

Application No	S/39358
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Application Type	Full Planning
Proposal & Location	CHANGE OF USE OF THE PROPERTY FROM A CLASS C3 RESIDENTIAL DWELLING TO A CLASS C2 CHILDRENS RESIDENTIAL HOME AT 2 ERW LAS, LLWYNHENDY, LLANELLI, SA14 9SF

Applicant(s)	FRESHSTART CARE LTD, C/O AGENT,
Agent	ASBRI PLANNING - MR TOMAS HOPKINS, SUITE D, 1ST FLOOR, 220 HIGH STREET, SWANSEA, SA1 1NW
Case Officer	Zoe James
Ward	Llwynhendy
Date of validation	29/08/2019

Reason for Committee

This application is being reported back to the Planning Committee following the initial report to Planning Committee on 14 January 2020 where it was agreed to undertake a Site Visit. The application was initially reported to Planning Committee following a call-in request by Councillor Cundy and Councillor Sharen Davies and following the receipt of more than five objections from third parties.

Mr Ian Morgan has requested that the Planning Committee also visit no. 4 Erw Las, the adjoining property to the application site, whilst visiting the site on 11 February 2020. Mr Morgan has been advised that the request has been forwarded and will be at the discretion of the Planning Committee.

Site

The application site comprises no. 2 Erw Las a semi-detached dwellinghouse and associated parking and garden area to the rear. The property consists of a two storey renovated cottage fronting Erw Las in Llwynhendy. The property was extensively enlarged following granting of planning permission for a two storey extension to the rear in 2000. As a result, the dwellinghouse now has seven bedrooms, four of which benefit from individual ensuite bathroom facilities. At ground floor the accommodation comprises one of the bedrooms, alongside a large lounge, breakfast room, utility room, kitchen, dining room and two small toilets.

The property also benefits from a long extensive private garden area to the rear, this is accessed via a side driveway which allows access to car parking to the rear.

The property is situated within the defined development limits of Llanelli. To the east of the site is the C2206 classified road Erw Las beyond this and to the west of the site is open fields. Immediately to the south is adjoining property 4 Erw Las and a further detached property Ty To Maen beyond this. Directly to the north is grassland beyond which land is allocated for residential development under reference GA2/H35 in the adopted Local Development Plan.

Proposal

The current planning application seeks change of use of the existing dwelling house for use Class C2 as a children's residential home. No physical external alterations are proposed to the dwelling or curtilage with the exception of the creation of a dedicated parking area to the rear to provide spaces for 3 cars. A new bike store is also proposed within the rear patio/garden area to allow secure storage for bicycles.

The proposed use will provide residential care for three young people between the ages of 11 and 18 years and will result in the employment of 4 staff members at the property (original submission proposed four young persons). It is understood that there will be two staff members at the property at all times and a staff change once every 12 hours. The team leader will be present to transfer information to the incoming team and shift changeover.

The applicants Freshstart Care Ltd have confirmed that the home will be used for vulnerable, neglected and disadvantaged children who are currently in the care of a Local Authority and need a safe home. The proposal is not to accommodate children who are in the justice system. There has been a lot of miscommunication surrounding the application and the children who may be accommodated at the site.

Planning Site History

The following previous applications have been received on the application site:

- | | |
|---------|--|
| S/05641 | PERMISSION TO USE 2 BEDROOMS AS OVERSPILL GUEST HOUSE
ACCOMMODATION - MAXIMUM OF 4 GUESTS
Retrospective Change of Use
Full Granted - 29/01/2004 |
| S/02789 | RENOVATION OF EXISTING DWELLING AND CONSTRUCTION OF 2
STOREY EXTENSION
Full Granted - 21/12/2000 |

Planning Policy

In the context of the Authority's current Local Development Plan (LDP) the site is located within the Development Limits of Llanelli. Reference is drawn to the following policies of the Plan:-

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces

SP3 Sustainable Distribution- Settlement Framework

SP9 Transportation

H6 Residential Care Facilities

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways – raised initial queries regarding staff arrangements and parking requirements at the property. Following discussion with the agent and submission of a revised parking layout, the Highways Officer has confirmed no objection subject to imposition of conditions.

