

## PLANNING COMMITTEE – 14 December 2023

**23/1707/FUL - Change of use from single dwellinghouse to childrens care home at BEECH HOUSE, CHESS WAY, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5TA.**

Parish: Chorleywood Parish Council

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 18.12.2023 (Extension of time agreed) Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused.

Reason for consideration by the Committee: The application was called in by three members of the planning committee regardless of the officer recommendation, to consider the impact of the development on neighbouring amenity.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?keyVal=S2ASQ9QFHBO00&activeTab=summary>

### **1 Relevant Planning History**

- 1.1 18/0594/FUL - Roof extensions including increase in ridge height and rear gable projection and insertion of front dormer and flank rooflights; first floor front extension; front porch; two storey rear extension and lower ground floor extension, single storey side extension and creation of balconies to rear – Refused – appeal dismissed.
- 1.2 19/1517/FUL - Roof extensions including increase in ridge height; Construction of a three storey rear extension including extension to basement at lower ground floor; installation of a raised decking; Insertion of rooflights; Erection of a front porch and alterations to external materials – Permitted and implemented.
- 1.3 22/0316/FUL - Demolition of existing dwellinghouse and erection of a part two, part three storey detached dwellinghouse with roof accommodation – Refused.
- 1.4 23/0129/COMP - Enforcement enquiry regarding change of use - Closed, no breach.
- 1.5 23/0163/COMP - Enforcement enquiry regarding unauthorised works - Pending consideration.

### **2. Description of Application Site**

- 2.1 The application site is roughly rectangular in shape and is located on the north eastern side of Chess Way, Chorleywood. The application site contains a detached dwelling which has been relatively recently extend in pursuance to 19/1571/FUL. The land levels slope to the rear of the site and as such the dwelling appears as a bungalow to the front with a front porch and dormer window but appears two storeys to the rear with a lower ground floor level and raised rear patio.
- 2.2 To the front of the site is a block paved driveway in a carriage layout and an area of soft landscaping.
- 2.3 To the rear beyond the raised patio the garden is mostly laid as lawn.
- 2.4 The neighbour to the south east 'Hillside' is a detached bungalow with characterful eyelit dormers to the front.

- 2.5 The neighbour to the north west is Magnolia Cottage which is a detached two storey dwelling.
- 2.6 During a site visit it was ascertained that the dwelling is currently unoccupied. Whilst rooms had been set up to facilitate the proposed development, the change of use had not occurred as there was no one residing within the building. The enforcement case pertaining to the use was subsequently closed. Notwithstanding this it was also ascertained that the building in situ had not been constructed in accordance with the approved plans approved via 19/1571/FUL. Whilst a planning enforcement case has been opened to investigate this the initially site observations noted deviations to the scale of the front porch and a raised rear terrace.

### **3. Description of Proposed Development**

- 3.1 This application seeks full planning permission for the change of use from single dwellinghouse to children's care home. Use Class C3 to Use Class C2.
- 3.2 The proposed change of use would facilitate the provision of residential accommodation for 6 children aged between 5 and 18. The intended service provider has set out that their business plan is to provide a residential home for Children and Young people with Learning Disabilities. The facility would provide the Child or Young person's principal home as opposed to respite-style care.
- 3.3 The number of children to be accommodated as part of the use has been reduced during the course of the application from 8 to 6. Whilst Officers did request that this be further reduced to a maximum of 4 children, further amended details were not received and the application is assessed on the basis of the residential accommodation providing for 6 children.
- 3.4 The applicant has set out that there would be 2 staff to support the children (2 staff during the day and 2 staff on a waking night shift). They advise an a maximum of 3 staff in the day depending on the needs of the children. Bedrooms would be provided at ground and first floor. The lower ground floor would provide activity space and a staff office.
- 3.5 No external alterations are proposed to facilitate the change of use. The plans submitted include elements that do not benefit from planning permission including a rear patio. There also appear to be some elements deviating from the approved plans however these are not being considered as part of this application and are subject to a separate pending enforcement enquiry.

