

## **Development Control Committee 6 September 2023**

### **Planning Application DC/23/0217/FUL – Manor Croft, 40 Hamlet Road, Haverhill**

<b>Date registered:</b>	15 February 2023	<b>Expiry date:</b>	14 April 2023 (EOT requested)
<b>Case officer:</b>	Savannah Cobbold	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Haverhill Town Council	<b>Ward:</b>	Haverhill Central
<b>Proposal:</b>	Planning application - Change of use from residential dwelling (class C3) to a residential children's home (class C2)		
<b>Site:</b>	Manor Croft, 40 Hamlet Road, Haverhill		
<b>Applicant:</b>	Ms Joanne Binfield		

**Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

**Recommendation:**

It is recommended that the committee determine the attached application and associated matters.

**CONTACT CASE OFFICER:**

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## Background:

The application was considered by the Delegation Panel on 1 August 2023 at the request of the Ward Councillor, where it was decided that the application should be determined at Development Control Committee.

A site visit is scheduled for Monday 4 September 2023.

## Proposal:

1. The application seeks planning permission for the change of use from a residential dwelling (class C3) to a residential children's home (class C2). The home will accommodate up to four children at one time.
2. No external changes are proposed to the dwelling.

## Application supporting material:

- Site location plan
- Existing block plan
- Existing floor plans
- Proposed floor plans
- Parking plan
- Planning statement
- Application form

## Site details:

3. The application site is located within the settlement boundary for Haverhill, fronting onto Hamlet Road. The site comprises a large, detached, two storey dwelling which is currently accessed from Croft Lane which is recorded as a public right of way footpath. The site is situated within the Conservation Area for Haverhill.

## Planning history:

4.

Reference	Proposal	Status	Decision date
DC/20/0689/HH	Householder Planning Application - single storey rear and side extension (following the demolition of outbuildings)	Application Granted	31 July 2020
E/94/2691/P	Planning Application - Repositioning of existing garage s amended by plan received 21st October 1994 indicating additional car parking space and by letter received 23rd November 1994 relating	Application Granted	7 December 1994

## **Consultations:**

### **5. Town Council**

OBJECT: The Town Council are supportive of and would welcome the application in principle, however, must object on parking. The application shows parking for three vehicles with a turning circle, however, the plans do not show the turning circle. Without the turning circle there will be insufficient room for manoeuvring on site. The Town Council request that plans are drawn up to show exactly how the turning circle will be incorporated into the site. The Planning Statement quotes that the home will have a full time Registered Manager and two Support Workers on site, therefore, the provision of two dedicated parking bays and one for visitors is insufficient, resulting in the need for a member of staff and/or visitors parking off site.

#### **Ward Councillor**

Ward Member Councillor Aaron Luccarini made the following comments:

I would like to call in application DC/23/0217/FUL

I am supportive of the application in principle, however, object to the application over concerns around parking.

Croft Lane is a narrow lane which in recent years has become overdeveloped. The lane will be unable to support the additional vehicle movements that this development will create. There are also inadequate provision of visitor spaces.

The plans mention a turning circle, but don't show how this will be implemented, I don't believe there is enough space for cars to manoeuvre. Croft Lane joins Hamlet Road, a busy route through the town. The junction is near to a traffic island on Hamlet Road, and Hamlet Road often has cars parked either side of this junction. This will make additional traffic joining this road, and possibly reversing out, dangerous.

#### **Suffolk County Council Local Highway Authority**

No objections raised to the original submission in relation to car parking.

Amended plans were submitted during the course of this application and the Local Highway Authority confirmed that this is satisfactory.

#### **Conservation Officer**

23 June 2023: The provision of parking spaces in front of the property and a bin storage area next to the pedestrian gate fronting the pavement would not preserve or enhance the character or appearance of the conservation area. I therefore advise that an alternative layout scheme is sought which satisfactorily resolves these issues or the application is refused.

