

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2021/1056	<u>DATE:</u> 14/10/2021
PROPOSAL:	Change of use of guest house (C1) to residential care home (C2)
LOCATION:	282 Neath Road, Briton Ferry, Neath
APPLICANT:	Innovative Care Ltd
TYPE:	Full Plans
WARD:	Briton Ferry

BACKGROUND

Cllr Chris James requested on 2nd November 2021 that this application be determined at Planning Committee having regard to the impact on highway and pedestrian safety by virtue of its inadequate parking and the busy nature of Neath Road; the impacts upon residential amenity with particular regard to noise and disturbance with the proposal potentially creating anti-social behaviour; and also due to concerns over the loss of a tourism amenity that would be lost from the area.

A similar request was made on an earlier (withdrawn) application, at which time the 'call-in' Panel agreed that the application should be determined at Planning Committee on the above grounds, and accordingly a decision was made by Officers in any event to report the application to Committee.

SITE AND CONTEXT

The application site relates to a three storey semi-detached property located at 282 Neath Road, Briton Ferry.

The site was most recently used as a guest house (known as Tree Tops) for many years however the guest house has closed and is currently vacant. The remainder of the area is predominantly residential with some commercial uses further afield.

The site has an existing access off Neath Road and currently provides parking for 8 vehicles, with 3 at the front of the property and 5 at the rear which are accessed via the driveway at the side of the property.

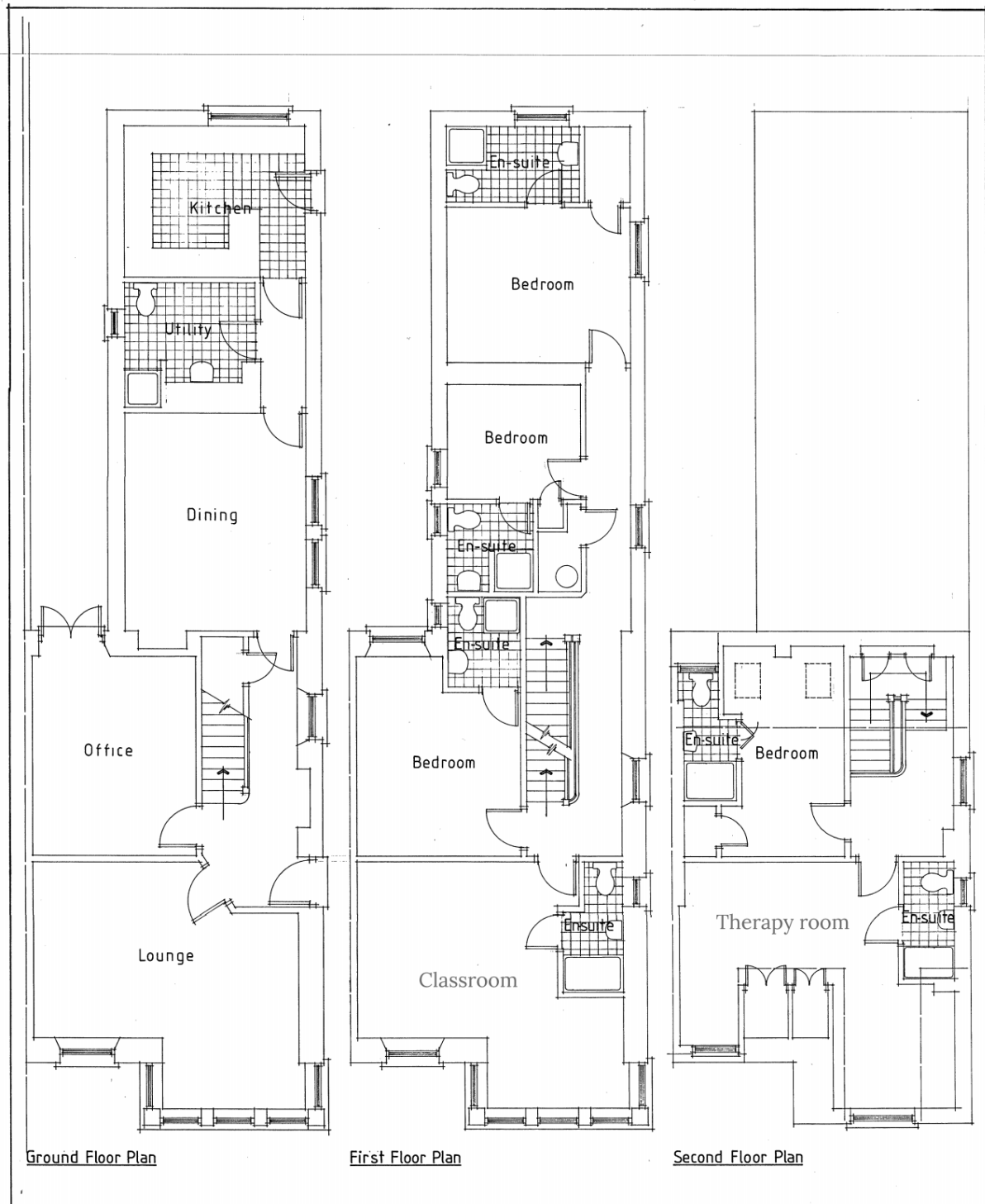
The site is located within the settlement limits of Briton Ferry as defined by the Neath Port Talbot Local Development Plan

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the Change of use of Guest House (C1) to a residential care home (C2). The proposed use would provide 24 hour care to 4 children (up to the age of 16) with an educational space. No external alterations are proposed, with all works being internal. Rooms are to be arranged to provide a

kitchen, bathrooms, education and therapy rooms, office/staff room and bedrooms.
(see Figure 1 below).

