

<u>Location:</u>	93 Ninesprings Way Hitchin Hertfordshire SG4 9NU
<u>Applicant:</u>	Pavandeep Haer
<u>Proposal:</u>	Change of use of existing residential dwelling to registered Children's Home (C2)
<u>Ref. No:</u>	23/00590/FP
<u>Officer:</u>	Melissa Tyler

Reason for Delay

COMMITTEE CYCLE

Reason for Referral to Committee

Called in by Cllr Hoskins

Policies

National Planning Policy Framework

The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8, 10 and 11 - Achieving sustainable development

Paragraphs 38, 47, 54 and 55 - Decision-making

Paragraph 92 - Promoting healthy and safe communities

Paragraphs 104, 108, 110 and 111 - Promoting sustainable transport

Supplementary Planning Document.

North Herts Parking SPD

North Hertfordshire District Local Plan 2011-2031 Local Plan and Proposals Map

HS3 Housing Mix

HS4 Supported, Sheltered and older persons housing

D3 Protecting Living Conditions

T2 Parking

2.0 **Site History**

- 2.1 **20/02349/FPH** Single storey rear extension, hip to gable roof extension and insertion of dormer window to rear elevation and rooflights to existing front elevation roofslope to facilitate conversion of loftspace into habitable accommodation **CONDITIONAL PERMISSION GRANTED 02/12/2020**

This development is currently under construction (at time of writing this report)

3.0 **Representations**

3.1 **Statutory Consultees**

3.1 **North Herts Environmental Health – No objection**

Following issues raised by neighbours' further clarification was sought but the EHO felt that due to intensity of the proposal no objection were raised.

3.2 **Child Services –**

Whilst it is not our remit to comment on the planning aspects of this application, we are able to address the requirement for such provisions in Hertfordshire.

Hertfordshire County Council publishes an annual sufficiency statement in relation to the accommodation of young people in care and the most recent version is available on <https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/what-our-priorities-are-and-how-were-doing/what-our-priorities-are-and-how-were-doing.aspx> and is attached for your convenience. From this, you can see that it is the county's preference is to accommodate all the young people for whom it is responsible in or near Hertfordshire. Currently we are not able to do this, with around 100 children placed at a considerable distance from Hertfordshire. We are therefore supportive of providers who seek to address this shortfall by establishing new facilities within our borders.

Modern children's homes are intended to be very much like a family home where young people live in a setting as close to family life as possible. The staff look after them 24 hours a day and ensure that they have access to education and a range of activities for their wider wellbeing. They do, of course, transport the young people as needed to any such activity, just as would be the case in any family.

All provisions are registered and inspected by Ofsted. In addition, the commissioning team undertake their own visits as part of a rigorous Quality Assurance process. There are also strict regulations in place governing children's residential provisions.

3.3 **Neighbour Representations**

1 petition has been received with approximately 100 signatures from local residents

- *Adversely affect the overall amenity which includes but is not limited to the character, peace & safety of the neighbourhood*
- *Expose the neighbourhood, which includes many elderly, children and vulnerable residents to an increased risk of anti-social behaviour, crime, noise & disturbance, which is non-conforming with the existing character*
- *Set a precedence for other such change of use applications, introducing business premises within quiet residential areas*

22 objections have been received

Below is a summary of submitted objections

- *Impact on amenities*
- *Highway safety*
- *Anti-social/criminal behaviour*
- *increase in noise*
- *increased intensity of use*
- *lack of amenities/facilities in the area*
- *setting a precedence for change of use in residential area*
- *commercial business set up*
- *Questions over the need*
- *Unsuitable dwelling due to lack of provision and space*
- *24 hr operations – impacting parking and noise*
- *Concerns surrounding the applicant/company*
- *Restrictive covenants on the property*
- *Impact on neighbouring properties value*

Concerns surrounding the applicant/company, restrictive covenants and impact on neighbouring properties value are not relevant planning matters and therefore cannot not be taken into account during the determination of this application.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a semi-detached bungalow. Ground levels rise to the rear. The site is in an area of residential character comprising semi-detached dwellings. Off street parking for 3 vehicles is situated on the drive and front garden.

