OFFICER REPORT

Case No: 24/02415/FUL Full Planning Application

Proposal: Change of use from dwellinghouse (Class C3) to a children's home (Class C2) for up to 5 persons and replacement of garage doors with sash windows.

Location: 103 Newtown Road Ramsey Huntingdon

Applicant: Linden Lodge Property Ltd

Grid Ref: 528571 285582

DESCRIPTION OF SITE AND APPLICATION

The application site comprises a two and a half storey detached property known as 103 Newtown Road, Ramsey and its generous residential curtilage of 0.18ha. The six-bedroom dwelling, accessed off Newton Road, has an attached garage and sizable gravel driveway for vehicle rotation and parking. The site is fully enclosed by virtue of the 1.8m close board fencing, established hedges, boundary walls and iron fencing.

The application site is in the built-up area of the spatial planning area of Ramsey. The majority of the site including the dwelling is within Flood Zone 1, albeit a small northern corner of the site is located in Flood Zone 2, according to the most recent Environment Agency Mapping. The site is also located in the Ramsey Conservation area and 125 metres north from the closest designated historical asset (113 Great Whyte a Grade II Listed Building). No statutory ecological designations are within or in proximity to the application site.

This application seeks planning permission for the change of use from a single dwellinghouse (Use Class C3) to a children's home (Use Class C2) for up to 5 children with learning disabilities. Internal alterations and minor external alterations are proposed including conversion of the existing garage into an additional habitable area and increasing the size of one of the first-floor bedrooms are proposed to facilitate the use of the building as a children's home. The children's home would provide care to a maximum of 5 children/young adults aged 11 to 18 years, supported by staff operating on a rotating shift pattern to ensure 24/7-hour coverage.

The staff would operate and rotate in day (08:00-20:00) and night shifts (20:00-08:00). A maximum of 5 staff during the day and 3 staff during the night shift would be present on the site; however, the building would not be a permanent place of residence for staff. The office would double up as a bedroom for night shift staff to sleep on rotation.

As detailed in the accompanying design and access statement, one to one care would be provided for the residents and therefore, no resident would be unaccompanied outside of the home. Children would be educated away from home and transported to/from their schools by car, approved taxi, public transport.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

During the lifetime of the application a revised block plan was received. This was purely to correct the access construction in accordance with the General Principles for Development as set out by the

Local Highway Authority. On the balance of fairness further public consultation was considered not to be necessary on this occasion.

NATIONAL GUIDANCE

The National Planning Policy Framework (12th December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):
* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed, beautiful and safe places;
* conserving and enhancing the natural, built and historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 - adopted May 2019
*LP1: Amount of Development
*LP2: Strategy for Development
*LP4: Contributing to Infrastructure Delivery
*LP5: Flood Risk
*LP6: Waste Water Management
*LP7: Spatial Planning Areas
*LP11: Design Context
*LP12: Design Implementation
*LP14: Amenity
*LP15: Surface Water
*LP16: Sustainable Travel
*LP17: Parking Provision and Vehicle Movement
*LP26: Specialist Housing
*LP30: Biodiversity and Geodiversity
*LP31: Trees, Woodland, Hedges and Hedgerows

Supplementary Planning Documents (SPD) and Guidance:
*Huntingdonshire Design Guide SPD (2017)
*Huntingdonshire Townscape and Landscape Assessment SPD (2022)
*Developer Contributions SPD (2011)
*Huntingdonshire Strategic Flood Risk Assessment (2024)
*Huntingdonshire Tree Guidance Note 3
*Annual Monitoring Report, regarding housing land supply.

Local policies are viewable at https://www.huntingdonshire.gov.uk

PLANNING HISTORY

20/01641/CLPD - Proposed single storey summer house- Consent

16/02692/TRCA- Remove T3/T4/T5 and T6 - Approved

1101205NMA -Amendment to planning permission 0900087FUL to re-position entrance drive away from protected tree for erection of a dwelling-Refused

1000779NMA- Amendment to planning permission 0900087FUL to carry out alterations to front entrance frame and side lights.- Permitted

1000429NMA-Amendment to planning permission 0900087FUL to add 2 solar panels to east elevation-Permitted

0901561NMA- Amendment to planning permission 0900087FUL to include removal of chimney to boiler room and removal of plinth course- Permitted

0900087FUL- Erection of a dwelling-Permitted

CONSULTATIONS

Cambridgeshire County Council Local Highways Authority- No Objection. Following a review of the documents provided to the Highway Authority as part of the above planning application, the effect of the proposed development upon the Public Highway should be mitigated through the imposition of the recommended conditions. It should be noted by the applicant that to accord with the required condition regarding the visibility splays, the front boundary wall will need to be relocated to be clear of the splays indicated on the drawing 102-030LBP01 rev A.

