

DATE WRITTEN	30th September 2024
REPORT AUTHOR	Judith Jones
CASE OFFICER	Marlene Ferreira
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	9th October 2024

Application No. P/24/0159	Date 5th July 2024	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Change of use from 6 bedroom dwelling (C3 use class) to 7 bedroom residential care home (C2 use class) to include single storey rear extension.	The Jays 8A The Grove Merthyr Tydfil CF47 8YR	Mr M Powner c/o Mr Lee Mitchell Spector Design Ltd Regent House Bath Avenue Wolverhampton



P/24/0159 Crown Copyright and database rights 2024 Ordnance Survey 100025302

Councillor Clive Jones has requested that the application be determined by the planning committee to deliberate on the concerns raised by local residents, which include the impact the proposal would have on the character of the residential area, parking availability, on-street congestion and highway safety.

APPLICATION SITE

The application site relates to a large 6 bedroom property known as The Jays, at 8a The Grove, in Merthyr Tydfil. The detached dwelling is accessed off the The Grove, a busy road, which slopes down from the northeast to the southwest. It is set back significantly from the front highway and is served by a large front garden/courtyard which provides on-site parking for 3/4 vehicles. The dwelling is also served by a large enclosed rear garden with pedestrian access onto the adjoining rear highway serving Penydarren Park.

The property borders with 9 The Grove to the northeast and a pedestrian path to the southwest, which runs along the side and rear of the property, providing a direct pedestrian link from The Grove to Penydarren Park. Its front boundary abuts the adopted highway, The Grove, and its rear boundary abuts the pedestrian path and the rear adopted highway at Penydarren Park.

The application property, unlike many of the neighbouring dwellings along this part of The Grove, does not follow the established building line. However, its appearance and scale contribute to the varied character and appearance of the street scene, which comprises properties of varying scales and designs, made up of detached and semi-detached, medium and large properties.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the 6 bedroom residential property (C3 use class) into a 7 bedroom residential care home (C2 use class) to include a rear conservatory extension.

The proposed flat roof conservatory extension would adjoin the existing rear dining area and would measure 5.95m wide, 3.45m deep with a 3m height. All other works associated with the proposed change of use would relate to internal alterations/reconfiguration of the existing property, in order to provide three en-suite bedrooms, a medicine room, and a staff room at ground floor, and 4 en-suite bedrooms at first floor.

The existing driveway access would be widened by the removal of the low front wall/railings and gates and the existing raised planted bed would be completely removed to provide a larger parking area. This would enable the creation of 6 parking spaces (of which every 2 would be in tandem) which would serve the parking requirements of staff, family visitors, maintenance visits, management visits, deliveries or any other visitors to the care home.

The residential care home would operate as follows:

- Each of the 7 bedrooms at the property would be occupied by only one resident. Thus, at full occupancy, the residential care home would have a maximum of 7 residents at any one time;
- The residential care home would be occupied by residents with mental health needs and would serve persons of 18 years or over, thus catering for adults only;
- There will be a total of 2.5 full-time staff members in the day and 2 full-time waking staff members in the night, each of which would work 12 hour shifts (no sleep-in staff would be provided). Staffing will be provided at the care home 24 hours per day and 7 days per week;
- Staff would provide support with a multitude of tasks such as: personal care, social and recreational needs, vocational re-training, personal budget and finance management, skill development and re-enablement, health needs, access to independent advocacy, positive behaviour management strategies, building links with friends, family and the community, household tasks, and, travel training, all of which would assist in increasing independence and confidence when accessing the community.

The supporting information submitted with the application states:

'...A care home is a...safe space in which people can be supported to regain independence with the support of a team of staff dedicated to ensuring people live fulfilled lives and who strive to provide opportunities for increased independence. Our homes strive to support people to make the next step to independent living...and the development of this home will be completed through partnership working with neighbouring authorities. This home will be an asset available for the local community...'

'...This care home will be registered to offer support to people who have a primary diagnosis of a Mental Health conditions. Typical diagnoses in relation to mental health problems include psychosis, schizophrenia, anxiety, depression, some learning disabilities or Autistic traits, and any number of other conditions. The purpose of the home is to support people to regain life skills to enable onwards movement towards becoming independent. It may be the case that some people have experienced issues, through the course of their lives, with drug and alcohol use, however people living at the home will be receiving support from the home team and from the local community health teams to ensure they receive the right support to enable their recovery from illness. The care team work closely with the local health teams to ensure support and treatment plans are effective in promoting good health...'