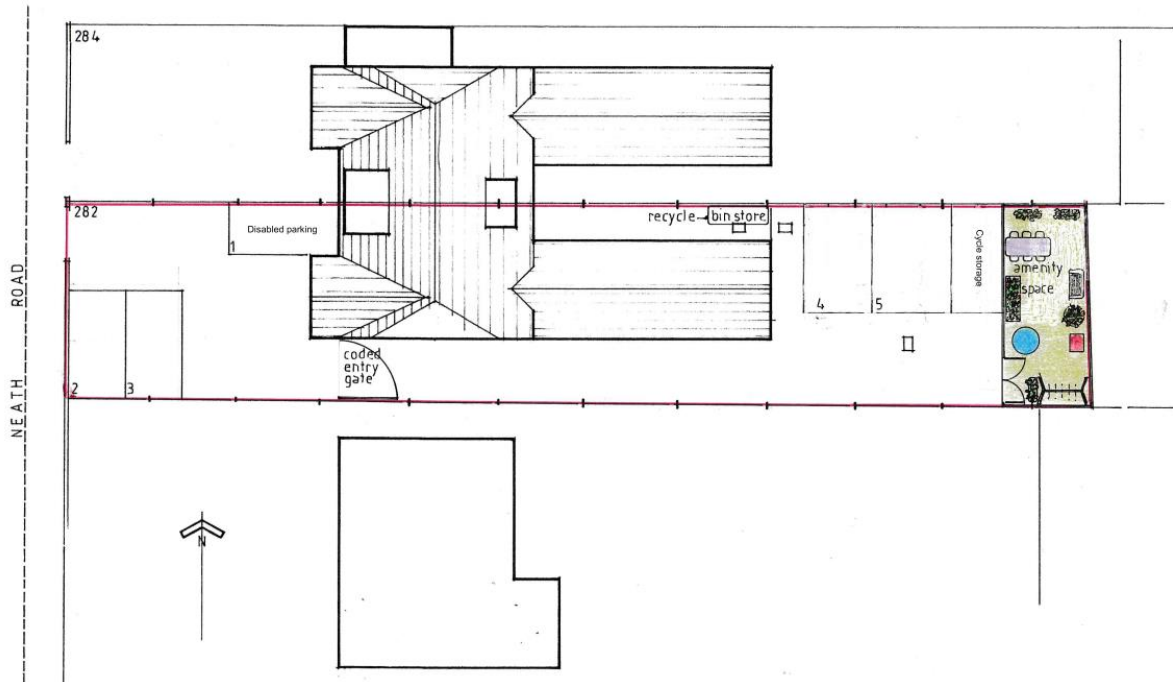
Figure 1: Plan showing layout



The scheme proposes a security gate adjacent to the front of the building, across the side access to help ensure the safety of residents with access for authorised staff and guests only. The side vehicular access leads to a parking area which, following negotiation (see below) includes two parking spaces of revised (wider) dimensions, along with an amenity area. It also retains space for cycle parking.

A small area at the rear will also be cleared to provide an outdoor play/amenity space, to include fencing and a gate. No details of the fencing or security gates have been provided, although a condition could be imposed to request a scheme. Figure 2 below shows the proposed parking and open space provision.

Figure 2: Plan Showing parking and amenity area



Three additional parking spaces (as existing) would be located at the front, with all spaces accessed via the existing access onto Neath Road.

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

NEGOTIATIONS

An amended floor plan was requested in respect of the internal layout in order ensure that the supporting statement and the plan showed 4 bedrooms and an education and therapy room. Formal re-consultation was not undertaken as this does not change the description of development or change any impacts the development would have, it simply clarifies how the internal rooms would be set out.

Further negotiations were had in relation to parking provision. When the application was first received the applicant showed the retention of 7 no. parking spaces, with 3 at the front and 4 at the rear. However, although such spaces are historical, Officers were concerned that the four parking spaces at the rear would be difficult to use given the limited (sub-standard) distance to the rear of the spaces. Following discussion with the highway officer, this was subsequently amended to provide two wider spaces at the rear, reducing the overall parking to 5 spaces. Members should note that a decision was made not to formally re-consult on such amended plans, because objections have already been received in relation to parking and associated implications on highway safety, and the Officer's assessment is able to consider these

issues and representations as a whole (see highway and pedestrian safety section of the report).

PLANNING HISTORY

The application site has the following relevant planning history: -

P2021/0805 Change of use of guest house (C1) to residential care home (C2).
Withdrawn 27th September 2021.

CONSULTATIONS

Briton Ferry Town Council: Raises concerns as follows:

- Overdevelopment of the site
- Primarily a residential area and this is unsuitable
- Inadequate parking facilities
- lack of outside space
- Issues with similar establishment

Environmental Health: No objection

Head of Engineering and Transport (Highways): No objection

Head of Engineering and Transport (Drainage): no objection

Biodiversity Section: No objection

Welsh Water: No objection

REPRESENTATIONS

An objection was received from **Stephen Kinnock (Member of Parliament)** who raises concerns over highway and pedestrian safety and the loss of the Tourism facility; issues over disabled access internally and externally and fire escapes and that the proposal could result in an increase in noise, crime and anti-social behaviour.

