

Part I

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Executive Member: Councillor S. Boulton
(Welham Green and South Hatfield)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 8 SEPTEMBER 2022
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2022/0061/FULL

4 STRAWBERRY FIELD, HATFIELD, AL10 8LS

CHANGE OF USE FROM A RESIDENTIAL DWELLING (USE CLASS C3(A)) TO
RESIDENTIAL CARE HOME TO ACCOMMODATE 3 X CHILDREN (USE CLASS C2)

APPLICANT: DR MULENGA CHANDA

1 Site Description

- 1.1 The site is occupied by a two-storey detached dwelling which is sited within Strawberry Field, a cul-de-sac of seven dwellings. Strawberry Field is located within a residential area on the southern edge of Hatfield.

2 The Proposal

- 2.1 The application seeks planning permission for the change of use of a C3 residential dwelling to a C2 residential care home.
- 2.2 The property would become a long-term home, providing 24-hour care, for up to three vulnerable children (ages 8-16 years old) that have been taken into care permanently.
- 2.3 The children will have learning difficulties and would attend local day centres and specialist schools.
- 2.4 The staff will comprise seven full time staff and two part time staff. Each child will have a staff member attending to them during the day. None of the staff will reside at the property, but one staff member will stay over-night, each night, as a waking night.
- 2.5 It should be noted that a similar recent proposal was granted planning permission by the Development Management Committee. This was application reference 6/2021/3402/FULL at 2 Mulberry Mead, Hatfield.

3 Reason for Committee Consideration

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

4 Relevant Planning History

- 4.1 Application Number: S6/1984/0193/
Decision: Granted

Decision Date: 11/05/1984
Proposal: First floor side extension

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 and a site notice. In total six representations have been received, comprising six objections. All representations received are published in full on the Council's website and are summarised below:

Objections

- Restrictive covenants- the application provides insufficient evidence to disregard the covenant and grant a change of use.
- There is no evidence provided to show what the target group is, for example age of children or their specific needs. There is no evidence that the application is supported by Hertfordshire County Council (HCC) Children's Services, or that the applicant has experience in providing other care homes.
- Due to the lack of detail in the application it is not clear if the care home would propose to look after children with physical disabilities. The house does not include appropriate access.
- There is insufficient information to show how the property is appropriate for a change of use to a children's care home accommodating up to four children plus four full time and two part time staff, providing 24/7 care.
- The application states that there are four parking spaces existing at the property. This is currently incorrect.
- The application specifies four full-time and two part time employees totalling six full time staff, which does not tally
- The application states that the site is not visible from the public road. This is incorrect.

- Whilst it is acknowledged that there is need for provision of care for look-after children, there is no evidence given in the application of specific need in this area nor of the authority under which this proposed home would be run and regulated.
- Strawberry Field were self-built in 1979/80. Paragraph 8 of the Second Schedule of the Conveyance reads: “It is hereby agreed and declared... Clause 8. NOT to use the property for any purpose other than for seven single private dwelling houses each for the occupation of one family only.
- our neighbourhood were all of the same opinion that a change of class was not in the best interests of our close.
- Section 25 requires the applicant to declare that “21 days before the date of this application nobody except myself/the applicant was the owner of any part of the land or building to which the application relates”. This application is dated 10th January 2022 yet Section 6 states that the last use as a family home, which is also the date on which the previous owners moved out and completion of the sale was made, was 22nd December 2021. Hence, the applicant was not the certified owner of the property 21 days before the date of the application, which therefore makes this application invalid.
- The proposal suggests a care home for four children, four full time staff and 2 part time staff. The children will require 24/7 care which would mean the staff would be living in the property as well. The number of rooms makes it impossible to accommodate everybody that is suggested to be occupying the property. One of the rooms is only 2.98 m x 2.70 m squared which is not big enough to be classified as suitable for the children.

Support

- None

8 Consultations Received

- 8.1 The following have responded advising that they have objections to the proposal:
- 8.2 Councillor Paul Zukowskyj – Objection summarised as follows:
- I'd like to call in this application as almost all the local residents have been in touch expressing concerns over the application and it also seems to raise sensitive planning issues.
- 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
- 8.4 No response was received from the following consultees:
- HCC Rights of Way
 - The Ramblers’ Association

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:

“In light of all the objections we support Cllr Zukowskyj in calling this application in. There are only 4 bedrooms and so how can 4 children and night staff have space to sleep. Also parking issues have been highlighted by many of the residents in the close. Major objection as the plan has not been fully developed.”

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 the submitted sales particulars floor plans, which include the dimensions of each room, it is considered that all bedrooms 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 large driveway and a single garage, accommodating approximately three off street parking spaces.
- 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 three children to be cared for by three carers at any one time, the three 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 amenities that were existing/ are currently undergoing refurbishment at High View Neighbourhood Centre.
- 10.29 There are numerous bus stops located on roads surrounding Strawberry Field, with the closest being along Bishops Rise which is an approximate 10-minute walk. 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 regard 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 It is acknowledged that there appears to be a covenant on the dwellings within Strawberry Field which restricts the use of the seven single private dwelling houses each for the occupation of one family only.
- 10.33 Whilst the above is noted, this is a civil matter between the landowner and the applicant and therefore would not be a material planning consideration which could be taken into account to DL 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. The Council's decision to grant planning permission does not invalidate or override rights that residents have as landowners. Planning permission does not confer any legal rights to the applicant for access or ownership that do not otherwise exist.
- 10.34 Another concern raised was with respect to Section 25 of the application form which requires the applicant to declare that "21 days before the date of this application nobody except myself/the applicant was the owner of any part of the land or building to which the application relates".
- 10.35 The Council refers to the submitted application form which provides a date that meets the 21-day period. The application form has been signed by the agent to declare that all information submitted is correct and therefore the Council has no other evidence to suggest otherwise.
- 10.36 Neighbour representations considered that insufficient information had been provided to support the application. Subsequently, during the course of the

application, an updated planning statement was submitted, providing further information on the proposal.

