

DATE WRITTEN	29th April 2025
REPORT AUTHOR	Judith Jones
CASE OFFICER	Rebecca Owens
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	7th May 2025

Application No.
P/25/0042

Date
18th March 2025

Determining Authority
MTCBC

Proposed Development

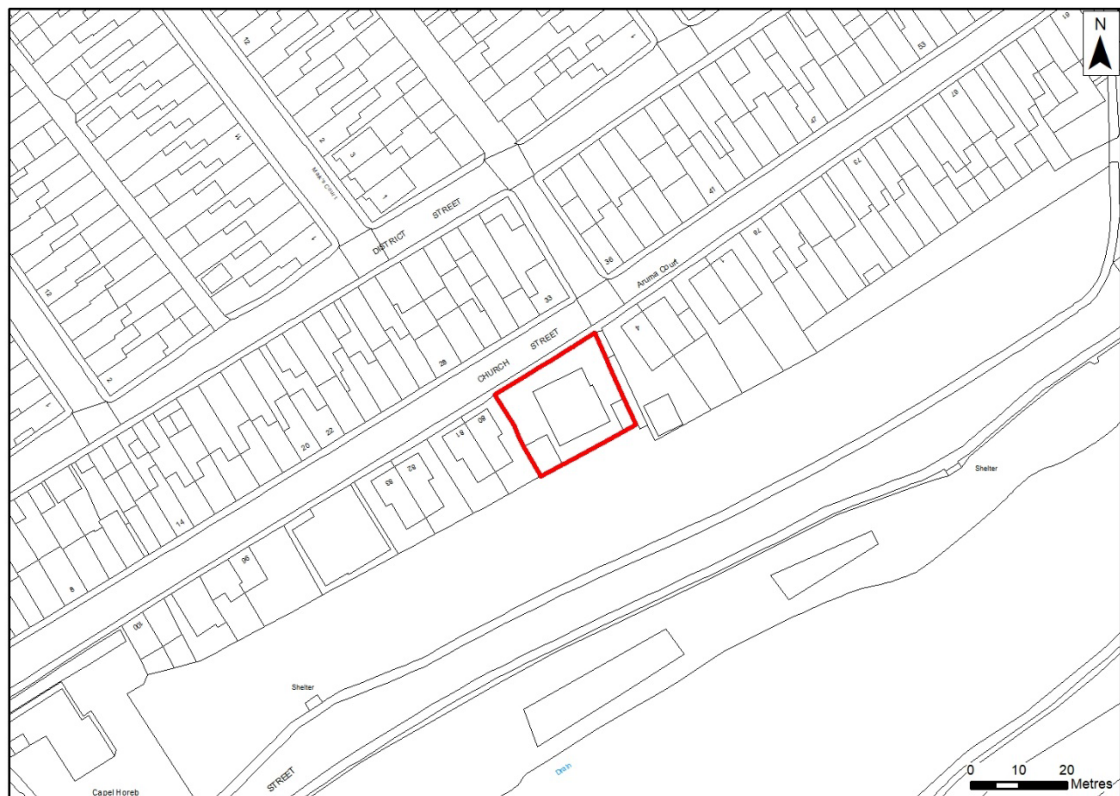
Location

Name & Address of Applicant/Agent

Change of use from a dwelling (C3 Use Class) to a residential care home (C2 Use Class) for up to four children.

79 Church Street
Penydarren
Merthyr Tydfil
CF47 9HS

Aropa Care Group Ltd
c/o Mrs Arran Dallimore
C2J Architects & Town Planners
Unit 1A Compass
Business Park
Pacific Road
Ocean Park



P/25/0042

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Councillor David Isaac has requested that this application be reported to the Planning Committee to consider the concerns raised by the local residents.

APPLICATION SITE

This application relates to a large, three storey dwelling (formerly a rectory) that is located within the settlement boundary. The site benefits from an existing driveway and garage to the south-west and a small garden to the rear and north-east side. The property is located in a residential street which comprises mainly of terraced dwellings with relatively modern semi-detached dwellings located on either side of the site. To the front of the site is the main highway (Church Street), to the rear is a grassed embankment with vegetation, on the north-east side there is a stepped pedestrian footpath and to the south-west is a dwelling.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the property from a dwelling (C3 Use Class) to a residential care home (C2 Use Class) to accommodate up to four children.