Parish Council- No comment at the time of determination.

Children's Services - No comment at the time of determination.

Environmental Health Officer- No objection. There is proposed to be no more than 5 children 11-18-year olds with special educational needs residing here. The garden is enclosed and therefore the officer raises no objection to the proposal with regard to noise.

Conservation Officer- No objection. This is a non-listed site in a conservation area there is no objection to the proposed works as they will not result in harm to the character and appearance of the conservation area.

REPRESENTATIONS

One third party representation was received at the time of determination neither objecting nor supporting the proposal. The representation did however raise the following material planning matters as summarised:

- Reassurance the noise associated with the development would be indifferent to the existing use (C3 Use).
- The town of Ramsey lacks amenity, services and leisure facilities for young people and children. Assurances the care facility would not be increased in size to accommodate more children.
- Concerns in respect of the installation of play equipment installed in proximity to the boundary of adjacent neighbours

Other matters:

- Assurances the facility operators have a good relationship with adjacent neighbours.

Officers note comments made by third parties in regard to maintaining a good relationship with the operators of the proposed children's home however, this is considered a civil matter and therefore will not form part of the assessment on material planning matters.

SUMMARY OF ISSUES

The main issues to consider in the determination of this application are:

- Principle of development
- Design, Visual Amenity and Impact on the Character and Appearance of the Area

- Residential Amenity
- Highway Safety, Access and Parking Provision
- Biodiversity
- Other matters

*Principle of development
This application seeks to change the use of the single household dwelling (Use Class C3) known as No 103 Newtown, to a residential children's home (Use Class C2) for up to 5 children/young adults, cared for by a maximum of five on site carers 24/7.

The Town and Country Planning (Use Classes) Order 1987 specifies Class C3 (Dwellinghouses) is used as sole or main residences by
(a)a single person or by people to be regarded as forming a single household;
(b)not more than six residents living together as a single household where care is provided for residents; or
(c)not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

The Town and Country Planning (Use Classes) Order 1987 specifies Use Class C2 as a Residential Institution for the provision of residential accommodation and care to people in need of care (other than a use within [Class C3. Dwellinghouses, used as sole or main residences].

With regards to the proposed use falling within Class C3(b), the use class order allows 'not more than six residents living together as a single household where care is provided for residents'. The starting point is to first establish as a matter of fact and degree, whether such a use would constitute a change of use from C3 to C2. The issue largely centres on whether a material change of use will occur and centres around two considerations. The first consideration is the number of persons residing at the address and the second whether they would be considered as a single household.

The proposal seeks the residential use of the building for the care of up to 5 children with a maximum of 5 care staff during the day and 3 during the night. Whilst the number of residents occupying the dwelling is not considered to exceed 6 as per Use Class C3b, the care provision would be offered on a shift basis meaning the staff would not reside at the address. It is established through case law (North Devon DC v SOS 30/01/2003) that the forming of the single household that requires the constant changing of supervising adults cannot be considered part of a single household, and neither can a child or children form a household by themselves. It is therefore considered the proposed use would not function as a C3b single household where care is provided by residents residing at the address and would be a material change of use. As such, planning permission is required and the application shall be determined in accordance with the development plan, unless material considerations indicate otherwise (NPPF, 2024).

Huntingdonshire's strategy for development is set out in Policy LP2 of the Local Plan and looks to concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities. Ramsey is considered a Spatial Planning Area as the local area has a sufficient number of services and amenities to accommodate residential development and its future occupants.

The application site comprising of a detached residential dwelling is surrounded by residential development to the south and west and commercial development to the east and north and as such is located in the built-up area of Ramsey. The application site is considered to be functionally, visually and physically within the built-up area of Ramsey.