An objection was also received from **David Rees (Member of the Senedd)** in relation to the applicant referring to Cwrt Sart school which no longer exists, and that there is no mention on how the children would access Ysgol Bae Baglan which is almost 3 miles away; Issues over disabled access internally and externally; that ramps externally would interfere with parking provision and driveways; issues with the slopes on the drive and vehicle brakes failure. The number of staff per shift has not been identified and is parking sufficient; the guest house could still be a viable option as we have been hit with a pandemic; there is no storage for cycles; and also raise concerns over the experience of the applicant and their staff.

The neighbouring properties were consulted on 22nd September 2021 and a site notice displayed on site on the 29th September 2021. In addition to the above, and the concerns raised by the Ward Councillor Chris James, to date 18 no. representations have been received, with the issues raised summarised as follows: -

Loss of Tourism Use

- Changing the use from a C1 guest house to a C2 residential home is in contravention of the NPT Local Development Plan 2020-2026.
- The target indicator within Strategic Policy SP13 is that there should be no loss of tourism facilities with a trigger point for each loss
- The Tree Tops guest house has been a very successful business for many years.
- The current use of the Property (as a guest house) is a use that falls squarely within NPT Dramatic Heart of Wales Statement, 14th September 2021 and NPT should be reluctant to abandon its use.
- LDP states that *"Any proposal for the conversion or change of use of a tourism facility to residential use will need to demonstrate that tourism or employment uses are no longer viable and that there is no potential for the premises to be so used"*.
- Neath Port Talbot's LDP point 1.2.40 *"The strategy identifies the following tourism / leisure sites which have potential to contribute to the growth and diversity of the local economy: Margam Park; Aberafan Seafront; Brunel Dock"*. Brunel dock is close to the application site.
- The guest house has only been up for sale since late May 2021 not 2 years as stated in the applicant's design and access statement. The applicant's bought this property (subject to exchange of contracts) in early July therefore not allowing reasonable time for the property to be advertised as a guest house/hotel.
- There is full potential for the premises to be used as a tourism facility and it is the only hotel in the town of Briton Ferry

Care Home issues

- The Children's Commissioner for Wales and many others have highlighted the need to diversify and extend fostering services with the aim to eliminate profit making in children's residential placements.
- The Council's Children Strategy (Jan 2018) states that the Authority is aiming to reduce the numbers of looked after children through supporting them to remain in a stable secure long-term placement. Approval of this application will go against this strategy.
- The children placed in such residential children's care homes can prove to be the most severely challenging among looked after children. Sometimes permanently excluded from school, they need intensive personal support to manage their disruptive, potentially dangerous behaviour.
- A disruptive child in main stream school, can have a serious impact upon other children and staff.
- There is a risk that the children could flood their rooms which could damage the adjoining property.
- We are aware of the problems caused by the other children's home in Briton Ferry, Birch Lodge. This includes disturbances from children which spill out into the community.
- The children will likely increase nuisance and disturbance emanating from this property.

- These so called children will be in the local community and be able to intimidate our younger children and elderly residents at will
- The home will be catering for children from outside the county and even outside Wales.

Highway and Pedestrian Safety

- The development will lead to a significant increase in vehicular comings and goings. This would present a threat to any member of staff or resident that needed to gain access. The site is also near a traffic-light controlled intersection where there are numerous times during a day when traffic backs up from the traffic lights beyond the entrance to the Property.
- NPT's parking policy necessitates that all vehicles drive forward with no reversing onto a busy highway. (Parking Standards, October 2016). When parking spaces are occupied, it will be impossible to comply with this essential safety requirement.
- The Property could not possibly satisfy all the parking requirements of a care establishment with 20 staff, visitors etc.
- Concerns with the increase in staff numbers and visitors as such parking so will occur on adjacent streets.
- Sufficient operational space must be provided close to the building to enable ambulance access and egress in forward gear. It is extremely likely that this standard will not be achieved.
- Wheelchair ramps to access the property would interfere with parking provision.
- A drainage issue could prevent parking at the rear.
- The frontage of the property is 12 metres from the road. A run away child would have just a few seconds before they are on the road which is a danger to them.
- The Design and Access statement states that visitors will no longer visit the site which means the cars will be parked outside on the pavement.
- Both entrances to the building step out onto the driveway which is a major hazard for children staying at the property.
- There is no provision in this planning application for designated disabled parking space which is also a contravention of the Equalities Act (2010).
- Supplementary planning guidance "*Visitor parking must be designed as an integral part of any development where it is required and must take into account the needs of the disabled*".
- Placing a gate at the point where the building is nearest the main road would make it too narrow to allow vehicles access to the rear

Residential Amenity

- The proposal will not fit in with a residential area. Existing residents can expect to feel safe and are safe. At the moment.
- The Care home will overlook the neighbouring gardens.
- The private rear garden will be directly and obtrusively overlooked by the only outside space of the development which is exacerbated by the fact that the rear of 282 is at a level some feet higher than the level of our property.
- The care home, is likely to generate activity throughout the day and night. The inconvenience, noise and disruption that this will inevitably create especially at

shift change, will impact detrimentally upon the objectors mental health and wellbeing and the peace of the neighbourhood.

- The proposed garden at the back will have to be significantly small. Plus if residents and staff used the outside space to smoke this would cause additional air pollution. The hotel is a non-smoking hotel.
- The care home may cause issues that could potentially upset the neighbouring children
- A Residential care home will bring more pollution to the street and area, it will bring more noise pollution, air pollution, and land pollution contrary to LDP policy.
- The proposal is in contravention of The Human Rights Act 1998. The Human Rights Act 1998, Protocol 1 Article 1 protects peoples' right to enjoy their property peacefully

Ecology

- There are bats present in a number of homes in the area, almost certainly in 282 Neath Road. Obviously, as a protected species, this situation will need to be investigated.

