

**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 21st September 2023**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

Application Number	RB2023-0938 (https://rotherham.planportal.co.uk/?id=RB2023/0938)
Proposal and Location	Change of use to Childrens Care Home, 6 Hunger Hill Road, Whiston
Recommendation	Granted Conditionally

This application is being presented to Planning Board due to the number of objections received.



Site Description & Location

The application site is a semi detached red brick property, located on Hunger Hill Road in Whiston. The area consists of suburban residential dwellings, with the Whiston Junior and Infant school set to the rear.

Background

RB2023/0661 - Application for Lawful Development Certificate re: Proposed conversion of garage to habitable space & replacement of garage door with glazed French doors – GRANTED

(Application was approved on the understanding that the use was a domestic property, as opposed to a care home use)

Proposal

The property is to be used as a children's residential care home for one child at a time with learning disabilities, for short stay breaks. Up to two staff will be present at anyone time.

Some external changes to the property have already taken place in preparation for the care home use, including the replacement of the garage door with French doors, some internal alterations and a new rear garden fence. These alterations do not require planning permission in their own right.

The site has parking for three cars and the applicant has agreed to upgrade some of the spaces with additional gravel replacing grass.

The applicant states:

There will be one child supported at the property with two staff. Staff will work long days 07:00 - 22:00, with one staff staying overnight, the second one waking night support worker leaves in the morning at 07:00 to be replaced by someone who will work a long day.

If there is any movement during the day it would be with the child using one of the support worker's cars. All vehicles will be parked on the drive. Movements will just be like in any other household.

In response the objections received the applicant has stated that:

- 1. Regarding melt downs, children are assessed, carefully screened and staff trained to work in line with their needs.*
- 2. No risk anticipated for children at the school because staff are well trained to support children and there is no direct access to the school.*
- 3. The children with special needs will also be attending school and these children are not a danger to society.*
- 4. There are no significant changes to the property other than redecoration which would have happened with any other new purchase. Garage is mainly to be used a games/play area and changes were made with building regulations consent.*
- 5. There will not be a parking problem because the property has enough room for at least three cars.*

6. *There will not be a lot of movement that will change the dynamics within the neighbourhood because staff work long days.*
7. *In terms of risk to others in the local area, any child will have supervision at all times. What they do at the property will be not different to what would have happened at the property if there was a family with children living in it.*
8. *Regarding the type of children at the property it will be children will special needs.*
9. *There is no direct access to the school because a new fence was installed.*
10. *Parking will be on the front yard of the property.*
11. *Shift patterns clarified in an email dated 25th July. Shift patterns minimises disruptions.*
12. *The children have special needs and are not a danger to the community. They come for respite/short break to give parents/guardians a break from their caring role.*
13. *Children will still be attending school as they normally would when they live with their families.*
14. *The property has enough room to accommodate a child and two staff. It has 4 bedrooms, a lounge, large kitchen, games room and secured private back garden.*
15. *Regarding informing residents, efforts were made to inform the two immediate neighbours.*
16. *Activities at the property will not be different to any other household.*
17. *Yes, there are no employees of the company working at the property except for individually contracted workmen.*
18. *The property has not been changed, yes a new bathroom was put in.*
19. *The games room has a side window so there is no need to open the doors at the front. They can be opened in the event of a fire.*
20. *Yes, the property was bought at £260 000 and the idea of looking after one child at a time does make business sense because of the number of hours worked by staff.*

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is allocated for residential purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):
 SP 11 Development in Residential Areas

Other Material Considerations

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The revised NPPF sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. 9 letters of objections have been received from local residents.

The objectors raise the following concerns:

- The site is not suitable for children with special needs, due to noise, the presence of the nearby school and drug misuse in the area.
- Work has already started, including changing the garage door for patio doors, which is unsightly.
- Noise and disturbance from the coming and goings of staff and cars.
- Noise and disturbance to the adjoining semi from the children in care.
- The applicant may request additional child places, should the proposed be approved.
- Due to the location close to a school, on street parking is not suitable at certain times and the development will add to parking issues in the area.
- The site needs to be suitably secure to ensure children under care do not escape.
- The staff need to be suitably qualified and able to cope with the children in care.

Six people have requested the right to speak at Planning Board including the applicant.

