

PLANNING & DEVELOPMENT COMMITTEE

5 APRIL 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

APPLICATION NO: 18/0056/10 (KL)
APPLICANT: Horizons Educare
DEVELOPMENT: Change of use from a dwelling (C3) to a care home (C2) (Amended red line boundary and parking layout plan received 23/02/18) (Further amended red line boundary plans received 19/03/18 which removes grass verge between existing and proposed parking spaces).
LOCATION: 31 MOUNTAIN VIEW, TONYREFAIL, PORTH, CF39 8JG
DATE REGISTERED: 19/03/2018
ELECTORAL DIVISION: Tonyrefail West

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS

REASONS: The proposal would provide a residential care facility within an existing residential property that could be used for residential purposes by 6 people living together as a single household. The proposed use would be of a small scale with 4 children being cared for by up to 5 daily carers and up to 3 overnight carers and it is not considered that this would be too dissimilar to the existing residential use of the property. Whilst a total of 18 objections have been received in relation to the proposal, it is not considered that the issues raised would have such a significant impact on the amenity of local residents that would warrant the refusal of the application.

Given that the proposal would not involve any external alterations to the property, it is considered that it would be visually in-keeping with the residential character and appearance of the area. Furthermore, adequate parking would be provided within the site and it is not considered that the proposal would have an adverse impact on highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;

APPLICATION DETAILS

Full planning permission is sought for the change of use of no. 31 Mountain View, Tonyrefail from a 5 bedroom residential dwelling (Use Class C3) to a residential care home for up to 4 children with learning disabilities (Use Class C2).

The proposal would not involve any external alterations to the property and the use would be facilitated within the existing floor layout with the accommodation provided being arranged over 3 floors:

- Ground floor – hallway, lounge, kitchen/diner, office (currently used as a study), a WC and a conservatory (to be used as a secondary lounge);
- First floor – 3 bedrooms (1 with en-suite), bathroom and a lounge (currently used as a bedroom);
- Attic roof space – 1 bedroom and a shower room.

The children to be cared for at the property would be aged between 10 and 18 and are likely to have a learning disability, be autistic or have a social emotional difficulty. They would receive care 24 hours a day with the staff and children living together as a single family.

Service provision would be carried out by Horizons Educare which is a specialist provider of care packages for young people with learning disabilities and complex support needs. Between 3 and 5 qualified and experienced members of staff would care for the children during the day with this being reduced to between 2 and 3 during the night. Shift patterns would typically be between the hours of 08:00 and 22:00 (day shift) and between 22:00 and 08:00 (night shift). There would be a staff handover period of approximately 15 minutes between day and night shifts.

The children would either be educated on site or in the local community and they would attend activities off-site on the weekend. Staff would have access to two vehicles to transport the children to school/activities.

The property already benefits from 2 off-street car parking spaces to the side of the dwelling which are located on the driveway and in the single garage. A further 2 spaces would be provided to the side of the property which would increase off-street parking provision within the site to a total of 4 spaces. This would result in the existing fenced enclosure between the property and the garage being removed.

A further amended red line boundary plan has been subsequently received which removes a small triangular shaped grass verge between the existing and proposed car parking spaces from the curtilage of the dwelling and as a result, the application has been re-advertised.

SITE APPRAISAL

The application site relates to a two-storey, detached property located within a large residential estate off the main road between Tonyrefail and Gilfach Goch. The property is set within an irregular shaped plot with the north-west facing front elevation being set back from the highway by a small, open-plan front garden area. Further enclosed gardens are located at the rear and side of the property. The property benefits from 2 off-street car parking spaces to the south-west facing side elevation.

The surrounding area is characterised by other residential properties of varying scales and design.

PLANNING HISTORY

No previous planning applications have been submitted at the application site within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification letters to 12 properties surrounding the property as well as through the erection of two site notices in the vicinity of the site. A total of 18 letters of objection have been received from local residents with these being summarised as follows:

Behavioural Issues/anti-social behaviour/crime:

- There is concern with the level of emotional and/or social issues that the children may be experiencing.
- Emotional and/or social issues and/or learning difficulties and/or autism, which are frequently accompanied by behavioural challenges which could create fear and worry being in such close proximity, not to say any damage or disturbance creating more strain on local policing services;
- Safety is an issue as young people who are located in such institutions with behavioural challenges may seek to run off and thus not only compromise the safety of others in the institution but also to residents and property in the immediate location;
- There are a number of vulnerable residents nearby (both elderly and young children) who would be placed at risk;

Noise/disturbance:

- There will undoubtedly be an impact on the immediate area as a result of additional noise, disturbance and nuisance and this will have a direct impact on our day to day living;
- Changing shift patterns during the day and night would result in noise, disturbance and nuisance;
- Any potential problem with noise or disruption may create health problems, creating further strain on local services;
- The conservatory at the rear of the property would be used as a lounge and conversations of people using the conservatory can be heard clearly so noise levels would become a problem;
- If the residents have behavioural/emotional issues, it could mean that emergency services could be in regular attendance to the property which could potentially create more noise and disturbance to the current quiet nature of the local population;

Compatibility of use within a residential setting and suitability of property for care home use:

- It is not appropriate having a care home on a residential estate;

- The property is not suitable as a care home as it was designed as a family home, not as a private business as a care home with residents;
- The use would be for 4 unrelated children with autism or learning disabilities who would be looked after by 5 staff and being run as a private business for profit;
- A residential site is no place for these children to be accommodated;
- There are no facilities on this site for these or any other young people;
- The property is not suitable for a care home – there are safety issues with both the house and the garden and I do not believe that this can be addressed in so small a property without affecting the care home residents and possibly adjacent residents;

Alternative uses:

- There is concern that the care home could change the type of service users to one that is totally inappropriate in a residential area. Similarly, the property could be changed to another use within the C2 use class without permission.

Highways/Parking:

- The use would increase traffic and congestion near the dwelling which is on an incline slope with a sharp blind bend at the bottom of the road. There have already been a number of near misses, especially involving children riding bicycles;
- The house is near a roundabout on a busy road;
- Parking is an issue in the area which would be made worse by 5 full time members of staff;
- Residents park their vehicles up on the kerb which creates any passing to venture onto the road or have limited room on the pavement and any additional cars will directly impact on the ability for emergency services to access property beyond this point on the estate;

Other:

- The estate is still managed by the house builders and in adverse weather the roads in and around the estate are not managed nor are grit bins provided. This could put a risk to the children/staff with behavioural/emotional issues if emergency services were required;
- There is concern with regard to the drainage system as we have to pay for clearance of any blockage of the drainage system which is shared by all the houses on the 'run'.
- Have there been any previous incidents in any of the company's properties of absconding by any of its residents and/or damage caused to neighbouring properties;
- One objection quotes a recent Estyn monitoring inspection of the Company's Ynystawe Lodge in Swansea of March 2017 which states that, in a few cases, 'behaviour management strategies are ineffective....there is insufficient therapeutic support and intervention available to support the pupil's complex needs. As a result, for a few pupils, there has been a notable increase in the frequency and length of challenging incidents at the school';
- The company is based in Swansea which isn't anywhere near the catchment area for the proposed property. It would be unsuitable for children with behavioural difficulties to travel this distance for schooling;
- If this application is accepted, it will set a precedent to allow more commercial businesses to set up on our lovely estate;

- Homes should be built fit for purpose with the needs and safety of the care home residents paramount. Would it not be prudent to build a purpose built property with appropriate facilities?
- The use could adversely affect house prices on the estate;
- The Horizon Educare website is not available to view at present;
- Would the Council put in place any compensation scheme for current residents should permission be granted?
- If permission is granted to change to a C2 use, then permission would be required to change the use back to residential which will deter the majority of people wishing to purchase it as their family home should the property go back on the market;

On receipt of amended plans, which included additional parking at the site, a further 3 objections have been received which largely reiterate the initial concerns outlined above. However, further comments have also been received in relation to highway, parking and drainage issues and are summarised as follows:

- Disagree with the Council's Transportation Consultation response – the level of parking is not acceptable. There could potentially be 7 vehicles being parked at the site with only 3 off-street parking spaces used (on the real assumption that the garage would not be used);
- The number of cars stated by the application is likely to be increased as it is unclear whether the figure includes any visitors to the property;
- Lack of parking will increase risk of accidents/damage and injury to both vehicles and people;
- A consultation response from the Council's Drainage Section states that the application should be conditional on work related to inadequate drainage. How would this be communicated to the applicant?? What guarantees are there that this work would be undertaken to acceptable specifications? How is this monitored? What are the consequences of the applicant not doing the work?
- It is understood that the applicant is not actually Educare themselves – what assurances does the Council provide that Educare will be bound by the various 'consultation responses and reports submitted?

As previously advised, the receipt of a further amended red line boundary plan has resulted in the application being re-advertised via direct neighbour notification letters/emails. Any additional comments received from residents will be presented orally at Committee.

