

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>Planning Applications Report</b>
<b>Report Author</b>	<b>Team Manager Development Management</b>
<b>Report Date</b>	<b>27<sup>th</sup> February 2023</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>9<sup>th</sup> March 2023</b>

### **Report Information Summary**

<b>1. Purpose of Report</b>
To present planning applications for consideration and determination by Members of the Planning Committee.
<b>2. Scope of the Report</b>
Application Address No.
C/2023/0001 Madison House & Mon Calpe, Picton Road, Dukestown, Tredegar, NP22 4DX
<b>3. Recommendation/s for Consideration</b>
Please refer to individual reports

## Planning Report

<b>Application No:</b> C/2023/0001	<b>App Type:</b> Full
<b>Applicant:</b> Ms Ceri Bird Blaenau Gwent County Borough Council Blaina Integrated Childrens Centre Baina NP13 3TN	<b>Agent:</b> Blaenau Gwent County Borough Council Mr James Allen Energy Centre Lime Avenue Ebbw Vale NP23 6GL
<b>Site Address:</b> MADISON HOUSE & MON CALPE, PICTON ROAD, DUKESTOWN, TREDEGAR NP22 4DX	
<b>Development:</b> Change of use of existing residential properties (C3) into children's care homes (C2)	
<b>Case Officer:</b>	<b><u>Sophie Godfrey</u></b>



### 1. Background, Development and Site Context

1.1 This application relates to 2no. detached dwellings known as 'Madison House' and 'Mon Calpe' located off Picton Road, Tredegar.

1.2 This application seeks planning permission to change the use of the detached dwellings (use class C3 (a)) to residential care homes (use class C2). Madison House is found to the north of the site, with Mon Calpe to the south. Both dwellings are two storey in height and are of red brick design with slate roof.

1.3 The submitted plans indicate there are no internal or external alterations to the properties. Both properties would retain 5 bedrooms to the first floor, with living accommodation comprising of living room, kitchen, dining room and wc to the ground floor. Both properties benefit from quite substantial outdoor amenity space with wraparound gardens and parking areas/driveways to the front of the site with 3no. parking spaces allocated at Mon Calpe and 4no. spaces at Madison House. Boundary treatments consist of brick walls to the front elevation, open timber/timber and wire post fencing to the north and south side elevations and hedgerow to the rear elevation.

1.4



Figure 1.1 Proposed Site Plan

1.5



Figure 1.2 Existing and Proposed Front Elevations

1.6



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Figure 1.3 Mon Calpe Existing and Proposed Floor Plans