19 July 2023: On the basis that the revised plan for 40 Hamlet Road now shows both the parking and bin storage along the side of the house, so the front garden would not be affected, I have no objection to this application.

**British Horse Society**

No comments received.

**Suffolk County Council Public Rights of Way**

No objections subject to standard notes.

**Ramblers Association**

No comments received.

**Public Health and Housing**

No objections.

**Waste Management**

No objections.

**Representations:**

**6. Neighbours**

A total of 22 representations have been received as a result of the consultation process and display of a site notice.

The main concerns raised by residents relate to the highway safety implications it is alleged this proposal would cause. Other concerns relate to the fear of anti-social behaviour arising as a result of the proposal.

**Policy:**

7. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

The following policies of the Joint Development Management Policies Document and St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

DM16 Local Heritage Assets and Buildings Protected by an Article 4 Direction

Policy DM17 Conservation Areas

Policy DM23 Special Housing Needs

Policy DM46 Parking Standards

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS3 - Design and Local Distinctiveness

Policy HV1 Presumption in Favour of Sustainable Development

**Other planning policy:**

8. National Planning Policy Framework (NPPF)
9. The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

10. The issues to be considered in the determination of the application are:
- Principle of development
  - Impact on character and appearance of the area
  - Impact on residential amenity
  - Impact on conservation area/heritage assets
  - Impact on highway safety
  - Summary

**Principle of development**

11. Policy DM1 and HV1 state that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
12. Policy CS1 of the St Edmundsbury Core Strategy deals with spatial strategy and states that the protection of the natural and historic environment, the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of the future development.

13. The application seeks planning permission to change the use of 40 Hamlet Road, which is currently a residential dwelling falling within use class C3, to accommodate a children's home, falling within use class C2. As a result of the proposal, only minor internal changes to the dwelling are proposed (and which do not therefore require planning permission) such as the insertion of partition walls to create a staff bedroom, bathroom and office area.

14. Use class C2 covers residential institutions such as residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. In determining this use class, internal legal advice was sought which concluded that:

*A children's home may fall within Use Class C3 (Dwellinghouses) where the total number of residents does not exceed six and the carers and the cared-for live as a single household. This provision has given rise to debate, particularly where carers do not live at the premises, but operate on a shift basis.*

*Although a children's home may fall within Class C3 where the number of residents does not exceed six and the carers and cared for live as a single household, it is my view that the current applications would fall within class C2, residential institutions. According to DCP online, the use classes order states specifically that the element of "care" necessary to satisfy inclusion in that class "includes the personal care of children".*

15. This therefore constitutes a material change of use, triggering the need for planning permission, albeit it is noted that the intensity and scope of occupation is not dissimilar to that expected at a typical large dwelling, nor indeed being significantly different from a children's home occupied under Class C3.

16. Policy DM23 sets out considerations specifically for special housing for vulnerable people. Proposals must be designed to meet the specific needs of residents (including disabled persons where appropriate), include amenity space of acceptable quality and quantity for residents, be well served by public transport and retail facilities, and not create an over concentration of similar accommodation in one area. Policy DM23 states that proposals for accommodation for vulnerable people will be permitted in sites appropriate for residential development (as determined by other policies within the local plan), provided it meets these criteria. The proposal seeks to provide care for children who have experienced significant trauma, addressing the underlying emotional need of the young person to result in a long-term positive change. It also seeks to support young people's emotional, social, mental and academic progression and enable them to grow and realise their future potential. This area is a residential estate within the housing settlement boundary, where residential development is considered to be acceptable. This area is therefore considered appropriate for special needs housing in principle. The site is also accessed by good public transport links and retail facilities close by in the town centre. The size of the amenity space is considered satisfactory for up to four children and staff. There are no other care facilities of all nature within close proximity of the site and therefore officers do not consider that the proposal would create a concentration of similar accommodation within this location.