CONSULTATION

Drainage – No objection

Highways – No objection subject to condition

Public Health and Protection – No objection subject to conditions

Tonyrefail Community Council – No comments received

Welsh Water – No comments received

Early Years and Family Support Services – No comments received

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary and is unallocated.

Policy CS2 - sets out criteria for achieving sustainable growth.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Supplementary Planning Guidance

Access, Circulation and Parking

Design and Placemaking

National Guidance

In the determination of planning applications, regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), and Chapter 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application site is located within the defined settlement boundary and within an established residential area. The existing dwelling can already be used as a 5 bedroom home for up to 6 people living as a single household under the C3 use class and this could potentially include a family with 4 children between the ages of 10 and 18 with similar needs as those to be cared for under the proposed C2 use.

The children would be cared for by up to 5 members of staff which could potentially increase the intensity of the use of the property, however, the proposed use is considered to be of a relatively small scale which could be facilitated within the footprint of the existing property without the need for any internal or external alterations or any extensions. The facility would be registered and regulated by the Care and Social Services Inspectorate Wales (CSSIW) which would ensure that the property meets the required standards of the proposed use.

A number of objections have been received from local residents which raise concerns with regard to the proposal and these will predominantly be discussed further in subsequent sections of this report. One key concern raised by several objectors, however, relates to the compatibility of the proposed C2 use within a residential setting which should be considered in assessing the principle of the proposal.

Residential care facilities are typically encouraged within residential settings where residents to be cared for can get involved in the community and lead relatively normal lives with the assistance and guidance of qualified and experienced staff. This has now become the standard method of delivery for such care and there are a number of other similar uses in predominantly residential areas throughout the County Borough.

Whilst the proposed conversion would result in a small increase in the intensity of the use of the site, it is not considered that this would adversely conflict with the residential character of the surrounding area. As such, the principle of the proposed development is considered to be acceptable subject to an assessment of the criteria set out below:

Impact on residential amenity and privacy

A total of 18 letters of objection have been received from local residents in relation to the proposal with one key concern being that the children to be cared for may have behavioural issues which would result in increased levels of crime and anti-social behaviour in the immediate locality. The concerns of both public safety and that of fear because of the perception of danger must be taken into consideration when determining the application and consideration must be given to whether or not these fears carry sufficient weight to justify the refusal of the application.

In the case of this application, the children that would be cared for at the facility are likely to have a learning disability, be autistic or have a social emotional difficulty and would need support and guidance from parental figures. The applicant has confirmed that children that are considered to have an element of risk in the community would be better suited to a placement in one of their more rural facilities and would not be

placed in a community setting such as the location currently being considered. It has also been confirmed that the facility would have good staff to child ratios to ensure that the necessary level of management, support and guidance can be successfully achieved for each child.

The perception of threat to safety is itself a matter which can be accepted as potentially affecting the quality of life of residents. However, given the information provided by the applicant, the risk of harm being caused to any member of the public in the surrounding area by a child residing at the care home is considered to be relatively low. Whilst such a risk could never be completely eliminated, the facility would be fully regulated by the Care Inspectorate Wales and staff would be qualified in dealing with any potential issue that may arise. It is acknowledged that this may not eliminate local anxiety and fear, however, it is not considered that the actual and perceived risk to public safety would carry sufficient weight to warrant the refusal of the application.

A number of objectors also raise concerns that the change of use of the property to C2 could potentially result in it being used for alternative uses without requiring any further planning permission. Whilst these concerns are appreciated, uses such as a young offender's institution, detention centre or any sort of secure accommodation/unit would fall within the C2A Use Class and planning permission would be required to change the use of the property to these uses. Notwithstanding this, if Members are minded to approve the application, a condition restricting the use of the property to a residential care home only can be imposed.

Further concern has also been raised with regard to the level of noise and disturbance that would be generated from the proposed use, particularly if/when residents use the garden and when members of staff arrive at/leave the property at the beginning/end of each shift. Whilst it is accepted that the care home may generate some degree of noise, it is not considered that this would be significantly over and above that which could potentially be created through its current residential use. Furthermore, whilst it has been indicated that the conservatory is not used by the current or most recent residents of the property, this could change at any time without the need for permission. As such, it is not considered that this would have such an adverse impact on surrounding residents that it would warrant the refusal of the application.