1.7

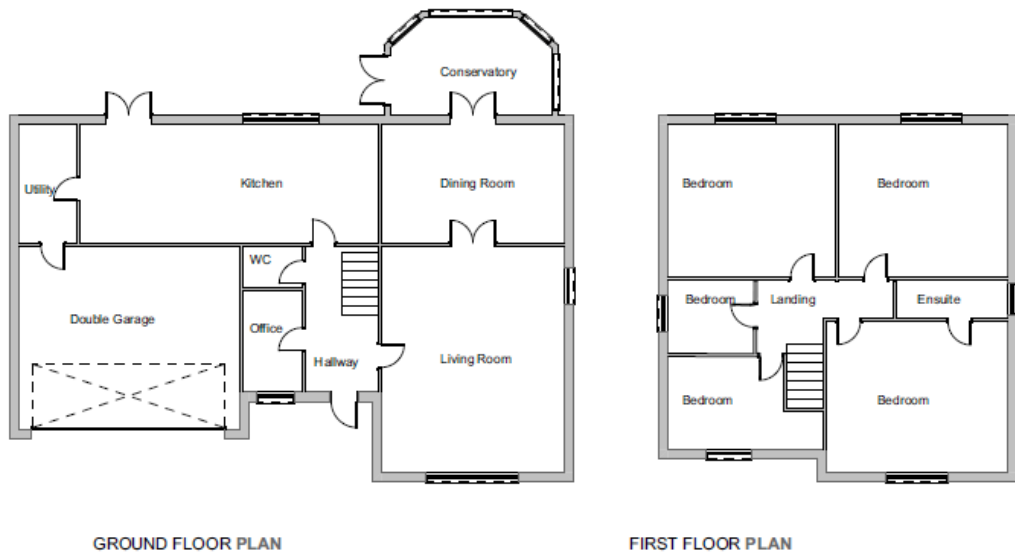


Figure 1.4 Madison House Existing and Proposed Floor Plans

1.8

The proposed residential care homes would accommodate a maximum of 4 children each who would be cared for by non-resident staff working a shift pattern. Staffing levels would vary with a maximum of 3 staff at each property at any one time. The applicant has confirmed there will never be a set age range of the children at the care homes, it will depend on the needs of the individual child and suitability of the placement.

1.9

The application site is located within a predominantly residential area, via a private driveway located off Picton Road. There are existing residential properties to the north, east and south west of the site, with open green area to the north/north west and south east.

1.10

This application is being presented to committee as several objections have been received from neighbouring properties, which raise some concerns that are considered to be of wider public interest.

**2. Site History**

	Ref No	Details	Decision
2.1	9769	Erection of two detached dwellings	Approved 09/07/1992

**3. Consultation and Other Relevant Information**

3.1 Internal BG Responses

3.2 Service Manager Infrastructure:

	<p>Highways: No objection subject to a condition requiring three off-street car parking spaces to be retained for each property, as indicated on the plans.</p>
3.3	<p><u>Service Manager Public Protection:</u> No comments to make regarding the development.</p>
3.4	<p><b><u>External Consultation Responses</u></b></p>
3.5	<p><u>Town / Community Council:</u> No objections. This was a good development, particularly if preventing children being sent out of county.</p>
3.6	<p><u>Welsh Water:</u> No objection to the disposal of the foul flows to the mains sewer. However, it is noted that it is proposed to dispose of surface water via the public sewer and as a result of this we cannot support the application in full.</p>
3.7	<p><b><u>Public Consultation:</u></b></p>
3.8	<ul style="list-style-type: none"><li>• 5 letters to nearby houses</li><li>• 4 site notice(s)</li><li>• website public register of applications</li><li>• ward members by letter</li><li>• all members via weekly list of applications received</li></ul>
3.9	<p><u>Response:</u> 20 letters have been received from neighbouring properties raising the following concerns:</p> <ul style="list-style-type: none"><li>• The local demographic is made up of retirees and working couples, which makes it an unsuitable area for children to be housed and uncharacteristic of the area.</li><li>• Concerns regarding the impact on the saleability and value of neighbouring properties.</li><li>• The high number of parked vehicles across Picton Road would be further exasperated by increased traffic and cause further congestion. This could be further worsened if Welsh Governments Plans to prohibit pavement parking come into force.</li></ul>

- The highway off Picton Road leading to Madison House & Mon Calpe has no street lighting and no access to a footpath which would put pedestrians/children at risk.
- Access to the properties is very awkward, restricted in width and visibility when entering Picton Road.
- Surrounding highway is problematic for larger vehicles and delivery vans. Refuse collection is sometimes delayed due to access problems when they can only collect from half the street because the other end is blocked with resident and visitor vehicles.
- Concerns over how recycling vehicles will access the property.
- It would be a lovely property for a family to bring up children, knowing the area and having accepted the risks, but as a Council facility it would fail to provide a safe and welcoming establishment due to its isolation, demographic and, most importantly, the accessibility problems.
- Concerns over anti-social behaviour and/or an escalation in crime.
- Complaints regarding surrounding properties not receiving notification letters and lack of publicity.
- Increased noise and disruption. If the properties provide twenty-four-hour care, this may cause disturbance throughout the day and at unsociable hours.
- Detrimental impact on neighbours health and well-being with concerns over safety and security and increased anxiety. The borough council should have a duty of care to local residents.
- Proposal is a waste of tax payers money.
- Understand there is a need for these homes but somewhere more suitable.
- Location is semi-rural in nature, offering no easily accessible facilities. What is within a reasonable distance entails crossing very busy roads, certainly not suitable for unsupervised children on foot. This means going anywhere requires transport and younger residents will be isolated.
- Bus service is sparse and ends early in the day.
- There are no activities suitable for the age group in question in the area which will lead to feelings of isolation and being housed away from similarly aged populace.
- This is an emotionally unfriendly neighbourhood within which to place already disadvantaged children.
- It was stated that the desire is to keep children close to friends and peers, and yet at the same time confirmed that none of the children are from the Dukestown area, so this does not seem a possibility.
- In the event of emergency, access for emergency vehicles fire, ambulance, etc. could certainly be problematic and not guaranteed due

