
Site Address:	209 London Road, Cowplain, Waterloooville, PO8 8ER		
Proposal:	Change of use to C2 (Care facility for up to 4 children with learning disabilities plus supporting live-in staff).		
Application No:	APP/16/00471	Expiry Date:	28/09/2016
Applicant:	Embrace		
Agent:	Mr J Asbury	Case Officer:	Tina Pickup
	Pharaoh Designs		
Ward:	Cowplain		

Recommendation: **GRANT PERMISSION**

1 Site Description

209 London Road, Cowplain is a heavily extended detached dwelling located on the western side of the road in a line of other detached bungalows. It was originally a bungalow but now has dormers to the rear, a double gabled front with infill dormer, as well as side and rear single storey extensions. Vehicular access to the classified road is in the southern corner and there is a detached double garage set to the rear adjacent the southern boundary with 207 - the remainder of the frontage is hard surfaced and can accommodate at least 5 or 6 vehicles . The front boundary comprises a hedge and the land slopes slightly down to the west.

The site is already in use as a 'children's home' providing care for up to 4 children with learning disabilities. It is understood that this use commenced in September 2010. Internally there are 4 children's rooms as well as a staff sleepover room and a large living room/kitchen. At the time of the site visit (1/6/16) only 2 children were living there with carer's.

2 Planning History

02/67048/002 - Outline application for detached bungalow and garage with vehicular access to London Road., REF,19/12/2002
02/67048/001 - Loft conversion with rear dormer and erection of new chimney to south west elevation., PERM,12/08/2002
02/67048/000 - Outline application for the erection of a two storey building comprising 8 flats following demolition of existing bungalow, REF,28/03/2002
04/67048/003 - Single storey rear extension., PERM,14/02/2005
07/67048/004 - First floor extension incorporating two gables to front elevation., PERM,19/06/2007
APP/10/00114 - Tree Works. , UNK,

3 Proposal

The application seeks to regularise the existing use at the site as a Class C2 Care facility (as set out under the Town and Country Planning (Use Classes) Order 1987 as amended) for up to 4 children with learning disabilities plus supporting live-in staff. Depending on the needs of each child, the number of staff will vary but will be at least on a 1:1 basis.

4 **Policy Considerations**

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
DM13 (Car and Cycle Parking on Residential Development)
DM7 (Elderly and Specialist Housing Provision)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

and Parking SPD 2016

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Southern Water - Public foul & surface water sewer crosses site - exact position must be determined; no development or tree planting within 3m; no new soakaways within 5m; site lies within Source Protection Zone

Officer comment: No physical works are proposed in this application and therefore there is not considered to be any impact on the integrity of the sewers or Source Protection Zone.

Building Control - No comments

Development Engineer - no adverse comment

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Summary: 11-18 yr old autistic children need to "let-off steam" and noise nuisance from garden disturbs after-school hours, weekends and holidays; items thrown over fence & following discussion with neighbour bamboo screen erected; should be in less populated area; this care facility been operational since about 2011 so why now retrospective application?; use could devalue neighbours property; application for 4 children but could be increased;

1 from Havant Area Disability Access Group - new adopted Parking SPD requires 5 spaces; forms indicate an existing use but not registered with the Care Quality Commission and OFSTED; concerned whether adequate space for children's rooms, plus live-in staff to satisfy current CQC requirements; the area does however need more residential capacity for this client group, in conjunction with new Smile Centre close by.

Comment: Effect on value of properties not a material planning consideration; whether site registered with other care organisations not a planning matter; other matters considered below.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development and nature of use
- (iii) Impact upon residential amenity
- (iii) Highways and parking issues

- (i) Principle of development and nature of use

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Whether the use constitutes a material change from Class C3 dwellinghouse to Class C2 Residential Institution providing accommodation for people in need of care is a matter of fact and degree. The use has been operating since about September 2010 with no complaint received, and many such establishments can in theory operate as a Class C3 (b) dwelling "providing not more than 6 residents living together as a single household where care is provided for residents".