### **4. Consultation**

#### **4.1 Statutory Consultation**

##### **4.1.1 Chorleywood Parish Council: [Objection]**

*Whilst the Committee wishes to support the creation of Childrens Homes in the district, it had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.*

*The location of the proposed Childrens Home is not considered appropriate bearing in mind the issues that the children proposed to be accommodated here have:*

- *The property is in close proximity to the M25 and the River Chess. The children to be accommodated in the property have issues that affect behaviour which, in some cases, have been linked to suicidal ideation. The property is within a three minute walk of a bridge over the M25 with very low parapets and not much further from the*

*River Chess. This does not appear to have been considered or referred to in any way in the Risk Assessment provided.*

- The applicant describes the property as being close to bus services and local facilities. The local bus service runs approximately once every two hours and, on some days, does not run at all. The property is at least a thirty minute walk from local shops and the railway station much longer if the person does not walk across the Common.*
- The street in which this property is sited and most of the surrounding roads do not have streetlights or pavements. With the property not being within a sensible walking distance from local facilities / station and a highly infrequent bus service, the applicants assertion that staff will be expected to use public transport is not considered to be credible to achieve. As such, the majority of staff will probably have to use cars to reach the site. The property will only provide 4 parking spaces but, whilst it is accepted that this is in line with Appendix 5 of the Development Management Policies, with 6 staff being present at handovers, this will not provide sufficient parking. Even outside of handover times, this will leave no space for visitors. The nature of Chess Way does not lend itself to street parking and any overflow of parking from the site is likely to cause hazards and congestion on the road. The layout of the house is not considered suitable for a Childrens Home with the shared space being too small for the proposed number of active children and young people to be housed there.*
- This is compounded by the fact that access to the garden is only possible by going through the office, a utility room and down a steep set of steps or through the lower ground floor bedrooms.*

*Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.*

4.1.2 National Grid: No response received.

4.1.3 Hertfordshire County Council – Highway Authority: [No objection]

*Chess Way is a private route which is not highway maintainable at public expense. Therefore, HCC cannot implement policies or maintenance at the location of the site, meaning these comments are advisory. Chess Way is connected to the highway at Wyatts Road which is a local access route subject to a 30mph speed limit which is highway maintainable at public expense. Chess Way can only be accessed via Wyatts Road as it is blocked off for vehicles towards Solesbridge Lane; also for pedestrians, Wyatts Road is the only option owing to the lack of footway along the majority of Solesbridge Lane. Walking this route, the nearest bus stop to the site is approximately 625m away and the nearest shop, located within a petrol station, is approximately 685m from the site.*

*Chorleywood is the closest train station which is an approximate 2.4km walk, and served by Chiltern Railways and the Metropolitan line. These distances exceed the ideal walking distances for sustainable/active travel options outlined in CIHT guidance, but as the change of use does not alter the number of people residing at the site and does not propose any new dwellings, this is not a reason for objection.*

#### *Access and Parking*

*The application does not propose to alter the existing vehicular access into the site and the footprint of the existing dwelling is not to change, and therefore the visibility splays from the access will not be altered. There have not been any collisions close to the site within the last 5 years. The change of use is unlikely to create a significant increase in trips due to the*

size of the site. The Design and Access Statement says there are to be three members of staff on site at a time and staff to be on site 24/7 in shift patterns, therefore the number of trips related to the site are minimal and are likely to avoid the peak times.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the parking provision at the site is not to be altered with the application and the four spaces mentioned in the Application Form and shown on drawing number BHO-CHA-DR-XX-A-0001 are not to be changed. Secure and covered cycle parking is to be introduced at the site in line with TRDC parking standards.

#### *Refuse and Waste Collection*

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not carry waste for more than 30m. Aside from the addition of the clinical waste, the waste collection method at the site is unlikely to change as no changes are proposed to the layout of the dwelling.

#### *Emergency Vehicle Access*

In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site with all of the footprint of the existing dwelling being within this 45m.

#### *Conclusion*

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the nearby highway and therefore, has no objections on highway grounds to this application. It is again to be noted HCC does not have the ability to implement policies or maintenance in the location of the development, so these comments are written in an advisory capacity.

#### 4.1.4 Herts Constabulary:

*My comments are made from a crime prevention and security perspective only, I do have substantive concerns regarding this application. Experience has shown that dwellings of this size changed into children's homes (Class 2) for 2 to 3 children cause significant problems:*

*This is still a 5-bedroom property and normally we would ask for a higher level of security, such as implementing the police preferred security standard Secured by Design. however, as it will be classed as a 'C2 care home' this can be by passed.*

*CCTV would be necessary to record any visitors to the home and should also cover the immediate surroundings and in the communal areas to protect both the children and the staff, and to act as a deterrent to bad behaviour. It should record remotely to prevent unauthorised tampering with the recorder at a local level.*

*There are many discussions being held nationally within the police. Evidence suggests that these homes, unless carefully managed, are causing significant problems for the local population and a huge demand for the local safer neighbourhood police and social workers.*

*There is also evidence to suggest that the young occupants of these homes are being targeted for involvement in 'county lines' type activity around the supply of drugs.*

*I have reviewed the documents provided and unfortunately, I am unable to support this application.*

