

DELEGATED REPORT

Application No:	P/23/0269
Site Address:	Thomastown House Queens Road Twynyrolyn Merthyr Tydfil CF47 0HE
Development:	Change of use from family centre into 2 children's home, 1 short break home for disabled children and their families, 1 therapy/continuing care home and one therapy/office area. External alterations proposed including ground and first floor extensions
Case Officer:	Marlene Ferreira
Site Visit:	
Application Expiry Date:	11th January 2024
Consultation reply date expired:	11th December 2023

APPLICATION SITE

The application site relates to an 'L' shaped redbrick building, known as Thomastown House, accessed off Queens Road. The premises is situated in an elevated position above Queens Road and is relatively well isolated from the surrounding area by trees and other mature vegetation along its site boundaries. It is served by an informally laid parking area to the front, providing approximately 8 vehicular spaces, and grassed amenity areas to its front, side and rear.

The premises, which is currently vacant, was formerly used, until recently, as a family centre (D1 use class) supporting families to have contact with their children. Following its closure, the facility has now relocated to Unit 5 in Pentrebach Business Park. Prior to its use as a family centre, the premises was previously used as a residential home for adults (C3 use class) which included supervised contact with the children of looked after families.

The site abuts an adopted highway to the north, the rear gardens of dwellings (at Fothergill Crescent) to the east, an access lane to the south, and Queens Road to the west.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the family centre (D1 use class) into a children's home (C2 use class) comprising of 2 children's home, 1 short break home for disabled children and their families, 1 therapy/continuing care home and 1 therapy/office area.

Specifically, the use of the home would be made up of 5 units, each with independent access, and would operate as follows:

1. Children's home 1:

- The three bedroom property would have a maximum of three children, between the ages of 8 to 18, residing at the property at any one time;
- The home would be staffed 24 hours per day and 7 days per week. Three members of staff and a manager would be employed at the home during the day and night (and would not include sleep-in facilities for staff – waking staff only);
- The home would operate in a similar manner to a family home and support would be provided to children, as and when required, depending on their individual needs.

2. Children's home 2:

- The four bedroom property would have a maximum of four children, between the ages of 8 to 18, residing at the property at any one time.
- The home would be staffed 24 hours per day and 7 days per week. Three to four members of staff and a manager would be employed at the home during the day and night (and would not include sleep-in facilities for staff – waking staff only);
- The home would operate in a similar manner to a family home and support would be provided to children, as and when required, depending on their individual needs.

3. Short break home for disabled children and their families:

- The two bedroom property would have a maximum of 2 children between the ages of 4 to 17 years, residing at the property on a short-term basis at any one time;
- The home would be staffed 24 hours per day, 7 days per week. Between two to four staff and a manager would be employed at the home (and would not include sleep-in facilities for staff – waking staff only);
- Parents would drop off, visit and collect their children, but would not reside at the property at any time including any short term stays during the day or night;
- Support would be provided to children, which may include 1:1 care, as and when required, depending on their individual needs.

4. Therapy/continuing care home:

- The two bedroom property would have a maximum of 2 children between the ages of 8 to 18 years, residing at the property at any one time;
- The home would be staffed 24 hours per day and 7 days per week. Three members of staff and a manager would be employed at the home during the day and night (and would not include sleep-in facilities for staff – waking staff only);
- Support would be provided to children, as and when required, depending on their individual needs.

5. Therapy/Office Area:

- This part of the premises would be used by staff and residents in the delivery of meetings, 1:1 supervision, and other meetings between residents and other professionals, etc.

The proposal largely involves reconfiguration of internal walls to provide a suitable layout for the proposed use, however external alterations to the premises are also proposed, which involve overall refurbishment works including a new mock slate roof with render and cladded elevations. Single storey and first floor extensions are also proposed by means of a flat roof porch (measuring 2.7m wide, 1.2m deep and 2.8m in height) to the front of the premises, an infill extension (measuring 1.9m wide, 1.4m deep and 3m in height) to the side of the premises, a bathroom extension (measuring 3.1m wide, 2.05m deep 7.8metres in height) to the front of the premises and a bedroom extension (measuring 3.5m wide, 3.1m deep and 7.8m in height) to the side of the premises. Additional windows and doors would also be installed throughout in association with the proposed use.

