

Part I

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Executive Member: Councillor S. Boulton  
(Hatfield Villages)

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 16<sup>TH</sup> JUNE 2022  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2021/3402/FULL

2 MULBERRY MEAD HATFIELD AL10 9EN

CHANGE OF USE OF PRIVATE RESIDENTIAL DWELLING (USE CLASS C3) TO  
CHILDREN'S HOME (USE CLASS C2).

APPLICANT: SAVANNAH LODGE

**1 Site Description**

1.1 The site is located to the north of Mulberry Mead and is occupied by a two storey detached dwelling. Mulberry Mead is located with the Garden Village of Hatfield with the A1 motorway to the east.

**2 The Proposal**

- 2.1 The application seeks planning permission for the change of use of a C3 private residential dwelling to a C2 residential children's home.
- 2.2 The property would become a long-term home, providing 24-hour care, for up to four vulnerable children (ages 9-18) that have been taken into care permanently.
- 2.3 The children would come to the home for several reasons, including a family breakdown or court ordered residential placement or removal. The children are not placed here due to faults in their own behaviour, but those of their environment.
- 2.4 The staff will comprise six full time staff and 4 part time staff. Circa two staff would be present at any one time. None of the staff will reside at the property, but one staff member will stay over-night, each night.

**3 Reason for Committee Consideration**

3.1 This application is presented to the Development Management Committee because Hatfield Town Council have submitted a Major Objection and it has been called-in by Councillor Bell.

**4 Relevant Planning History**

4.1 Application Number: S6/2008/0786/FP  
Decision: Withdrawn  
Decision Date: 01/11/2012  
Proposal: Erection of side boundary fence

- 4.2 Application Number: S6/2013/1654/FP  
Decision: Granted  
Decision Date: 25/09/2013  
Proposal: Erection of two storey side extension
- 4.3 Application Number: S6/2014/0086/FP  
Decision: Granted  
Decision Date: 13/03/2014  
Proposal: Erection of two storey side extension (amendment to planning approval S6/2013/1654/FP)

## **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **6 Site Designation**

- 6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

- 7.1 The application was advertised by means of neighbour notification letters. In total 70 representations have been received, comprising 68 objections together with one in support of the proposal and one comment. All representations received are published in full on the Council's website and are summarised below:

### *Objections*

- Local residents will experience disturbing noise generated by an increased stream of traffic, increased number of individuals entering and leaving the building, and from the children depending on their needs.
- Area totally unsuited for location of a home for children and young adults, with complex behaviour and other issues, as it is surrounded by homes with mainly elderly residents who will be left feeling very vulnerable. Potential problem behaviour may risk safety of local families and children. Safeguarding issues, and concern whether staff will be properly qualified and trained.

- From the Human Rights Act 1998, which sets out a persons right to a peaceful enjoyment of the property and Article 8 the Convention of the same Act which sets out his/her rights in respect for private and family life and the home.
- The street parking is very limited with narrow roads. This house has a garage which has now been proposed for bicycle storage which will lose a car space as a result leaving just one space in front of the house, my family and I will have difficulty coming in and out of our driveway.
- Savannah deal with children aged approx 12-17 some with EBD - emotional behavioural disorder, consistent or chronic inappropriate type of behaviour or feelings under normal conditions.
- Potential behavioural issues, noise, damage to other properties and potential attraction of offenders
- The application has failed to show any details of a travel to work policy and has stated that circa 2 people on site which leads to believe more. In an area already having issues with off street parking I object on the grounds this proposal will significantly add to volume.
- Worried about the level of antisocial behaviour this will bring to the area and could cause alarm or distress. The constant rotation of care home residents will be far too disruptive to the street and will cause distress.
- It will completely change the characteristic of our neighbourhood which will significantly reduce the value of houses in the area.
- Hatfield Garden Village is a development by Taylor Wimpey of private residential properties. Not designed for commercial use. Property is a very small 4 bedroom house and not suitable or wanted as a Children's home in this private residential area
- I am aware that there is a requirement for this type of establishment but i truly believe it is not at this address. The road is a small side road with no parking other than one car per driveway, and is in a very close community.
- I feel this can only end in crime increasing, drugs increasing, additional police presence, parking problems / disputes and resident problems with the house in question. This is a very quiet and peaceful area and this application can only go towards a very decremental impact on the area as whole.
- The loss of school places to our local children in the community, as these 'vulnerable children' will be given priority places.
- It will discourage future potential buyers, as the children's care home will be seen as a negative image to the area.
- Failure to notify the whole community. I would like to raise the question as to why a letter was sent to only 3 properties in Mulberry Mead when it obviously has a huge impact on so many more residents.