'...Often people will receive support through the day from staff at the home and often people will be supported to access local amenities. Risk assessments and support plans are used to ensure the person is safeguarded from harm and that we have considered any potential risks in the community...our care homes are designed and operate as a "typical" home within a community and not an institution segregating

people away from their community. It is supported by teams trained specifically in the areas of need of the people...at the home.

PLANNING HISTORY

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

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.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, nearby properties were consulted and two notices were displayed within the vicinity of the site. A total of 12 objection letters were received following this publicity exercise, 2 of which were from the same objector. The concerns raised have been summarised below:

- The exact purpose and nature of this proposal is not yet known in relation to the type of care home residents and their disabilities (physical or mental) and any other problems they may have with regard to drug or alcohol misuse, previous offending or having issues with violence or ever having been placed on a police register of offenders. The three-week objection period should not start until all information is available;
- The applicant's web page reveals that this proposal could raise significant concerns, in particular public safety, and suggest that the applicant can make changes to the type of resident at the care home without resorting to planning or public scrutiny;
- The traffic and parking situation in the area needs to be considered. Over the last 30 years there have been a few near accidents with pedestrians crossing the road from between parked cars, which has resulted in double yellow lines being placed either side of the road, opposite 8a. Traffic flow has increased massively since that time and the council highways department have been contacted on a number of occasions due to the danger to pedestrians, including school children, and vehicles exiting their driveways, onto the steep front highway;
- This road is extremely busy and is already subject to indiscriminate parking along the yellow lines outside the application property, currently made worse by the large volumes of parking resulting from the members of the bowls club and visitors to the bed and breakfast, Glenthorne, at various times of the week, as well as the recently approved flats. This proposal would exacerbate the parking problems in the area and make the existing parking available even scarcer. The increase in

ambulances/emergency service visits to the home, staff vehicles, visitor vehicles, etc would have a negative impact on the vehicle flows in the area, including restricting bus and emergency service access along the highways. It would also result in more unlawful parking along double yellow lines, to the detriment to residents, pedestrians and other drivers;

- The proposed business is significantly out of context with the residential character and cohesion of the area, made up of professional and semi-professional residents, many of which are now elderly and would affect the wellbeing of surrounding residents;

- Residents, in particular elderly vulnerable neighbours, are concerned about the type of client who would reside at the care home, due to the anti-social behaviour issues which may arise and require the assistance of police;

- *'...Has our safety been considered in light of what happened in Southport, bearing in mind that he was still at home and not considered in need of care...'*

- There are already small care homes in the area, namely Tregenna Hotel and Maesycoed Guest House close by, and the adding of more care homes in the area, would have a negative impact on the value of homes surrounding the application site. *'...will residents be compensated for loss of property value...'*;

- *'...Would there be a resident warden at the Jays, or will absentee landlords be the only people with any care qualifications?...'*;

- *'...The application site is to house persons with autism and learning difficulties but how easy would it be for the applicant to start accommodating persons who are a possible danger to the community e.g. drug addicts, sex offenders, alcoholics or use it as a bail hostel. Would they need further planning permission, would locals be informed and would they have an opportunity to object?...'*;

- *'...The applicant company appears to have poor reviews from previous employees regarding working conditions and payment, so there are concerns that the home may not be run correctly...'*;

- *'...The application states that '...the residents will be autistic or have learning difficulties, these are broad spectrum. Some autistics are maths geniuses but have socialising and empathy problems, others can be so violent they have one to one or even two to one care 24 hours a day and a similar thing can be said for persons with learning difficulties. Some just struggle with reading and writing and everyday tasks others have what they call in the trade "challenging behaviour" and cannot be trusted and the staff are unable to turn their backs on them. Will there be any checks on this as it is a matter of public safety...autism is a spectrum condition, where on the spectrum will these residents be?...'*

- *'...Where will the residents come from? Will they be local or shipped in from other parts of the country? Are there funding implications that need to be considered, with regards to the local economy and community...'*;

- *‘...We feel that the information regarding the client group is rather vague. There is an enormous range regarding individuals with mental health issues, those that have experienced brain trauma and those on the autistic spectrum. Will there be any checks regarding any public safety issues that may arise, if those housed at the property exhibit challenging and concerning behaviour? Recent high profile cases where individuals with known mental health conditions have committed serious crimes, must give cause for concern. We would appreciate if you would assure us that suitable checks would be in place and our concerns are allayed...’;*

