

Development Control Committee **10 July 2024**

Planning Application DC/24/0123/FUL – Airedale, 26 Hamlet Road, Haverhill

Date registered:	15 February 2024	Expiry date:	11 July 2024
Case officer:	Gregory McGarr	Recommendation:	Approve application
Parish:	Haverhill Town Council	Ward:	Haverhill Central
Proposal:	Planning Application - change of use of dwelling (class C3) into children's care home (class C2)		
Site:	Airedale, 26 Hamlet 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 18 June 2024 at the request of the Ward Member, where it was recommended that the application should be determined by the 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. External changes consist of hardstanding to the rear of the dwelling and the relocation of gates at the rear of the dwelling.

Application supporting material:

3. Application form
Location and block plan
Existing site plan
Proposed site plan
Existing floor plan
Proposed floor plan
Supporting statement

Site details:

4. The application site is located within the settlement boundary of Haverhill and fronts Hamlet Road. The site consists of a detached two-storey dwelling and is in a location where the housing types are mixed. The application site is adjacent to the Haverhill Hamlet Road Conservation Area. The site is accessed by foot from Hamlet Road with vehicular access to the rear of the site via a private road.

Planning history:

Reference	Proposal	Status	Decision date
SE/00/3392/P	Planning Application - Retention of pergola and decking to front of property	Application Granted	26 January 2001

Consultations/Representations

5. Below is a summary of the consultation and representations received. These are the most recent responses which can be viewed in full on the file. The link to access the file can be seen below:

[DC/24/0123/FUL | Planning Application - change of use of dwelling \(class C3\) into children's care home \(class C2\) | Airedale 26 Hamlet Road Haverhill Suffolk CB9 8EH \(westsuffolk.gov.uk\)](#)

6. Haverhill Town Council

Object

Comments from Haverhill Town Council were received on 29th February 2024 during the first consultation period which objected to the scheme. Following the receipt of an amended layout further comments were received on 25th April 2024. These comments removed concerns about the location of the cycle storage but maintained the overall objection.

The objection primarily relates to concerns around parking and highways, conservation impacts and amenity space.

7. Ward Member

Ward Member, Councillor Aaron Luccarini, has made the following comments:

"Having reviewed the plans and having had contact from a large number of residents, I do have concerns about this application.

- Insufficient parking is provided and won't cope with all staff and visitors on site (especially during handovers).
- The parking arrangement leaves 3 vehicles blocked in. This will cause additional car movements throughout the day which will cause a disturbance to surrounding properties. There is also insufficient turning space on the small lane that the parking goes onto; cars will need to reverse back along the lane which could be dangerous.
- The car parking takes up all of the rear garden leaving no space for the Children to relax and play in.

While I have no objection to Children's homes, it is important that a property is suitable, providing secure private outdoor play space, adequate parking, and doesn't impact on the amenity of surrounding residents. Unfortunately, I don't believe this property achieves this."

8. Public Health and Housing

No objections.

9. Suffolk County Council Local Highway Authority

No objections subject to compliance with the submitted site layout plan.

10. Waste Management

Objection.

Waste management have stated that should the dwelling no longer fall within Use Class C3 then they would no longer be able to serve the dwelling due to access issues at the rear of the site.

11. Conservation Officer

No objections.

12. Neighbours

The application has undergone two consultation periods following the receipt of amended plans. During the first consultation period 26 representations were received objecting to the proposal. During the second consultation period 19 representations were received objecting to the proposal.

Areas raised in representations include:

- Traffic and highway safety
- Parking
- Amenity
- Commercial use
- Other accommodation in the area

Policy:

13. 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.

14. 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:

Joint Development Management Policies Document 2015

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

St Edmundsbury Core Strategy 2010

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS3 - Design and Local Distinctiveness

Haverhill Vision 2031 – 2014

Other planning policy:

15. National Planning Policy Framework (NPPF) was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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 2023 NPPF that full weight can be attached to them in the decision-making process.

Officer comment:

16. 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
- Other matters

Principle of development

17. In accordance Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the Vision 2031 Documents. National planning policies set out in the NPPF 2023 are also a key material consideration.

18. The application seeks planning permission to change the use of 26 Hamlet Road, which is currently a residential dwelling falling within use class C3 to a children's home, falling within use class C2. As a result of the proposal, only minor internal changes to the dwelling are proposed such as dividing the presently open plan living and dining area. These internal works do not require planning permission. 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.