An Application for a Lawful Development Certificate for the Class C2 use was submitted initially, seeking confirmation that the use was lawful. However, as no evidence was submitted to prove the use had operated for 10 years this was invalid and instead altered to this change of use application. This application is for 4 children with learning disabilities and their support staff. Depending on the children's needs, the total number of people staying overnight at the site could exceed the 6 specified in Class C3 (b). Similarly, during the day, due to the shift pattern and cross-over times of staff, together with a site manager, there could frequently be more than 6 people at the site.

However having reviewed relevant case law, the numbers of staff are not necessarily the determining factor in whether there is a material change of use beyond C3 (b) to C2, and case law indicates that it is also the way the 'home' is run that can determine the relevant Use Class. If the children are being supported to live as a single household with shared meals, entertainment./activities etc then it is arguable that in any event no change of use beyond Class C3(b) has occurred.

In this case however the applicant is seeking a formal consent to allow the continued use of the site as a care home for up to 4 children. Since the needs of each child will vary and the degree of how they inter-relate with each other and partake of shared activities will vary, a C2 use is sought. A C2 use is more 'commercial' but with just 4

residents would still be of a domestic scale appropriate to this residential area. Policy DM7 relates to housing with specialist care and indicates permission will be granted if relevant criteria are met: the amount of on-site amenity space; setting appropriate to character of area; sufficient servicing space; avoids over-concentration. These are all considered met, as detailed below where relevant.

(ii) Impact upon residential amenity

The site has a large rear garden suitable for the number of future residents proposed, in accordance with policy DM7.

In terms of impact and compatibility with adjacent dwellings, the proposed use is still at heart a residential use. With only 4 children the scale of the use is not considered inappropriate or materially different to that of a single family dwelling or single household dwelling under Class C3. Comment has been made that the noise from the children in the garden can be a disturbance, but this is not considered to be significantly different to a family dwelling or single household arrangement that would arise under Class C3 where care is able to be provided to residents. It is possible to condition a maximum of 4 children in occupation which would prevent any future intensification of use without a further planning application. On this basis the proposal is also considered compliant with policy CS16.

(iii) Highways and parking issues

The newly adopted Parking SPD categorises 'Homes for Children' and requires 1 space per residential staff and 0.5 space per non-residential staff and 0.25 per visitor per client. Realistically the site has ample parking for staff and visitors, although on site turning becomes difficult with the more cars parked. Regard must be had to the fact the site has been operating since 2010 without any complaint, although recently only 2 children have been living there; furthermore the pattern of use is, as discussed above, very similar to that which could be undertaken under Class C3(b) in any event.

The comings and goings to the site i.e. staff arriving and leaving, as well as transport taking the children to school/activities, is likely to be greater than a standard residential dwelling, but on this classified road would not be inappropriate. The drive and parking area generally sits to the side of No 207 and its own garage and drive, so the noise from vehicular movements and car doors is not likely to detrimentally affect quiet rooms or sitting out areas of No 207.

The Development Engineer has raised no objection to the proposal.

8 Conclusion

The small scale of this home for children in need of care is considered acceptable and appropriate in this residential area and compliant with policy DM7 and CS16 - in terms of its impact it is not considered to give rise to any issues of material harm over and above those which could arise from the operation of a very similar home under Class C3(b) of the Use Classes Order. It is recommended to condition to a maximum of 4 children to avoid an over-intensification of a use of the site.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00471 subject to the following conditions:

- 1 The site shall provide accommodation for a maximum of 4 children in need of care, plus supporting staff, unless otherwise first agreed with the Local Planning Authority.

Reason: To avoid an over-intensive use of the site having regard to the amount of on-site parking and impact on neighbouring residential amenity, and having due regard to policies CS16, DM7 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

1:1250 Site Location Plan
Planning Statement

Reason: - To ensure provision of a satisfactory development.