Impact on Highway Safety

A number of objectors raise concern with regard to the potential impact of the proposal on highway and parking issues at the site and the surrounding area, particularly given that the number of cars being parked at the site could potentially be in excess of the 6 stated by the applicant (i.e. through visitors etc) and that the number of spaces at the site could be reduced on the basis that the garage space is unlikely to be used. Whilst these concerns are acknowledged, the Council's Transportation Section raise no objection to the proposal. In coming to this view, the response states that the proposed conversion to a 4 bed care home has a parking requirement of 1 space per resident staff and 1 space per 3 non-resident staff and 1 space per 4 beds for visitors. The provision of 4 parking spaces within the site curtilage is considered to be acceptable subject to a condition being appended to

any grant of planning consent to secure a suitable vehicular crossover at the front of the site to facilitate safe vehicular access to/from the highway.

Whilst the concerns raised by the residents are appreciated, given the response received from the Transportation Section, it is not considered that the development would have an adverse impact on highway safety.

Impact on character and appearance of area

The proposed change of use would not involve any external alterations to the property and it is therefore not considered that the proposal would have any impact on the character and appearance of the surrounding area. Whilst it is noted that the existing timber fence enclosure to the side of the property would be removed, it is understood that this was installed by the current owner to prevent dogs from fouling on their land. It could potentially be removed at any time without the need for permission and it is not considered that its removal would have an adverse visual impact.

Public Health

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

Other

Drainage

The application has been subject to consultation with the Council's Flood Risk Management Team with a view to assessing the impact of the proposal on land drainage. The applicant proposes to discharge surface water via a soakaway system but did not initially provide any details with the application. A drainage condition was initially recommended, however, the applicant confirmed that the soakaway is an existing system and subsequently submitted a hydrological report which was assessed by the Flood Risk Management Team. The information submitted is considered to be acceptable and the condition is no longer required to be included.

Other concerns raised by objectors

A number of other objections have been received which relate to matters that are not material planning considerations and cannot be taken into consideration in the determination of the application. These include the non-adoption of the estate roads and drainage system, incidents/issues at other facilities owned/managed by the company, devaluation of house prices in the area, the need for planning permission to change the property back to residential use, the availability of the Horizons Educare website.

It is also noted that one objector raises concern that the children to be cared for at the proposed care home would be transported to the Swansea education facility on a daily basis for school. The applicant has confirmed that the children will either be educated at the application property by a tutor or at a local school.

Whilst it is noted that objectors raise concerns that the approval of the application would set a precedent to allow for more commercial businesses on the estate, every application received by the Council is assessed and determined on its own individual merit.

One objector also considers that care homes should be built fit for purpose and that it would prudent to build a purpose built property with appropriate facilities. Whilst this is acknowledged, the application seeks approval for the conversion of an existing property and can therefore only be considered on the details submitted.

It is also noted that one objector queries whether the Council would put in place a compensation scheme for current residents should permission be granted for the care home. This issue is beyond the remit of the planning process.

In terms of the conditions suggested in consultation responses received from Highways and Drainage, these would be appended to the decision notice should planning permission be approved. As mentioned earlier in the report, the issues initially raised in relation to drainage have now been overcome and the condition originally recommended is no longer required. However, the condition suggested by the Highways department would need to be subsequently addressed through the submission of a further discharge of condition application by the applicant/developer. This would require relevant information to be submitted to the Council for further assessment and the condition/s can only be successfully discharged on receipt of acceptable plans/information. The applicant/developer would need to carry out the works in accordance with the plans/information agreed and enforcement action could potentially be taken if it is found that the works have not been carried out in accordance with the approved plans/information. Furthermore, the permission would relate to the property itself and not the applicant so the works would need to be carried out in accordance with the plans regardless of whether the developer is Horizons Educare, as the applicant of the application, or another company. A further application would need to be submitted if the details of the scheme change.

Community Infrastructure Levy Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The proposal would provide a residential care facility within an existing residential area and it is not considered that the use would unacceptably conflict with existing land uses. Whilst it is noted that local residents raise significant concerns with regard to the proposal, the proposed use is considered to be of a relatively small scale with care being provided for 4 children between the ages of 10 and 18 who may have learning disabilities, autism or a social emotional difficulty. The risk of harm being caused to any member of the public in the surrounding area by a child residing at the care home is considered to be relatively low and the actual and perceived risk to public safety would not carry sufficient weight to warrant the refusal of the application. Furthermore, the proposal would not have an adverse impact on the character of the surrounding area and sufficient parking would be provided within the site which would adequately address any potential impact on highway safety.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 25th January 2018, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.:

- Proposed Location Plan;
- Proposed Bedroom and Shower Room Extension.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The use hereby permitted shall be restricted to a residential care home only.

Reason: In the interests of residential amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the development being brought into use, vehicular footway crossings shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority prior to any works commencing on site.

Reason: To facilitate safe and satisfactory access to and from the curtilage parking area and in the interest of highway and pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.