The Local Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

Topic Based Policies :

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy OS1** Open Space Provision

The following SPG is of relevance to this application: -

- Planning Obligations (October 2016)
- Parking Standards (October 2016)
- Design (July 2017)

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents, highway safety

Principle of Development

For the purposes of the adopted Local Development Plan, the site is located within the defined settlement limits of Port Talbot. Policy SC1 'Settlement Limits' states:

Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the Settlement Hierarchy will be acceptable in principle.

In view of the above, it is considered that the proposal adheres to this policy given the scale and form of the building remains untouched externally and its use is considered to be an appropriate land use in terms of the settlement limit location.

It is noted that objections have been raised locally in respect of the use being for the care of children resident at the property (with staff present). The use would remain residential, however, and matters raised in respect of the likely occupants and potential for anti-social behaviour etc. are not considered to be land use planning matters that would affect such conclusion. In addition, the presence of another property in shared accommodation in the street would not result in any unacceptable concentration of non-C3 residential uses which might lead to any concerns based on local character or community cohesion. In any event, it is also noted that the evidence available to the Council indicates that the property has been used for many years as a House of Multiple Occupation, with the proposed use (even noting the presence of staff at all times) unlikely to have any additional impact on local character.

A condition is recommended, however, to restrict use of the property to no more than two children in care, with no more than two staff present on site at any one time (other than staff changeovers), to control the intensity of use of the property in the interest of local amenity.

Accordingly, the use of the property is considered to be appropriate and in accordance with Policy SC1 of the Local Development Plan.

Impact on Visual Amenity

This proposal does not include an external alterations to the building, and accordingly the proposal will have no visual impact be it negative or positive on the host property nor on the established character and appearance of the streetscene or wider area.

Impact on Residential Amenity

There is no conflict between distances allowable between habitable room windows or the overlooking of private space. In the absence of any proposed external alterations and extensions to the applicant property, any potential issues regarding overbearing and overshadowing have been eliminated.

Although concerns have been raised locally, the use of the property as a Children's home use is considered to be similar in terms of noise and disturbance to that of a residential C3 Use, and thus it is considered that the residential properties immediately adjacent to the property will not suffer any noise and disturbance over and above what is currently enjoyed on site. Indeed, it is also noted that the number of bedrooms is to be reduced by 1 from three to two, and thus the intensity of use and thus impact could even reduce.

It is also important to consider when determining this application that for the previous 2 decades this premises was utilised as a House of Multiple Occupation, with the Council's Environmental Health Officer (housing) noting that the property would have had at least three tenants living at the property (as the HMO definition in the Housing Act 2004 requires there to be at least 3 tenants living at the premises for the HMO specific powers in the Act to be applied).

With this in mind, the proposed development only includes 2 bedrooms which is a less intensive use of the property than its previous use as a HMO, whilst retaining the same communal space and amenities as during its use as a HMO. This gives further credence to the comments made in the previous paragraph that the proposed use is less intensive and disruptive (noise wise) than the uses that came before it, whether it was in the form of a C3 dwelling or a C4 HMO.

The Environmental Health Officer (housing) has also assessed the proposal and noted such previous use and has offered no objections to the development.

It is noted that the proposal would include the comings and goings of staff, however again there are not considered to be materially different to the use as a dwelling, an certainly not to such an extent that this would materially change the character or nature of use to such an extent that it would have an unacceptable impact on residential amenity.

In view of the above, there is not considered to be any adverse impact on residential amenity.

Parking and Access Requirements and Impact on Highway Safety

The Head of Engineering and Transport (Highways) has assessed the proposal and has not offered any adverse comments.

The existing residential use would require 3 off-street parking spaces, and (based on no more than two staff being on site at any one time), it is considered that the proposed use would have no additional parking requirement over and above the existing use.

The existing site relies mainly on street-parking on Dalrymple Street and adjoining roads, but does have a large garage accessed off the rear lane. Given the presence of staff at the use, it is considered appropriate to require that garage to be retained and available at all times for the parking of vehicles associated with the site (of an alternative parking scheme to be provided at the rear), and a condition is proposed to that effect.

Therefore in view of the above, it is considered that there will not be any negative impact on highway and pedestrian safety subject to the imposition of such a condition to secure one off-street parking space within the rear of the site, accessed from the adopted rear lane.

Other Matters

As identified earlier in this report, a number of objections were received in response following the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

- Impact on existing residents' wellbeing due to the development are not considered to be a material planning consideration.
- There is no statutory requirement to notify all properties within a street, and the consultation process followed the standard protocol that is utilised for all planning applications submitted.

CONCLUSION:

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on residential and visual amenity and highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SC1, BE1, OS1 and TR2 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION: Approve subject to conditions

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans and documents:

- Location plan 2115-01
- Existing floor plan 2115-02
- Proposed floor plan 2115-03
- Block plan 2115-04

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to first use of the proposed change of use, the existing garage serving the property shall be made available for the parking of vehicles associated with the use hereby approved OR one off street car parking space shall have been provided within the rear of the site to be accessed from the adopted rear lane in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The garage or approved parking space shall thereafter be retained clear of obstruction and available at all times for the parking of vehicles associated with the use hereby permitted.

Reason

In the interest of highway safety and to comply with Policy BE1 of the Local Development Plan.

Regulatory Conditions

- 4 The use hereby permitted shall be occupied by no more than two children in care, with no more than two staff present on site at any one time (other than staff changeovers).

Reason:

To control the intensity of use of the property, in the interest of local amenity and highway safety, and to accord with Policy BE1 of the Local Development Plan.