

DELEGATED REPORT

Application No:	P/25/0196
Site Address:	Jah Jireh Care Home Heads Of The Valleys Road Merthyr Tydfil CF44 0LX
Development:	Conversion of existing internal space to provide five new accommodation units within the existing building
Case Officer:	Kate Glover
Site Visit:	30th July 2025
Application Expiry Date:	5th December 2025
Consultation reply date expired:	6th August 2025

APPLICATION SITE

The application site relates to an existing 50-bedroom care home provided within a large, modern building. The care home is situated within a larger area of land that includes extensive parking areas, some open space, and amenity grass to the west and around the building, as well as trees and shrubs along the southern, eastern, and northeastern boundaries of the site.

The application site lies in an isolated location and outside the settlement boundary as designated within the Merthyr Tydfil County Borough Replacement Local Development Plan (LDP) 2016-2031, the vehicular access to the care home is located within the boundary of Rhondda Cynon Taff County Borough Council.

PROPOSED DEVELOPMENT

This application seeks full planning permission to provide five single en-suite bedrooms within the care home by converting an area of the building currently used for storage associated with its operation. The area to be converted is located at the rear of the building and overlooks a car parking area also serving the care home.

A Building Inspection Report (Protected Species) has been submitted, confirming that there is no evidence of protected species using the area proposed for conversion. Details of biodiversity enhancement measures have also been provided.

PLANNING HISTORY

The relevant planning history is summarised below:

- P/20/0094 Variation of condition 1 attached to planning permission P/15/0105 (for the erection of a two storey building providing 17 two bedroom sheltered accommodation flats) to allow a further 5 years in which to commence development)
Approved: 02 Feb 2022
- P/15/0105 Variation of a condition attached to planning permission P/09/0244 (for the erection of a two storey building providing 17 No. two bedroom sheltered accommodation flats) to allow a further 5 years in which to commence development
Approved: 26 May 2015
- P/09/0244 Erection of two storey building providing 17 two bedroom sheltered accommodation flats
Approved: 02 Aug 2010
- P/06/0144 To provide a block of sheltered accommodation
Outline Approval 28 Apr 2006
- P/06/0143 To provide a 2 storey wing as additional bedroom accommodation to the main building, alterations to the existing building to provide a total of 50 bedrooms care facility for the elderly
Approved: 28 Apr 2006

Condition 1 states:

Notwithstanding the provisions of the 1995 Town and Country (General Permitted Development) Order (or any order revoking and re-enacting that Order) the maximum occupancy of residential care patrons within this extension and the main building shall not exceed 50 bed state spaces without the prior written approval of the Local Planning Authority.

Reason: In order that the Local Planning Authority can have further regard (with relevant advice from the Health and Safety Executive) to the number numbers of potentially less able bodied residents in occupancy at the facility with reference to the potential risk of the neighbouring gas storage facility.

- P/06/0060 Change of use of hotel (C1) to residential care home (C2)
Approved: 28 Apr 2006

CONSULTATION

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| Planning Policy Officer: | No objections |
| Head of Engineering and Highways: | No objections |
| Rhondda Cynon Taff County Borough Council
Head of Engineering and Highways: | No objections |
| Planning Ecology Officer: | No objection subject to conditions. |

Dwr Cymru/Welsh Water:	No objections
Environmental Health Manager:	No objections
Natural Resources Wales:	No objections
South Wales Fire and Rescue Service:	No objections
Welsh Government – Transport:	No objections
Health and Safety Executive:	Concerns regarding distance from hazardous COMAH site (Hardstaff Group)
Rhondda Cynon Taff Emergency Planning Officer:	No concerns raised

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the properties identified within the larger site boundary.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) (Future Wales) 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) (PPW).

Local Planning Policies

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

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- SW12: Improving the Transport Network
- SW13 Protecting and Improving Local Community Facilities
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW4 Environmental Protection

In addition, the application will be determined having regard to the advice contained within the Supplementary Planning Guidance Note 5: Nature and Development.

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to the principle of development, proximity to a hazardous site, impact upon the character and appearance of the property and the public realm, impact upon the residential amenity of neighbours, highway safety and ecology.

The application site lies within the Primary Growth Area as defined by the Local Development Plan (LDP). Although it is located outside the defined settlement boundary and therefore constitutes 'countryside development,' Policy SW4 permits certain exceptions. One such exception is development that supports the expansion of an existing business in the countryside. Furthermore, the care home is identified as a community facility. The proposed extension would enhance the provision of this facility, aligning with the objectives of Policy SW13, which seeks to protect and improve community facilities.

Given the property's countryside location, it is considered appropriate to impose a condition controlling the number of bedrooms. This will ensure that any future increase in bedspaces is subject to justification and assessment against Policy SW4.

In principle, the proposed development accords with LDP Policies SW4 and SW13.