The children placed at the care home would be aged between 8 and 18 years old and would live at the property as their principal residence and are usually long-term residents. The supporting information indicates that children who are in the guardianship of Aropa Care Group often have social, emotional or behavioural difficulties (SEBD) and 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. 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. However, it is noted that the property would not be a secure unit and would not accommodate high risk young people.

The children would be looked after by staff at the property 24 hours a day, but care is not provided on a one-to-one basis. Whilst the staff would not be resident at the property (and thus their permanent residence would be elsewhere), there would be two overnight staff who would sleep at the premises. The supporting information highlights that staff levels are of a variable nature due to shift work patterns, with change overs occurring between 7am and 9am and again between 4pm and 6pm. It also notes that whilst ten staff would be associated with the property, the maximum number of care staff (inclusive of a manager) on site at any one time will be a maximum of five persons.

The ground floor of the property would remain unchanged, providing two reception rooms, a kitchen/lounge, utility room and W.C. The first floor would provide a bathroom, an office/bedroom for staff with an ensuite and a further staff bedroom and two bedrooms for the resident children. The second floor would provide a further two bedrooms for resident children and a bathroom. Whilst each child and staff member would have their own bedroom (and office in the case of staff), the remaining rooms and facilities would be shared.

The existing vehicular access would be extended from 4.95m to 5.1m wide with double (inward opening) gates erected, providing access to five parking spaces within the site (one within the garage and four on the driveway).

PLANNING HISTORY

The relevant planning history is summarised below:

- P/16/0091 Double garage
 Granted planning permission subject to conditions on 11 May 2016
- P/12/0121 Renewal of Planning Consent (Ref: P/07/0178) to change the use of building from a single dwelling to 2 No. flats
 Granted planning permission subject to conditions on 29 June 2012
- P/07/0178 Change of use from a single dwelling into two flats
 Granted planning permission subject to conditions on 22 June 2007

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head Engineering and Highways	No objection
Planning Policy Officer	No objection
Planning Ecologist	No objection
Environmental Health Manager	No objection
South Wales Fire and Rescue	No objection
South Wales Police	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on 20.02.2025 and two site notices were displayed within the vicinity of the site on 26.02.2025. Following amendments to the submitted documents relating to land ownership, a further publicity exercise was undertaken with letters sent to neighbouring properties on 18.03.2025 and two site notices displayed within the vicinity of the site on 20.03.2025.

As a result of the publicity exercise 30 representations have been received. The main concerns raised within these responses are summarised below:

1. Increase in traffic and demand for parking. The street is narrow and congested with parking already an issue. There are concerns that the proposal would make the parking situation worse as a result of staff and visitor parking arising

from the proposed use. The parking arrangement is also a concern as it will require people to move out any cars parked at the back in order to get the cars at the front off the driveway, which it is suggested would encourage people to park on the road rather than using the designated parking within site. It is highlighted that this could impact on accessibility and safety of the street and the access for emergency services.

2. Anti-social behaviour, damage to property, disputes and altercations from residents and visitors to the care home and the need for police to be called to deal with such issues. It is noted that care homes in other areas have seen an increase in police presence due to the need for frequent calls outs.
3. Noise and disturbance from residents, staff, shift changes and other comings and goings which would impact on the quality of life.
4. There are lots of young children in the street who would come into contact with the residents who may have complex emotional, social and behavioural issues.
5. Safeguarding of the children in the street and the creation of an unsettling and unsafe environment. It is noted that behavioural issues of the residents in the care home may impact on the emotional and psychological wellbeing of children living in the street, who may become confused or distressed by the presence of children in need of care who may have experienced difficult or traumatic situation.
6. The lack of external amenity space for the children residing at the property which would impact on their wellbeing and result in them spending increased time in public spaces.
7. Security and safety implications for existing residents particularly children and elderly within the street. Concerns over unfamiliar people coming and going from the property.
8. There are already issues in the local area with antisocial behaviours, crime and drug use (the adjacent public steps are referred to as an area where this occurs) and it is noted that there is no police presence. There are concerns that the care home would exacerbate this problem. It is also noted that a care home in this location would expose vulnerable residents to these influences.
9. The use would attract people who want to exploit vulnerable children into a residential area with surrounding schools and amenities, thus creating a safeguarding issue.
10. The approval of this application could lead to other properties in the street being changed to similar uses.
11. The property is not a secure establishment and as such children up to 18 years of age will be able to come and go at all hours, mixing freely with local residents. There is also concern about supervision of the children as there is not a permanent adult living at the property.
12. Loss of privacy and overlooking as the property is elevated over neighbouring properties
13. Impact on the character of the area which is a high-density residential area with no potential to provide new community facilities.
14. Generation of waste or other environmental concerns that may affect public health or local air quality
15. Potential for other uses to occupy the property that also fall within the C2 Use Class and the associated unforeseen impacts and uncertainty for residents.
16. Impact on property values and desirability of properties in the street.
17. The limited publicity exercise which has taken place.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) 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 well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024)