Head of Public Protection - No observations.

Llanelli Rural Council – object to the application and consider that the use is inappropriate in this location given the number of vehicles accessing the site being detrimental to highway safety, parking provision is insufficient, the proposed use does not complement the use of the adjoining semi-detached residential dwelling and will have a detrimental impact on the residential amenity of this property and other neighbours.

Local Member - Councillor Sharen Davies has objected to the application on grounds of increased noise, highway safety, parking arrangements, flooding concerns, safety of existing residents, property value and insufficient consultation with members of the community. Cllr Davies also requested that the application is considered at Planning Committee, that a site visit be undertaken and she would like to speak against the application.

Local Member - Councillor Fozia Akhtar has not commented to date.

Local Member - Councillor Deryk Cundy from the adjacent ward has also objected on the basis that there is no correlation with the housing of children on the Council Register given the Local Authority are not involved with the project, the property is inappropriate, insufficient parking, the proposed use of the property is unknown and there is a lack of information or details regarding the regulation of the property, qualifications and safety of staff. Reference is also made to the concerns of local residents regarding their security and safety given the lack of information regarding the future occupants and no consultation with the community.

Community Councillor – Councillor Jason Hart has also objected given the numerous objections received from local residents and considers that the proposal will result in a hostile environment for the children. Also concerns regarding increased traffic flow, increased noise, lack of car parking and no option to extend further given flooding concerns. Requests a site visit is undertaken.

Carmarthenshire Children's Services – advise that they do not use private residential homes for looked after children so will be utilised by outside local authorities.

Police Liaison - No observations received to date.

All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application was the subject of notification by way of neighbouring letters and site notices posted in the vicinity of the site and along Erw Las.

Over 30 representations were received, all objecting, with the exception of 2 in support, and the matters raised are summarised as follows:

- Fresh Start Care Serviced Ltd will be caring for young vulnerable people between ages of 16-21 years of age who may have a history of offending and this is not suitable in a semi-detached private property within a rural residential area.
- There are existing problems in the area concerning anti-social behaviour, fly tipping, traffic incidents and drug usage.
- Social problems presently experienced in Erw Law could cause aggravation and trouble for vulnerable youngsters.
- A petition has been started which is already on 133 signatures from people in the community.
- The safety of existing children is paramount, the proposal will jeopardise this.
- There are a lot of elderly residents within the street who will be very vulnerable.
- The community is very family oriented with 4 primary schools and a number of nurseries.
- Concerns raised regarding next door neighbour who has recently been burgled and will be negatively impacted by the proposal, particularly through additional noise from the development.
- If the company proposing the development did not know that they need planning permission then there is extreme doubt of their professionalism.
- Appears that the company are not disclosing information, if the property is used to house young offenders then this is Use Class C2A rather than C2 which is what the application refers to. Also the ratio of staff to children confirms suspicions that trouble will be expected.
- Inconsistency between application submission and Fresh Start Care website.
- Proposal fails to comply with Policy GP1, H3, SP1, SP2, EP1 and EP3 of the Council's Local Development Plan.
- Many more suitable buildings elsewhere in Llanelli, children in care face huge challenges and need to be in an appropriate location.
- Limited information has been provided to neighbours regarding the future occupants.
- The applicant should expand on what measures will be put in place to supervise the young people living there and their safety.
- Existing services and facilities are already overwhelmed and do not have capacity for additional residents.
- Erw Las is being used as a short cut to the link road to Llanelli and Burry Port so is a dangerous road, the 30mph speed limit is ignored and there is no pavement along the side of the road on which the property is situated.
- Staff arriving at the property will add traffic on a quiet rural byway.