	<p>to the geography. This would certainly put young residents at considerable risk.</p> <ul style="list-style-type: none"> <li>• The water supply from Picton Road to the site is insufficient to provide all of the safety functions in the houses (sprinkler system).</li> <li>• The adjoining plot of land is invaded by Japanese Knotweed, which is an invasive species and is spreading onto adjacent property's.</li> <li>• It is understood the plan is to have an outdoor gardening learning area, erect garden PODs and also have chickens and other livestock, which inevitably will increase noise levels.</li> <li>• Concern the proposal or any future proposals, expansions or changes could lead to further development of the buildings and/or the land that will further impact the surrounding area.</li> <li>• Concerns over plans for properties to be modified to create an annex, self-contained living area and conversion of existing garages which will create extra bedrooms and be funded from the second phase of funding. Concerns that the intentions of use will keep growing and changing.</li> <li>• Under current legislation Children's homes have to be owned and maintained by local authorities. Concerns over how the homes would be run if legislation changes in future.</li> </ul>
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#### 4. Planning Policy

4.1	<p><u>LDP Policies:</u> DM1 – New Development DM2 – Design and Placemaking SB1 – Settlement Boundaries</p>
4.2	<p><u>PPW &amp; TANs:</u> Planning Policy Wales Edition 11 (February 2021) Future Wales: The National Development Plan for Wales 2040 (February 2021) Technical Advice Note 12: Design</p>
4.3	<p>Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p>

#### 5. Planning Assessment

5.1	<p><u>Requirement for Planning Permission</u></p>
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5.2	<p>The applicant's intention is to create an environment that allows children and staff to live together as a single family. While each child would have their own bedroom, the majority of the remaining rooms and facilities (kitchen/dining area, lounges, toilets and bathrooms) are shared between the staff and children. The staff would provide day to day supervision in a parental role and both staff and children will undertake domestic duties, such as preparing and sharing meals, cleaning etc. It is envisaged the children will attend local schools and healthcare facilities.</p>
5.3	<p>The properties are, therefore, likely to retain a number of characteristics that are similar to the existing residential use in terms of both its physical condition and the nature of its use. As such, careful consideration has been given to whether the proposed use falls within use class C2 (residential care home as applied for) or C3(b), which relates to the use of building as dwellinghouse by not more than six residents living together as a single household where care is provided for residents. If the property would be classified as use class C3(b), planning permission would not be required.</p>
5.4	<p>The decision over the proposed use class is not straightforward, however on balance, I am of the opinion that the proposal falls within use class C2 and would result in a material change of use. This is due to the operation of the properties. The applicant has confirmed there would be a maximum of 3 staff at the properties, with some members of staff overnight. Not all staff would stay at the properties overnight, but would primarily use the properties during the day for work purposes, therefore would be non-resident and not typical of a normal household. The staff only present during the day would be using the property as an office/workplace, with an office present at the properties, and not likely to be operating like a family unit. There is also the potential for additional comings and goings and general activity at the property as a result of the staff's shift patterns (which have not been confirmed) and the potential increase in visitors.</p>
5.5	<p>It should however be noted that whilst I am satisfied that there is sufficient difference between the existing residential use and the proposed care homes for a material change of use to occur, this only means that planning permission is required. It does not imply that the proposal is different from the existing residential use, or necessarily mean that the proposal is inappropriate in land use terms or would result in unacceptable impacts. The remainder of the report covers these matters in more detail.</p>
5.6	<p><u>Principle of Development</u></p>