4.2 **Proposal**

4.2.1 Planning permission is sought for the change of use of existing residential dwelling (C3) to registered Children's Home (C2)

4.2.2 The proposed children's care home would operate as such:

- No more than two children aged 11-17 living at the property at any time.
- 24 hour care would be provided (A child would have minimum of one carer with them 24 hrs per day and a maximum of three. Most likely there will be two members of staff at any time).
- Shift patterns – There are three shifts each day. A staffing team consist of six care workers. They will work two full days (including sleeping shift) and one-half day. This means the staff member would work from a morning shift start until the next day afternoon. The shift times are staggered so multiple staff do not leave/arrive at the same time.
- Parking for 2 cars are required – space for 3 – 4 cars on the driveway

As a result of the proposed change of use, no external alterations are proposed other than the obscured glazed windows and a fence between the host property and the neighbouring property of No. 91. These elements have been conditioned in light of an approval.

4.3 Key Issues

4.3.1 The key issues relate to the principle of development and the impact on the amenity of nearby occupiers.

- Principle of development
- Impact upon Residential Amenity
- Parking provision

Principle of Development

4.3.2 The application site is in a residential area within the settlement boundary of Hitchin as defined in Policy SP2 of the adopted Local Plan.

4.3.3 The proposal seeks to change the existing use of the residential dwelling to a children's care home, for two children, at No. 93 Ninesprings Way. The property is a short distance, approximately 35 metres from the nearest bus stop (Route 80) which goes between Hitchin town centre, Hitchin railway station and Stevenage town centre. As such, it is considered that the site is in a location that could be accessed by members of staff via sustainable transport and could be used by the occupiers of the care home if required. Being located in the south east corner of Hitchin the access via the road networks is in close proximately to the A602 and A1(M).

4.3.4 In regards to amenities. The property is in close proximity to a number of shops located on Ninesprings and there are two public open spaces with play areas also in close proximity, Oakfield and Brook View. There are also a number of schools in the vicinity both within Hitchin and Stevenage.

4.3.5 During the course of the application, concerns were raised in relation to the need for such a use and the lack of provision/space at the dwelling for the use. With regard to need, there are no policies at local or at national level that restricts the number of care homes that can or should be provided within a certain area. In terms of the lack of provision/space for the proposed use, it is considered that the number of individuals at the property would not increase above what could be achieved with the existing use as a residential dwelling

and separate legislation would ensure that the needs of the occupants are/can met (for example, OFSTED and Child Services).

Impact upon Residential Amenity

- 4.3.6 During the course of the application a number of neighbouring properties raised a number of concerns over the proposed development and its impact on their residential amenity. As no physical development is taking place, other than one obscure glazed windows and a new fence to the side boundary, the assessment on the impact upon neighbouring amenity will take into account all nearby dwellings on Ninesprings Way and Manton Road. Objections have been received by neighbouring properties raising concerns relating to general noise and disturbance impacts in particular from 'comings and goings' to and from the property. In the proposal, the number of bedrooms at the property would remain unaltered and it is therefore considered that the number of permanent occupants at the property is unlikely to increase. On this basis I conclude that there will not be a significantly detrimental impact on the neighbouring properties amenities from general activity from and from the property.
- 4.3.7 Furthermore, the applicant has confirmed that no more than 2 children would be permanent residents of the property at any given time. The application included the staff rota which details when staff will be arriving and leaving the property. The shift patterns have been stated by the applicant as follows:
- "There are three shifts each day. A staffing team consist of six care workers. They will work two full days (including sleeping shift) and one-half day".*
- This means the staff member would start work at the morning shift until the next afternoon. The shift times are staggered so multiple staff do not leave/arrive at the same time. It is my opinion that this shift pattern is not considered to result in any significantly detrimental noise and disturbance impacts on neighbouring properties amenities as these would coincide with typical movements for the working day and school and be similar to the normal patterns of movement from and to a typical family home.
- 4.3.8 On balance, it is considered that the general noise and disturbance impacts would not be above and beyond what could be achieved at a family dwelling and therefore does not warrant refusal of planning permission for this reason.
- 4.3.9 The occupiers of No. 91 have raised concerns in regards to the orientation of the dwellings in that the front doors of both properties face each other. Please note that this application is not proposing any changes to the internal layout of the house and therefore the occupiers of no.91 purchased their home with this arrangement. To overcome this concern the applicant has agreed to conditions being imposed if an approval was agreed in that all windows on the side elevation at ground floor and first floor levels are to be obscure glazed and a fence to be erected between the two properties to safeguard the privacy and amenity of both occupiers of the host property and the neighbouring property.
- 4.3.10 Concerns have also been raised during the course of the application in relation to anti-social/criminal behaviour. Whilst crime and the fear of crime are material planning considerations, the Planning Statement provided by the applicant states that the occupants of the property:

“will be carefully selected into how the home and care can successfully facilitate their individual needs and risks. The behaviour of the children we accept into our homes is like any child of the ages of 11-17 and the challenges they can present...all risks and needs are to be managed by our trained staffing teams if, anything were to happen”.

Therefore it is considered that the proposal is not likely to result in any additional anti-social/criminal behaviour than what could be generated by the existing residential dwelling. Furthermore, the children's care home is proposed to have 24 hr care with the children not being left unsupervised for any period of time, unlike a family home where children of this age group may be left at home unaccompanied some of the time. In coming to a recommendation of approval, it is noted that the Council's Environmental Health department have raised no objections to the application. The proposal is not considered to result in significant impacts upon surrounding residential amenity that would warrant refusal of planning permission and on this basis the application is considered to be in accordance with the general policy aims of Local Plan Policy D3.

Parking provision

- 4.3.11 As a result of the proposed development, the number of bedrooms (3 - 4) would not increase at the property. The proposed use would see two bedrooms for the children and one bedroom for staff. The Parking SPD states that Use Class C2 – Residential institutions Institutions/homes with care staff on premises at all times (excluding nursing homes, hospitals, residential schools, colleges or training centres) 1 space per 5 residents' bed spaces plus 1 space per 2 staff (non resident).
- 4.3.12 No specific parking standards for children's care homes are detailed within the Parking SPD. Based on the above. It is considered that given the existing dwelling is required to have a minimum of 3 off-street car parking spaces and the small number of people residing at the property are unlikely to have the use of a vehicle given the age of the residents (11-17), the proposal is not considered to result in an unacceptable impact on highway safety or the wider highway network. A condition would be imposed on any planning permission granted to ensure that three off-street car parking spaces are provided in perpetuity. On balance, the proposal is therefore considered to be acceptable in relation to Policies D1 and T2 adopted Local Plan as well as the Parking SPD..

4.4 Conclusion

- 4.4.1 The principle of development is acceptable. No external alterations are proposed as a result of the development. On balance, the proposed change of use is not considered to result in significantly detrimental impacts on neighbouring amenity. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan and the advice in the NPPF. It is therefore recommended that the application be granted subject to conditions as recommended below.

4.5 Alternative Options

None applicable

4.6 **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed

4.7 **Climate Change**

None – no physical changes are proposed as part of the application other than what has been conditioned

5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The premises shall be used for a residential children's' care home for a maximum of two (2) children aged between 11-17 years of age and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To restrict the use and Number of occupiers to safeguard the local amenities of neighbouring properties

4. The window(s) at ground floor and first floor level on the side elevation of the development hereby permitted shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

5. Prior to the occupation of the childrens care home hereby permitted, three off-street car parking spaces shall be provided for staff members and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

6. Details of the fence to be erected between the host property and the neighbouring property of No.91 shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.