

Agenda Item 3

DATE WRITTEN	23rd May 2025
REPORT AUTHOR	Judith Jones
CASE OFFICER	Kate Glover
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	4th June 2025

Application No. P/25/0022	Date 20th January 2025	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Change of use from a dwelling (C3) and two storey rear extension to provide a children's care home (C2)	16 Gelligaer Road Trelewis Treharris CF46 6DN	Mr A Harris c/o Mr M Browning MB Design Architectural Services 4 Ton Mawr Avenue Blaenavon NP4 9LB



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Councillor Michelle Symonds 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 detached, 2 storey, four-bedroom dwelling that is located within the settlement boundary. The site benefits from an existing driveway and parking area to the front and side, and a large garden to the rear. The property is located in a residential street which comprises mainly of detached and semi-detached dwellings, with detached dwellings located on either side of the site. To the front of the site is the main highway (Gelligaer Road).

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) and construct a 2 storey rear extension.

The supporting information indicates the children that would live at the property are there due to learning disabilities or autism and other conditions overseen by the health and/or social care systems. The applicant advises that they have extensive experience in managing children with complex needs, the proposal would provide a stable home for children and would support Merthyr's strategy to return local children back to the local community.

The children placed at the care home would be aged between 8 and 16 years old, would live at the property as their principal residence and there would be staff at the property 24 hours a day. The supporting information highlights that the home would employ a minimum number of 4 staff members and a maximum of 12 staff members, who would work on a rolling shift pattern with each shift taking place over days i.e. 3 or 4 days living at the property before a staff change. The handovers take place 3 times in 7 days, the time for any staff changeover would be at 7.30am so as to avoid rush-hour or school commutes.

The supporting information indicates that there would be between 5 and 6 visitors each week who would be the children's family, social workers and friends. Other visitors to the property would be health visitors such as Speech and Language Therapists. The children would attend school and other activities such as clubs off the site.

The proposed two storey extension would be double gable in design and would measure approximately 4.5m deep, 9.17m wide, 5.04m to eaves level and 6.96m to ridge level, and the proposed external materials would match those used on the property.

The internal layout of the property would be reconfigured to meet the needs of the children, staff and visitors. At first floor, there would be no increase in the number of bedrooms (one of which would be used as a staff room) and "Jack and Jill" bathrooms would be provided and arranged so that each bathroom would serve 2 bedrooms. At ground floor level, the proposed extension would provide an additional disabled bedroom with an ensuite shower, a meeting room and sensory room. The existing

downstairs WC, lounge and kitchen/dining room would remain in their current positions within the property.

Plans show that there is an 'L' shaped parking area available to the front and side of the property. The submitted plans indicate a total of 5 parking spaces can be provided, with 2 spaces located down the side of the house and 3 spaces across the front driveway.

Details of biodiversity enhancement have been provided with a sparrow nest box to be positioned on the northeast elevation of the property.

PLANNING HISTORY

The Council's records do not indicate any other recent or relevant planning history for this site.

CONSULTATION

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

Planning Policy Officer:	No objections.
Head of Engineering and Highways:	No objection subject to condition.
Environmental Health Manager:	No objection subject to conditions.
Planning Ecologist:	No objections, further information required.
Bedlinog and Trelewis Community Council: Objection.	

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on 29.01.2025 and a site notice was displayed within the vicinity of the site on 06.02.2025. Following the submission of further information and amendments relating to land ownership and the proposed internal arrangement of the property, a further publicity exercises was undertaken with letters sent to neighbouring properties and to those who had made representations on the 18.03.2025 and 28.04.2025.

As a result of the publicity exercise 20 representations have been received (with 13 of the objections from 4 parties). The concerns raised are summarised below:

- The extension would double the size of the house.
- The extension would prevent light reaching neighbouring properties habitable rooms.
- The site location plan includes land that is not the applicant's control.
- Would reduce housing stock which is contrary to Welsh Assembly policy.

- Risk to children using the road and highway safety and increase in congestion on a heavily trafficked road as the level of parking required for the children's home cannot be accommodated on the site.
- Up to 20 cars could be parked at the premises.
- More details of what type of children's care home needs to be shared prior to approval of this application and its impact to the local community should the care home be used for young adolescents who may need safeguarding.
- The area already has problems relating to drugs and antisocial behaviour in the area and this house is not the best place for a care home.
- The proposal would increase antisocial behaviour and noise.
- The children might be subject to anti-social behaviour.
- Residents have already been subject of noise and disturbance caused by works to the railway bridge and roadworks.
- If the business model changes, there might be adults not children living at the property.
- Merthyr Council should not be spending money on new homes when there isn't enough funds to maintain the homes in the area and there is not enough social housing for local people.

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 people 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". Similarity, 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
- 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 who would occupy and live at the property. 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 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 and drive/parking area.