- *‘...Although not included in the proposed plans, we are concerned that in the future, plans would be to widen the rear access to the property and to have vehicle access to the rear, this would cause considerable disruption and increased traffic flow via Penydarren Park...’*

- The proposal would potentially increase noise levels and disturbance during the day and night. Care homes operate 24 hours per day with a constant stream of activity, which would increase noise levels at unsociable hours. The disruption caused by deliveries, waste collection, and emergency vehicles to the care home would further contribute to this and have an adverse impact on surrounding properties;

- The exact nature of the facility has not been shared with residents, since it is not clear who would be accommodated at the facility and the impact it could potentially have on local services;

- The care home should be located in an alternative location that is more appropriate and better equipped to handle the specific requirements of such a facility without disrupting the lives of the surrounding residents;

- The proposed tandem parking layout is not useable and would involve reversing onto a main road to enable other vehicles to leave the site. The noise associated with these movements would be disruptive to residents and the reversing movements would be a danger to pedestrians and other drivers;

- *‘...we want a full breakdown of the safety and security plans for those persons living at the residential home and the provision for us in close proximity of the care home...’*

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 12 (February 2024)

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 lie within the settlement boundary and is situated in the Primary Growth Area of the LDP. 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.

Character and Appearance

The proposed development, as noted previously, mainly involves extensive internal works/reconfiguration to provide a suitable internal layout to suit the proposed care home in order to efficiently and effectively serve its residents. With regards to the external works proposed, this relates to a conservatory extension to the rear of the property. This would amount to a single storey addition, set away from all of the dividing boundaries, discretely sited to the rear of the property. As such, it would not

be visible from the front highway and would therefore not disturb the character or appearance of the property or that of the existing street scene. Whilst it is noted that a flat roof design would not normally be encouraged, in this instance, given the relationship with the existing rear projection and first floor windows, it is considered that a flat roof design would be the most suitable in this context. It is also noted that the material finishes of the extension have not been stipulated. Thus, to ensure that its elevational finishes are sympathetic to the appearance of the existing dwelling, a condition requesting that it be finished in matching render could be added to any planning permission granted.

The proposed extension would therefore amount to a proportionate and subordinate extension to the property which would not detract from the character or appearance of the existing dwelling and that of the surrounding area. As such, it would comply with LDP policy SW11.

Residential Amenity

The impact of the proposal has been considered upon the neighbouring properties. In this instance, the properties either side, 9 The Grove, located to the northeast and 8 The Grove, located to the southwest are the closest to the application site and these are the most likely to be impacted by the proposed development.

In terms of the external alterations, which would comprise of the addition of the rear conservatory extension, the proposal would be considered acceptable. The extension, as previously discussed, is a single storey addition. Thus, whilst the neighbouring property to the southwest, 8 The Grove, is located at a lower ground level, the conservatory, given its single storey height, siting away from the dividing boundaries, and absence of side facing windows, would not cause any overbearing impact, loss of light or loss of privacy and/or amenities of this adjoining property. It would also be completely screened from the neighbouring property, 9 The Grove, located to the northeast, by the existing single storey rear projection at the application site. Thus, it would not cause any adverse impact on the amenities of nearby occupiers.

With regards to the use itself, there is some potential for noise and disturbance to result from the operation of the proposed care home, since the private residential property is now proposed to operate as a business. It should be noted however that the internal alterations proposed, which seek to make the operation of the care home run efficiently and effectively for both its residents and staff, mainly relate to internal alterations/reconfiguration in order to provide 1 additional en-suite bedroom, 6 en-suites to the other existing bedrooms and the provision of a medicine room and staff room. Indeed, these alterations alone, could be carried out on any residential property without planning permission. The rear conservatory, given its dimensions, could also be constructed without planning permission. It should also be noted that a 6-bedroom property occupied by 6 individuals living as a single household and receiving care, would be classed as a C3 use class, and as such, would also not require planning permission.

Although it is acknowledged that an additional bedroom would be added, the nature of this business use would continue to be primarily residential and therefore the property would continue to be used in a very similar manner to a private residential

property. The existing dwelling, as a large residential property comprising 6 bedrooms, could reasonably be occupied at any one time by between 6-12 people, or even more, without requiring planning permission. This proposal, a 7-bedroom residential care home, would be limited in the accommodation it can provide, since it would only have a total of 7 people residing at the home. It is also recognised that 24-hour care would be provided to its residents and a total of 2.5 members of staff would be present at the care home in the day and 2 waking members of staff would be present at the care home in the night. This level of care could be provided in any private residential property, to one or more of its residents, without requiring planning permission.

