

Development Control Committee 6 September 2023

Planning Application DC/23/0229/FUL – 9 Tasman Road, Haverhill

Date registered:	17 March 2023	Expiry date:	16 May 2023 (EOT requested)
Case officer:	Savannah Cobbold	Recommendation:	Approve application
Parish:	Haverhill Town Council	Ward:	Haverhill South East
Proposal:	Planning application - change of use from residential (C3) to residential children's home (C2)		
Site:	9 Tasman Road, Haverhill		
Applicant:	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.

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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 by Development Control Committee.

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:

- Application form
- Location and block plan
- Existing site plan
- Proposed block plan
- Existing floor plans
- Proposed floor plans
- Supporting statement

Site details:

3. The application site is located within the settlement boundary for Haverhill, accessed from Tasman Road. The site comprises a large, detached dwelling at the end of a residential cul-de-sac. There is a mix of detached and semi-detached dwellings within the vicinity of the area. Coupals Primary School sits towards the north of the site.

Planning history:

4.

Reference	Proposal	Status	Decision date
SE/08/0461	Planning Application - Erection of two storey side and rear extension	Application Granted	12 May 2008
E/75/1771/P	PROPOSED DETAILS FOR RESIDENTIAL DEVELOPMENT	Application Withdrawn	27 July 1975
E/74/2709/P	DEVELOPMENT OF HOUSES, ROADS, FOOTPATHS, DRAINAGE ETC. RESIDENTIAL	Application Withdrawn	2 July 1975

Consultations:

5. Town Council

OBJECT: Parking: There is not enough parking provision for on-site parking for the number of staff identified in the supporting statement as being on-site day and night. This would be exacerbated during the handover period. Additionally, there is no parking provision for external visitors for example support workers, deliveries, cleaners etc. who would need to park along Tasman Road, which is already extremely congested. The site is situated at the end of a cul-de-sac which would be difficult to access. **Amenity/Outdoor Space:** Members considered the garden to be inadequate for the proposed use of the property, it should be large enough to provide an amenity that would support the provision of good quality outdoor space for the young people and staff.

Ward Councillor

Ward Member Councillor Tony Brown, has made the following comments:

I have been to visit the site of the proposed children's home. I have strong concerns around parking issues at this address. It has room for three cars on the drive but it is very tight squeeze, with no room for turning on the drive. From the staffing levels mentioned in the plans it looks as if there could be three cars on the drive very frequently, with additional visitors vehicles. The house is at the end of a cul de sac and I could not see any additional parking for visitors, maintenance staff etc close by when I visited. I have also noticed using Google Maps that the rear garden of number 9 seems to be very small, which I would have thought is not anywhere near ideal for a Childrens home especially in the summer months I would like to call this application in to be decided at a meeting of the full WSC development control committee due to the potential impact of this business's Parking on the nearby residents.

I wish to submit my formal objection to planning application DC/23/0229/FUL 9 Tasman Road, Haverhill 9 Tasman Road is a very quiet cul de sac. The houses are quite close together with very limited parking. 9 Tasman has only got parking for three cars if very tightly parked. Quite often when I walk past if three vehicles are parked one of them is intruding onto the path. With the staff and manager swopping vehicles around to leave, staff changeover etc it is likely to cause disruption to the nearby residents. There will also be very likely an increase in other vehicle movements associated with the business. I have noticed that there is also a potential issue with No 8 next door, it looks as if No 9 has potentially taken part of their garden for its own parking use. This would obviously add to the parking issues of No9 if not formally resolved. My main concern however is the lack of rear garden for the residents as the extension(s) cover much of that. A rear garden allows children to sit outside and play etc in good weather. I know that there are green spaces nearby but it isn't the same as having your own private garden. My son and daughter in law foster two girls and most of the summer they are playing and having fun in their garden. It would be a shame for any children at No 9 Tasman not to have that same chance I feel that the house is on a very constrained plot in an area where parking is limited for the amount of vehicles that will be potentially be visiting the proposed home.