5.7	<p>The Blaenau Gwent Local Development Plan (LDP) indicates that the application is located within the Tredegar settlement boundary (Policy SB1) within which development is generally permitted subject to policies in the plan and other material considerations. The properties are located within an existing residential area and as indicated above, the characteristics of the proposed care homes are similar in many respects to those of a residential use with the children and staff living together as a single family as closely as possible. It is not uncommon for care homes to be located in close proximity to residential properties and I am of the opinion that the proposal is compatible with the surrounding residential uses.</p>
5.8	<p><u>Highways and Parking</u></p>
5.9	<p>It is noted that a number of objections have been received regarding increased parking and vehicular movements at and around the site and the restricted access to the site.</p>
5.10	<p>With regard to vehicular movements to and from the property, there would be a maximum of 3 staff at each of the care homes at any one time. No details have been finalized yet in regards to the staff shift patterns. It is thought that where possible, the children will use health and education facilities within the community. The children would be transported to these facilities via cars in the same manner as children living at the property as a residential family home would be. It is also considered that other professionals will visit the site e.g. social workers but their frequency has not been confirmed. No additional support services, such as cleaning, laundry or commercial waste services would be required. Although there would be additional visitors to the properties such as social workers, it is not uncommon for residential homes to have additional visitors such as friends, family and carers. Therefore, on balance the potential comings and goings at the site are not considered to be largely greater than what would be associated with a family home.</p>
5.11	<p>The Council's Highways Manager has been consulted on the application and confirmed that providing three off-street car parking spaces are retained for each property, as indicated on the plans they have no objections to the proposal. As there would be a maximum of 3 staff at each property at any one time, it is considered there would be sufficient onsite parking to accommodate vehicles associated with the site. On occasions there may be additional visitors to the property like there would with any residential property e.g. social workers, Dr, however it is noted that there is an area of tarmac located opposite the properties which could accommodate further parking. It is</p>

	therefore not considered that the proposal would result in additional on street parking in the surrounding area.
5.12	It is noted that the access road off Picton Road is quite limited, however the access is deemed acceptable for the existing residential dwellings. The proposal would not result in larger types of vehicles accessing the site than the current situation. The majority of the vehicles would be regular size cars that would be used by staff.
5.13	With regards to the concerns raised by objectors in respect of waste/recycling, this would be collected in the same way, by the same refuse vehicles that currently accesses the site. The same applies in respect of current access arrangements to the properties by emergency vehicles.
5.14	The comments regarding the location of the site with lack of facilities, lack of footpath and limited public transport in the surrounding area are noted. However, the proposed use is deemed to be very similar to the existing residential use, with the children accessing school, healthcare and other facilities in the same way as children would as part of a family home. Staff would drive the children to school, appointments etc. in the same manner parents would, with traffic movements considered similar to the existing use.
5.15	It is therefore considered that the proposal is considered acceptable in terms of access and parking and would not result in a detrimental impact on highway safety.
5.16	<u>Visual Amenity</u>
5.17	There are no external alterations proposed to the properties, as such the proposal is considered acceptable in terms of visual amenity.
5.18	<u>Neighbouring Amenity</u>
5.19	As indicated above, the applicant seeks to create an environment which allows the staff and children to live together as a single family, and in many respects the proposed care home would not result in any greater impacts on the amenity of neighbours than those that would arise from a large family living at the properties. There are, however, certain characteristics of the proposed care home that would differ from an average family, such as the vehicular movements due to shift patterns and visitors, and the night working.