Drainage

- It is a known fact that the courtyard at the rear of the property floods due to drainage issues and drain companies are called on regular occasions to try and resolve

Disabled Access

- The accessibility is not fully catered for as there are no plans for a disability ramp. There is no level to the property despite the design and access stating there is.
- There is also no stated provision for wheel chair users in the form of a lift to the bedrooms, where would they sleep unless the company is limiting the type of resident they would take?
- The slope of the driveway presents a major obstacle in that the rise is measured at approximately 1:12. This is currently too steep to allow for safe wheelchair access.
- The design and access statement states that wheelchair access will be possible throughout the ground floor. If this is the case the applicant will need to provide ramped access to the premises to allow wheelchairs to be able to negotiate the front and rear doors.
- A demountable ramp could be used for disabled access however this would not afford true accessibility for the disabled person who would be reliant on others.
- Section M of Building Regulations - Access to and use of buildings. By undergoing this material change from Guest House to a Care Institution (Paragraph 0.1c of Part M) the new owners would be required to undertake work to allow free access to and provide means for vertical circulation to all 3 floors of the building.

- There are obligations under the Equalities Act (2010) for service providers and employers to consider barriers created by physical features into and in buildings.
- Part M (M.1.19) states that where an approach is 1:20 or steeper an approach incorporating ramped access should be provided and, as this ramp will be in excess of 10m it would require a landing platform to allow individuals to rest as they ascend / descend it. This ramp, once constructed will have to be of zig zag design and will create problems for vehicular access to the site, forcing a reduction in the number of available parking spaces.

Waste

- The change of use will generate more waste which will have to be segregated for recycling. There will very likely be a need for contaminated waste to be safely contained until collection. Storage containers for waste will take up much need space outside the property. Human waste is going to increase considerably.

Other matters

- An objector has raised a concern that they have not been contacted by the Planning Team and they live 15 metres away from this property.
- Objection to the significant impact this and similar establishments have on the Authority's Looked After Children budget.
- A neighbour's home music teaching business will be disrupted by noise and disturbance
- The adjoining neighbour may be able to hear private information and discussions between residents, carers and other health professionals. This would be a breach of safeguarding information.
- Cwrt Sart School, referred to several times in the Design and Access statement, closed over five years ago and there are no "established leisure facilities."
- The design and access statement refers to "brown field" sites in. This is a residential property, within a residential area, adjacent to a main road.
- If there was an absconder they are straight onto a very busy main road plus they would have access to public transport to make their escape easy.
- There is a known drug and anti-social behaviour problem in Briton Ferry
- The applicants do not own the building and the current owner of the building was not aware this application was going ahead until residents made her aware.
- The applicant has stated the windows will not be changed allowing possibly vulnerable residents to fall out of the windows if they become disorientated or angry or just getting some fresh air.
- Work has already started and a prospectus produced for a care home at Tree Tops which makes me question whether the Directors have, in their arrogance, assumed planning permission.
- The Company and manager are inexperienced
- Within the structure of the build there are many issues that would need to be addressed by the applicant which have not been raised in their planning application.
- There are not sufficient fire exits

- Is it policy for NPTCBC Children's Services to use profit-making, private residential homes under their care?
- What will the impact be on NPTCBC's current provision of children's services, having to deal with these out-of-area children that have very complex needs and challenging behaviour?
- Can the police guarantee they will be able to assist in the event of any disturbances?
- Who will be regulating this home? Will it be the CSSIW? Or will it be left to the referring Local Authorities?
- What will the impact be on local education services who will be required to place these children with complex needs?
- Local transport is infrequent and the nearest doctor surgery and hospital being more than 800m away as such staff will need to transport residents to appointments via car resulting in more emissions pumped into the environment.

In addition to the above objections, one letter of support from a social worker within Swansea Council has been received which states that:

- They have worked with the Ben French and Simon Par for several years.
- Both Individuals have proved that they are more than capable of working with looked after children to improve their life chances.
- It is my understanding that both individuals have been employed as senior case workers at their respective children's residential setting. Their experience of working in the children's residential setting will prove invaluable in providing an excellent service to the children in the care system.
- The supporter is confident the experience the team have gained will ensure good outcomes for Looked after Children.

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 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:

Strategic Policies:

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable Communities
- **Policy SP11** Employment Growth
- **Policy SP13** Tourism
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic Based Policies:

- **Policy SC1** Settlement limits
- **Policy T02** Protection of Existing Tourism Facilities
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

The following SPG is of relevance to this application: -

- [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, and highway safety.

Principle of Development (including Loss of Tourism Facility)

For the purposes of the adopted Local Development Plan, the site is located within the defined settlement limits of Briton Ferry. 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 within the settlement limit.

Loss of Tourism

Members will note that objections have been made in relation to the loss of the tourism facility and in this respect Policy SP13 (Tourism) states that *“The economic prosperity of Neath Port Talbot will be promoted through encouraging continued growth in the tourist sector by ... (criterion 3) Resisting, where appropriate, proposals which would result in the loss of tourism facilities”*.

Policy TO2 (Protection of Existing Tourism Facilities) is the primary Development Management policy which looks to implement SP13. However, it does not follow that there is a *carte blanche* refusal of any proposal that results in the loss of a tourism facility – as this would do. Instead, and having regard to Policy SP13 which is about economic prosperity, the policy seeks to prevent loss of tourism to residential use except “where it is demonstrated that tourism or other employment generating uses are no longer viable.” (emphasis added).