- Paragraphs 3.3 – 3.18 refer to good design and better places.
- Paragraph 3.11 refers to community safety noting that *“Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal”*.
- Creating sustainable development through reducing the reliance on car journeys and maximising opportunities for peoples to make more sustainable and healthy travel choice is emphasised throughout PPW. Paragraph 3.12 highlights that *“Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate”*. Paragraph 4.1.1 reiterates this noting *“The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution”*. Similarly, Paragraph 4.1.37 notes that *“Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services”*. In respect to car parking paragraph 4.1.51 notes *“Parking provision should be informed by the local context, including public transport accessibility, urban design principles*

and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport".

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- SW12 Improving the Transport Network
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary where new development is generally encouraged and supported by Policy SW4 of the LDP. The property is currently used for residential purposes and is located in an established residential area where differing forms of residential use can be appropriately integrated. Therefore, the principle of development is acceptable subject to its compliance with other relevant policies and material planning considerations.

Character and visual amenity

The proposal is to provide residential care for up to four children/young people who would occupy and live at the property on a long-term basis. The children/young people and staff would prepare and eat meals together in the dining room and communal areas would be shared. The staff would be responsible for the day-to-day running of the home (i.e. preparing meals, assisting the children/young people and taking them to and from their place of education) and would also sleep in bedrooms at the property. Therefore, the general characteristics of the proposed use are similar to those of a large family home providing residential accommodation for up to 4 children/young people looked after by adults, although with an element of care and support. Accordingly, the nature of the proposed use would be appropriately located within a sustainable residential area.

The care home use would not be inconsistent with, nor impinge upon, the prevailing residential character of the area. Indeed, the property would retain its appearance as a large, detached, domestic property with a garden area, garage and drive/parking area. No external alterations to the building itself are proposed (except the installation of a bird box) and only minor alterations are proposed to the front of the property to widen the driveway access. As such, there would be no significant change to the physical appearance of the property and thus no harmful impact on the character or visual amenities of the wider streetscene. It is noted that the proposed plans illustrate the installation of a new gate across the driveway access and to ensure that this is of an appropriate scale and appearance, it is recommended that a condition be attached to any permission granted to ensure that its design is appropriate. With the inclusion of this condition there would be no adverse impact as a result of the proposal on the character or visual amenities of the area and the development therefore accords with Policies SW11 and CW1 of the LDP.

Residential amenities

The impact of the proposed works on the residential amenity of neighbouring occupants is a material planning consideration and has been carefully considered. As the proposal does not involve any physical alterations to the building, there would not be any additional overshadowing, loss of light or overbearing impact. It is also noted that no alterations to windows and doors are proposed and the rooms on the upper floors would remain in the same use as existing, serving bathrooms and bedrooms. As such there would be no increase in overlooking or greater impact in terms of loss of privacy.

It is recognised that sometimes a change of use can also result in increased comings and goings and impact on residential amenity through noise and disturbance. In this case there would be staff working at the property with associated shift changes, which would take place twice a day between 7am and 9am and again between 4pm and 6pm. This would be during a time when there would be an expected increase in activity in the street with other residents also leaving for work, taking children to school and returning from work etc. It is not considered that the proposal would give rise to any significant increase in traffic movements in the area or associated noise and disturbance. The comings and goings would generally be akin to that of a residential property and whilst there may be additional meetings at the property and visitors during the day, it is not thought that these would result in a level of disruption that would warrant the refusal of the application on such grounds. Activities within the property itself would be residential in nature and similar to that which would be expected from the existing use of the property as a large dwelling. Instances where there would be significant levels of noise and disturbance, which may cause a statutory nuisance, would be a matter for Environmental Health, who have not raised any objection to this proposal.