17. The requirements as set out within policy DM2 require all development including change of use, to have regard to the residential amenity of occupants of nearby dwellings, as well as producing designs in accordance with standards that maintain or enhance the safety of the highway network. Policy DM2 also requires development to respect the character and appearance of the area and local features.
18. In this case, the property is a residential dwelling, containing a total number of four bedrooms. The proposal will incorporate internal changes, but these are minor and do not need planning permission. The proposal will see the property being used by up to four children at any one time with two fully trained employees on duty both during the day and at night. The home will have a full-time registered manager who will be accompanied by two support workers on site whereby a typical shift pattern is 8am to 8pm for a day shift and 8pm to 8am on a night shift. Visitors may come to the home during the day time, but this is by appointment only.
19. Noting the scheme retains existing parking currently associated with the existing residential dwelling, as well as the intensity and scope of the occupation being not dissimilar to that expected of a large residential dwelling, Officers are content that the scheme complies with the requirements of policies DM1 and DM2 and can be supported in principle.

### **Impact on character and appearance of the area**

20. Policy CS3 states that: all new development should be designed to a high quality and reinforce local distinctiveness. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable. Innovative design addressing sustainable design principles will be encouraged, if not detrimental to the character of the area.
21. The proposal includes internal changes including the insertion of partition walls to create a staff bedroom, bathroom and office area. No external changes, such as openings or extensions are proposed as a result of this proposal. Given that there are no external changes to the property, the scheme is considered to respect the character and appearance of the area by maintaining the appearance of a residential dwelling. The amended plans submitted in relation to the revised parking and bin store arrangements reflect that of the existing arrangement of the residential dwelling. Taking this into consideration, no harm is expected to arise as a result of this.

### **Impact on residential amenity**

22. Policy DM2 requires development to not adversely impact the amenity of occupiers of nearby dwellings.
23. In this case, the dwelling currently functions as a residential dwelling, within a residential area close to the town centre of Haverhill. Taking into account the proposed shift patterns and degree of care needed, it is not considered to adversely impact the amenity of occupiers of nearby

dwellings given its function not dissimilar to that of a residential dwelling occupied by a large family.

24. Public Health and Housing has also reviewed the application and confirm their view that the change of use would have no greater impact on matters such as noise, nuisance and amenity issues than if the property was a four bedroom residential dwelling.
25. Concerns have been raised regarding the potential for anti-social behaviour as a result of this proposal. It is noted that the Local Planning Authority needs to take into account the Crime and Disorder Act, however if the property is well-managed, as indicated within the submitted planning statement, there is nothing that would militate against such a use in a residential area in relation to the Council's Crime and Disorder duties.

### **Impact on conservation area/heritage assets**

26. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
27. Policy DM17 states that proposals within, adjacent to or visible from a Conservation Area should preserve or enhance the character and appearance of the Conservation Area. The site is located within the Conservation Area for Haverhill Hamlet Road. Manor Croft is also protected by virtue of an Article 4 which restricts development under Part 1, Part 2 and Part 31 of the General Permitted Development Order. It relates to parts fronting Hamlet Road and chimneys on any elevation, including curtilage buildings.
28. Policy DM16 states: proposals for the demolition, extension or alteration of buildings identified as being Local Heritage Assets, or protected by an Article 4 direction or subsequent legislation, will be permitted where they:
  - a. demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance;
  - b. respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building;
  - c. will not entail an unacceptable level of loss, damage or covering of original features; and
  - d. have regard to the setting, plot layout and boundary features.
29. The application was originally submitted with the provision of car parking at the front of the site. This would include various engineering works that would subsequently require planning permission. Whilst the Conservation Officer had no objection to the change of use of the property, the proposed block plan showed car parking and bin storage at the front of the property in what is currently its front garden. Parking in front gardens is not a typical characteristic of this part of the Conservation Area and, whilst it was noted that the property next door has some on-site parking, this is



to the side of the house and well screened. In addition, the garden is higher than the street level so the presence of parked cars would be unduly prominent. The provision of parking spaces in front of the property and a bin storage area next to the pedestrian gate fronting the pavement would not preserve or enhance the character or appearance of the Conservation Area. It was therefore advised that an alternative layout scheme be sought to satisfactorily resolve\_ these issues or the application should be refused.