5.20	<p>With regard to vehicular movements to and from the site, dependent on shift patterns, they could be greater than normal. However, it is acknowledged that shift working is not uncommon in many different job sectors, therefore if there were any shift changeovers during the night, this would not necessarily be uncommon with a family home. The timing of the majority of the vehicular movements would coincide with normal daily activity relating to work and school journeys, health appointments and leisure activities. I am therefore of the opinion that the number and timing of vehicle movements would not have an unacceptable impact on the amenity of neighbours in terms of noise and disturbance.</p>
5.21	<p>Staff would be present at the property 24/7, working throughout the night, however it would be expected that staff would work as quietly as possible so as not to disturb the children sleeping at the property. In my view, any noise generated by staff at night is unlikely to impact on the amenity of neighbours, due the properties being detached and nearest neighbouring dwelling approximately 25 metres to the east of the site. Moreover, any light generated from within the building would be screened by blinds, curtains etc.</p>
5.22	<p>The Environmental Health Officer has raised no objection to the proposed care home and I am of the opinion that there would be no unacceptable impact on the amenities of neighbouring occupiers. Nevertheless, a condition restricting the use and numbers of children to only that proposed and no other use within the same C2 use class would be appropriate in this case, as other institutional uses may have a different character and vehicular movements requiring further consideration.</p>
5.23	<p>Both properties are large, detached dwellings with outdoor amenity space. Both have 5 bedrooms, therefore would be suitable to serve a large family with 4 children. I am therefore of the opinion that the properties are large enough to accommodate the proposed 4 children.</p>
5.24	<p>It is noted that objections have been raised in regards to potential anti-social behavior and fears over safety and security at the site. However, these concerns appear to be based on the assumptions that the children will not be properly managed. It is difficult for the planning process to give any significant weight to the potential behaviour of individuals. The proposed care homes could generate antisocial behaviour, however as could the use of any residential property. If antisocial behaviour were to occur, this would be a matter for the staff/management of the care homes and any other bodies responsible for dealing with behaviour of this nature, such as the police.</p>
5.25	<p><u>Drainage</u></p>

5.26	Welsh Water has confirmed they have no objection to the disposal of foul flows to the mains sewer. They have however stated that they cannot support the application in full as it is proposed to dispose of surface water via the public sewer. The application only relates to a change of use, no external changes are proposed to the properties or outdoor amenity space, with the hard surfaced parking areas already in existence. It is therefore considered that there should not be an increase in surface water run off as a result of the proposal, and it is considered acceptable in terms of drainage.
5.27	<u>Ecology</u>
5.28	In accordance with guidance issued by the Welsh Government, each application for planning permission must now propose ecological mitigation and enhancement. No ecological enhancements have been proposed under this application, therefore a condition would be imposed requiring such details in accordance with the requirements of policy DM1 of the LDP, PPW 11 and the Environment (Wales) Act 2016.
5.29	<u>Other Matters</u>
5.30	Notwithstanding the acceptability of the application site to accommodate 4 children, the proposed care home will also be registered, inspected and regulated by the Care Inspectorate Wales. It is a matter for this regulatory body to ensure that the care home is suitable to meet the specific needs of the children. National planning policy is clear in that local planning authorities must bear in mind that other legislation may also be relevant to certain matters and that the planning system should not conflict with or attempt to duplicate controls better regulated by other bodies under different consent regimes. It is also clear that even if planning permission were to be granted, the proposed care home could not go ahead without other necessary consents in place.
5.31	A number of the objections received have been addressed under the relevant matter above. The remaining objections are considered separately below.
5.32	The comments regarding the surrounding area being predominantly of a retired/ working couples demographic, making it unsuitable for children are noted. However, the properties at present are large family homes located within a residential area as such the presence of children at the properties and in this area is not considered to be unusual.

5.33	The cost to purchase the properties and the reduction in surrounding property values are not material planning considerations. The area/location in which the children come from and any potential future changes to how the homes would be run, e.g. council or private ownership are not material planning considerations.
5.34	The Council's Green Infrastructure Team has been consulted, however they have confirmed they have no knowledge of Japanese Knotweed on the adjacent site. Notwithstanding this, the application is for a change of use only, with no disturbance of ground or import/ export of soil. However, an informative has been added to this permission advising the applicant of the need to remove any Knotweed located within the application site.
5.35	In respect of the lack of notification letters and community engagement, I can confirm that the statutory requirements in regards to notification of this type of application has been adhered to. All 5 properties that share a boundary with the application site were sent notification letters and 4 site notices were displayed at and around the site. The application also appeared on the Weekly List which is published on the Blaenau Gwent Council website.
5.36	Concerns over water supply to the property for sprinkler systems is not a material planning consideration and would be considered under building regulations/Care Inspectorate Wales regulations
5.37	I do not consider the lack of facilities within easy walking distance to be markedly different between the children of the proposed care homes and the children that could be resident of the existing family homes. It is also not unusual or unreasonable for residents to travel in cars to access facilities.
5.38	No details have been provided with the application regarding a potential outdoor gardening learning area, PODs, annexes, chickens or other livestock at the site. We can only consider the proposal as submitted. Some of these works may not require planning permission, any future development which may require planning permission will be dealt with under any future planning applications when required.
5.39	In response to concerns the proposal could lead to further development of the buildings and/or the land that will further impact the surrounding area, again the planning department can only consider the proposal as submitted. Any future works/applications will be dealt with separately and considered on their own planning merits.