Local Plan Policy LP7 states development on unallocated sites proposed for a residential institution use (class 'C2') will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement.

Local Plan Policy LP26 seeks to ensure that specialist housing development contributes to a range of attractive housing options for older people and those with specific needs, including self-contained housing (Class C3) and residential institutions (Class C2).

Local Plan Policy LP 26 states a proposal for a new residential institution or replacement or extension of an existing one (class 'C2') will be supported where:
e. it is easily accessible to shops, services, community facilities, public transport and social networks appropriate to the needs of the intended occupiers, staff and visitors;
f. the design meets or exceeds the standards set by the Care Quality Commission (or successors) regarding the safety and suitability of premises; and
g. in the case of existing care homes the proposal will lead to an improvement in the quality of care facilities provided.

In regard to criterion e of Policy LP26, the application site is approximately 0.2 miles from Ramsey High Street (Great Whyte) where residents of the children's home would have access to various shops, convenience stores, restaurants, banks and hairdressers. Further afield, facilities and services in Ramsey include a leisure centre, doctors surgery, dentist, golf and cricket club, infant and junior schools, collage school and large supermarket. In regard to public transport access, a bus service stops opposite the application site and approximately 8 minutes walk from the building is the New Road bus stop which has regular services to Huntingdon, St Ives, Peterborough and Chatteris. The application site is therefore, considered well located for intended occupiers, staff and visitors to access facilities and services via sustainable transport methods and therefore the proposal accords with criteria e.

It is acknowledged that third parties raised concerns regarding the suitability of the services and facilities in Ramsey for children and young adults. Notwithstanding this, Ramsey does have a number of leisure and recreational facilities and other sustainable settlements with a greater choice of leisure facilities can be accessed by public transport. Additionally, it is often considered that care homes for children and young persons are better located when within a residential community rather than segregated in institutions away from communities. Given the above, the proposed use of the building is considered appropriate in a residential area of a sustainable settlement.

Page 11 of the accompanying design and access statement confirms the proposed development would adhere to the standards set out by the Care Quality Commission. It is also noted that a letter from the applicant has been submitted as part of the application stating how the proposed use of the building as a children's care home would meet the Ofsted standards. Children's Services have been consulted as part of the application and whilst they raise no comment at the time of determination, Trust Care Cambridgeshire Ltd associated with the applicants Linden Lodge Property Ltd have been registered and operating as a residential nursing care company since December 2019 and operates residential institutions reviewed by the care quality commission. Given the applicant's commercial history of operating residential care homes, Officers are therefore satisfied that the proposed children's home would be operated to the standards of the Care Quality Commission and would accord with part f of Local Plan Policy LP 26.

This application is not applicable to criterion g as this application does not relate to an existing care home.

Whilst this proposed change of use would form a new residential institution in the built up area of Ramsey, which is supported by Local Plan Policy LP26, consideration should be made to the loss of a residential dwellinghouse (Class C3). Notwithstanding this, it is considered that the loss of one residential dwelling (Use Class C3) in a sustainable settlement would be outweighed as the proposed use would contribute to additional care provision for children with learning difficulties. Given the above, the proposed change of use of the dwellinghouse (C3 use class) to a residential children's home (Use Class C2) is acceptable in principle and accords with Policies LP2, LP7 and LP26 of the Huntingdonshire Local Plan to 2036.

*Design, Visual Amenity and Impact on the Character and Appearance of the Area
As the application site is located in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Local Plan Policy LP 34 aligns with this statutory duty and states a proposal within, affecting the setting of, or affecting views into or out of, a conservation area should preserve, and wherever possible enhance, features that contribute positively to the area's character, appearance and setting.

Furthermore, policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity.

Minor external alterations to the existing dwelling proposed as part of this application, which would involve the removal of garage doors and replacing them with sliding sash windows with stone cills and brick work to match the existing dwelling. The proposal would not create any additional built form or hard surfacing than already exists on site. The site would remain residential in character.

Additionally, C2 Use within residential areas and in detached dwellings is not considered unusual or out of character. It is often considered that care homes for children and young persons are better located when within a residential community rather than segregated in institutions away from communities.

There would be no alterations to the existing boundary treatments.