30. As a result of this, an amended car parking plan has been submitted. Following a reconsultation with the Conservation Officer, it was advised in a response dated 19 July 2023 that given the revised plan shows both the parking and bin storage along the side of the house, so the front garden would not be affected, no objections are raised to the application.

31. The scheme is therefore considered to comply with the requirements of policies DM16 and DM17 in that it will have a neutral impact on the Conservation Area.

### **Impact on highway safety**

32. Policy DM2 requires all development to not have an unacceptable impact on the highway safety of all users.

33. Policy DM46 states that all proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking. This also goes onto state that in the town centres and other locations with good accessibility to facilities and services, and/or well served by public transport, a reduced level of car parking may be sought in all new development proposals.

34. Suffolk County Council Local Highway Authority provided a response in relation to the original plans, where parking was located within the front garden of the site. No objections were raised, subject to conditions. Following the submission of amended plans, the Highways Authority has confirmed that on-plot turning is not necessary for the site as vehicles could manoeuvre on Croft Lane to Hamlet Road in a forward gear. It is recommended that the conditions as provided within their original response remain appropriate.

35. The applicant has also further advised:

*The site has two dedicated parking bays, on occasions when these bays are full, the applicant has advised that drivers will be requested to make use of the nearest public car park (0.3 miles away) at Arts Centre/Town Hall (East), Jubilee Walk, Haverhill CB9 8DR, where there are 260 long term parking spaces.*

36. Albeit there are no controls available to prevent staff or visitors parking on Hamlet Road, and no objections to this proposal from a highway safety perspective. Officers consider this site to be in a locationally sustainable position.

37. It is noted that the vast majority of representations submitted relate to the highway safety implications it is alleged this proposal would cause due

to the narrow nature of Croft Lane. However, the use, in the opinion of officers, is not considered majorly different to that of normal family home. However, given the shift pattern of carers on the site and the nature of the care provided, these are the factors that trigger a material change of use. The parking arrangements remain as existing and are therefore considered suitable for this use.

38. Whilst each application must be determined on its own merits, it is useful to consider other relevant planning history in the vicinity. An application was submitted on land associated with Croft House, which sits towards the southwest of the application dwelling, where permission was sought (under application reference DC/16/2302/OUT) for the provision of two dwellings. The dwellings would utilise the existing access at Croft Lane. Permission was refused by the Local Planning Authority on the basis of highway safety. It was considered that:

*The proposed development would require the use of Croft Lane to achieve access onto the public highway. Croft Lane, by virtue of its narrow width and the extent of visibility onto the public highway, is considered to be unsuitable for an intensification of use and the development would result in conditions severely detrimental to highway safety, also having a material adverse impact on the public's right of access over the footpath due to safety issues between vehicles and pedestrians. The proposal is therefore in conflict with Policy DM2(1) of the Joint Development Management Policies Document and paragraph 32 of the NPPF.*

39. The application was taken to appeal whereby an Inspector identified that this area is a built-up area of Haverhill, is a sustainable location, and close to the town centre with its shops, employment and transport links.

40. The Inspector also further concluded:

*Croft Lane is accessed via Hamlet Road and is a single carriageway which is not wide enough to allow two vehicles to pass one another. The lane is recorded as Footpath 14 and is a public right of way. The lane rises as one enters from Hamlet Road and the appellant confirms that it currently serves 17 existing properties. Hamlet Road is restricted to 30mph and allows traffic to travel in both directions. The road has a pedestrian footpath on each side of the carriageway and there is a gap in the footpath to allow Croft Lane a level access onto Hamlet Road.*