- Cycling on the roads is dangerous.
- Property is on a flood plain and has previously been flooded despite application form not making reference to this.
- The previous use of the property as overflow accommodation for Llwyn Hall Hotel caused nuisance to neighbours at times.
- No amenities of suitable interest for youngsters nearby.
- Reference is made to no work being undertaken yet all of the rooms are already set up for occupation
- Brand new company set up with no experience, with the primary motive being financial gain.
- Proposal will be used to house children from outside the local area, the company are set up outside of Wales.
- Where would the resources come from for the children when they leave the care system?
- Detrimental impact on house prices.
- Limited consultation taken place with residents.
- Everything for this proposed development has been done covertly until it was reported to the planning and enforcement officer.
- Support the proposal and consider more homes should be built/set up if required.
- Children should not be defined by the crimes they have committed, they are misguided and unloved.
- People need to learn to be more compassionate, open minded and not live in fear of what is posted on social media.
- More should be done to educate people.
- Scaremongering to local community causing numerous objections. Instead community should be supporting the youngsters.

All representations can be viewed in full on our [website](#).

Appraisal

Clarity regarding the proposal

There has been a significant number of objections raised regarding the application and concerns regarding the nature of the proposed occupants. A number of the objections make reference to the proposed residents being criminals or young offenders and the care home being a secure establishment. This is incorrect. The application seeks change of use for a children's residential care home to provide a suitable home for disadvantaged children within the care system. Care is to be provided in a family type environment for a maximum of three children and four staff members working on a shift pattern to cater for the resident's needs. The proposed use falls within the definition of Use Class C2 which is specified as: "*residential accommodation and care to people in need of care – residential schools, colleges or training centres, hospital or nursing home.*" The proposal does not fall within the separate Use Class C2a which refers to a secure residential institution and includes prisons, young offenders' institution and detention centre etc.

The applicant, Freshstart Care Ltd do not presently have a website. The company trading under the same name is entirely separate to the applicants for the proposed development as confirmed in writing in the letter from Asbri Planning dated 21 October 2019. On this basis, a number of the concerns raised by members of the local community in their objections to the proposal are misplaced and irrelevant.

Principle of development

The planning application proposes a change of use from the existing residential dwelling to a children's care home under use class C2. Policy H6 of the Adopted Local Development Plan (LDP) is the most pertinent in the consideration of the application. The policy permits proposals for residential care facilities within development limits of a defined settlement where it has safe and convenient access to community facilities and services. The site is located within the defined development limits of Llanelli and is within walking distance of local facilities in Llwynhendy and bus stops providing services to Swansea, Llanelli and the local area. Whilst it is noted reference is made to there not being a footway along the road from the site to the bus stops, there is a pedestrian footway on the opposite site of the road which runs up Erw Las with only a section on Parc Gitto to the north not benefiting from a separate pedestrian pavement. The Authority's Head of Highways has not raised any concerns in this regard.

In addition, the supporting text to the policy acknowledges that "the inclusion of such facilities within the development limits ensures that residents remain integrated into the community." As such, the location of the site within the existing community is considered to comply with policy requirements.

Comments have been received from the Authority's Children's Services Team who advise that they do not support the proposal on the basis that the service does not use private residential homes for looked after children and as a result the proposal will be utilised by other local authorities. However, the applicant is not a consideration in the determination of planning applications, the process is unable to differentiate between whether the service would be operated by the Authority or a private service provider.

Impact upon character and appearance of the area

In terms of the impact of the use on the existing character and appearance of the locality, the proposal involves no external changes to the building fabric of the host property and limited external changes to the curtilage. The property would retain its appearance as a large, semi-detached domestic property with large garden alongside patio and parking area to the rear. The change of use would have limited impact on the general character of the surrounding area.

The proposal is to provide residential care for up to three children/young people occupying the property who are intending to live as a family. Notwithstanding the provision of care to the residents, the use of the property will remain residential within an area largely dominated by residential development and within defined development limits and would not impact on the character of the locality.

Residential Amenity Considerations

In terms of the impact on the amenity of the adjoining residential property and neighbouring properties, the main issues to consider include noise and loss of privacy. Firstly, turning to noise, the proposed change of use remains within a residential use and given the proposal seeks consent for a maximum of three children at the property there will not be an excessive number of children residing at the property. The application site is a large property benefiting from a number of large double bedrooms and as such could be occupied by a large family now with excess of three children without any planning

permission required. As such, it is not considered that the proposal will exceed normal noise levels generated by a large residential property. Notwithstanding this, conditions are suggested to be imposed on any planning permission granted restricting noise levels and ensuring any necessary noise insulation is installed to protect any potential impact on the neighbouring occupier.