19. Use class C2 covers residential institutions such as residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. In assessing this application, internal legal advice was sought on the proposals and whether they would constitute a material change of use. This advice concluded that due to the nature of the occupation of the property not constituting a single household and being

reliant on the care of shift-based carers the proposed use would fall within Class C2.

20. Officers are therefore satisfied that the proposed development is 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 significantly different from a children's home occupied under Class C3.
21. Policy DM23 of the Joint Development Management Policies Document, deals with special housing for vulnerable people, which would include the use proposed in this application.
22. The policy states that "Proposals for new or extensions to existing accommodation for elderly and/or vulnerable people will be permitted on sites deemed appropriate for residential development by other policies contained within this and other adopted Local Plans, provided that such schemes meet the following criteria:
 - a. the proposed development is designed to meet the specific needs of residents including requirements for disabled persons where appropriate; and
 - b. includes appropriate amenity space for residents of an acceptable quantity and quality; and
 - c. the location of the development is well served by public transport, community and retail facilities; and
 - d. the proposed development does not create an over concentration of similar accommodation in any one street or area.
23. The application site is in a residential street within the housing settlement boundary where residential development is considered acceptable. As such, the area is considered appropriate for this type of development as set out within policy DM23.
24. Turning to the remaining criteria, it has been demonstrated within the planning statement and on the plans provided that the property will be altered to suit the specific needs of residents and is therefore considered to comply with part a of the policy.
25. The amount of amenity of space at the property is sufficient and in line with other applications of this nature which have been approved in the district and at a national level. Whilst not a material planning consideration, it is noted that when registering a children's home with the relevant authorities it is not compulsory for a home to have a garden and that an application would not be refused on this basis. In any event the property is considered to have sufficient amenity space and therefore it is considered that the proposal conforms with part b of the policy.
26. The application site is within close distance to a bus stop and is near to Haverhill Town Centre. Its location and the facilities present in the wider surrounding area allow the proposal to comply with part c of the policy.
27. With regards to part d of the policy, development should not create an over concentration of similar accommodation in any one street or area. Concerns around the proposal's compliance with this criterion have been

raised in a number of representations received during the consultation period. This is due to the presence of another children's residential care home situated on Hamlet Road. The rationale for avoiding an overconcentration of similar accommodation in an area is to ensure that local services that would be accessed by occupants of the development would not be adversely affected and to ensure that the overall character of an area is not significantly changed. Given that the maximum number of occupants is four, it is not considered that the local services required as a result of the proposed development would be overused to the extent that they would be materially and negatively impacted. It is also considered that the presence of this facility in addition to the existing care home, both of which are limited in scale would not materially change the overall character of the area. It is therefore considered that the proposed development would not result in an over concentration of similar development and the proposal complies with part d of the policy.

Impact on character and appearance of the area

28. Policy DM2 and CS3 state 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.
29. In the case of this application, the proposal does not incorporate any external changes to the dwelling; changes remain internal. The external changes within the curtilage are comprised of the widening of the vehicular access to the rear of the dwelling and the relocation of the gated entrance and the laying of hardstanding. These changes maintain the appearance of a residential dwelling and are considered to respect the character and appearance of the area.
30. The application site is adjacent to but not within the Hamlet Road Conservation Area. Proposals should preserve or enhance views out into and out of the Conservation Area. Due to the lack of external works the view afforded by the Conservation Officer for this proposal is that it would not have a material detrimental impact upon the Conservation Area and therefore would preserve the existing views through it.
31. Some concerns have been raised regarding the proposal in terms of it altering the profile of the area. Given that the dwelling will maintain its residential appearance and will continue to function in a similar way to a residential dwelling, it is considered that the changes will not have an adverse impact on the character or appearance of the area.
32. The scheme is considered therefore to comply with the requirements of DM2 and CS3.

Impact on residential amenity

33. 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.

