



PLANNING & DEVELOPMENT COMMITTEE

14 JUNE 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0267/10
(GW)

APPLICANT: Fairhome Group PLC

DEVELOPMENT: Proposed use as a supported living property for 7 residents and associated staff facilities (C2 Residential Care Home) (Amended description and further supporting statements submitted).

LOCATION: DANYCRAIG, 11 VICARAGE ROAD, PENYGRAIG, TONYPANDY, CF40 1HR

DATE REGISTERED: 14/05/2018

ELECTORAL DIVISION: Penygraig

RECOMMENDATION: GRANT

REASONS:

The property is located within a residential area and would beneficially house and support people who are in need of care. The proposed use as a care home would be a more intensive use than the current use, however is considered would not result in a significant detrimental impact on residential amenity, the character of the area or highway safety.

Whilst 11 objections have been received from local residents who consider that the dwelling should be restricted by condition from being used by recovering drug and alcohol addicts or for housing released offenders, Members are advised that in planning terms "care" can include personal care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder. It is therefore considered a restrictive condition would not be reasonable or necessary, as potentially the groups of people listed under the care definition could already reside at the dwelling without the need for planning permission. Properties that are to be used specifically for released offenders, such as bail hostels, would require further planning permission.

However, Members are advised, a condition restricting the use to a care home for only 7no. residents is considered necessary to control the intensity of the

use and any further impact on material planning considerations.

REASON APPLICATION REPORTED TO COMMITTEE

The application is being reported to Committee as three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the change of use of the property into supported living property for 7 residents who have sensory disabilities. Associated staff facilities would be provided on the top floor of the dwelling. The ground floor would include three bedrooms, a kitchen and dining room/lounge. Disability Discrimination Act (DDA) compliant accesses would be provided. Four bedrooms and a dining room/lounge/kitchenette would be provided on the second floor.

A car port and shed will be removed near to the existing vehicle entrance to provide 5 no. car parking spaces.

A supporting statement from the charity Sense detail they are sponsoring the project and the property would provide specialist support for people who are deaf blind, have sensory impairments or complex needs enabling them to live in the community with support (from Sense); as a highly specialist care provider.

A further statement details the scheme will support up to 7 individuals with various care and support needs and the property will be their permanent residence. The level of staff required to support these people will vary from person to person. Many residents will have dual or single sensory loss including deaf blindness. Tenants may also have learning or physical disabilities or autism. Some tenants will require 1:1 support much or all of the time whilst some may be more independent receiving less support a week, however staff are often shared between tenants. Tenants will come and go daily, attending medical appointments, visiting day centres, going to work or college and accessing other community facilities. There will be waking night staff in addition to day staff and so the property will be staffed 24 hours a day.

The minimum amount of hours support will be 50 per week per person but this could be significantly increased if they require medical support. In the unlikely event that everyone is commissioned for support on a 1:1, 24 hour a day basis, there will be a maximum of 8 staff on shift at any one time. There will be visits from health professionals and social workers throughout the week.

The applicant's agent states that the use of the property would follow the supported living model and will not be a registered care facility. Users would have individual tenancies and with that the property is considered their home with no set visiting hours and would operate as a domestic home for those living there.

The application is supported by:

- Planning Statement
- Staff and Support Statement
- Sense – Supporting Letter

SITE APPRAISAL

The application site is a large detached dwelling located on the junction between Vicarage Road, Crawshay Road and Aubrey Road in Penygraig. The dwelling is sited centrally on the plot with vehicle access from Crawshay Road. A hard standing area is located to the rear of the dwelling that includes some outbuildings and an open car port. The surrounding area is mainly residential in nature. A convenience shop is located close by on Aubrey Road behind the dwelling.

PLANNING HISTORY

None relevant.

PUBLICITY

The application was initially advertised via the erection of site notices and by direct neighbour notification. 11 objections have been received at the time of writing this report and their comments are summarised below:

- We have doubts to what the planning permission will allow the property to be used for.
- We have no objection to the property being conditioned to be only be used for assisted living accommodation for persons with disabilities.
- Strongly opposed to the property being used for any drug/alcohol rehabilitation centre or for convicted people.
- This has potential to increase the risk to local residents in what is a quiet residential area.
- The development would devalue my property.

Councillor Joshua Davies has submitted an email supporting the application.

Following further supporting statements describing the proposed use being submitted the application was re-advertised with '(C2 Residential Care Home)' added to the description. No further letters were received at the time of writing this report.

CONSULTATION

Dwr Cymru/Welsh Water – no objection subject to: surface water from any increase in the roof area of the building/or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Flood Risk Management – no objection.

Public Health and Protection – no objection subject conditions on demolition of dwellings, hours of operation, noise, dust and waste.

South Wales Fire and Rescue Services – no objection.

South Wales Police – no objection.

Transportation Section – no objection.

Wales and West Utilities – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

Policy CS1 - sets out criteria for achieving strong sustainable communities including: promoting residential and commercial development in locations which support the role of principal towns and key settlements; provide high quality, affordable accommodation that promotes diversity in the residential market; and ensuring the removal remediation of dereliction by promoting the re-use of under used and previously developed land and buildings

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

Policy AW5 - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

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

Supplementary Planning Guidance

Access Circulation and Parking

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), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 9 (Housing) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) sets 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 11: Noise;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development; and
Manual for Streets.

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.