In relation to the proposal's proximity to a hazardous site, as noted above Condition 1 of permission P/06/0143 restricted the number of beds spaces to 50 for reasons of the sites occupants and proximity to a gas storage facility.

The Health and Safety Executive (HSE) was consulted on the proposed development and raised concerns that, based on their records, the site would cater for vulnerable people and falls within the consultation distance of a hazardous installation known as the Hardstaff Group site. However, the HSE acknowledged that the Hardstaff Group site has changed significantly over time and suggested that, as Merthyr Tydfil County Borough Council is the hazardous substances authority, further investigation under the Planning (Hazardous Substances) Act may be appropriate.

A review of aerial photographs indicates that a large tank and associated pipework were present on the site as early as 2001 and remained in place until 2016. By 2018, these structures had been removed, and current information suggests that the site is now used for battery storage and is affiliated with the University of South Wales for research and development into battery testing and materials.

As the Hardstaff Group site lies within Rhondda Cynon Taf County Borough Council, their Emergency Planner was contacted to clarify its status. The Emergency Planner confirmed that the site previously fell under the Control of Major Accident Hazards (COMAH) Regulations due to operations involving a tank capable of storing up to 21,000 tonnes of Liquid Natural Gas (LNG). Following the sale of the site, the tank was filled with nitrogen to render it safe, and the environmental permit for LNG storage was surrendered on 28 January 2010. There are currently no hazardous activities on the site in relation to COMAH.

Based on this information and the aerial photographic evidence, the potential risk to additional occupants of the proposed development is not considered significant. The proposal therefore complies with LDP Policy EnW4.

Turning to matters of visual impact it is noted that the proposed conversion of the store rooms to habitable accommodation would involve modest alterations to the exterior of the building and these alterations would not result in a significant change to the character and appearance of the building or its setting within the public realm. Accordingly, the development meets with the requirements of LDP Policy SW11.

In relation to impact on the amenities of nearby properties and the occupants of the proposed rooms, as the building already exists, the primary consideration relates to potential overlooking and loss of privacy. The windows of the proposed units would be approximately 6m from the rear parking area, meaning occupants may experience some overlooking from people using the car park. However, such activity would be transient, as users would be coming and going, and is unlikely to be any greater than that experienced by dwellings located close to pavements or roads.

It is noted that two residential dwellings are located approximately 74m to the north-west of the application building. Additionally, there is an extant planning permission (Ref: P/20/0094) for the erection of a two-storey building providing 17 two-bedroom sheltered accommodation flats, with its principal elevation approximately 36m from the proposed development. Given these separation distances, the proposal would have minimal impact in terms of overlooking or loss of privacy. As such, the proposal meets with the requirements of LDP Policy SW11

It is also noted that no representations were received following the publicity exercise.

In terms of parking and highway safety no objections were received from the Head of Engineering and Highways, Rhondda Cynon Taf's Head of Highways or the Trunk Road Agency. The parking area around the site is extensive and the increase in rooms represents a minor increase in the occupants of the carehome. Accordingly, the development meets with the requirements of LDP Policy SW11.

In respect of ecology the Planning Ecologist has not objected to the proposal. The Building Inspection Report (Protected Species) concludes that there is no evidence of bats using the building and whilst the evidence indicates a negligible potential impact the development should be carried out in accordance with precautionary approaches in relation to bats and nesting birds.

As noted in Chapter 6 of Planning Policy Wales (Edition 12), applications should be supported by Green Infrastructure Statements (GIS). The proposal raises no significant concerns in this regard given that the development proposed is for the conversion of an existing building. The development would have no impact upon green infrastructure or biodiversity interests and would not have any significant impact upon climate change. Given the nature of the proposal, GIS have not been sought in this instance. The proposed bat and bird boxes would provide an acceptable enhancement that provides a net benefit to biodiversity. This could be reasonably secured as a condition to ensure this enhancement is implemented. Accordingly, the proposal would meet the requirements of LDP Policy EnW1.

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.

Having regard to the policy context above, the proposal is considered to be acceptable and 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 Plans and Elevations, Drawing No: 1906/110, Received on 11 July 2025

Drawing Title: External Lighting Plan, Drawing No: 1906/400, Rev A, Received on 14 October 2025

Building Inspection Report (Protected Species), Issue 1, by Soltysbrewster, Received on 9 September 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 bat boxes and bird boxes shall be provided in accordance with approved plan Drawing Title: External Lighting Plan, Drawing No: 1906/400, Rev A. The bat boxes and bird boxes shall be maintained as such 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 Development Plan (2016-2031).

4. The maximum number of bed spaces accommodated within the care home shall not exceed 55 at any one time without the prior written consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to consider any future intensification of use in this countryside location, in accordance with Policy SW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016-2031).

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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 05.12.2025