34. In this case, the property is a residential dwelling, containing a total number of four bedrooms with one additional office/bedroom. 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, but this is by appointment only.
35. Concerns have been raised relating to noise and the possibilities of anti-social behaviour.
36. The possibility of noise and disturbance arising as a result of this proposal is a material planning consideration. However, it is not considered to be materially greater than that which could arise from a typical dwelling. Private Sector Housing and Environmental Health have reviewed the application and have no objection to the proposal due to the nature of the change of use.
37. Additionally, the possibility of anti-social behaviour, which has been raised as a concern is also a material planning consideration. In this regard, the Local Planning Authority need to take into account the Crime and Disorder Act, Officers consider that provided the property is well-managed as indicated within the submitted planning statement, and noting the limited number of occupants, there is no reason to conclude that the proposal would result in antisocial behaviour over and above what could arise as a result of the dwelling being occupied under its present Use Class.
38. As a result of the above the proposal is considered to have an acceptable impact upon residential amenity and therefore accords with policy DM2 in this regard.

Impact on highway safety

39. Policy DM2 requires all development to not have an unacceptable impact on the highway safety of all users.
40. 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.
41. The dwelling has four bedrooms and is currently served by two parking spaces. Suffolk Guidance for Parking (2023) states that dwellings with four bedrooms should provide a minimum of three parking spaces. As a result of the proposal an additional two parking spaces will be provided at the application site, bringing the site in line with current guidance.
42. Suffolk County Council as Local Highway Authority have raised no objections to the proposal and have recommended conditions relating to parking provision and cycle storage. The parking on Hamlet Road has been raised in a number of representations. The on-road parking at Hamlet Road is largely unrestricted and the Local Planning Authority would not be able to prevent any parking in this area.

43. Representations have raised concerns with regards to parking and manoeuvring at the application site. The access road to the rear of the application site, which also serves neighbouring dwellings on Hamlet Road, is a private road not an adopted highway. Therefore, it is not within the remit of the Local Highway Authority. Notwithstanding this, based on the limited degree of change and the provision of parking now conforming with parking standards, in addition to the widening of the access at the rear of the site, the Local Planning Authority is content that the proposal conforms with Policy DM2 and DM46.
44. Due to the above, Officers are 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.

Other matters

45. An objection has been received from West Suffolk Council Waste Management. This is because of the location of the application site which is accessed via a private road. The properties that front this part of Hamlet Road are served using the private road to the rear of the application site using a smaller waste collection vehicle. However, it is the view of Waste Management that there would be an increase in the amount of waste produced and the change of use would fall within their commercial service which would require a larger vehicle that would not be able to fit on the private road. It is noted that the term commercial is used by Waste Management in a different context, and Planning Use Classes relating to this type of accommodation do not make provision for if something is commercial or not.
46. As a result of the above, a condition would be placed on any approval requiring a waste management strategy to be compiled and submitted to the Local Planning Authority. Given that the existing residential properties are satisfactorily served by a smaller waste collection vehicle, Officers are satisfied that a similar arrangement could be secured for this site whether that be from the Council Waste Service or a provider from the private sector.
47. Several representations have been made which relate to the use of the dwelling as a commercial premises. It is noted that the planning use classes under which this application is made do not specifically define or refer to commercial use. A dwelling is therefore able to be within C2 whilst being owned and operated by a private company in the same way that a dwelling within C3 can be rented out by a private company.
48. Additionally, it has been stated that there are legal covenants governing the use of the private road at the rear of the site. Legal covenants fall outside of the remit of the planning system and are therefore not a material planning consideration.

Summary and conclusion.

49.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 significantly 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, there would be a material change of use.

50.The proposed development complies with the requirements of the relevant Development Plan policy relating to specialist residential accommodation such as this, DM23. The proposal exhibits an acceptable level of car parking and retains the residential appearance within a residential location. It is also considered that the proposal would not give rise to any adverse impacts on neighbouring residential amenity. As such the development would comply with the requirements of policies DM2, DM23 and DM46.

51.Furthermore, there is a changing emphasis towards community care which the development would be providing in order for those who require support to live in the community.

52.The assessment has been made on the basis that there will be a maximum of four children residing at the property at any one time. This number would be secured by condition to prevent further intensification of the use which could result in effects beyond those associated with this proposal.

53.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:

54.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	24 January 2024
Proposed floor plans	PA202	24 January 2024
Existing block plan	PA102	24 January 2024

Location and block plan	PA101 B	6 February 2024
Proposed site layout	PA103 C	9 April 2024
Supporting statement		24 January 2024
Application form		24 January 2024

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 C 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, 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 pre-commencement 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 pre-commencement 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 and waste management strategy 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/24/0123/FUL](https://www.suffolk.gov.uk/DC/24/0123/FUL)