5.40	In response to the comments relating to the conversion of garages and additional accommodation being created at the site, a condition has been applied to this permission restricting the number of children at the properties to a maximum of 4. Therefore planning permission will be required if the properties were to be expanded/amended to accommodate a greater number of children.
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## 6. Legislative Obligations

6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.

## 7. Conclusion and Recommendation

7.1	<p>The proposed change of use of the residential dwellings to care homes is considered to be compatible with the neighbouring residential uses and is acceptable in land use terms. Moreover, the proposal would not result in any unacceptable impacts in terms of visual and residential amenity, parking and highway matters. The proposal is therefore considered to be in accordance with LDP policies DM1, DM2 and the Access, Car Parking and Design SPG.</p> <p>In light of the above report, the application is considered to accord with LDP Policies DM1 and DM2 and it is recommend that planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <ol style="list-style-type: none"> <li>1. The development shall begin not later than five years from the date of this decision notice.</li> </ol> <p>Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.</p> <ol style="list-style-type: none"> <li>2. The development shall be completed in full accordance with the following approved plans and documents:</li> </ol>
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- Site Location Plan, drawing no. TS0000/01, recorded received 23<sup>rd</sup> December 2022;
- Proposed Site Plan, drawing no. TS0000/2, recorded received 23<sup>rd</sup> December 2022;
- Existing and Proposed Floor Plans Mons Calpe, drawing no. TS0000/03, recorded received 23<sup>rd</sup> December 2022;
- Existing and Proposed Floor Plans Madison House, drawing no. TS0000/04, recorded received 23<sup>rd</sup> December 2022;

Reason: To clearly define the scope of this permission.

3. Prior to commencement of development, details of bat and bird mitigation (to include location, position and specification) to be provided as part of the development or within the wider curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The mitigation shall be installed within six months of the details being approved and shall be maintained as such thereafter.

Rason: In the interests of the ecological and biodiversity value of the site.

4. Three off-street car parking spaces as indicated on the approved plans, are to be retained for each property for their designated purpose in perpetuity.

Reason: To ensure the parking needs of the development are adequately met and to safeguard highway interests

5. Notwithstanding the Town and Country Planning (Use Classes Order) 1987 (as amended) (or any order revoking or re-enacting that order with or without modification) the use hereby approved shall be restricted to that of a children's care home for up to 4 children.

Reason: In the interest of residential amenity and highway safety.

Informatives:

1. The developer is advised that Japanese Knotweed is listed in Schedule 9 of the Wildlife and Countryside Act 1981. It is an offence to plant or cause this species to grow in the wild. Actions which cause the spread of Japanese Knotweed may constitute an offence.

The entire site should be checked for Japanese knotweed before any vegetation clearance or groundworks take place. This is to prevent the spread of this invasive species.



	<p>The stands of Japanese knotweed should be subject to eradication by a suitably qualified BASIS contractor. Until these areas have been signed off as being clear of this species, an exclusion zone should be set up to extend 7m from the furthest extent of this plant. No groundworks should occur in these areas until the contractor has signed them off as being clear of the plant. Additionally, the entire site should be resurveyed for this species and a control and eradication plan put in place. This is to avoid the spread of Japanese knotweed on the site.</p> <p>2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e., a drain which extends beyond the connecting property boundary) or via a new sewer (i.e., serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of <a href="http://www.dwrcymru.com">www.dwrcymru.com</a></p> <p>3. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.</p>
<p><b>8. Risk Implications</b></p>	
<p>8.1</p>	<p>None.</p>