The proposed rear extension is not of a scale that is unacceptably large, and its design and materials are not detrimental to the character and appearance of the existing property. 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 street scene.

Accordingly, the development meets with Policy SW11 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. The depth of the proposed extension would not cause any significant degree of overshadowing, loss of light or overbearing impact on the neighbouring properties. New windows would be inserted into each side elevation of the property and would serve the Jack and Jill bathrooms, and a condition can be used ensure the windows are fitted with obscure glazing and any mechanism to open the windows is above 1.7m high. There would be windows inserted into the rear elevation of the proposed extension, and it is noted that there are already windows in this elevation. 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 at 7.30am. This would be during a time when there would be some increase in activity in the street with other residents also leaving for work and taking children to school as is typical from between 7.30 and 9.00. 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 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 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 nearby bus stop and housing estate being referred to as areas where this occurs. However, it cannot be assumed that the proposal would exacerbate or be subject to such problems and activities. 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 are in care for a variety of reasons, including learning disabilities or autism and other conditions overseen by health and or social care systems. 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 access to the site is gained from Gelligaer Road (B4254), at 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 Gelligaer Road but given the modest increase in the width of the driveway, it is not considered that this would have any notable impact.

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. The use as a care home with one additional bedroom would not result in a development that would be materially different from a house where occupants could have cars. In this instance as the children/young persons resident at the property would not drive, the number of staff present at the site would not be materially different from that of a dwelling falling under Use Class C3 and where 6 adults receiving care could live together without any need for planning permission. It is acknowledged that there may be other visitors to the property that could 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 available and no evidence has been provided to suggest that there is insufficient parking available along

the street within the vicinity of the site. In addition, it should be noted that the existing 4 bedroom dwelling would also generate visitors, as do the other properties within the street. The site is also served by public transport with a bus stop opposite the site.

The Head of Engineering and Highways has no objection to the proposal in terms of parking provision and requests that a turning area be provided on the driveway so that vehicles can turn and leave the site in a forward gear. It is noted that the driveway can accommodate a turning area and the staff and visitors to the site would be able to use this area for turning should they wish to. A condition to restrict the parking of cars within areas of the driveway would not be reasonable as the ability to turn within the site is already available and it would be difficult to enforce how cars are parked within the site under the powers available to the Council in its remit as the local planning authority. Further to this it is noted that a 20mph speed restriction is in force in the area, so vehicles on the road would be moving at a slow pace and any vehicles reversing from the property on to Gelligaer Road can do so with the driver of the car having responsibility to ensure they are moving on to the highway in a safe manner.

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 respect of ecology, the Council's Ecologist has concluded that survey work in the form of a Preliminary Roost Assessment (PRA) would be required in respect of this proposal. However, it is noted that the property could be subject of significant alteration without the benefit of planning permission, and this could include a replacement roof. It is considered in this instance that given the location and nature of the proposed works it is not proportionate or necessary to require the applicant carryout a PRA.

As noted in chapter 6 of Planning Policy Wales (edition 12), applications should be supported by Green Infrastructure Statements (GIS). Given the scale and nature of the proposal, which does not impact on any green infrastructure, the submission of a GIS would not be deemed a reasonable requirement in this instance. Notwithstanding this, the ecological enhancements can be controlled by condition, thus providing additional habitats in the local area, and therefore contribute to the wider green infrastructure objectives. Accordingly, the proposal would meet the requirements of Policy EnW1 of the LDP.

Response to representations

It is acknowledged that a number of representations have been received which raise 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:

The property is not a secure establishment and children would be able to come and go from the property under the management of the care home staff who are responsible for the children in a manner that is appropriate to their needs. It is not

envisaged that children would be free to come and go at all hours of the day and night given that there is a curfew from 8.30pm. In addition, they may indeed come in to contact with local residents, as would other adults and children residing within the neighbourhood.

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, such as housing for adults with additional care needs which would fall within the same Use Class. The C2 Use Class relates to properties providing residential care and 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.

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 document:

Drawing Title: Proposed Elevations, Drawing No: PP/004, Rev 0, Received on 20 January 2025.

Drawing Title: Proposed Floor Layouts, Drawing No: PP/003, Rev 0, Received on 08 April 2025.

Site location plan with Block Plan, Drawing No: PP/001, Rev A, Received on 24 April 2025.

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

3. **Prior to the development hereby approved coming into beneficial use** the sparrow nest box shall be provided in accordance with approved plan Proposed

Elevations, Drawing No: PP/004, Rev 0. The sparrow nest box shall remain in place in perpetuity.

Reason - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The materials to be used in the construction of the external surface of the rear extension shall match those used on the existing dwelling.

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 Development Plan (2016-2031).

5. **Before the development hereby permitted is brought into use**, the first floor windows in the side elevations shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

Reason - In the interest of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Demolition or construction works shall not take place outside the hours of 08:00 to Mondays to Fridays and to on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance 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.

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