

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

APPLICATION NO: P2023/0240	DATE: 18.07.2023
PROPOSAL:	Change of use from single dwellinghouse (use class C3) to residential care home (use class C2) for up to 4 children and their carers
LOCATION:	Craig Y Rhedyn 9 Uplands Road Pontardawe SA8 4AH
APPLICANT:	Athena Care Group Ltd
AGENT:	Mrs Arran Dallimore
TYPE:	Full Plans
WARD:	Trebanos

SITE AND CONTEXT

The application site comprises a large detached residential property, originally built as the doctor's house serving the steel and tinplate works in Pontardawe. The property currently has 7 bedrooms and 4 reception rooms and is set in a large plot with existing gardens to the front, side and rear.

The property is located in a narrow cul-de-sac, shared with other residential properties. The access road is steep with on-street parking restrictions. There are limited footways.

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the change of use of the residential dwelling to a children's care home for up to 4 young people (plus care staff).

The existing property has the layout, facilities and services of, and has the character of, a single residential dwellinghouse. The proposed use would not change this, and the external appearance of the building would not be altered. Day-to-day living facilities, including bathroom, kitchen, dining and sitting rooms would be shared. Each child would have their own bedroom. The preparation of meals would be principally undertaken by the carers; however, the children would be encouraged to assist. The carers and children would eat their meals together at the dining table and the children would socialise together.

Up to four children, aged between 8 and 18 years, would live at the property as their principal residence. Children who are in the guardianship of Athena Care Group and who have been taken into care for a variety of reasons, including fears for their physical wellbeing, learning disabilities or because of emotional or behavioural difficulties. They would usually be long-term residents and would be expected to live independent lives as adults. Typically, the reason for the children needing care is simply that they are not yet old enough to live independently or require additional support that cannot be provided within their current setting.

On weekdays the children would usually attend school off-site during normal school hours and terms. The proposed staff levels are a transient nature due to shift work patterns. The maximum number of care staff (inclusive of manager) on site at any one time will be a maximum of 4 no. persons. The care staff and manager would live elsewhere, and the dwelling would not be their permanent residence.

NEGOTIATIONS

A site meeting was held with the Ward Councillor, applicant and local residents to discuss residents' concerns and the applicant then submitted further information about the nature of the use and amended plans showing an enlargement of existing on-site car parking areas.

PLANNING HISTORY

The application site has no relevant planning history.

CONSULTATIONS

PONTARDAWE TOWN COUNCIL: Have significant concerns for the following reasons:

- Although parking had been factored into the application it was felt to be insufficient for this type of residential care home were there were multiple staff and visitors in an area where there was very limited on street parking
- The main road to the property was single track with double yellow lines. This would be unsuitable for the delivery vehicles frequenting a residential facility
- A site visit by planning officials was paramount prior to any decisions being made.

HIGHWAYS: No objection, subject to conditons.

COMMUNITY CARE & HOUSING: No reply received.

REPRESENTATIONS

The Ward Councillor was notified on 28 March 2023 and again on 16 May 2023.

The neighbouring properties were consulted on 28 March 2023 and reconsulted again on 15 May 2023.

A site notice was also displayed on 29 March 2023.

In response, to date 15 no. objections have been received, with the issues raised (traffic, parking, safety concerns, anti-social behaviour/crime, trees and bats) summarised as follows: -

- Uplands road is a steep Cul-De-Sac with a single restricted turning point at the top of the road. It is narrow and has no pedestrian footpaths. Pedestrians, cyclists and vehicles share the road. Access to the road is by a hairpin turn that requires anything larger than a car to make a 3 point turn. This means that emergency vehicles such as Ambulances and Fire Engines will struggle

to get round corner. There is also a safety concern if any of the potential occupants of the proposed home decide to play in the road or use the road without supervision. Increased traffic will make this even more dangerous.