- Staff will be on site 24/7, 365 days a year leading to increased activity above that of a normal house in residential occupancy and a subsequent loss of quiet enjoyment of amenities of local residents and neighbourhood.
- A Care Home of this size is a COMMERCIAL, business operation which is NOT appropriate for Mulberry Mead which is RESIDENTIAL.
- The Department for Education Report DFE-RR201 shows that children placed in residential care have typically developed behavioural problems and risky behaviour that is not improved during their time there.
- We feel that this change of use will take away a family home on our development and will have a detrimental impact of the neighbourhood with a loss of privacy, causing a negative effect on the estate, with issues such as noise, vandalism, and potential antisocial behaviour.
- The safety of the children that already reside in this area needs to come first as well as our right to carry on living in peace without fear of letting our children play outside of their own home or their safety in getting to their school.
- Sets a precedent that other homes can be turned into businesses

#### *Support*

- No comments raised

## **8 Consultations Received**

8.1 The following have responded with a comment on the application:

8.2 Councillor Duncan Bell – Comment summarised as follows:

- Given the nature of this application, and the concerns raised, I think it is essential that both HCC Children's Services and the Police are listed as formal consultees, and comments obtained from them.

8.3 The following have responded advising that they have no objections to the proposal in principle, subject to conditions or obligations being applied:

- WHBC Public Health and Protection
- WHBC Client Services
- Hertfordshire Constabulary
- Children's Services, HCC

## **9 Town/Parish Council Representations**

9.1 Hatfield Town Council have raised a major objection to the proposed development for the reasons set out below:

- *Concern over staff facilities, where do they sleep?*
- *Concern over staff handover & visiting professionals - regarding parking.*
- *We support & agree with Cllr Duncan Bells comments.*

- *Also location on a corner and a road does not seem an ideal location.*

## **10 Analysis**

10.1 The main planning issues to be considered in the determination of this application are:

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Future occupants living standards**
- 5. Highways and parking considerations**
- 6. Refuse and recycling**
- 7. Other considerations**
  - i) Response to any outstanding neighbour concerns**

### **1. Principle of the development**

i) Loss of Residential

10.2 As outlined in the proposal section above, the application will involve the change of use of a family residential unit (C3) to a children's home (C2), which to some degree would trigger the loss of a dwelling. Policy H3 of the Welwyn Hatfield District Plan 2005 is therefore partly relevant.

10.3 Policy H3 outlines that "Planning permission will not be granted for the redevelopment or change of use of premises which would result in a net reduction in the number of dwellings in the district".

10.4 Policy SADM9 of the Council's Emerging Local Plan 2016 is similar to the above.

10.5 Notwithstanding reference to the above, it is considered that as the proposed development will provide a children's home, this would still form a residential use and therefore it is considered that there would not be a loss of residential accommodation.

ii) Special Needs Housing

10.6 Regard should also be had to Policy H9 of the Welwyn Hatfield District Plan 2005 for Special Needs Housing.

10.7 Policy H9 sets out that "The Council will grant permission for schemes which provide special needs accommodation particularly in town centres or in areas which are close to community facilities and services. Incorporation of special needs housing schemes in residential development in central areas will be encouraged". In particular, Policy H9 refers to young people at risk.

10.8 Similarly, within the Council's Emerging Local Plan 2016, Policy SP7 sets out the type and mix of housing to be delivered, which includes specialist housing. Specialist housing comprises a mix of people who require to live in an environment providing care, including vulnerable people.

10.9 As such, it is considered that the proposal of a children's home would provide young people at risk/ vulnerable people a safe place to reside, which is

considered to meet with Policy H9 of the Welwyn Hatfield District Plan 2005 and Policy SP7 of the Council's Emerging Local Plan 2016

## **2. Quality of design and impact on the character of the area**

- 10.10 No external changes are proposed. The character and appearance of the existing property would therefore not be altered and thus no assessment is required in this regard.

## **3. Residential amenity**

- 10.11 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.12 The impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of the impact on neighbouring properties access to day/sun/sky light, privacy, overbearing and overshadowing.
- 10.13 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 10.14 As there are no external alterations proposed, it is considered that the proposed change of use to a children's home would not give rise to material adverse impact on the occupiers of adjoining or surrounding properties by reason of loss of light, privacy, overshadowing, overlooking or overbearing impact.
- 10.15 Whilst it is acknowledged that the proposed development may increase the number of occupants and comings and goings from the site, it should be noted that the proposed number of occupants is no different to a large family and the use as a children's home is still in residential use. Therefore, it is considered that there would not be significant detrimental impacts upon neighbouring amenity so as to warrant the refusal of this application.