Consultations

RMBC – Transportation and Highway Design – No objections subject to relevant conditions.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of the application are:

- The Principle of the Development
- Impact on General Amenity
- Transportation Considerations
- Other Matters Raised by Local Residents

Principle of the Development

The proposed use would fall within class C2 'Residential Institutions' (use for the provision of residential accommodation and care to people in need of care).

Recent planning law has noted that a change of use from C3 to C2 might not result in a material change of use if the resulting use of the building is similar to the character to that of a normal dwelling house. In this instance it is considered that there would be a material change of use due to the changeovers of staff at this property and the fact that the use is for respite care as opposed to a permanent resident for a child.

The site is allocated for Residential Use within the Local Plan and Local Plan policy SP11 'Development in residential Areas' states "Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies." As such, the proposed development would be acceptable in principle.

Impact on Residential Amenity

The proposal is for the use of the dwelling as a children's respite home for one child at any one time. The property would be accessed by the child, two members of staff and other support workers. These comings and goings and associated vehicle movements may differ from the level of activity beyond that which would normally be associated with a dwelling house, however, it is not considered to be of a level which would create a significant impact on the residential amenity of the adjoining or adjacent neighbours and as such would not justify refusing the planning application on these grounds.

The applicant has confirmed that the changeover time for staff is at 7am and 10pm, and so it is not considered that the increase in activity at the property would give rise to an increased level of noise and disturbance during unsociable hours and whilst it will increase during daytime hours, it is considered that the level of noise associated with increased vehicular movements would not lead to a significant impact on the residential amenity of existing nearby residents.

Objections have been received from local residents raising concerns about noise and disturbance from the care home, as well as the suitability of the location.

The one child accommodated within the property will be supervised on a 24 hour basis and as such, it is not considered that this issue would create any significant impact on the residential amenity of existing residents or the wider community as a whole. In this respect the proposal would be considered to have a character akin to that of a residential dwelling, and as such is considered acceptable in a residential area. There are no relevant planning policies which dictate that such uses should not be located close to one another, and due to the nature of the proposal it is considered to be residential in character, which is appropriate in this residential area.

Transportation

After assessing the submitted application the Transportation Officer has noted that the site frontage is available for car parking purposes, for three cars. This being the case the Transportation Officer raises no objections to the application as there is sufficient on site parking.

Objections have been received that the proposal, if approved, would cause further parking problems for residents, in view of the existing parking problems caused by the local school.

As noted above the Transportation Officer raises no objections in relation to Highway Safety concerns and is happy with the level of parking available on the site. It is also noted that there parking restrictions along Hunger Hill Road to prevent cars parking too close to the pedestrian access to the local junior school.

Other Matters Raised by Local Residents

A number of objections have raised concerns about how the home will be run, the type of staff and if the children can be retained on site. These issues will be addressed by a separate body and are not for consideration as part of this submission.

In terms of the concerns about the retrospective nature of the application, these changes were at the applicant's own risk, and do not have a bearing on any determination. Finally in terms of the potential to increase the number of children under care, a condition has been added restricting the number of children to one only. Should the number of children increase the applicant is aware they would need to vary this condition and the Council would have to judge whether additional children would be harmful

Conclusion

Given the location of the dwelling, together with the nature and intensity of the proposed use, to look after one child only, it is considered that any noise and disturbance generated would be akin to a "traditional" residential dwelling, and whilst there could be an increase in comings and goings especially at shift change over times, this would be within daytime hours so would not create such a significant impact on the amenity of neighbouring residents that would justify refusing planning permission on these grounds. Furthermore, the presence of several carers at any one time will ensure that the child and/or young person in care are suitably supervised minimising any impact on the amenity of neighbours or the wider community.

It is also considered that the onsite car parking proposed is appropriate from a highway safety aspect. It is therefore recommended that planning permission is granted conditionally.

Conditions

01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990

02

The premises shall be used as a residential care home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2987, (or any Order revoking and re-enacting that Order with or without modification).

Reason

The premises are not considered suitable for general use within the Class quoted for amenity and highway reasons.

03

The number of children cared for at the site shall be limited to 1 at any one time.

Reason

In accordance with the details submitted with the application and for the avoidance of doubt.

04

Before the development is brought into use, that part of the site to be used by vehicles shall be properly constructed with either a/ a permeable surface and associated water retention/collection drainage, or b/ an impermeable surface with water collected and taken to a separately constructed water retention / discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure adequate on site drainage.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.