

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2022/0122</b>	<b><u>DATE:</u> 20/05/2022</b>
<b>PROPOSAL:</b> Change of use of dwelling to residential care home for adults aged 19-64 (C3 to C2) creating 4 self contained assisted living units, demolition of existing conservatory and construction of a single storey side extension, an addition dormer window to rear roof slope, and garage conversion to staff facilities and construction of a replacement flat roof to existing rear extension with an increase in height, plus the construction of new entrance steps and ramp with associated engineering works and areas of hardstanding.	
<b>LOCATION:</b>	Windsor Lodge, The Avenue, Cwmavon, Port Talbot, SA12 9PL
<b>APPLICANT:</b>	Orbis Education & Care Ltd
<b>TYPE:</b>	Full
<b>WARD:</b>	Bryn and Cwmavon

### BACKGROUND

This application is reported to Planning Committee due to it being called in by Cllr Mizen for the reasons of traffic and the potential for other problems associated with the proposed use.

### SITE AND CONTEXT

The application site comprises of a detached two-storey 5 bedroom dwelling and surrounding curtilage area. The site is accessed off a private drive which leads northwards close to the junction of The Avenue and Heol Maben. The application site is located within Open Countryside just north of the Settlement boundary within the ward of Bryn and Cwmavon. The property has a neighbouring dwelling approximately 30 metres to the east, Tycanol Farm. The remaining site boundaries are surrounded by agricultural land, with the next nearest houses within the housing estate being located approximately 75 metres to the south.

The application was submitted and approved for a change of use from a dwelling house to a home for the elderly in 1989 (P1989/706). Council Tax records indicate that the property has remained as a residential property.

### DESCRIPTION OF DEVELOPMENT

This is a full application proposing a change of use from a residential dwelling (C3 use) to a residential care home for adults aged between 19 and 64 (C2 use).

The proposal will create 4 self-contained assisted living units; each containing a bedroom, wet room and living/kitchen area; three units on the ground floor and one on the first floor.

The existing living room area at the principal elevation will become the staff room.

The existing detached garage will become an ancillary staff area; containing a staff room, WC and shower facilities.

The external changes will include the demolition of the existing conservatory with a single-storey side-extension built on a similar footprint, the inclusion of an additional dormer window to the rear, the raising of the flat-roofed single-storey utility room to the rear and the construction of entrance steps and a ramp.

The proposed single-storey side-extension will measure a depth of approximately 3.85 metres from the main dwelling, and a width of 4.25 metres. It will have a ridge height of 4.5 metres and an eaves height of 2.74 metres.

The additional dormer will measure the same eaves and ridge height as the existing, but will be approximately 0.48 metres wider.

The roof of the single-storey utility room to the rear will increase by approximately 0.43 metres.

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 the following relevant planning history: -

P1989/7086- Change of use from dwellinghouse to home for the elderly (10 person)  
Approved- 8<sup>th</sup> June 1989

P1995/9919- Retention of existing garage – Approved- 28<sup>th</sup> April 1995

### CONSULTATIONS

**Bryn and Cwmafon Ward:** No comments, call in request.

**Head of Engineering & Transport (Highways):** No objection, subject to conditions.

**Biodiversity Section:** No objection, subject to conditions.

**Coal Authority:** No objection, subject to informative.

**Contaminated Land:** No objection, recommends inclusion of a condition.

## REPRESENTATIONS

A representation has been received from Dr Altaf Hussain (Member of the Senedd) on behalf of 25 constituents living in the immediate vicinity of the proposal, informing that the residents are opposed to the development. Reasons stated included poor and dangerous access to the proposed site, destruction of important animal habitats, and safety concerns for resident's families in light of the mental condition of residents who would live at the residential care home.

The neighbouring properties were consulted on 05.04.2022 and 24.05.2022.

A site notice was also displayed on 22.04.2022 and 24.05.2022.

In response, to date 34 No. representations have been received, with the issues raised summarised as follows: -

### **Congestion/ Traffic/ Parking**

Highway and pedestrian safety

Inadequate parking provision, leading to congestion. Intensity of the use of the site and resultant conflict with other users including horse riders. With the access road being

The single lane, shared driveway narrows when it meets The Avenue, there is obstructed view with limited visibility, and a blind bend

### **Noise and Disturbance**

There will be increased noise and disturbance to the surrounding neighbours. The increased noise will disturb the animals at the neighbouring livery.