It is noted that representations received as part of the publicity exercise highlighted that the local area is already experiencing issues with antisocial behaviour, crime and drug use with the public steps adjacent to the site being referred to as an area where this occurs. However, it cannot be assumed that the proposal would exacerbate such problems and no issues were raised by South Wales Police when consulted on the application. It is acknowledged that local residents have a genuine concern that the

proposed use may contribute to the existing problems. In the supporting statement the agent has highlighted that the children in the guardianship of Aropa Care Group often have social, emotional or behavioural difficulties (SEBD) and 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. However, the property would accommodate just four children who would be fully supported by the adults caring for them. Whilst the concerns of residents are acknowledged, there is no objective evidence to indicate that the proposal would increase antisocial behaviour or pose a risk to the safety of existing residents. The children would be cared for and monitored by staff and it is reasonable to assume that any challenging behaviours would be appropriately managed by them. Notwithstanding this, planning controls are concerned with the use of land rather than the user and there are other measures outside of the planning system available to address any antisocial behaviour through Environmental Health and/or the Police.

Having regard to the above, it is considered that the property would operate in a similar manner to a typical residential use, which would not give rise to significant adverse impacts on the amenities of neighbouring properties. Indeed, the property can already be used to support a family with four children that receive care without the need for planning permission. Whilst there are concerns relating to the potential increase in crime, anti-social behaviour and the safety of residents, there is little evidence to suggest the proposed care home would reasonably give rise to such activity. Therefore, the proposal complies with Policy SW11 of the LDP.

Parking and highway safety

The principal access to the site is gained from Church Street to the front of the property. This is an adopted highway with a speed limited of 20mph. The submitted plans illustrate the existing driveway would be slightly widened to improve the off-street parking arrangement. It is recognised that this would slightly reduce space for on street parking along Church Street but given the modest increase in the width of the driveway, it is not considered that this would have any notable impact.

The parking needs of the care home would be met via the five parking spaces on site (one in the garage and four on the driveway). It is considered that this would be adequate provision to accommodate the staff of which it is highlighted in the supporting information that there would be no more than five on site at any one time. The parking requirements for the proposal would not differ from that of the existing dwelling where a maximum of 3 parking spaces would normally be sought. It is acknowledged that there may be other visitors to the property that would also be served by the on-site car parking. In the event that this is full due to staff, parking would need to be met within the local highway network. It is recognised that on street parking in the area is prevalent and during the Planning Officer's site visits (on a number of occasions) it was evident that there was sufficient parking available along the street within the vicinity of the site. In addition, it should be noted that the existing 6 bedroom dwelling would also generate visitors, as do the other properties within the street. The site is also served by public transport with two bus stops located within 250m of the site. Thus, weighing up the above and noting that no objection has been received from the Head of Engineering and Highways, it is not considered that the proposal would give

rise to highway safety concerns or impinge access to emergency vehicles. Therefore, the proposal complies with Policy SW11 of the LDP.

Ecology

In accordance with chapter 6 of Planning Policy Wales (edition 12), the application has been supported by a Green Infrastructure Statement/Biodiversity Enhancement document. As this application relates mainly to the change of use of the property with the only external works relating to the widening of the access, the local planning authority are satisfied that there would not be any adverse ecological impact and that a net benefit to biodiversity can be achieved via the proposed bird box. This enhancement would be secured by condition and would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policy EnW1.