## **4. Future occupants living standards**

- 10.16 All proposals for residential use should meet, as a minimum, the National Described Space Standard, unless it can be robustly demonstrated that this would not be feasible or viable. As such, in considering the quality of accommodation provided for future occupants, the National Technical Housing Standard, is a material consideration.
- 10.17 From observing and measuring the submitted floor plans, it is considered that all bedrooms that are proposed (three upstairs and one downstairs) within the property meet the National Technical Housing Standard, and as such, future occupants will have sufficient internal living space.
- 10.18 Policies H4 and D1 of the District Plan and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes but space should be functional and usable in terms of its orientation, width, depth and shape.

10.19 The property benefits from a garden to the rear which is considered to be commensurate to the size of the dwelling.

## **5. Highways and parking considerations**

10.20 In terms of parking, paragraph 105 of the NPPF states that if setting local parking standards, authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles.

10.21 Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings.

10.22 Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.

10.23 The site currently benefits from a single driveway and a single garage, accommodating two off street parking spaces which is to remain.

10.24 The Council's parking guidance SPG recommends that for a C2 use with care staff on premises at all times one space per five residents' bed spaces are provided, plus one space per two staff.

10.25 With reference to the above it is therefore considered that with the four children to be cared for by two carers at any one time, the two off-street parking spaces provided within the site are therefore considered suitable. A condition will be imposed upon any grant of permission for the garage to remain to house motor vehicles, in order to retain sufficient off-street parking.

10.26 With respect to the concern regarding visitors parking, as with any residential use, there would be the potential for visitors to visit a property. Concerns were also raised with regards to the increased number of visitors associated with the proposed use, however this is not known, and it could be that there would be the same or less number of visitors than a C3 dwelling use.

10.27 Notwithstanding the above, it is considered that the parking arrangements for the residents and staff, along with any visitors, would be acceptable.

10.28 The site is located in walking distance (10 minutes) to the Hatfield Garden Village Stores and other amenities sited off of Green Lanes.

10.29 There are numerous bus stops located on roads surrounding Mulberry Mead, with the closest being along Campion Road which opposite the rear of the site and thus is an approximate 1 minute walk away. This provides access to

amenities that are further afield such as Hatfield Town Centre which is approximately a 15 minute bus ride away.

- 10.30 In summary, the proposal would provide an acceptable level of on-site car parking and the site is in a sustainable location in walking distance to local amenities and sited in close proximity to bus stops, therefore no objections are raised in regards to Policy M14 of the District Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.

## **6. Refuse and recycling**

- 10.31 With the site still being in residential use, there would be no change to the existing waste storage and collection from that of the existing C3 residential use.

## **7. Other considerations**

### *i) Response to any outstanding neighbour concerns*

- 10.32 Concerns were raised with regards to the loss of school places for local children in the community as the 'vulnerable children' will be give priority places, and also that the proposed use would discourage future potential buyers, as the children's care home will be seen as a negative image to the area.
- 10.33 Whilst the above is noted, this is a civil matter and therefore would not restrict the grant of planning permission in the event of a recommendation for approval. The planning system is only concerned with the principle of development – it determines whether development is acceptable in relation to national and local development policies.

## **11 Conclusion**

- 11.1 The proposed change of use from C3 dwelling to C2 children's home is considered to be acceptable.
- 11.2 Subject to conditions, the proposal would have no significant adverse impact upon the character and appearance of the area or the amenity of neighbouring occupiers. The proposal has also been found acceptable in relation to impact on the highway, parking and other material considerations. Accordingly, and for the reasons given, the proposal is recommended for approval.

## **12 Recommendation**

- 12.1 It is recommended that planning permission be approved subject to the following conditions:
1. The garage shall be kept available for the parking of motor vehicles at all times and shall not be converted to living accommodation. The garage shall be used solely for the benefit of the occupants of the building of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

REASON: To ensure the retention of adequate car parking provision to serve the development and to prevent environmental problems caused by over-intensive occupation of the building and in the interests of highway safety in accordance



with the Welwyn Hatfield District Plan 2005, the Council's Emerging Local Plan 2016, and the National Planning Policy Framework.