There are more convenient areas to develop these types of dwellings, there are existing commercial units that are better alternatives that won't cause as much of a disturbance.

### **Drainage**

Flooding and pressure on the existing sewage system, and other utilities.

The culvert alongside the land sometimes becomes blocked, causing flooding.

### **Lack of information**

Number of staff and visitors unknown, 'Proposed Employees' section has not been completed within the application form.

Local residents were not notified

Notice on landowners has not been served.

### **Overlooking**

Concerned about being overlooked.

Garden is easily accessed from the property.

Residents will not be able to enjoy their property due to the noise.

### **Potential development**

As a single mum, worried about garden backing onto the field owned by Windsor Lodge. There will be overlooking and loss of privacy.

Planning to extend the care unit on the site in the future, being a gateway development, concerns regarding a 2100mm high fence.

The proposal includes a 7 foot fence.

### **Biodiversity**

Works to the roof of the building should be supported by a preliminary ecological assessment.

There is a watercourse, trees and hedges, and a badger set within the curtilage.

The proposal would generate at least 8 care workers, plus admin. More parking space would be required, destroying green pasture with tarmac would be required

### **Other**

Devaluation of neighbouring properties

The care home residents could cause danger to the young and elderly community.

There are enough care facilities, already two within 200 feet, is it necessary.

## **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:

[Future Wales: The National Plan 2040](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out 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 wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

### **Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking**

[Planning Policy Wales \(Edition 11, February 2021\)](#) outlines the Welsh Government's commitment to the importance of 'places' and 'place-making', the importance of using previously developed land wherever possible in preference to greenfield sites, and the recognition of the health and wellbeing related benefits by creating a sense of place and improving social cohesion. PPW 11 confirms that the environmental components of places are intrinsically linked to the quality of the built and natural environment and contribute to the health and wellbeing of the people who live, work and play there. It emphasises the importance of creating sustainable communities and reducing reliance on the private car as part of a package of measures to reduce the country's carbon footprint and help tackle the climate emergency.

PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)
- Technical Advice Note (TAN) 11: Noise (1997)
- Technical Advice Note (TAN) 12: Design (2016)
- Technical Advice Note (TAN) 18: Transport (2007)
- Technical Advice Note (TAN) 23: Economic Development (2014)

## 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:

## Strategic Policies :

- **Policy SP1**                      Climate Change
- **Policy SP2**                      Health
- **Policy SP3**                      Sustainable communities

- **Policy SP4** Infrastructure
- **Policy SP14** The Countryside and the Undeveloped Coast
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP17** Minerals
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic Based Policies :

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy EN5** Conversion and Extension of Existing Buildings in the Countryside
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy M1** Development in Mineral Safeguarding Areas
- **Policy TR1** Transport Proposals
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

*Supplementary Planning Guidance:*

The following SPG is of relevance to this application: -

- [Parking Standards](#) (October 2016)
- [Design](#) (July 2017)
- [Biodiversity and Geodiversity \(May 2018\)](#)

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, biodiversity and flooding.

Principle of Development

The property is an existing residential dwelling, and as such, planning permission for its change to a C2 use is required. For clarity, dwelling houses lie within use class C3.

Class C3 Dwelling houses - This class is formed of three parts:

- C3(a): a single person or those living together as a single household as defined by section 258 of the Housing Act 2004 (basically a 'family');
- C3(b): those living together as a single household and receiving care;

- C3(c): those living together as a single household who do not fall within the C4 definition of an HMO.

There is no limit on the number of members of the single household under C3(a). The limit for C3(b) and (c) is no more than six people.

A single household under C3(a) is formed by a family (a couple whether married or not with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.

For the purposes of C3(b) and (c) 'single household' is not defined in legislation.

C3(b) makes provision for supported housing schemes, such as those for people with disabilities or mental health problems

This proposal will not fall within any of the above categories, but within use class C2 and not C3(b) as the use is for adults utilising self contained assisted living units and as such cannot operate as a household without adult care and/or supervision on a 24 hour basis.

In relation to the need for this type of accommodation, the Applicant states that; "The need was identified by the Local Authority Adult service via a portal referral. The applicants work closely with Care Inspectorate Wales (CIW) to ensure all residents are housed in appropriate locations relevant to the care requirements."