In this case, it is first of note that the proposal actually does not propose residential use (although it is a Class C2 'residential institution'), and therefore it could be argued the policy is not strictly relevant. However, irrespective of this, it is considered appropriate to have regard to the second element of the Policy wording insofar as it does allow for a change from tourism to “other employment generating uses”.

Having regard to the above, it is noted that the proposed development would employ (on rotating 12 hour shifts, with a max. of 4 at any one time) up to 20 persons (which compares very favourably to the previous tourism use) and thus it is clear that the application comprises an employment generating use that would benefit the local economy. And accordingly that the proposal would comply with the objectives behind Policy TO2.

Given the increasing focus in NPT on tourism, it is clear that the loss of any tourism facility is regrettable, however when faced with an application for change of use to a use generating employment, there is no Policy requirement for the property to be marketed for any period of time to allow another prospective purchaser to use the site for tourism use. In this respect, the proposed care home is an employment generating use that would be suited within a settlement with good transport links and a wide range of functions serving the area such as Briton Ferry. Accordingly, there is considered to be no grounds to refuse the development based upon the loss of the vacant tourism facility.

Nature of Use

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). In particular, concerns have been raised on a number of issues in respect of the likely occupants and potential for anti-social behaviour etc.

[Planning Policy Wales](#) (Edition 11) includes a significant emphasis on placemaking and the creation of sustainable places and their role in improving the wellbeing of communities. Indeed, PPW11 emphasises that one of the 'Key Planning Principles' is "Creating & Sustaining Communities", noting that:

"The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others. Our communities need the right mix of good quality/well designed homes, jobs, services, infrastructure and facilities so that people feel content with their everyday lives."

It goes further to add that Social Considerations include:

- who are the interested and affected people and communities;
- how does the proposal change a persons way of life, which can include:
 - how people live, for example how they get around and access services;
 - how people work, for example access to adequate employment;
 - how people socialise, for example access to recreation activities; and
 - how people interact with one another on a daily basis
- who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community, including its composition, cohesion, character, how it functions and its sense of place; and
- how does the proposal support development of more equal and more cohesive communities.

When referring to housing (at 4.2.1), PPW also emphasises the need for Councils to "*make informed development management decisions that focus on the creation and enhancement of Sustainable Places*". In this regard, it is considered that Planning has an important role in ensuring not only that new development creates places, and communities, but also that existing communities are protected and enhanced, and that cohesive communities are retained.

Within this context, and noting concerns that have been expressed locally, it is considered that large concentrations of uses such as residential institutions and/or HMOs could, in some circumstances, have the potential to lead to a range of cultural, social and/or economic changes in a community with a potential to create local issues.

However, while it is understood that there are local concerns within Briton Ferry, it is considered that it would be very difficult to argue that the additional of this quasi-residential use within the settlement would result in any unacceptable concentration of non-C3 residential uses which might in itself or cumulatively lead to any unacceptable impacts or concerns based on local character or community cohesion that could be sustained at appeal, noting in particular of course the need for each application to be determined on its own individual merits.

Intensity of Use

The proposed use would care for four no. children, while in terms of staffing, the applicant has advised that they would employ up to 20 people at this development, with the staff working on 3 no. 12 hour shifts per week (36hrs).

There will be 4 staff present during the day and 3 during the night (i.e. 7 no. 12 hour shifts each day). This would require 17 people to cover the shifts, with a further 3 casual staff for sickness and holiday etc.

While it is acknowledged that this level of use would likely exceed the current guest house use, it would not necessarily be unusual for a large property (at any one time), or at an intensity which would result in unacceptable impacts (as described later). A condition is recommended, however, to restrict use of the property to no more than four children in care, with no more than 4 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. In addition to this another condition is recommended to ensure that the use of the development is solely for a children's care home with no other permitted change within use class C2, which would allow a further assessment of any alternative proposal including within Class C2.

Accordingly, the use of the property is considered to be appropriate and in accordance with Policies SC1 and TO2 of the Local Development Plan.

Impact on Visual Amenity

Other than the provision of a new gate to the access (which could be constructed under permitted development) this proposal does not include any external alterations to the building, and accordingly the proposal will have no visual impact on the host property nor on the established character and appearance of the street scene or wider area.

In terms of other changes to the site, the means of enclosure proposed would be synonymous with a residential area and as such would not have any unacceptable impact. In addition to this the creation of a private amenity space at the rear of the property would not have any unacceptable impact upon the character of the area.

The Town council raised a concern in relation to overdevelopment of the site, however the proposal involves no external alteration to the building and will remain more or less the same as it currently is, with the intensity of the use also considered acceptable above. Accordingly there are considered to be no sustainable objections in relation to overdevelopment.

It is thus concluded that the proposed development would have no unacceptable impact on visual amenity.

Impact on Residential Amenity

In relation to overlooking, it is noted that the proposal is to change the use of a guest house into a care home, and accordingly the use of rooms within the property will remain more or less in the same use. i.e. bedrooms, bathrooms and kitchen remain much the same and communal areas will be living rooms/ dining rooms. As such there are no issues in respect of the impact of habitable room windows over and above what already exists on site.