As stated earlier, a property which is occupied by no more than 6 people living together as a single residence, where care is provided, does not require planning permission. It is therefore considered that any noise and disturbance which could be associated with the use of a residential care home, such as the coming and goings of staff or residents, vehicles entering and reversing out of the site, and other visitors to the property including those of deliveries, emergency services or other agencies, could also be associated with the use of a private residential property. Thus, any noise and disturbance arising from the proposed 7-bedroom residential care home, would not be considered significantly greater or more harmful than the use of the application site as a private residential property. Although the concerns raised in the letters of objections received have been considered, they would not warrant the refusal of the application in this instance. In this regard, it should be noted that no objections have been raised by the Environmental Health Manager.

Consideration has also been given to the other concerns raised in the letters of objection received, many of which relate to the type of resident who would occupy the property. Since the application was originally submitted, further supporting information has been received which provides more clarity on the nature of the residential care home which would operate from the application site. Neighbouring properties were re-consulted on this information.

Specifically, the additional supporting information states that the residents of the care home will be those with mental health issues, and this has been explained in more detail earlier in the report. It is noted that neighbouring occupiers, many of which may be elderly and/or vulnerable, have also raised concerns over the safety of the surrounding local community, and who would be responsible for dealing with issues arising from the care home in respect of anti-social behaviour, crimes of any nature and any other forms of unneighbourly conduct. The supporting information as highlighted above states that the staff at the care home are fully trained in dealing with the conditions of each of its residents and that *'...risk assessments and support plans are used to ensure the person is safeguarded from harm and that we have considered any potential risks in the community...'* The responsibility for dealing with any issues that could not be controlled by the care home staff would be shared by a number of agencies such as the Police and the care home manager. It should also be noted that concerns regarding the type of residents of the care home and the level of care they need, although required to understand the nature of the development and the operation of the care home, would not be a material planning consideration and as such would be outside the control of the Local Planning Authority.

It is therefore considered that the relationship between the proposed development and the surrounding properties would be acceptable. The proposed development, given the nature of its use, would not be considered out of context with the character of the street scene or residential make-up of the immediate surrounding area and would therefore accord with LDP Policies SW11 and ENW4.

Ecology

The Planning Ecologist has considered the proposed development and has not requested any survey work. However, in accordance with the Environmental Wales Act (2016) and the Welsh Government Circular - Securing Biodiversity Enhancements (2019), the Council's Ecologist has requested enhancement works in the form of a single integrated bat box, to be installed on the western elevation and these works can be secured by a suitably worded condition.

It is noted that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, the submission of a GIS would be deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancements would be provided as discussed above, which would provide additional habitats in the local area to serve protected species and would therefore contribute to the wider green infrastructure objectives. The proposed development would therefore be considered acceptable and would accord with LDP Policy EnW1.

Parking Provision and Highway Safety

The proposed development would be served by 6 on-site parking spaces, which would be achieved via the removal of the existing planted bed and the removal of the front boundary wall/fence and gates. The Engineering and Highways Manager has considered the proposal taking into account its existing use as a 6 bedroom residential property and stated that:

'...I note that the care home will have max 3no staff during the day and 2no staff overnight with no staff residing at the property... it would be in accordance with the Wales parking standards that 1 space will be required for non-residential staff and 1no space for visitors and 1no operational space. The submitted proposed plan shows 6no parking spaces but does not show any operational space for an ambulance, deliveries etc. Therefore, I recommend that at least 2no spaces kept free for such purpose as it would not be acceptable for such vehicles to park on the street given that there is double yellow parking restriction along the site's frontage...'

Thus, whilst the proposed parking spaces would be provided in tandem and would involve reversing movements onto the front highway, The Grove, the Engineering and Highways Manager has not raised any concerns in this respect. Furthermore, given that the large 6 bedroom property has a parking requirement for 3 on-site parking spaces, it could be argued that the proposed use would intensify the parking requirements of the property. However, it should also be noted that in reality, large properties such as the application dwelling, when occupied by large traditional families, could have parking requirements up to 6 or 7 vehicles, which would also involve reversing movements onto the front highway. Therefore, the requirement for

parking provision under the proposed use would not be considered significantly greater or significantly more detrimental to highway and pedestrian safety than the extant use. It is therefore concluded that the level of parking proposed would be acceptable and no highway objection has been raised to the proposed development. However, to ensure the safety of the users of the application site and other drivers and pedestrians in the area, a parking management plan to show how the care home would manage the ingress and egress of ambulance, delivery vehicles or any other required visits to the site, will be requested by condition.