#### 4.1.5 Herts County Council Growth and Infrastructure team:

The five south west Hertfordshire authorities (Three Rivers, Dacorum, St Albans, Hertsmere and Watford) have recently commissioned a joint Local Housing Needs Assessment to help inform the evidence bases for emerging Local Plans. The LHNA will look to identify the need for Children's Homes in Hertfordshire as well as other more traditional types of housing. Officers from Hertfordshire County Council's Children's Services team have had input into the study and whilst the document has not yet been finalised and published, the latest draft has identified a need for additional children's homes. This need is to cover the current shortfall of in-county accommodation, which means that children often have to be housed out-of-county, as well as covering the additional demand expected from the continuation of falling foster parent numbers which will place additional demand on children's homes in the future."

## 4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 20.

4.2.2 No of responses received: 58 objections.

4.2.3 Site Notice: Expired: Not required Press notice: Not required.

4.2.4 Summary of Responses:

- Housing those who need special help in residential area will cause aggravation to neighbours.
- Unsuitable location.
- Will increase pressure on overstretched resources.
- Do not want police regularly attending to address anti social behaviour.
- Concerns regarding drug misuse and noise pollution.
- High risk behaviour could pose threat to local community.
- Poorly lit street not ideal for children.
- Resident safety concerns.
- H&S threat of busy road.
- M25 bridge in close proximity is of concern.
- Impact on elderly residents.
- Alternative location should be considered with better accessibility and facilities.
- Applicant has commercial motives – house not big enough for this many children.
- Traffic/congestion impacts.
- Concerns regarding adequate waste management.
- Increased comings and goings.
- Nothing interesting for young people to do in the vicinity.
- Parking issues.
- Already had disruption from building works.
- Loss of privacy.

4.2.5 Officer comment: The comments received are noted however only material planning considerations can addressed. These are set out within the analysis section below.

## 5. Reason for Delay

5.1 No delay. Extension of Time agreed.

## 6. Relevant Planning Policy, Guidance and Legislation

6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38

(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

## 6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

## 6.3 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP6, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM9, DM10, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Plan (Referendum Version 2020). Policies 3 and 13 are relevant.

## 6.4 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

## 7. **Planning Analysis**

### 7.1 Principle of development

- 7.1.1 The proposed development would result in the loss of a Use Class C3 residential dwelling but would result in the creation of a 6 bedroom children's care facility under Use Class C2. When applying the council's conversion ratio of 1.9 C2 to 1 C3 the proposal would provide the equivalent of three Use Class C3 dwellings (net gain of 2). The standard for the conversion ratio is drawn from the South West Hertfordshire Local Housing Needs Assessment (LHNA) (2020) which is an up to date evidence base, used by the five authorities. Paragraph 7.29 of the LHNA states the C2 ratio is based on the average number of adults in households and in Three Rivers this equates to 1.88 bed spaces per dwelling. Therefore the Housing Land Supply (2021) states the conversion ratio is 1.9:1 (1.9 bedrooms in C2 use 'frees up' 1 open market dwelling). As such whilst the loss of C3 dwellings is generally resisted, in this case when applying the Council's conversion ratio there would be no net loss and the principle of providing a 6 bed care home would be acceptable. During the course of the application Officers have engaged with colleagues at Hertfordshire County Council both within Children's Services and the Growth and Infrastructure team. In terms of the need the Growth and Infrastructure Officer advised:

*"The five south west Hertfordshire authorities (Three Rivers, Dacorum, St Albans, Hertsmere and Watford) have recently commissioned a joint Local Housing Needs Assessment to help inform the evidence bases for emerging Local Plans. The LHNA will look to identify the need for Children's Homes in Hertfordshire as well as other more traditional types of housing. Officers from Hertfordshire County Council's Children's Services team have had input into the study and whilst the document has not yet been finalised and published, the latest draft has identified a need for additional children's homes. This need is to cover the current shortfall of in-county accommodation, which means that children often have to be housed out-of-county, as well as covering the additional demand expected from the continuation of falling foster parent numbers which will place additional demand on children's homes in the future."*

- 7.1.2 The evidence base does not set out the exact requirements for children's care homes for those with Learning Disabilities however the Officer from Children's Services advised there was an acute need to provide such places within the County as currently many children are having to be placed out of the area.
- 7.1.3 Overall there is no in principle objection to the proposed development however this is subject to all other material considerations as set out below.