- 10.37 The details submitted with the application state that there would be no more than 3 children would reside on the premises and their ages would range from 3 to 16 years.

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.

2. A staff member must be present at all times whilst the building is occupied and being used as a care home. This is to ensure that potential issues related to antisocial behaviour and the playing of amplified music can be monitored and managed to ensure a noise nuisance does not occur.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
LP		Location Plan	27 January 2022
BP		Block Plan	27 January 2022

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

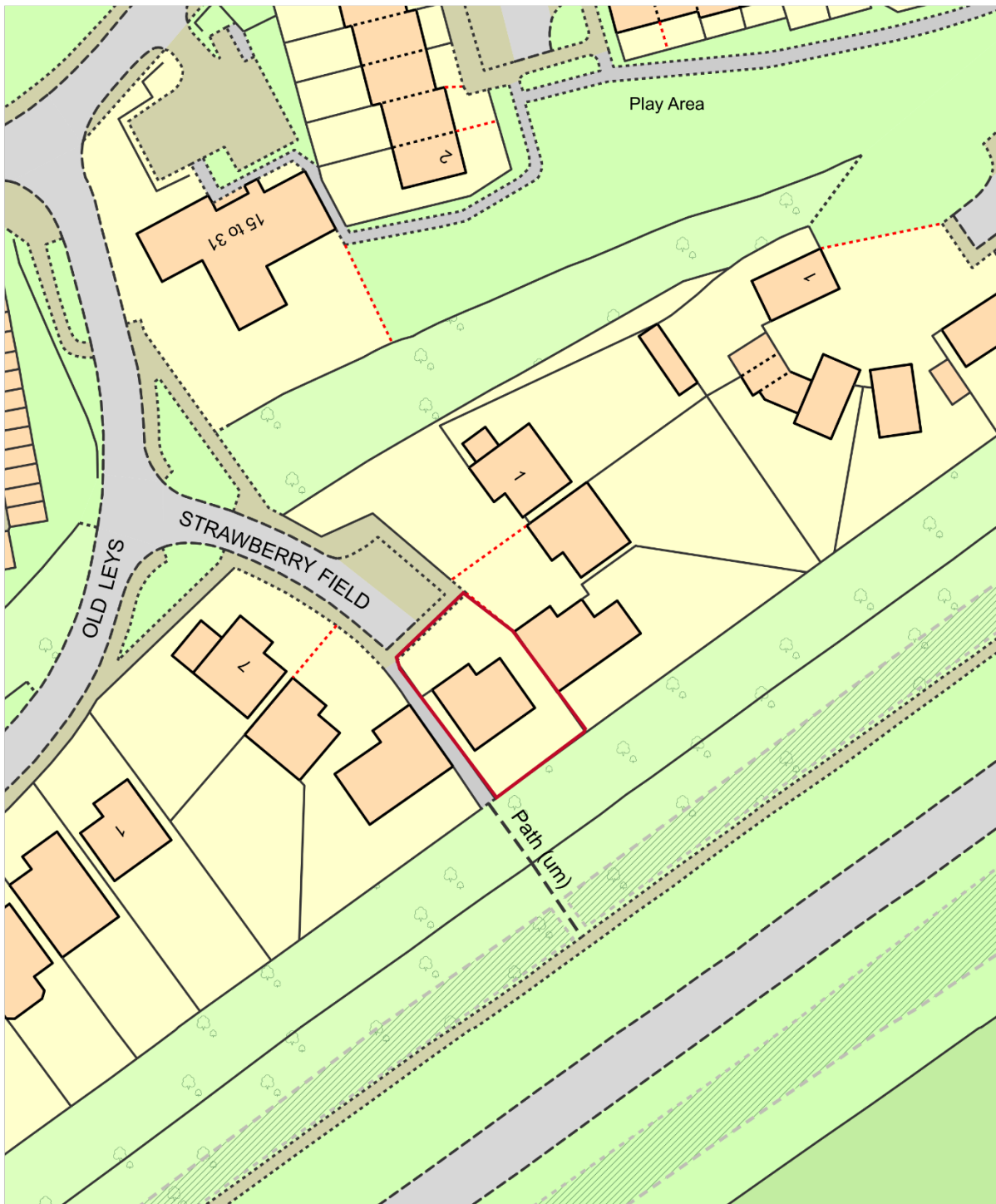
POSITIVE AND PROACTIVE STATEMENT


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.

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: 3rd August 2022



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	4 Strawberry Field Hatfield AL10 8LS		Scale: DNS
			Date: 05-07-2022
	Development Management Committee	6/2022/0061/FULL	Drawn: E Engelhardt
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