The Engineering and Highways Manager has also referred to the promotion of sustainable modes of travel, to promote less reliance on private motor vehicles, and it was requested that 2no. secure cycle stands be provided within the site. This requirement can also be secured by a suitably worded condition. It should also be noted that the application property is located approximately 130 metres from a bus stop and is therefore near a sustainable travel route and within walking distance of the town centre. Furthermore, whilst there are double yellow lines outside the application property, approximately 50 metres further to the northeast, along the highway, on-street parking is unrestricted and allows for parking along the southern side of the street. Thus, on-street parking could also be available to serve any other visitors or deliveries to the proposed care home.

It is noted in the objections received, that the front highway is already highly congested and subject to unlawful parking by existing residents, their visitors, as well as visitors to the nearby Bed and Breakfast and Bowls Club. Whilst the concerns raised have been fully considered, the proposed site layout plan shows that the proposed residential care home, which lies in a sustainable location, would be served by adequate on-site parking for a development of this nature. Thus, in this instance, the impact of the proposed development upon highway and pedestrian safety would not warrant the refusal of the application. The proposed development would therefore accord with LDP Policy SW11.

Response to Representations

The planning concerns raised in the letters of objections have been addressed in the relevant sections above. Responses to the other issues raised with regards to this proposal have been addressed below:

- The supporting information submitted as part of this application states that the residents of this care home would have mental health issues. As previously noted in the main body of the report, the level of care and needs of residents would be a matter for their carers/staff to assess and would not be a planning consideration;
- Concerns have been raised regarding the impact the proposal would have on the value of surrounding homes. These matters are not material planning considerations and as such have not been considered in the assessment of this application, nor would residents be compensated for any loss in the value of their properties;
- The working conditions of the care home company and their pay scales would not be a material planning consideration and as such have not been considered in the assessment of this application;

- It has been highlighted that this proposal may cause some distress and anxiety amongst surrounding residents in response to potential occupiers of the proposed residential care home. This would not be a matter that can be controlled through the planning process. Consideration has been given to the impact of the proposal on the amenities of surrounding residents. Given that the property would continue to be largely used for residential purposes, the impact of the development would not differ significantly to the existing use as discussed earlier in the report;
- In respect of any threats/assaults or any other crimes to nearby occupiers or the wider community, this would be a matter for the Police;
- The planning department is unaware of what risk assessments or safety and security plans have been carried out, if any, in respect of the potential residents that could reside at the application site. This is not a planning matter. However, as discussed earlier in the report, the supporting information states that the staff at the care home are fully trained in dealing with the conditions of each of its residents and that *'...risk assessments and support plans are used to ensure the person is safeguarded from harm and that we have considered any potential risks in the community...'*
- The area where residents of the care home come from is not a material planning consideration, and as such, has not been considered in the assessment of the application;
- The Local Planning Authority would not carry out any checks, in respect of public safety, to the residential care home. This would be the responsibility of staff and managers of the care home;
- Should the future occupiers of the care home seek to widen the rear access and provide vehicular parking and access off Penydarren Park, this would require planning permission, and a new application would therefore need to be submitted;

CONCLUSION

Taking into account the above considerations, concerns raised by local residents and consultee responses, it is considered that the proposal is acceptable and complies 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:

- Proposed Layout, Drawing no: 1817 - 03, received: 23rd September 2024.

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

3. The materials to be used in the construction of the external elevations of the conservatory extension shall match those used in the existing building.

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. **Prior to the occupation of the residential care home** hereby approved, a parking management plan, which sets out how the ingress and egress of delivery vehicles/ambulances or other visitors to the site will be managed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - In the interest of highway safety and the free flow of traffic, to accord with LDP Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. The parking spaces as shown on Drawing no: 1817 - 03, received: 23rd September 2024, shall be made available for such purposes only, at all times, in association with the operation of the residential care home.

Reason - In the interest of highway safety and the free flow of traffic, to accord with LDP Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. **Prior to the occupation of the residential care home** hereby approved, detailed plans to scale, to include the siting and type/design of 2no. on-site cycle stands, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - In the interest of highway safety, the free flow of traffic and to promote sustainable modes of transport, to accord with LDP Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. **Prior to the occupation of the residential care home** hereby approved, a single integrated bat box shall be installed on the western elevation and retained in perpetuity thereafter.

Reason - To protect the natural environment and important habitat in accordance with Policy EnW1 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. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

This page is intentionally left blank