In terms of the use of and any potential for overlooking from the rear garden and parking area, it is considered that the level of overlooking towards the rear of houses and neighbouring gardens would not materially change or be unreasonable in a residential context. There are existing boundary treatments in excess of 1.8m high for the most part and the proposal also seeks to provide a security gate and fencing around the play area. However as stated earlier no details have been provided, and as such a condition can be imposed requiring detail of the means of enclosure and gates to all boundaries to ensure they are appropriate. It is considered that subject to this condition there would be no unacceptable overlooking issues from the garden area. It should also be noted that smoking outside would not have any material impact upon air pollution within the area.

Although concerns have been raised locally, in land use planning terms (i.e. not based upon the occupants of the property) 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, albeit potentially more intensive given the additional staff on site. It is thus considered that it would be difficult to sustain an argument that residential properties immediately adjacent to the property would be affected by a level of noise and disturbance over and above what is currently enjoyed on site. It is also noted that the Environmental Health Officer has assessed the proposal and noted such previous use and has offered no objections to the development.

As such it is considered that there are no justifiable grounds to refuse planning permission on grounds relating to potential noise and disturbance, having particular regard to the fact that if any such issues arise in the future these can be addressed by the Environmental Health Section under their statutory nuisance powers.

It is noted that the proposal would include the comings and goings of staff, including use of the driveway to the side by vehicles, however again there are not considered to be materially different to the use as a guest house (indeed potentially less given the reduction to two parking spaces) and 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 local amenity or breach any persons human rights to enjoy their property peacefully.

In relation to the amenity of the future occupiers, concerns have been raised in relation to the size of the garden area, which measures approximately 9 x4 (36 sq.m). However, this is considered to be sufficient in size to provide an adequate outdoor

space for resident and staff to enjoy, noting also their ability to also access outdoor spaces in the locality.

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

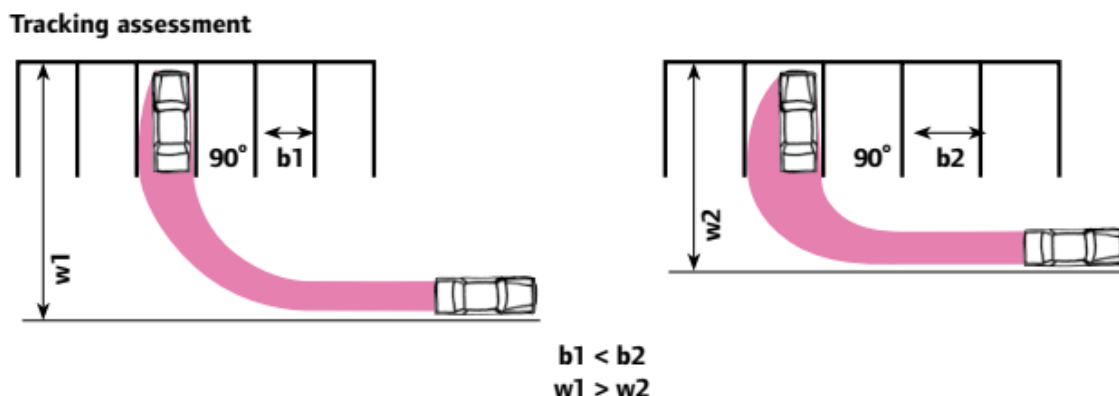
Parking and Access Requirements and Impact on Highway Safety

The site is directly accessed from Neath Road (A474) with the highway fronting the site being unrestricted with no Traffic Regulation Orders in place.

As stated earlier in the report, the original submission included retention of 7 of the car parking spaces already located on site, with 3 located at the front of the property and 4 located at the rear which is accessed via a drive along the side of the property.

The Head of Engineering and Transport (Highways) assessed the proposal and did not object to the original submission given that the site has operated as a guest house using the existing parking layout. Nevertheless, Officers considered that it would be inappropriate to retain the layout as existing given that it does not include sufficient distance to the rear of the spaces to make their regular use likely or easy to manoeuvre into or out of in a forward gear, noting in particular that advice in Manual for Streets (see Fig 3 below) states to access echelon or perpendicular spaces conveniently a 2.4 m wide bay at 90 degrees requires a 6m distance (which the site cannot accommodate).

Figure 3: Extract of figure 8.20 from Manual for Streets



Such advice also indicates however that the distance to the rear depends on the width of the bay and the angle of approach, meaning that such distance can be reduced if spaces are made wider. In this case, widening the spaces to 3.9m each (and reducing the number of spaces to two) would allow the reverse distance to be reduced to a level which this site can accommodate, ensuring that these spaces are usable.

In light of the above Officers liaised with the applicant to improve the parking layout at the rear of the property by reducing the number of spaces from 4 to 2 and making them wider to aid manoeuvrability. This also has the added benefit of facilitating the required space for a cycle storage area (the lack of which has also been raised by an objector) as well as facilitating easier access to the bin storage area.

It is considered that this layout would not only make these spaces better in terms of accessibility but would also reduce the number of vehicles using the rear of the property.

As a consequence of these changes, the on-site parking provision is now five spaces. This level of provision has been accepted by the Highways Officer who has advised, based on there being 7 staff on site per day (four at any one time), that the off street car parking requirement for this proposal could be reduce to 5 spaces as follows:-

- 2 x resident staff spaces (based on 3 staff overnight)
- 2 x Non-residents staff spaces (at an allocation of 1 space per 3 non-resident staff)
- 1 x Disabled car parking space

While it is considered that the on-site provision should not be decreased further, in light of the nature of the use, it is also emphasised that the site is located in a sustainable location with nearby facilities and public transport, such that the required level of parking *could* have been further reduced 20% if the sustainability calculator set out within the Neath Port Talbot Parking Standards Supplementary Planning Guidance was to be applied to this development (resulting on only 4 spaces being required).