## 7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness, avoid inappropriate development in the built environment and make efficient use of land and Policy CP12 of the Core Strategy (adopted October 2011) seeks to ensure development has regard to local context and makes efficient use of land whilst responding the local distinctiveness. The NPPF at paragraph 130 of the NPPF outlines that decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 7.2.2 The proposed development would not result in any physical alterations to the external appearance of the existing building. However as set out above the NPPF sets out that development should not only visually add to the quality of the area but should also function well within it. The proposed change of use would not have many physical indications of its use in terms of increased built form or signage rather the use would be visible by virtue of the increased activities that would result, particularly, within the site frontage. It is acknowledged that a dwelling of the size of the existing could give rise to a number of comings and goings just by virtue of the number of bedrooms. However the day to day operations of a single family unit are not considered to be akin to that arising from the

proposed use. The number and type of activities within the site frontage together with the potential for the displacement of cars outside of the site would give rise to a function which would be incongruous within the locality. It is not the use per se that results in harm but the secondary impacts of activities that would occur.

7.2.3 Overall the proposed development, by virtue of its incongruous functions within the locality, would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF.

### 7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Policy DM1 and Appendix 2 of the Development Management Properties LDD provides further guidance and states that residential development should not result in a loss of light or loss of privacy to neighbouring dwellings.

7.3.2 Policy DM9 of the DMP LDD outlines the development should not result in adverse impact on the indoor or outdoor acoustic environment of existing development.

7.3.3 The proposed development would not result in any physical interventions to the external appearance of the existing building. As such the proposed development would not give rise to any physical overbearing impact or loss of light to neighbouring amenity. The concerns regarding overlooking from the existing raised terrace are noted however the raised terrace in situ is being investigated separately via a planning enforcement case and the terrace does not form part of the development being considered as part of this application.

7.3.4 The key test in this case would be whether the proposed development results in an increase in activity over and above what could be reasonably expected from the existing dwelling in a C3 Use. Once this has been ascertained, it is then necessary to consider whether any increase results in demonstrable harm to neighbouring amenity.

7.3.5 The existing dwelling (as approved via 19/1517/FUL) has five bedrooms and therefore provides a relatively large family home. Given that the dwelling has 5 double rooms it could accommodate 10 people. However the number of occupants of a single dwelling is difficult to predict and it is unlikely that the dwelling would be at a capacity of 10. The proposed development would provide accommodation for 6 Children/Young people plus a minimum of 2 staff. However owing to the individual needs of each child which would be determined on a case by case basis, it could be that all 6 children require 1:1 care or greater. The information submitted indicates that following a referral it would be for the Home manager to ensure that the facility could provide a suitable place for the individual. Therefore as a minimum there would be 8 people on site but this could be greater with 1:1 care resulting in 12 people. Further it is not unreasonable to predict additional third parties would visit the site which could include family members, medical professionals or people providing educational based support. The information submitted by the applicant sets out that such meetings would form part of a daily schedule for the individuals as part of their daily plan. It is not considered that the movements associated with the proposed use would be directly comparable to the existing use as a single family dwelling. When considering on site staff, additional support services and the potential level of daily movements associated with the children's needs to travel for education it is concluded that even at a minimum level of 2 staff the comings and goings which would result would be more intensive than those generally expected from a five bedroom dwelling.

7.3.6 Having concluded that the proposed use would have more intensive comings and goings than the existing use it must now be established whether this would be harmful.

7.3.7 The majority of movement would be contained to within the building and within the site frontage. Whilst the children may play in the rear garden it is not considered that this would lead to such additional noise and disturbance than would arise from an active family unit



undertaking normal play or recreation based activities in their gardens. The activity within the building itself is also unlikely to give rise to undue audible noise or disturbance. However when considering the potential number of movements in, out and around the site frontage which could arise from the proposed use it is considered that this would lead to unacceptable levels of noise and disturbance over and above the usual activity of a single residential unit. In turn it is considered that the resultant disturbance would lead to unacceptable harm to neighbouring amenity. Namely, but not limited to, the two adjacent properties at Magnolia Cottage and Hillside. The proposal would overall be contrary to Policy CP12 of the Core Strategy and Policies DM1 and DM9 of the DMPLDD.

#### 7.4 Quality of accommodation for future occupants

7.4.1 Appendix 2 of the DMP LDD sets out that residential care homes should provide 15sqm of amenity space per bed space. The proposed development would therefore require 90sqm of amenity space.

7.4.2 The application site has a rear garden providing over 700sqm of amenity space and as such the proposal would comply with Appendix 2 in this respect. The reduced number of beds from 8 to 6 has also allowed for the integration of additional indoor play/living space in addition to the main communal living/kitchen/dining area. In addition, all bedrooms are of good sizes with good levels of natural light.