#### DRAWING NUMBERS

2. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
		Site Location	3 December 2021
CP01		Existing And Proposed Floor Plans (cp01)	3 December 2021

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

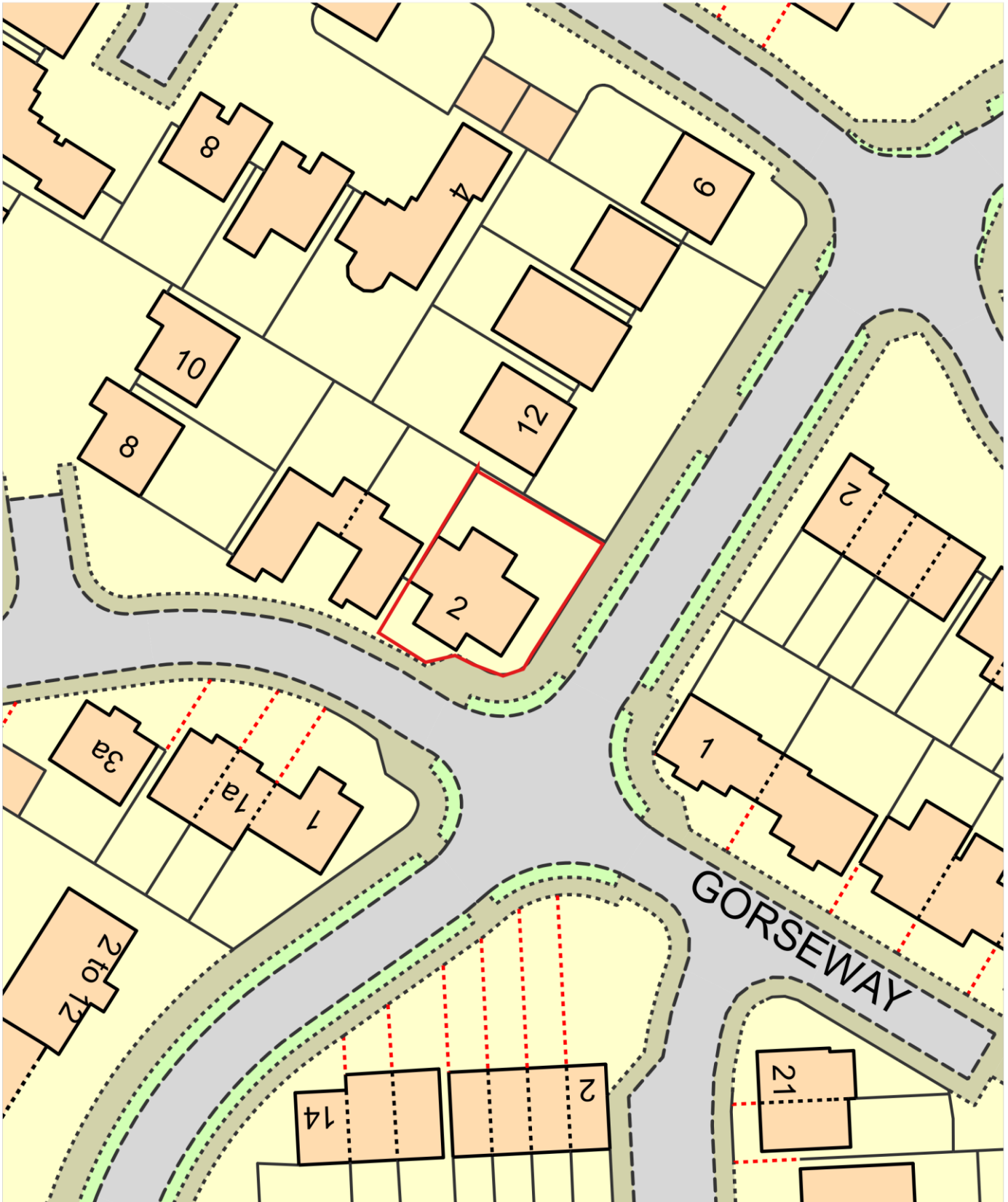
#### POSITIVE AND PROACTIVE STATEMENT


The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

#### INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.

Ashley Ransome (Development Management)  
Date: 20<sup>th</sup> May 2022



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	2 Mulberry Mead Hatfield AL10 9EN		Scale: DNS
			Date: 05-07-2022
Development Management Committee	6/2021/3402/FULL	Drawn: Teresa Walker	
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