- The proposed property is located on the outside of a blind bend. The narrow access driveway for the property is between the existing house and a retaining wall with a well established Laurel hedge on top of it. The Laurel hedge obscures the drivers line of sight when leaving the property, which increases the risk of accidents
- The application stated that no trees are on the property. In reality the garden is well established and includes several large apple trees and a large Magnolia tree. Any changes to this would damage the local landscape character.
- The application is for 5 employees, not 4 as implied in the proposal title and it would appear that none of them are to remain in the property as a permanent resident, which is a concern because it would mean that the 1:1 ratio implied in the proposal is not observed outside of normal working hours. This means that there would be no suitable constant supervision on site for the full 24 hours of the day, 7 days a week. In addition, there would be no familiar point of contact if something were to happen outside of the property.
- The worst case scenario should be considered, which is one car per employee and would mean a minimum of 5 cars. In addition to this, there may be visits from Drs, nurses or other professional services as well as the probability of deliveries and visitors to the residents. All this means there could be up to twice the number of vehicles than is suggested in the application. Uplands Road is already burdened with overcrowded parking and there is no space for additional vehicles on this scale. It is therefore likely that the Police will be called from time to time to remove any vehicles parked on double yellow lines and causing obstructions.
- It is possible that there may be use of hazardous substances in the care home, which would need to be controlled properly and disposed of safely. My concern is that normal residents and their children who live in the street may be unnecessarily exposed to anti-social behaviour including drug use and undesirable visitors to the road resulting in an increase in crime.
- Safety concerns about the impact of these the children being housed so close. They are likely to have emotional or behavioural needs based on the information I have seen, and having adolescents up to the age of 18 frighten with those needs housed so close is highly concerning. Our street is a residential area and not set up to have a care home operating on it.
- With an OAP sheltered accommodation so close to this site, and the area being on the rural residential area, I would suggest that adding a business use property would result in a very unbalanced community.
- If the clientele are not to include people with substance / alcohol issues or serious criminals, and permission is given, how will this be monitored and controlled in the future and what would prevent future use as an uncontrolled HMO? Once use has been granted it can easily be changed which is a great concern.
- The property will require extensive renovation to make it fit for purpose and this is likely to cause significant disruption for a long period of time.
- This is an old building with outbuildings as well. Bats are resident in many of these buildings and I frequently see the bats going to roost in the eaves of the roof. The bats cannot be disturbed with the change of use of the building.

- Athena care group does not have a very good rating from staff with regards to management, pay and conditions therefore I would question the suitability of establishing such a care home in the Pontardawe community.

REPORT

National Planning Policy:

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.

The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or shops and services.

The Environment (Wales) Act 2016 places a duty on the Council to maintain and enhance biodiversity, promote the resilience of ecosystems and increase their ability to adapt to events such as the impacts of climate change.

[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

The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure.

Policy 9 - Resilient Ecological Networks and Green Infrastructure

In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

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

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

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 SP15** Biodiversity and Geodiversity
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage
- **Policy SP22** Welsh Language

Topic Based Policy

- **Policy SC1** Settlement limits
- **Policy EN6** Important biodiversity and geodiversity sites.
- **Policy EN7** Important Natural Features
- **Policy TR2** Design and Access of New development
- **Policy BE1** Design
- **Policy WL1** Development in Language Sensitive Areas

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Parking Standards](#) (October 2016)
- [Design](#) (July 2017)
- [Development and the Welsh Language](#) (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 and ecology.

Principle of Development

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

Whilst it has similar characteristics to use class C3(b), the current proposal seeks planning permission to change the property from use class C3 to use class C2 as the use is intended for children under the age of 18 who cannot live together as a single household without appropriate adult care and/or supervision on a 24 hour basis.

The property will therefore effectively run as a care home facility. There is no physical change to the property that would impact upon the character or appearance of the property, and no alteration of extensions proposed.

The application has been submitted for a maximum of four resident children receiving care (plus staff), and as such a condition can be imposed restricting any permission to that number as any increase in resident numbers could result in materially different impacts (see below).

As such, in principle it is considered that the proposed use, subject to other criteria and policy is acceptable, and would not be contrary to any land use policy within the Adopted Local Development Plan.

Impact on Visual Amenity

The proposals suggest no alterations to the property itself. As stated above, the only visual alteration is the widening of the existing off-road car parking within the existing parking areas. As such the proposed development accords with policy BE1 of the Adopted Local Development Plan.

Impact on Residential Amenity

As is evident from the large number of third party objections received in this case, so-called 'care in the community' type uses can lead to fears of possible criminal or antisocial activities being detrimental to the amenity of neighbouring residents. These uses often raise fears amongst neighbours or wider local communities which, although sometimes not based on fact or evidence, can find their way into grounds for refusal. The 'harm' to residential amenity is often based on perception rather than evidence of problems that actually occur. With appropriate management, the proposed use should not cause significantly any greater impact than its use as a large family dwelling. The property has 7 bedrooms therefore it is material to consider the fall-back position of it being used as a C3 dwellinghouse by a large family, who would require adult supervision of children in order to function properly. Albeit in this case there would be more supervision or control over the residents due to the nature of the use, than that imposed upon those residing in a family dwelling house.

A large family is just as capable of exhibiting anti-social behaviour, with little recourse for neighbours. The more intensive the use of a property however, the more likely other justifiable concerns with regard to noise and overlooking could be raised and which are not associated with the care needs of the intended occupants. Therefore the use should be restricted to a maximum of 4 resident children so that the impacts of this can be controlled.

It is considered that the proposals at this scale will not result in any unacceptable impacts upon residential amenity over and above that would be expected from its lawful C3 use as a single family dwellinghouse, and therefore whilst the concerns of the local residents are a material consideration, there is no evidence that this development would result in any harm to justify withholding planning permission. As such the proposal would be in accordance with Policy BE1 of the Adopted Local Development Plan.