*From my site visit it is apparent that when exiting the site via Croft Lane drivers would need to approach the junction with Hamlet Road at very low speeds. This is exacerbated by the incline of the lane as it meets Hamlet Road. Consequently, vehicles exiting onto Hamlet Road do so at such low speeds as not to represent a hazard to other drivers or pedestrians. In addition, given the relatively small increase in vehicle movements as a result of the development, it is unlikely to translate into large numbers of vehicles waiting on Hamlet Road to enter Croft Lane.*

*I have no evidence before me that the access at Croft Lane has been the subject of collisions and although the access is substandard, it nevertheless appears to successfully serve a number of existing properties. The small increase in vehicle movements resulting from 2*

*additional dwellings, would not therefore, be detrimental to highway safety.*

*I therefore conclude that the intensified use of Croft Lane would not be detrimental to highway and pedestrian safety. Safe access could be provided to the development and it would not be in conflict with policy DM2(I) of the Joint Development Management Policies Document February 2015, which seeks to ensure, among other things, development proposals maintain or enhance the safety of the highway network.*

41. Officers consider that this appeal decision is a material consideration when looking at this application at Manor Croft due to the scrutiny given at that point by the appeal Inspector to the existing access at Croft Lane being intensified. The appeal was decided in 2017 against current local plan policies. Noting that the access serves the dwelling as existing, and no objections are offered by the Local Highway Authority in terms of the use of this access from Croft Lane, Officers consider the scheme to comply with the requirements of DM2, DM23 and DM46 as well as paragraph 111 of the National Planning Policy Framework which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety

### **Summary**

42. The proposal is to create a small children's home for the care of a maximum of four children. The use, in the opinion of officers, is not considered majorly different to that of normal family home otherwise falling within use class C3. However, given the shift pattern of carers on the site, and the level of care provided, these are the factors that triggered a material change of use. The proposal maintains a satisfactory level of car parking, as well as being located within the sustainable location with good transport links.
43. Taking this into consideration, officers are content that the scheme complies with the requirements of policies DM2, DM17 and DM46 and would not create an unacceptable impact on highway safety and are therefore recommending this scheme be approved.

### **Conclusion:**

44. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

### **Recommendation:**

45. It is recommended that planning permission be **APPROVED** subject to the following conditions:

#### **1. Time limit**

The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

## 2. Compliance with plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

<b>Plan type</b>	<b>Reference</b>	<b>Date received</b>
Existing floor plans	PA201 REV A	15 February 2023
Proposed floor plans	PA202	15 February 2023
Existing block plan	PA102	09 February 2023
Location and block plan	PA101	09 February 2023
Proposed block plan		12 July 2023
Supporting statement		12 July 2023
Application form		09 February 2023

Reason: To define the scope and extent of this permission, in accordance with policy DM1 and DM2 of the West Suffolk Joint Development Management Policies Document 2015 and all relevant Core Strategy Policies.

## 3. Parking and manoeuvring

The use shall not commence until the area(s) within the site shown on the proposed site plan, submitted to the Local Planning Authority on 12 July 2023 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

## 4. Cycle storage

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for

the storage of cycles in accordance with Suffolk Guidance for Parking 2019, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This needs to be precommencement to ensure that effective infrastructure is in place at an early stage to encourage the update and use of bicycles.

## **5. EV charging**

Prior to the first use of the dwelling as a children's home, details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2019, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This needs to be precommencement to ensure that effective infrastructure is in place at an early stage to encourage the update and use of electric vehicles.

## **6. Refuse/recycling bins**

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the presentation of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

## **7. Number of children**

At no time shall more than four children be in residence at the premises.

Reason: To confine the scope of permission and prevent an inappropriate intensification of use.

## **8. Staff Members**

At no time shall more than three members of staff be present at the site.

Reason: To minimise the impact of the use on the surroundings, ensure the use of the site in accordance with the submitted details and control unchecked growth of the site that might lead to adverse impacts on parking, highway safety and amenity.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0217/FUL](#)