Response to representations

It is acknowledged that a number of representations have been received which raised a variety of concerns that have largely been address in the above sections of this report. The following additional comments are made in response to some of the points highlighted:

18. It is recognised that the parking arrangement would result in cars being parked behind another on the driveway potentially necessitating the need for parked cars to be moved to allow other cars out of some of the spaces. It is suggested that this may discourage people from using the parking area and instead park on the street. However, where people park cannot be controlled by the local planning department and if parking is limited on the street then it is considered more likely that the parking area on the driveway would be utilised by staff and visitors.
19. Whilst it is recognised that there are young children in the street who may come into contact with the residents and that these children may have complex emotional, social and behavioural issues, it is not considered that this would warrant the refusal of the application. Nor is it considered that the care home would create an unsettling, confusing or indeed unsafe environment for existing children in the street that would impact on their emotional and psychological wellbeing. There are children and indeed adults with such issues in numerous environments that local children may encounter, including a school setting and the property could be occupied in its current use by a family with adults or children who have challenging behaviours.
20. There is no evidence to suggest that the use would attract people who want to exploit vulnerable children or that such people would then target local children and vulnerable adults. The children at the proposed care home would be cared for and supervised by staff to ensure their safety and wellbeing.
21. Whilst there would not be an adult permanently residing at the property it would remain staffed by adults 24 hours a day so the level of supervision would be no different. As noted above, the property is not a secure establishment and as

such children would be able to come and go from the property. However, this would be managed by the care home staff responsible for the children in a manner that is appropriate to their needs and it is not envisaged that they would be free to come and go at all hours of the day and night. In addition, they may indeed come in to contact with local residents, as would other adults and children residing within the neighbourhood.

22. It is noted that should the proposal be granted planning permission and the use is implemented that there is potential for the property to then be used for other purposes within the same Use Class. However, the C2 Use Class relates to residential institutions which are generally appropriate within a residential area. Having regard to the size of the property in question it is not considered necessary to impose a condition that would restrict the use.
23. There are concerns that the property offers limited external amenity space for the children that would be resident at the property and the impact that this would have on their wellbeing. It is recognised that the property does not sit within a large curtilage but there is garden space to the side and rear of the property. Furthermore, the outdoor space for the residents of the care home would be the same as that which would serve the property as a dwelling (which could be occupied by a large family with children). Notwithstanding this, it would be for the Care Inspectorate Wales (CIW) to assess whether the property meets the required standards to be given a licence for use as a children's care home. In the supporting statement it is highlighted that the applicant (Aropa Care Group Ltd) is registered with the CIW and operates several homes throughout the South Wales area that provide specialist care for children and that the proposed use would operate in accordance with CIW's guidelines and regulations. In relation to the limited garden space, it has also been suggested that this would result in the residents spending an increased amount of time in public spaces, presumably the concern being that this may result in anti-social behaviour. However, the children at the care home would have an equal right to utilise public spaces like anyone else and the behaviour of individuals within these spaces is not something that can be controlled through the planning process.
24. There is no evidence to suggest that the approval of this application would lead to other properties in the street being changed to a similar use. However, if other applications were received they would each be assessed on their individual planning merits.
25. A residential care home would not generate waste that would be any different to that from a dwelling and there is no reason to believe that there would be any waste that would result in any environmental concerns or that would affect public health or local air quality. Indeed, no concerns or objections have been received from the Environmental Health Department in this respect.
26. The impact on property value and the desirability of properties in the street is not a material planning consideration and will not be taken into account when assessing the merits of the proposed development.

27. Some of the representations raised concerns with regard to the publicity exercise undertaken which was not considered to be suitably far reaching. However, it is noted that the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 requires the local planning authority to either display a site notice on or near to the land or serve notice on any adjoining owner or occupier. In this case letters were sent to adjoining owners and occupiers as well as those directly opposite the site and two site notices were also displayed along the street. Accordingly, the application has been appropriately publicised in excess of the requirements of the Development Management Procedure Order.

Conclusions

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.

For the above reasons, the proposed development is acceptable and complies with the relevant planning policies. 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:

Drawing Title: Proposed location plan, Drawing Number: AL(90)02 Rev. A, Received 18 March 2025.

Drawing Title: Proposed floor plans, Drawing Number: AL(00)02, Received 18 February 2025.

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

3. **BEFORE** the care home hereby approved is brought into beneficial use a bird box shall be installed in accordance with drawing number AL(90)02 Rev. A. The bird box shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **BEFORE** any gates are installed to the front of the property details shall first be submitted to and approved in writing by the local planning authority. The gates shall then be provided 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.

5. The car parking spaces illustrated on the proposed location plan (drawing number AL(90)02 Rev. A) shall be provided prior to the care home being brought into beneficial use 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 Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.