With regard to the parking area currently serving the premises, this would be reconfigured and enlarged into the existing grassed area at the front of the site. A total of 16 parking spaces would be provided to serve the proposed use.

The plans also include details of new enclosures to the side and rear grassed areas in the form of a 1.8 metre high timber fence with a 1.8 metre high access gates. These works however do not require planning permission and as such will not be assessed as part of this application.

PLANNING HISTORY

The following history is relevant to this site:

P/14/0339 – Change of use of part of residential home to offices – Approved:30th January 2015

CONSULTATION

Head of Engineering and Highways	No objection, subject to conditions.
Policy Group Leader	No objection.
Ecology Officer	No objection, subject to conditions.
Environmental Health	No objection, subject to conditions.
Welsh Water	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, nearby properties were consulted and three notices were displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 11 (February 2021)

Paragraph 3.3 refers to good design and states that *‘...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...’*

Paragraph 3.9 refers to character and states that *‘...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...’*

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

Paragraph 3.55 states that *‘...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...’*

Paragraph 6.4.3 discusses biodiversity and states that *‘...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...’*

- TAN (Technical Advice Note)

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that *‘...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...’*

TAN 12 – Design (2016)

This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales. Section 2.6 states that *‘...Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...’* Section 4.3 points out *‘...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...’*

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

PLANNING CONSIDERATIONS

The issues to consider when assessing this application relate to whether the proposed development is acceptable in principle in this location. The acceptability of the proposal with regards to its impact upon the character and appearance of the premises and wider area, residential amenity, ecology, parking provision and highway safety are also primary considerations.

Principle of Development

The premises lies within the settlement boundary – Primary Growth Area. LDP Policy SW4 states that development in this location is considered acceptable in principle, provided it is compatible with other relevant LDP Policies and material planning considerations. The proposal would therefore comply with this policy.

The proposed development would result in the loss of a family centre and since this is classified as a community facility, LDP Policy SW13, which seeks to protect and improve

such facilities, is relevant. This policy states that development proposals that would result in the loss of an existing community facility, would only be permitted where there is evidence that alternative provision of at least equivalent value to the local community can be provided nearby; or it can be demonstrated that existing provision is inappropriate or surplus to the needs of the community and is no longer required; or it can be demonstrated there is no longer a viable community use for the facility. In this instance it is noted, as previously discussed, that the premises is currently vacant, since the family centre has very recently relocated to Unit 5 at Triangle Business Park. As such, the service would not be lost and the community facility is therefore not adversely affected by this proposal. Additionally, the proposed development would introduce a related, yet different facility, thereby enhancing the range of community services within the County Borough. The proposed development would therefore accord with LDP Policy SW13.

Character and Appearance

The proposed development, as noted previously, involves extensive internal works to provide a suitable internal layout to suit the proposed children's home. However, external works are also proposed. With regards to the external appearance of the premises, this would change substantially since the existing redbrick building would now be finished with render and cladded elevations, and a mock slate roof. Whilst sample details of the material finishes would be requested by condition to ensure that such finishes are sympathetic within this context, it is considered that the proposed material finishes combined with the uniform fenestration arrangement would add interest to the existing building and revive its appearance, which currently appears tired and outdated. Similarly, the proposed single storey and first floor extensions to the front and side of the premises are also considered acceptable. These extensions would aid to reconfigure the internal layout of the premises. They would be finished in render and cladding, and given their small scale, would not dominate or appear as incongruous features, but instead, would appear as sympathetic and subordinate additions when viewed in context with the remaining building.

The proposed development would therefore not be deemed detrimental to the character or appearance of the premises or the wider area. As such, it would accord with LDP Policy SW11.

Residential Amenity

The impact of the proposal has been considered upon neighbouring properties. In this instance, the properties located along Fothergill Crescent are the closest to the development site and these are most likely to be impacted by the proposed development.