The Head of Engineering and Transport (highways) has raised no highway objection subject to the provision of 5 off street car parking spaces to be provided within the curtilage of the site and retained as such thereafter and kept free from any obstructions. This can be imposed via a suitably worded condition.

It is noted that a number of objections have been received in relation to highway and pedestrian safety, and to assist members these are addressed below: -

- In relation to the development lead to a significant increase in vehicular comings and goings, and it being near to a traffic-light controlled intersection.

There will be no increase to vehicular movements than that of the adjacent residential properties as the proposal will only see a change of staff twice in a 24 hr period. With regard to the proximity of the controlled traffic signals and vehicle stacking, this is experienced by the adjacent properties to the site that also currently enjoy a vehicular access off Neath Road, Briton Ferry.

- In relation to NPT's parking policy necessitates that all vehicles drive forward with no reversing onto a busy highway.

The parking area is an established layout for its current use as a bed and breakfast guest house. The access from Neath Road and car parking spaces have been used historically to both access and egress the site in a forward gear with no recorded road traffic collisions at this location in the last 5 year period. Therefore, this indicates the site provides adequate space for vehicles to manoeuvre independently of each other. However, the scheme has been improved to ensure that the spaces to the rear are more useable than currently exists, which will ensure vehicle can enter and leave the site in a forward gear.

- In relation to concerns with the increase in staff numbers and visitors and parking occurring on adjacent streets.

The site can accommodate the required parking spaces within the site curtilage per shift. There will be no visitors to the site, therefore, not creating any on street parking pressure.

- In relation to there being sufficient operational space provided close to the building to enable ambulance access and egress in forward gear. It is extremely likely that this standard will not be achieved.

This refers to the requirement under the SPG Parking Standards (2016) for a Residential Care Home for the Elderly and Nursing Homes. This does not apply to Residential Children Homes. However an ambulance would be able to access the driveway to the site should one be necessary.

- In relation to wheelchair ramps interfering with parking provision.

No ramps are proposed as part of this application

- In relation to drainage issue preventing parking at the rear.

Any drainage issues would need to be addressed by the owner as part of the property's routine maintenance.

- In relation to the frontage of the property being 12 metres from the road and that a runaway child would have just a few seconds before they are on the road which is a danger to them.

This is not considered to be a material planning consideration, noting in any event that property is accessed in exactly the same way as all adjacent properties where children may reside, furthermore the children who would be resident at this care home would be under supervision.

- With regards to visitors being parked outside on the pavement.

Visitors will not be attending the site due to the nature of the care home. Therefore, will not create any on street parking pressure, furthermore there are no traffic regulation orders on this section of Neath Road.

- In relation to both entrances to the building stepping out onto the driveway which is a major hazard for children staying at the property.

This is no different to the adjacent residential properties where entrances open onto driveway areas, plus the children will be supervised.

- In relation to there being no provision in this planning application for designated disabled parking.

As per the submitted details no visitors will be attending the site. Therefore, the visitor space calculated from the SPG Parking Standards (2016) can be

utilised as a disabled parking space within the overall requirement for 5 car parking spaces to serve the site. However, a condition can be imposed to ensure one of the spaces is provided for disabled use.

- In relation to visitor parking.

As per the submitted details no visitors will be attending the site, but the highways officer is nevertheless satisfied with the level of parking provision for the use proposed.

- In relation to cycling provision.

This has been addressed earlier in the report and cycle provision has now been shown (and will be conditioned).

- In relation to a gate making it too narrow to allow vehicles access to the rear.

The drive width is approximately 3m wide. Access for one vehicle to pass can be reduced to 2.5m, whilst the gate was opened and closed to maintain the safety of the children living at the care home, this is acceptable.

- In relation to driveway gradients and brakes failing;

The driveway gradient to this single property at 1:12 is acceptable in terms of DDA regulations compliance. A drive can have a maximum gradient of 1:9.

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 ensure parking is provided in accordance with the plans submitted and retained for such use thereafter.

Drainage

The exterior of the property is predominately tarmacked and a section of this at the rear of the property will be removed to provide an amenity area. As such there is no requirement for any SAB approval, while the removal of a hard surface to provide a grassed area will only improve drainage. As such the proposal would not create any drainage issues over and above what already exists on site.

In relation to courtyard at the rear of the property allegedly flooding due to a drainage issue, this would be an existing problem that would be a private matter for the owner to resolve.

As such it is considered the change of use to a care home would not have any unacceptable impacts in terms of drainage.

Ecology

In terms of ecology, no alterations are being made to the building as such there is no requirement for any surveys to be undertaken. Although representations have suggested that there are bats present in a number of homes in the area, provided the

building isn't being modified (primarily within the roof space and the roof) there is no requirement to undertake any surveys. The Council's ecologist has also confirmed that they have no concerns as there are no alterations to the building proposed.

As such it is considered that the proposal would not have any unacceptable impact in terms of ecology.

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:

Care Homes

In response to The Children's Commissioner for Wales and many others, which highlight the need to diversify and extend fostering services with the aim to eliminate profit making in children's residential placements, and the Council's Children Strategy (Jan 2018) states that the Authority which aims to reduce the numbers of looked after children through supporting them to remain in a stable secure long-term placement. This is not a material planning consideration

With regards to the children placed in such residential children's care homes can prove to be the most severely challenging among looked after children. This is not a material planning consideration

In relation to a disruptive child in main stream school, can have a serious impact upon other children and staff. This is not a material planning consideration

In relation to problems caused by the other children's home in Briton Ferry, Birch Lodge. Each application is determined on its own individual merits

In relation complaints relating to the children that could reside at the property and how they behave, act etc. and where they come from, these are not material planning considerations.