Turning to loss of privacy, the application site consists of a semi-detached dwelling with rear garden of the neighbouring property also running in parallel. There are three windows on the rear elevation of the site which directly adjoin the neighbouring property and one side window on the vast extension to the property which looks towards the garden of the neighbouring property. This window and one on the rear elevation are shown to be bathroom windows on the submitted floor plans and therefore would be obscure glazed. The other two windows on this element of the rear elevation do allow views into the rear area of the garden of no. 4 Erw Las yet are not oriented towards the property.

A number of objections raised make reference to current anti-social behaviour problems relating to the locality and raise concern that this proposal will exacerbate the situation. Existing issues are matters for the police and the proposal, which is a residential use for a maximum of three children, is unlikely to result in such high levels of anti-social behaviour to warrant the refusal of the planning application. Furthermore, concerns are raised regarding community safety in relation to the nature of the residents of the property. The development is not considered to be of a scale or nature to raise adverse concerns in this regard. The submitted details highlight that staffing arrangements ensure care will be provided to the residents on a 24 hour basis and the occupants are no more likely to disturb or adversely impact on neighbours than the occupants of a large family home.

In land-use terms this proposal appears very much like a large family home but arguably what makes it different is the perceived personalities of the young people that would occupy the property and the potential level of disruption that might arise from their behaviour. This is somewhat of an unknown, variable factor and one that it is difficult to predict in the consideration of this planning application. The intensity of the use of the site would differ to some degree from that of a normal household as the level of care and support may result in a more frequently accessed site by staff and is likely to lead to some additional activity compared to its use as a single dwelling. However, the applicants have advised that the shift operation would be 12 hourly with only two changeover points per day. Otherwise the submission highlights that the peak traffic generation from the property would be broadly similar to that of a normal dwelling with regard to the school run etc. The movements caused by staff members would be relatively minor and would not be significant in relation to impact on local amenity.

In line with the Regulation and Inspection of Social Care Act (Wales) 2016, the applicant is required to register with the Care Inspectorate Wales (CIW) prior to providing a care service. As part of the application process a premises assessment is undertaken to evaluate and assess the suitability of the proposed premises in line with the needs of the intended occupiers. The applicant have advised that they are in the process of obtaining the relevant licence and without which it will not be possible for the care home to operate. The management of the site would then be regulated by the Care Inspectorate Wales independent of the planning process.

As a result, it is considered that the proposed development complies with policy GP1 and in particular part d) in so far as any potential impact on amenity of adjacent residents.

Highway Impacts

A number of objections received refer to the inadequacy of the existing road network, existing problems concerning dangerous driving and traffic incidents and consider that the proposal and the parking arrangements for the property will heighten the problems.

In considering the traffic and transport implications of the proposed change of use it is noted that the site benefits from three parking spaces permitted to the rear of the site as part of the previous permission granting use of two bedrooms of the property for overflow guest house accommodation. The Authority's Highways Planning Liaison Officer has queried the staff arrangements at the property and the previous potential intensification proposed on an existing sub-standard access. Following additional information submitted from the agent and a reduction in the number of children proposed to reside at the property and therefore reduction in staff, the proposal will now not require an additional level of parking than the existing use. The Highways Officer has confirmed no objection subject to imposition of conditions.

In terms of the additional traffic associated with the proposal, as acknowledged above the traffic movements will largely be as expected for a family dwelling with the additional movements caused by staff members being limited.

Flood Risk Implications

Many of the objections refer to flooding concerns at the application site and make reference to historic flood events at the property and adjoining property. However, the site is located within Zone A on the Development Advice Maps. Technical Advice Note (TAN) 15: Development and Flood Risk. TAN15 defines Zone A as being land considered to be at little or no risk of fluvial or tidal/coastal flooding and no further flood risk consideration is required.