Parking and Access Requirements and Impact on Highway Safety

It is accepted that the width and gradient of the existing access serving this cul-de-sac is sub-standard and poses difficulty for larger vehicles. However, as this is an application for a change of use, it is necessary to consider the existing use of the property and trip generation that could be attributed to the existing use and compare this 'fall-back' position with the new use class and development proposed. Having evaluated the type and size of the existing use (7 Bedroom detached dwelling) and the proposed use class the Highways Officer is satisfied that there will not be a considerable increase in trip generation based upon the proposed staffing numbers indicated. The application site benefits from an existing access point from

the adopted highway with a sizeable driveway to accommodate the parking requirements both the proposed and existing use. The Highways Officer requested that alterations be made to the existing car parking arrangement to ensure ease of access for the proposed members of staff at the changeover of shifts, and an amended plan to demonstrate this has been received. The driveway location is to remain as existing with vehicles either reversing into or out of the driveway into the public adopted highway however this is the same arrangement as the existing use class. There is no requirement for the applicant to provide a turning area within the site. However there does appear to be capacity to enhance the visibility splays by reducing the height of the boundary wall to provide betterment to visibility that may help appease the objections but this would not be a highway requirement as it is an established access. The 4 spaces satisfy the NPT parking standards in terms of size and quantity.

In accordance with the parking standard, the 7 bedroom dwelling would require 3 car parking spaces. A residential children's home (page 17 of parking standards) requires 1 space per resident staff and 1 space per non-resident staff and 1 visitor space per 4 beds. The applicant is proposing 5 non-resident staff therefore 2 operational spaces are required and 1 visitor space giving a total of 3 spaces. The applicant has accommodated the additional 1 car parking space required to ensure all staff are able to park within the confines of the site without causing any indiscriminate parking or obstructions within the adopted highway.

Having checked accident statistics for the area, there have been no recorded road traffic accidents at this location or along the highway route leading from the A474, Glanrhyd Road and Uplands Road to the application site. There are existing TRO's (Traffic Regulation Orders) in the form of Double Yellow lines on the bend of Uplands Road to ensure there is no parking in this area.

As an existing 7 bedroom residential dwelling this could easily encourage more than the 4 vehicular spaces required by the new proposal. The new proposal does have capacity to further increase parking facilities, and to include a turning area so that cars would be able to enter and egress in a forward gear, however these are not required to satisfy highway requirements.

The traffic movements associated with the use would also not be dissimilar to that of a residential dwelling of this scale, and as such not result in any unacceptable impacts upon congestion or free movement or traffic or pedestrians.

Accordingly it is considered that the proposals will not result in any unacceptable impacts upon highway and pedestrian safety, and as such would be in accordance with Policy TR2 of the Adopted Local Development Plan.

Biodiversity / Ecology

The application proposes no development to the property itself, but given that a third party has raised the possibility of bats, an advisory note is recommended to make the applicant aware that surveys for protected species may be required for future alterations or development, particularly if this involves any alteration to the roof.

The application proposes no loss of any existing soft landscaping features, which comprise mainly of maintained lawn and ornamental species of flora and more mature trees to the side and rear boundaries. Future Wales Policy 9 requires all developments to provide a net gain for biodiversity as part of a package of measures to maintain ecological resilience and mitigate the effects of the climate emergency. This can be controlled by condition.

Section 106 Planning Obligations

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, no planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

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 already been addressed elsewhere in this report, the following comments are made:

- The property does not require extensive renovation to make it fit for purpose
- The employment credentials of the applicant company are not a material planning consideration, the planning assessment is of the intended C2 use and is not personal to the particular applicant company

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 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 BE1 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 – Approval, 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:

AL(90)02 Proposed Site Plan
AL(00)02 Proposed Floor Plans
AL(90)01 Location Plan
Athena Care Group Supporting Statement

Reason:

In the interests of clarity.

Action Conditions

- 3 Prior to the first use of the development hereby approved the existing car parking areas shall be enlarged as set out on the amended plan hereby approved and made available for use by occupiers of the property, and retained for use as such thereafter.

Reason

In the interests of highway and pedestrian safety and to accord with Policy TR2 of the Local Development Plan.

- 4 Prior to the first beneficial occupation of the use hereby permitted, an artificial nesting site for birds shall be erected on the property to one of the following specifications, and retained as such thereafter:
Nest Box Specifications for House Sparrow Terrace:
Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs.
To be placed under the eaves of buildings.
Entrance holes: 32mm diameter
Dimensions: H310 x W370 x D185mm
or
Swift Nest Box Specification:
Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.
Dimensions: H150 x W340 x D150mm

Reason:

In the interest of biodiversity, to mitigate the loss of foraging habitats, and to accord with Policy 9 of Future Wales: The National Development Plan 2040 and Policy SP15 of the Adopted Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 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.