Disabled Access

In relation to the numerous concerns raised over disabled access externally and internally listed earlier in this report, it is emphasised that such matters would be covered under Building Regulations, and would only be material to planning if they were to require planning permission. Nevertheless, it should be noted that no external ramps are proposed, and there would be no interference of parking provision.

In relation to the slope of the driveway presenting a major obstacle, which it is stated is measured at approximately 1:12 which is currently too steep to allow for safe wheelchair access, the driveway gradient to this single property at 1:12 would be acceptable in terms of DDA regulations compliance.

Others Issues Raised

In relation to Waste generation it is considered that the COU would be unlikely to generate significantly more waste than the current use or an average family home. Nevertheless, the plans show an external bin and recycling storage area which is considered to be acceptable.

Although an objector has expressed concern they were not notified, the application has been correctly advertised in accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Concerns relating to the impact this and similar establishments have on the Authority's Looked after Children's budget are not a material planning consideration.

In response to the proposal adversely affecting the neighbour's home music teaching business, noise and disturbance has been addressed within the above report and found that there wouldn't be any unacceptable adverse noise and disturbance as a result of the proposal.

In relation to the adjoining neighbour may be able to hear private information and discussions between residents, carers and other health professionals. This not a material planning consideration.

In relation to Cwrt Sart School, being referred to several times in the Design and Access statement, and the fact that children would have to travel 3 mile to the nearest comprehensive. The incorrect school name is irrelevant to the proposal, and in terms of the travel distance to the nearest comprehensive. This is the case with all children that live in Briton Ferry that would have to travel this distance to the nearest secondary school.

In relation to the drug and anti-social behaviour problem in Briton Ferry this is not a material planning consideration and would be a Police matter.

The applicants do not own the building and the current owner of the building was not aware this application was going ahead until residents made her aware. The application form states the owner was notified on the 12th October 2021.

In relation to work already started and a prospectus produced for a care home at Tree Tops. This is not a material planning consideration and doing so would be at the applicants own risk.

In response to the company and manager are inexperienced, this is not a material planning consideration.

In relation to there being issues within the structure that would need to be addressed by the applicant and not being enough fire escapes. This is not a material planning consideration and would be covered under Building Regulations.

In relation to whether NPTCBC Children's Services to use profit-making, private residential homes under their care and what will the impact be on NPTCBC's current provision of children's services. This is not a material planning consideration.

In response to ensure a police guarantee that they will be able to assist in the event of any disturbances. This would be a matter for the police and is not a material planning consideration.

In relation to who will be regulating this home; this is not a material planning consideration.

In relation to the impact on local education services who will be required to place these children with complex needs? This would be a matter for the Local Education Authority to find suitable placement for the children depending on their needs.

In relation to Local transport being infrequent and the nearest doctor surgery and hospital being more than 800m away as such staff will need to transport residents to appointments via car resulting in more emissions pumped into the environment. It is considered that the use would not have any unacceptable impacts upon the environment

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 SP1, SP2, SP3, SP11, SP13, SP15, SP20, SP21, SC1, T02, TR2 and BE1, 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
- Proposed floor plan 221 786 01
- Block plan 221 786 03 A

Reason:

In the interests of clarity.

Pre-Commencement Conditions

3 **Car parking Layout**

The use hereby approved shall not commence until such time as the 5 no. parking spaces (including one disabled) have been fully marked out on site in accordance with drawing number 221 786 03A (Block Plan). The five spaces shall thereafter be retained and available for such use with all driveways and manoeuvring areas kept free at all times from any obstructions that would prevent vehicles utilising or gaining access to any of the parking spaces.

Reason

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

4 **Cycle parking condition**

Notwithstanding the submitted plan and prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing a covered cycle storage area. The covered cycle storage as agreed shall be provided in accordance with the approved scheme prior to the first beneficial use of the development and retained for such use thereafter.

Reason:

In the interest of visual amenity, and to ensure covered cycle storage is provided for future occupants and staff and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

5. **Bin store condition**

The use hereby approved shall not commence until such time as the bin storage area identified on drawing number 221 786 03A (Block Plan) has been provided on site. The bin storage area shall thereafter be retained and available for such use thereafter

Reason:

In the interest of visual amenity, residential amenity and to ensure adequate bin storage is provided for future occupiers and staff and to ensure compliance with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

4 Means of Enclosure

Notwithstanding the submitted details and prior to the first beneficial use of the development hereby approved, details of the proposed siting, design and finish of all proposed means of enclosure to all property boundaries, to include any proposed enclosure of the private amenity area and details of the proposed new access gate, shall be submitted to and approved in writing with the Local Planning Authority. The means of enclosure shall be erected in accordance with the approved details prior to the first beneficial use of the development and retained as such thereafter.

Reason:

In the interests of privacy of the occupier and private amenity space of the neighbouring property, and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

5 Children/staff Restriction

The use hereby permitted shall be occupied by no more than four children in care, with no more than 4 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.

6 PD Use Restriction

The premises shall be used for a children's care home and for no other purpose (including any other purpose in class C2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

In order that other changes of use can be assessed in the interests of amenity and to accord with Policies SC1 and TR2 of the Neath Port Talbot Local Development Plan.