#### 7.5 Highways, Access and Parking

7.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.

7.5.2 Appendix 5 of the DMP LDD sets out the parking standards. It outlines that institutions/homes with care staff on premises at all times (excluding nursing homes, hospitals, residential schools, colleges or training centres) require 1 space per 5 resident bed spaces plus 1 space per 2 staff non-resident (parking for resident staff to be based on general needs standard).

7.5.3 Two parking spaces would be required for the 6 bedrooms. The applicant submits that there would only be 2 staff on site to support the residents. However until such time that the individual needs of the children who would reside at Beech House are known it could be that a 1:1 staff ratio would be required if not higher. If a 1:1 ratio were assumed then 3 staff spaces would be required. Thus would have an overall requirement of 5 parking spaces. If only 2 staff were on site then 3 spaces would be the minimum requirement.

7.5.4 The block plan submitted does not accurately represent the existing site frontage. From the site visit conducted it was evident that 5 cars could be accommodated on the site frontage. These would not all be individually accessible with some tandem parking having to be made in the central part of the driveway. However as previously set out the exact movements are unknown as they are largely dependent on the individual needs and daily routine of the child. It could be the case that several additional third parties may be required to visit for example for home schooling, education purposes or medical professionals.

7.5.5 Chess Way is a private road and whilst there is some on street parking this is limited. Furthermore the application site is not considered to be a particularly sustainable location with public transport connections some distance away. Generally it would be anticipated that visitors would arrive by car.

7.5.6 Whilst technical compliance with the parking standard would be achieved, the number and type of vehicle movements would be different to those generally expected from a single residential unit of this size. Furthermore the exact daily movements are not known as the

needs of the individual child are not known. For example whether they would each travel off site for schooling or similar education centres or whether each would receive their requisite education at home. Whilst the information submitted by the applicant is noted in respect of staff numbers etc it cannot be assured at this time how many movements are likely and in any event even the minimum requirement for 6 children plus support staff is likely to lead to some displacement of parking within the locality even it is for temporary periods during staff shift change overs or when children are being collected/dropped off.

7.5.7 Overall whilst the technical standard for the number of parking spaces could be accommodated within the site frontage the number and type of vehicle movements could give rise to displacement of parking within the locality due to the elevated levels of comings and goings resulting from the development. Furthermore by virtue of the type of movements and the tandem arrangement of some parking spaces this would further increase the likelihood of impacts to the free flow of highway users due to the increase in comings and goings and parking displacement on street. As such the proposal would be contrary to Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the DMP LDD.

## 7.6 Refuse and Recycling

7.6.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.6.2 It is not considered that the waste/recycling which would be produced by the proposed use would be significantly more than that which could be generated by a large family living in the existing dwelling. As such it is not considered reasonable to require the submission of further details in this respect.

## 7.7 Trees and Landscaping

7.7.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value. Policy DM6 further states that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.

7.7.2 Paragraph 131 of the NPPF outlines that trees make an important contribution to the character and quality of urban environments. Paragraph 174 further adds that planning decisions should contribute to the natural and local environments and should recognise the benefits of trees and woodland.

7.7.3 The proposal would not result in any direct or indirect harm in this respect owing the nature of the development.

## 7.8 Wildlife and Biodiversity

7.8.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

- 7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMP LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.8.3 Owing to the nature of the proposed development it is not considered that any adverse impacts would result in this respect.
- 7.9 Planning balance
- 7.9.1 The acute need for the proposed development is noted. It is also acknowledged that some children are currently being placed out of the county as there are insufficient spaces available for Children and Young People with Learning disabilities to live. The proposal would provide 6 Children/Young people with a home in the county (it is understood that HCC will refer children to the service provider). Notwithstanding this, the resultant detrimental impact to the amenity of neighbouring properties together with the unacceptable potential for displacement of vehicles outside of the site would not be significantly and demonstrably outweighed by the benefits of the scheme in this case.

## **Recommendation**

8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

- R1 The proposed change of use by virtue of the increased levels of activity within and around the site would result in detrimental harm to neighbouring amenity by way of undue levels of noise and disturbance. The resultant level of activity and vehicle movements also cannot be accommodated within the existing site frontage thus giving rise to the unacceptable displacement of parking in the locality which would give rise to conflicts with the freeflow of highways users Furthermore the proposed change of use would result in an incongruous function within the locality to the detriment of the character of the streetscene. Overall the proposal would be contrary to Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM9, DM13 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

8.2 **Informatives:**

- I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. Whilst the applicant and/or their agent and the Local Planning Authority discussed the scheme during the course of the application, the proposed development as amended fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.