The Conservation Officer was consulted as part of this application and raises no objection to the proposal as the site is a non-listed site in a conservation area and the proposed works would not result in harm to the character and appearance of the conservation area.

As detailed in a preceding section of this report, the proposed change of use is in proximity to a designated historical asset known as 113 Great Whyte (a Grade II Listed Building). Given the 125-metre separation distance and intervening buildings and gardens between, the proposal is not considered to harm the setting of the listed building.

It is acknowledged that third parties raised concerns in respect of the installation of play equipment installed in proximity to the boundary of adjacent neighbours. Notwithstanding this, should the proposed development be permitted, the site would be unable to benefit from Permitted Development rights under Part 1 (Development within the curtilage of a dwellinghouse), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and as such the proposed installation of play equipment would be subject to an assessment by the Local Planning Authority.

On the basis of the above, it is considered that the proposal complies with Policies LP11, LP12 and LP34 of the Local Plan and Section 16 of the NPPF 2024.

*Residential Amenity
Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.

The closest residential dwellings to the application site are No. 89-101 Newtown Road to the southeast and No. 141-143 Great Whyte to the south and west. Due regard shall be paid to the residential amenity of the adjacent dwellings. It should be noted that No. 89-101 Newtown Road are single storey attached dwellings arranged in a courtyard, whereby the rear elevation of dwellings No.93 -99 form the shared boundary with No 103 Newtown Road (the dwelling subject to this application).

Overlooking
The applicants seek to make minor external alterations to the building to the font elevation of the dwelling involving the installation of two windows which would service a habitable room. The proposed windows would not pose any significant overlooking impacts by virtue of the 45m separation distance with the opposite neighbour No.86 Newtown Road.

It is acknowledged there are three openings on the rear elevation of Non's 99 and 97 Newtown Road which face onto the front garden of the application site. It appears one window services a bathroom due to obscured glazing. Two other openings are located on the southeastern boundary of the site potentially servicing habitable rooms. Nonetheless, the proposed installation of the windows shall be staggered from No. 103 and separated by approximately 23 metres and therefore views would be limited and would not be considered unacceptable in planning terms given the residential setting. Officers consider there would also be no harmful overbearing or overshadowing impacts to the occupants of No. 89-101 Newton Road as a result of the development.

All other habitable rooms and associated windows servicing such rooms would not be altered. Given the residential setting oblique overlooking into the rear amenity space of adjacent neighbours may occur however; the proposed use is not considered to intensify such issues as oblique overlooking already occurs.

Noise
Representations received raised concerns regarding the proposal and the associated noise impacts of the proposed change of use. Whilst it is acknowledged that activity and disturbance associated with traffic generation from the proposed use would be intensified, as shift changeover would occur around the hours of 08:00am and 20:00pm each day and this pattern of traffic is considered indifferent to the noise and disturbance associated with a residential dwelling (C3 Use). Furthermore, the parking area proposed for two additional vehicles is separated from the closest adjacent neighbours by 11.5 metres.

It is noted that third parties raised concerns regarding the noise impacts associated with the development. Whilst these concerns are acknowledged the children's home would be used by a maximum of 5 children and supervised at all times. Furthermore, the Environmental Health Officer was consulted as part of the application and raise no objection to the proposal with regard to noise impacts.

It is understood and accepted that noise from children and adults playing during reasonable times (daytime hours) is considered natural and therefore would not be able to be determined as a statutory nuisance. Therefore, no significant concerns of noise or disturbance at unsociable hours from the proposed use class (C2) are raised.

Whilst it is acknowledged the proposed use as a residential care home would intensify the use of the site by virtue of vehicle movements and volume of people using the building, the propsoal would not lead to unacceptable noise levels and disturbance. Furthermore, Officers consider there would be no harmful overlooking impacts on the occupants of adjacent dwellings. The proposal is considered acceptable in regard to residential amenity impacts and accords with Policy LP14 of the Huntingdonshire Local Plan to 2036 and paragraph 141 of the NPPF 2024.

*Highway Safety, Access and Parking Provision
Policy LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles. Furthermore, Policy LP16 of Huntingdonshire's Local Plan to 2036 also encourages sustainable transport modes.