Public Health and Housing

No objections.

Suffolk County Council Local Highway Authority

No objections subject to conditions.

Representations:

6. Neighbours

37 letters of representations have been received as a result of a consultation process and display of a site notice, all objecting to the application.

Material planning considerations include:

- Traffic and highway safety
- Parking issues
- Alter the profile of the area
- Noise

A petition has also been submitted which has 14 signatures, providing objections to the application. This relays concerns regarding stress to elderly residents, parking on Tasman Road, increasing traffic flow and altering the profile of the area in a disruptive way.

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 the 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

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 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 9 Tasman 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 adapting the existing annexe into an additional living room at ground floor and incorporating the annexe bedrooms into the use of the main dwelling.

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 housing. The site is also accessed by good public transport links with a number of bus stops located within close proximity of the site. 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 six 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. In the case of this application, the proposal does not incorporate any external changes to the dwelling; changes remain internal.

22. 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.

23. Concerns have been raised by residents regarding this proposal in terms of it altering the profile of the area. Noting that the proposal does not incorporate any external changes, the dwelling will maintain its residential appearance. Officers consider in any event that 9 Tasman Road will generally still function similar to that of a day-to-day residential dwelling.

24. The scheme is considered therefore to comply with the requirements of DM2 and CS3.

Impact on residential amenity

25. Policy DM2 requires development to not adversely impact the amenity of occupiers of nearby dwellings.

26. In this case, the dwelling currently functions as a residential dwelling, within a residential area 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.

27. The majority of concerns raised relate to the possibilities of anti-social behaviour, with children hanging around outside of the site which will lead

to stress and worrying of elderly residents in the area, as well as safeguarding issues noting that there is a school that backs onto the site..

- 28.Noise is another concern raised by residents and noise is expected from this proposal; however, this is not considered to be materially different to that of a residential dwelling, accommodating a family with children. Public Health and Housing have 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 six bedroom residential dwelling.
- 29.The possibility of noise and disturbance associated with this use is a material consideration, but such (including any arising from any 'anti social' behaviour) is not considered to be so significant, over and above how the site could function as a single larger family dwelling, so as to justify a refusal. It is noted that the Local Planning Authority need 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 influence against such a use in a residential area.
- 30.Concerns have also been raised in relation to the size of the garden area of 9 Tasman Road. When assessing previous applications for the newer additions to the site in 2008, a material factor would have been if the development constituted over-development of the site whereby it was concluded that the proposals complied with development plan policies at the time of granting permission.

Impact on highway safety

- 31.Policy DM2 requires all development to not have an unacceptable impact on the highway safety of all users.
- 32.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.
- 33.The dwelling accommodates six bedrooms and is currently served by three car parking spaces. As a result of the proposal, this will remain unchanged. Suffolk County Council as Local Highway Authority raise no objections to the proposed car parking provision and recommend conditions requiring the applicant to provide details of secured cycle storage.
- 34.Officers are therefore content that the scheme complies with DM2 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

- 35.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 triggers a material change of use. The proposal maintains an acceptable level of car parking and retains the residential appearance within a cul-de-sac location.

36. Taking this into consideration, and the comments from the Highway Authority, officers are content that the scheme complies with the requirements of policies DM2, DM23 and DM46 and are therefore recommending this scheme be approved.

Conclusion:

37. 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:

38. 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:

Plan type	Reference	Date received
Existing floor plans	PA201	10 February 2023
Proposed floor plans	PA202	10 February 2023
Existing block plan	PA102	10 February 2023
Location and block plan	PA101	10 February 2023
Proposed block plan	PA103 A	10 February 2023
Supporting statement		10 February 2023
Application form		17 March 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 Drawing No. Drawing No. PA103 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/23/0229/FUL](https://www.westsuffolk.gov.uk/DC/23/0229/FUL)