The property will run to all extent as a care facility, and whilst outside of settlement limits, is one that can operate with no significant changes to its current use. There are no changes to the property that would impact detrimentally upon the character of the property, and no alteration or extension that would contravene any of the adopted countryside policies.

The application has been submitted for a maximum of four residents receiving care, and as such a condition will be imposed restricting any permission to that number. As any further increase may result in additional impacts through an intensification of the use that would need to be considered as part of any future application.

As such, in principle it is considered that the proposed use, subject to other criteria and policy in acceptable, and would not be contrary to any land use policy within the adopted development plan.

### Impact on Visual Amenity

The proposal includes minor alterations to the property; the addition of a dormer window to the rear elevation, replacement of existing side conservatory with a single-storey extension, the raising of the flat roofed single-storey utility room to the rear and the construction of entrance steps and a ramp.

The alterations and extensions to the property are not dissimilar to those undertaken at any residential property of this type. As such they do not change the overall character of the property, as one within a residential use.

It is not considered that these alterations will impact visual amenity or the character of the area as a whole, and as such will be in accordance with policy BE1, a design policy, of the Local Development Plan, and Supplementary Planning Guidance: Design, which incorporates the household design guide.

### Impact on Residential Amenity

The property lies within its own grounds, and set off the highway, there is a neighbouring farm dwelling approximately 30 metres to the east, and a row of properties adjacent to The Avenue approximately 100 metres to the south.

The new dormer window proposed will be located on the rear elevation which faces onto agricultural land. It is considered that the proposed change of use would not create any additional or unacceptable overlooking over and above that currently experienced.

The existing detached garage to the rear of the dwelling will become an ancillary staff area; containing a staff room with a table and seating and a seating area, WC and shower facilities. The existing garage door will be bricked up, with a small window allowing light facing onto the lane.

Turning to potential overbearing and overshadowing, the alterations include a replacement single-storey extension and a dormer window, not facing any nearby properties. As such, the proposals would not create any unacceptable issue in these regards.

Issues of noise and disturbance have been raised through consultation with neighbouring properties. The property would operate as a residential use, albeit one with supported care. This is considered to still be a residential use within a building that is a residential use, and has been previously used as a care facility. Whilst this specific use requires planning permission, it is not one that would commonly result in any noise or disturbance over and above any other residential or care use.

### Parking and Access Requirements and Impact on Highway Safety

Policy BE1 requires, amongst other things, that new development has no significant adverse impact on highway safety, with Policy TR2 emphasising that development proposals will only be permitted here all of the stated criteria are satisfied, including that “(1) The development does not compromise the safe, effective and efficient use of the highway network and does not have an adverse impact on highway safety or create unacceptable levels of traffic generation;

The Head of Engineering and Transport (Highways Section) has assessed the application and raised no objection, subject to the provision of 4 parking spaces. The



Highway Officer notes that the dwelling currently has 5 bedrooms, with the potential for up to 5 cars to travel to and from the property multiple times a day, and the proposal will accommodate 4 long term care residents, with a maximum amount of staff being no more than 4 at any given time (2 full time staff onsite with 4 at the end/start of shift for handover).

It is not considered that the change of use, limited to the number of occupiers proposed would result in an intensification of use at the property, that is currently unrestricted in terms of vehicular movements, that would result in increased conflict of users of the access road, and as such not increase any highway or pedestrian risk. The access road, and the junction to the unadopted public highway is considered to be acceptable based on the existing and proposed use of the property, and the limitation of the use proposed under this application.

It is therefore considered that the proposal would not result in any unacceptable impacts upon highway and pedestrian safety, or congestion, and as such would be in accordance with Policy TR2 of the LDP.

#### Biodiversity / Ecology

The proposal includes the installation of dormer windows in the existing roof, and as such the Biodiversity Team has been consulted. They have provided no objection to the proposal, subject to the inclusion of an advisory note regarding bats and the inclusion of biodiversity enhancement. The Agent has subsequently included plans with a woodpecker box and woodstone open fronted bird box to be located on trees along the northern boundary of the site. A condition will be placed on any permission issued ensuring implementation.