Paragraph 116 of the NPPF (2024) states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual

cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

The accompanying design and access statement states that a minimum of 18 daily vehicle trips (weekday only) would be the worst-case scenario, presuming no walking, cycling car sharing or public transport use. In light of the intensified use of the site, Cambridgeshire County Council have been consulted as part of the application as the Local Highway Authority.

During the course of the application the submitted block plan was amended in response to comments made by the Local Highways Authority. The Highways Officer considered that traffic generated from the proposed residential institution would equate to much more than a single dwelling and as such the applicants seek to widen the access to accommodate 2.4m x 43m visibility splays an access width of 5m for 10m back. Following reconsultation of the amended plans the proposed access is considered acceptable by the LHA subject to the imposition of conditions.

In regard to onsite vehicle parking, a total of 8 parking spaces would be provided as part of the proposed use. 5 vehicle spaces would be allocated to staff, 2 for visitors and 1 for the house. Given HDC does not have a parking policy stipulating the number of vehicles to the proposed use and there is sufficient space to accommodate staff and other visitors on site, Officers are satisfied the parking provision is appropriate for the proposed use.

To encourage the use of sustainable transport methods a condition seeking the details of covered cycle storage, sufficiently sized to accommodate 1 cycle to 1 bedroom, can be imposed on any permission.

Given the above, the proposal can safely be accessed, provides sufficient parking for the future staff and visitors and would not cause significant safety issues to the surrounding highway network and therefore, the proposal complies with Local Plan Policy LP17.

*Flood Risk
As stated in a proceeding section of this report, the majority of the site including the dwelling is within Flood Zone 1, albeit a small northern corner of the site is located in Flood Zone 2. This means most of the site including the building subject to this application has a low probability of flooding and is therefore, not subject to the sequential and exceptions tests as set out within the NPPF. Furthermore, change of use applications are exempt from the sequential and exceptions tests as per the NPPG.

It is noted however that the site is subject to surface water flooding according to the latest Huntingdonshire Strategic Flood Risk Assessment (2024). Notwithstanding this, the submission of a flood risk assessment is considered unnecessary in this instance as the proposal does not involve an increase to built development on the site. It is therefore considered there would be no significant additional surface water run-off impacts from the proposed development. The proposal therefore accords with Policies LP5, LP6 and LP15 of the Huntingdonshire Local Plan to 2036 and Section 14 of the NPPF (2023) in this regard.

*Biodiversity
Policy LP30 of the Local Plan requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and ensure no net loss in biodiversity and provide a net gain where possible. Furthermore, Mandatory Biodiversity Net Gain (BNG) requirement came into place on the 2nd April 2024 for non-major Town and Country Planning Act development.

A Biodiversity Checklist accompanied this application for which ecological constraints on site have not been identified. As the application site primarily comprises of hardstanding, the dwelling itself and amenity grass its ecological value is considered to be low. Similarly, as the application does not seek external alterations beyond the existing footprint, except the formation of 23m2 hard surface to accommodate two car parking spaces, therefore impacts to priority, non-priority and linear habitats is negligible. This application is therefore exempt from mandatory BNG as per the de minims

threshold detailed in NPPG. The proposal is therefore considered to accord with Local Plan Policy LP30.

*Other Matters
Community Infrastructure Levy (CIL):
The development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

Unilateral Undertaking for Wheeled Bins:
Part H of the Developer Contributions SPD (2011) requires a refuse bin payment for new residential development. No.103 Newtown Road is serviced with a rubbish and recycling refuse bin as per the HDC refuse calendar information. The refuse bins already in use are considered sufficient for the institutional use of the building.

The proposed change of use would therefore not require a Unilateral Undertaking Form in respect of wheeled bins. The proposed development therefore accords with Policy LP4 of the Huntingdonshire Local Plan and the Developers Contributions SPD (2011).

Conclusion
Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that planning permission should be granted for the following reasons, subject to the imposition of relevant conditions, as the propsoal
* is acceptable in terms of principle of development
* would not have a harmful impact upon the character and appearance of the conservation area;
* would not have a significantly detrimental impact upon the amenity of neighbours;
* is acceptable with regard to parking provision and would not be detrimental to highway safety;
* is acceptable in terms of flood risk;
* would not have an adverse impact on biodiversity and geodiversity.

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CONTACT OFFICER:
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