Nevertheless, the change of use proposed remains a residential use and therefore is considered 'highly vulnerable' development, as per the existing use at the property. On this basis, there is no change in the vulnerability of the site as a result of the proposal.

Lack of transparency/consultation

A number of the objectors make reference to there being limited consultation undertaken with members of the local community. For an application of this scale (not major development) there is no requirement under planning legislation to carry out pre-application consultation with local residents.

In line with Article 12 (5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended), the Local Planning Authority must publicise an application by giving requisite notice-

- (a) by site notice displayed in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving notice on any adjoining owner or occupier.

Consultation letters were sent to neighbouring properties and two site notices were erected within the vicinity of the site along Erw Las. As such, the requirement for the Local

Planning Authority to undertake relevant publicity has been undertaken in compliance with the regulations.

Other Matters

In terms of the other matters raised and not addressed above, the number of staff proposed is not the ratio of staff to children and all four staff members will not be working at the property at the same time. There will be two members of staff per 3 children at the property. Comments have been received stating that the use should be located elsewhere, the planning application must be considered on the basis of what has been submitted and other locations are not reviewed as part of this application.

Objections are raised regarding pressure on existing services, given the scale and nature of the application proposal for a care home for three children and given that the existing property could presently be occupied by a family with three or more children, additional pressure on resources is not considered to be significant or warrant refusal of the application. Comments make reference to the Police being consulted and fire safety. The Police Liaison team were consulted as part of the planning application and no response has been received to date. A copy of a support letter for the proposed use has been received from SMS Fire Safety Consultants who visited the property to carry out a fire risk assessment.

No objections have been raised from local service providers in response to the application. The issues raised by the respondents in respect of depreciation of property value are not material in the consideration of the application.

Planning Obligations

None

Well-being of Future Generations (Wales) Act 2015

The decision considers 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). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

After careful consideration of the scheme as submitted, alongside the responses from statutory consultees and numerous comments received from third parties, it is concluded on balance that the proposed development complies with the relevant LDP policies and would not adversely affect the character of the area, prejudice highway safety or significantly harm neighbours' amenities. The concern regarding the adverse impact on residential amenity and the fear for an increase in anti-social behaviour, arising from the perceived behaviour of the proposed residents is not sufficient to warrant refusal. In balancing the planning matters of the proposal the scheme is considered acceptable and is recommended for approval subject to the following conditions.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development shall begin no later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents:-
 - Site Location Plan scale 1:1250 received 20 July 2019;
 - Block Plan scale 1:500 received 20 July 2019;
 - Existing and Proposed Floor Plans received 13 November 2019;
 - Asbri Planning Covering Letter reference. S19.173 dated 18 July 2019 received 20 July 2019;
 - Freshstart Care Ltd – Supporting Statement received 1 November 2019;
 - Asbri Planning response to third party comments reference. S19.173 dated 21 October 2019;
 - Parking Layout – Inbound Movements drawing 1 received 23 December 2019;
 - Parking Layout – Outbound Movements drawing 2 received 23 December 2019;
- 3 The premises shall be used for a children’s residential care home for a maximum of three children and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
- 4 Noise associated with the proposed development shall not exceed a cumulative rating level of 35dB at the facade of the nearest noise sensitive receptor between the hours of 07:00 and 23:00. Measurements shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.
- 5 Noise associated with the proposed development shall not exceed a cumulative rating level of 30dB at the facade of the nearest noise sensitive receptor between the hours of 23:00 and 07:00. Measurements shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.
- 6 At the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to a methodology agreed by the Local Planning Authority to determine whether noise arising from development exceeds the levels specified in condition 5 and/or 6 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Conditions 5 and/or 6 are exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in conditions 5 and/or 6. The development shall then be undertaken in accordance with the approved details.
- 7 The access and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained

unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

- 8 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 9 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 10 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To confirm the extent of the permission and in the interest of visual amenity.
- 3 To enable the Local Planning Authority to retain effective control over the use of the premises in the interests of highway safety and residential amenity.
- 4-6 To protect the amenity of neighbouring residents.
- 7-10 In the interest of Highway Safety.

Notes

- 1 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).