The proposed development does not include the addition of any large two-storey extensions, nor does it seek to increase the height of the building. The only extensions proposed relate to a single storey front porch and rear infill extension and a first floor bathroom and bedroom extension. Whilst the porch and bathroom extension would be located to the front of the premises and therefore facing the rear of these properties, given their scale and siting amongst the existing building, these would not be considered to have any overbearing or adverse impact upon the amenities of the nearest residential occupiers (along Fothergill Crescent). Particularly since the premises is located over 20 metres away from its eastern boundary with these neighbouring properties (and a further 11 metres from the rear of these neighbouring dwellings). Furthermore, other than the single storey front porch, the remaining extensions, ground and first floor, would not project any further forward than the front elevation of the original building and would therefore not be located

any closer to the rear elevations of these neighbouring dwellings. It should also be noted that the existing vegetation and mature trees along the dividing boundary of the site with these neighbouring properties would aid to partly screen the proposed extensions.

It is acknowledged that the refurbishment works would also include the addition of multiple windows along the front elevation of the premises. However, as noted previously, the premises is located over 30 metres from the rear of these properties and benefits from a site boundary comprising of mature trees and vegetation. As such, given this relationship, the proposal would not be considered to adversely harm the privacy or amenities of these neighbouring occupiers. In this regard, no objections have been received from nearby occupiers.

With regards to the use itself, there is some potential for noise and disturbance to result from the site, since the existing family centre would be converted into a children's home. However, the premises would be used for residential purposes and therefore in a similar manner to other nearby residential properties. Thus, any noise and disturbance arising from the proposed use would not be considered significantly greater or more harmful than the use of the premises as a family centre or other surrounding residential uses. In this regard, no objections have been received by the Environmental Health Manager.

The relationship between the proposed development and the surrounding properties is therefore considered acceptable and would accord with LDP Policy SW11 and ENW4.

Ecology

The Council's Ecologist has considered the proposed development, including all plans and reports submitted in support of the application, in particular the ecology report and landscape management plan and has concluded the information submitted to be acceptable. The reports include the implementation of enhancement measures such as the erection of bat and bird boxes, hedgerow and wildflower planting etc, which have also been illustrated on the proposed plans. As such, a suitably worded condition could be added to any planning permission granted to ensure the proposed development is carried out in accordance with these documents. The proposed development would therefore be acceptable and would accord with LDP Policy EnW1.

Parking and Highway safety

The proposed children's home would be served by an extended parking area, accessed via the existing entrance, at the front of the site. The parking area, formally laid out in tarmac and permeable paving, would provide a total of 16 spaces, thus an additional 8 spaces to serve the proposed use. Sufficient reversing/manoeuvring space would also be provided to ensure that vehicles can turn within the site and exit in a forward gear. The Head of Engineering and Highways has considered the proposal in respect of the on-site parking provision and highway safety and has not raised any objections. The proposed development would therefore not give rise to adverse highway or pedestrian safety concerns and would comply with LDP Policy SW11.

CONCLUSION

The proposed development for the reasons discussed above is therefore considered acceptable and would comply with the relevant LDP policies.

Finally, the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (“the WBFG Act”) has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with 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:

- Existing and Proposed Ground Floor Plans, 2223-010 C, received: 16th November 2023;
- Existing and Proposed First Floor Plans, 2223-011 C, received: 16th November 2023;
- Proposed Elevations, 2223 - 07 G, received: 8th April 2024;
- Proposed Site Plan, 2223-08 D, received: 20th March 2023;
- Detailed Soft Landscape Plans, LB446-D01 Rev: B, received: 8th April 2024;
- Landscape Management Plan, received: 18th April 2024;
- Ecology Assessment, Issue 1 VD, received: 8th April 2024;

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. Prior to the construction of the extensions hereby approved, samples/details of the materials to be used in refurbishment/construction works shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The car parking area at the front of the premises, as indicated on plan: Proposed Site Plan, 2223-08 D, shall be completed in accordance with the approved details prior to the occupation of the premises and shall remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policies SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. No surface water and/or land drainage shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive and in the interest of biodiversity to accord with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

3. The applicant/developer's attention is drawn to the comments received from Welsh Water during the course of this application. Their records indicate that the site is crossed by a public sewer. Under the Water Industry Act 1991, Dwr Cymru has rights of access to its apparatus at all times.

Some public sewers and lateral drains may not be recorded on Welsh Waters maps because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal.

Whilst the proposed development does not appear to be sited within the protection zone of the public sewer, the applicant is advised to contact Welsh Water on 0800 917 2652 and request a sewer trace to establish the location and status of the sewer. Diversion works/other works may be required to accommodate the proposed development.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

PP

DATE: 30.04.2024