#### Flood risk / Drainage

The proposal is located outside of any flood zones and proposed a change from residential use to residential care home use. It is not therefore considered to increase the vulnerability of the use, and exacerbate flooding on the site or away from the site.

#### Contaminated Land

The southernmost part of the dwelling is located within the High Coal Risk Area, the remainder is located within the Low Coal Risk Area. The only building works proposed are located within the Low Risk area, and are located within the footprint of the existing conservatory. A Contaminated Land Officer has been consulted on the proposal and has no objections to the proposal subject to precautionary condition relation to unexpected contamination being included with any decision granted.

Additionally, the Coal Authority have been consulted and offer no objection subject to the inclusion of an informative.

### Other Matters

*Responses to matters raised in representations not covered in the report on the main issues.*

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:

#### Drainage

The proposal is located outside of any existing flood zones and the proposal will not affect the existing culvert at the bottom of the lane.

It is for a change of use from an existing dwelling to a residential care home for 4 residents, 2 full time staff and 1-2 part time staff. It is not considered that any works proposed would result in any unacceptable impact on the drainage.

#### Lack of Information

The application form did not state the number of full time staff, part time staff and visitors, however the Planning Statement stated no more than 4 cars would be present. Furthermore, the Agent clarified the number of full time, part time staff and visitors.

Notice was initially not served on the owner of the access lane, it was subsequently served.

An initial neighbour consultation was issued notifying 15 neighbouring dwellings on the 5<sup>th</sup> April, there was subsequently an amendment to the wording of the proposal and 25 neighbouring properties were notified, this time including third party contributors. A number of objections mention that a large number of neighbour letters were delivered only to a single address. This is unfortunate, however, it is considered that relevant neighbouring residents were notified through this means and the erection of the site notice at the entrance to The Avenue. The letters were all correctly addressed, the issue is with the postal service.

#### Potential Development

This application of for the change of use of a residential dwelling and the alteration and extensions proposed. Any future developments cannot be considered as part of this planning application.

The application proposes no fencing, there is some balustrade/handrail guarding proposed where levels are greater than 0.6m, the balustrade will measure approximately 1.1m in height.

### Biodiversity

There seems some confusion as to what the question on the application form relates to. The Agent is not stating there are no protected species, biodiversity sites or geological conservation importance on the site, they are stating that they will not be affected by the proposed development. It is considered that the change of use of a residential dwelling with minimal external alterations will not cause harmful impact to any protected species on site such as badgers or frogs in the existing pond. Additionally, the Biodiversity Officer has inspected the plans and photographs of the existing roof, soffits and eaves, and consider the dwelling unlikely to contain bats, and a preliminary survey is not required in this instance. Bird boxes are proposed on the north-most part of the site and if any bats are found works will cease.

### CONCLUSION

The proposed development will address an identified need for supported living and care within the county borough. One which due to its scale and character would not detract from the overall residential appearance of the property within this rural setting. In addition, the proposed development would not result in any significant impact on traffic generation or congestion, over and above that could result from the existing residential use of the property. The scale of development and the use would not create any impacts upon amenity, either through overlooking, loss of privacy or amenity of occupiers to adjoining properties, that are all located some distance from the application property.

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 the character of the area, residential amenity, or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP15, SP20, SP21, 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, specifically Policy 2 Shaping Urban Growth and Regeneration – Strategic Placemaking. 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

**Approval, Subject to 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.

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

AL(90)01 C Location plan

AL(00)12 Proposed elevations

AL (00) 10 D Proposed ground floor plan (self contained units)

AL(00)11 Proposed first floor plan (self contained units)

AL 90 02 Bio diversity plan

Reason:

In the interests of clarity.

3. Prior to first use of the proposed care facility, 4 car parking spaces shall be provided within the curtilage of the site, as per the submitted plans. These parking spaces shall be retained as such thereafter.

Reason:

In the interest of highway and pedestrian safety and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan

4. Prior to the first beneficial use of the building, the biodiversity enhancements as shown on drawing number "AL 90 02 BIO DIVERSITY PLAN" shall be implemented as approved and maintained as such thereafter.

Reason:

In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

5. The premises shall be used for a residential care home within Use Class C2 only, for a maximum of 4 residents 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 or increased occupation can be assessed in the interests of amenity and highway and pedestrian safety and to accord with Policies SC1 and TR2 of the Neath Port Talbot Local Development Plan.