Principle of the proposed development

The proposal is for the conversion of a large dwelling to a property for 7 residents who have sensory disabilities and who require care. The proposed plans generally detail a standard arrangement of rooms found in most dwellings, albeit with staff facilities.

In planning policy terms, the property is located within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan and within a residential area. As such the proposed residential use is considered would be compatible with the local area.

Members are advised there has been some confusion with regard what use class the proposed use is in. The use, as described by the applicant in the statements submitted during the application process, suggests it may not be within one use class and could contain elements of a C2 (Residential Care Home) and a C3 (Dwelling house with some care provision). Members are advised this is important in the determination of the application as the impact of a C2 (Residential Care Home) use would be more likely to result in a greater intensity of use than a C3 (Dwelling house) use in terms of planning considerations such as access and parking and residential amenity. This is discussed in greater detail under the next section heading.

Turning back to the proposed use, the statements submitted by the applicant do indicate that potentially the property could be used wholly for all residents receiving significant 1:1 care. That would be considered a C2 residential care home. It should also be clear that the applicant has however stated this is unlikely; and may not be the case with residents living a more independent life with more limited care. In reality, this would depend on the mix of individual residents living at the property at the time.

Members are advised that initially it was not clear in the advertisement and consultation that potentially the site could be a C2 residential care home and the application was therefore re-advertised. This has given residents and consultees an opportunity to comment on what could be the most intensive use of the property.

Impact of the greater intensity of use on material planning considerations

As detailed above, the proposed use would most likely increase the intensity of use at the property and a C2 residential care home use would be the most intensive use. The main impact would be the coming and going of carers/staff etc. and the resulting increased activity at the property. It is detailed the most intensive use would require 8 staff members at any one time, however the applicant states this amount of staff at the property at any one time would be unlikely.

The property is however large, has a significant curtilage with parking off the street and the number of residents would be relatively low. As such, it is considered any increase in coming and goings and activity as a result of the proposal, would not have a detrimental impact on the amenity of surrounding residents. There would also not be a significantly greater impact from issues such as overlooking and loss of privacy.

The existing vehicle access would be utilised. No objection has been raised by the Transportation Section. They detail 6no. parking spaces are required and 5no. spaces are being provided. They however detail that there is an unallocated space in the yard that could be utilised for further parking. Therefore it is considered the application would be acceptable in these terms.

In terms of the character of the area, the physical changes to the building and grounds would be minimal and whilst a more intensive use may result in a greater number of people/cars at the property, it is considered this would not warrant a refusal reason.

Finally, Members are advised that it is considered additional care home residents, beyond the 7no. being proposed, may result in a further intensification of the use that may have more significant material impacts on land use planning issues as discussed above. This may not be acceptable and it is therefore considered it would be necessary to limit the number of residents. This could be controlled by a suitably worded condition on any permission granted. It is suggested that such a condition should also allow the property to revert back to a C3 (dwelling house), without the need for further planning permission.

Objections with regard drug/alcohol rehabilitation or criminal offenders centre and property values.

As a result of the public consultation exercise, a number of neighbouring residents have stated they do not object to the proposal if a condition can be applied restricting the use to only people with physical disabilities. They detail that they would however strongly object if it were to become a drug/alcohol rehabilitation centre or criminal offenders centre.

Members are advised that conditioning the permission to a specific group would have to meet the planning tests of being: necessary, relevant to planning and the development permitted, precise, enforceable and reasonable. The 1987 Use Class Order details "care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or

present mental disorder. This would be the same for occupiers of properties under use class C3 or C2.

As such it should be noted that the dwelling could currently house 6 people who require care without the need for planning permission (including people from the groups highlighted above). Therefore, Members are advised there would have to be a planning related justification that 7 residents would trigger a condition to restrict certain groups from the term care and would need to meet the above tests. Members are advised that, as the property can already house people who come under the definition of care and that the intensity of proposed use (as discussed above) has been considered acceptable, a condition is unlikely to meet the tests.

In addition, some objectors to the application have raised an issue with released offenders being housed at the property. Members are advised that when offenders are released there is generally no restriction to where they can live, however a place such as a 'bail hostel', would come under a 'Sui generis' type use (i.e. not within a specific use class) and would therefore require further planning permission.

With regard to the issue of property values it is considered this would not be a material planning consideration and that this issue would not warrant a refusal reason.

Other issues

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation:

Public Health Section Comments

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered demolition, hours of construction, noise, dust, waste and temporary lighting matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission regarding these issues.

Community Infrastructure Levy (CIL) 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 liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on residential amenity, the impact on the character of the area and highway safety (Policies CS1, AW2, AW5, AW6 and AW10).

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 plan(s) no(s)

- FP1383-004 Rev PL1 Proposed Basement and Ground Floor Plan received 12th March 2018
- FP1383-005 Rev PL1 Proposed First Floor Plan received 12th March 2018
- FP1383-006 Rev PL1 Proposed Second Floor Plan received 12th March 2018
- FP1383-007 Rev PL1 Proposed Site Plan received 12th March 2018

and documents received by the Local Planning Authority on 12th March 2018 and 3rd May 2018, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The premises shall only be used as a residential care home for 7no. 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. At any time however, use of the premise may revert back to a Class C3 use without the need for further planning permission.

Reason: In the interests of residential amenity and the provision of adequate parking in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

4. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan FP1383-007 PL1 and approved by the Local Planning Authority. The car parking spaces shall remain thereafter for the parking of vehicles only.

Reason: In the interests of highway safety. To ensure vehicles are parked off the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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