

Hedge End, West End and Botley Local Area Committee – Monday 23 July 2018

Application Number: F/18/83174
Case Officer: David Huckfield
Received Date: Friday 11 May 2018
Site Address: TWINOAKS GUESTHOUSE, 43 UPPER NORTHAM ROAD, HEDGE END, SOUTHAMPTON, SO30 4EA
Applicant: Assure Healthcare Group
Proposal: Change of use from Guest House (Use Class C1) to children's care home facility (use Class C2) with associated changes to fenestration.
Recommendation: PERMIT

CONDITIONS AND REASONS:

- (1) The development hereby permitted shall be implemented in accordance with the following plans numbered: C18/028.01, C18/028.02, C18/028.03, C18/028.04, C18/028.05, C18/028.06, C18/028.07, C18/028.08. Reason: For the avoidance of doubt and in the interests of proper planning.
- (2) The development hereby permitted shall start no later than three years from the date of this decision. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- (3) The use hereby approved shall not be commenced until the following details of have been submitted to and approved in writing by the local planning authority:
 - i. Bin and cycle storage to serve the proposed use;
 - ii. Details of boundary treatments; and,
 - iii. Any ancillary external structures to be provided which are associated with the proposed use.

The development shall then be carried out in accordance with the approved details. Reason: In the interests of the amenity and to ensure the adequate provision of on-site facilities.

- (4) The premises shall be used only as a children's care home for up to five children, up to the age of 17 years old, and for no other purpose whatsoever (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking and/or re-enacting that Order with or without modification). Reason: In the interests of amenity and to ensure the provision of sufficient on-site car parking.

- (5) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match as closely as possible in type, colour and texture to those used on the existing building. Reason: To ensure a satisfactory visual relationship between the new development and the existing.
- (6) The development hereby permitted shall not be brought into use until the area shown on the approved layout plan (drawing number C18/028.05) for the parking of vehicles associated with the proposed use shall have been made available. This parking area shall thereafter be permanently retained and reserved for that purpose at all times. Reason: To ensure satisfactory parking provision in the interests of highway safety.

Note to Applicant: In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

1. This application has been referred to Committee because it is deemed to be controversial.

Description of application

2. The application seeks approval for the change of use of the property from a guest house / B&B which falls within the C1 (hotels and guest houses) use class, to a children's care home, a C2 (residential institutions) use. The home would provide care for a maximum of 5 children up to the age of 17 and with a range of care needs including autism, learning disabilities and challenging behavioural issues. The home would be run by the Assure Healthcare Group who operate a number of other care facilities within Hampshire providing a range of residential, personal and day care services.
3. The proposals include limited physical alterations to the building with some internal reconfiguration works to provide a communal living room on the ground floor of the property, as well as an enlarged bedroom at first floor level. In terms of external alterations, these are limited to changes to the fenestration associated with the room denoted as 'room 1' on the submitted proposed floor plans. This room is situated to the south-eastern corner of the property's ground floor level, with an existing window on its eastern side elevation to be bricked up and the current patio-style doors to its southern side to be replaced with a window.

The site and its surroundings

4. The application site comprises of a detached property set on a good sized plot. The building was originally constructed as a modest single-storey residential bungalow, with it having been extensively enlarged in the intervening period to create a large two-storey building of an L-shaped footprint. The property is presently used as a guest house comprising of 8 guest bedrooms with a communal dining area to the rear. The owners' living accommodation which is set across two-levels is situated in the property's front projection. Off-road parking is provided on a large area of hardstanding to the front, with there being amenity space which is largely laid to lawn at the rear. There are mature Oak trees on the site's eastern boundary to both the front and rear of the property which are subject to a Preservation Order. No works are proposed to these trees as part of the application.
5. The site is situated within the urban edge and falls to the northern side of Upper Northam Road, to the west of Hedge End centre. The surrounding area is predominantly residential in nature with dwellings of a mixture of designs and periods in the immediate vicinity of the application site. The Grange Nursing Home and Hedge End Baptist Church lie to the opposing side of Upper Northam Road to the south-west.

Relevant planning history

- Z/31342/000 – Change of use of ground floor from residential to veterinary surgery and first floor extensions to roof to provide staff flat – REFUSED (04/01/1990)
- Z/31342/001 – Ground and first floor extensions – REFUSED (23/08/1991)
- Z/31342/002 – Alterations and extensions to existing bungalow to form two storey dwelling house – APPROVED (05/03/1992)
- Z/31342/003 – Addition of dormer window in east elevation – APPROVED (12/10/1993)
- Z/31342/004 – Construction of detached garage to front of property – REFUSED (03/11/1999)
- Z/31342/005 – Construction of attached garage – REFUSED (22/05/2000)
- Z/31342/007 – Change of use to enable mixed use as dwellinghouse and guest house, construction of conservatory and re-positioning of dropped kerb – APPROVED (17/05/2002)
- F/05/55452 Change of use from guest house to day nursery for 60 children – REFUSED (11/01/2006)

Representations Received

6. A total of 40 letters of objection have been received in relation to the application with the following concerns being raised:
- Insufficient car parking for staff, visitors and deliveries.
 - Proposals will accentuate existing parking issues in the local area.
 - Highway safety and access concerns.
 - Limited public transport options in the local area.
 - Increase in vehicle emissions, noise and pollution.
 - The impacts of the proposals are different to those of a guest house in terms of movements and turnaround in visitors, with the owners being the only permanent residents on any given day.
 - The location of the site along a busy road will put future residents in danger.
 - The facility is not ideal for children due to noise and traffic causing disturbance for them and the rear amenity area is not large enough.
 - The location is unsuitable for this type of use.
 - Impact on the character of this predominantly residential area.
 - The description of the proposals as a children's care home is misleading as operators provide care for adults.
 - Lack of information provided in relation to proposed use.
 - Concerns regarding anti-social behaviour and impacts on community and public safety as a result of residents and the nature of the use.
 - Concerns that the site will be used for people with substance misuse.
 - Hedge End does not have the infrastructure or health amenities to support adult health and social care needs, especially for substance misuse.
 - There is no need for this facility in the local area.
 - Does not fit in with the local demographic which is elderly or retired people.
 - Loss of value to surrounding properties.
 - Impact on safety and security at nearby nursing home.
 - Lack of notification on application.
 - Impacts on neighbouring amenity through noise, disturbance, overlooking and smells.
 - The rear boundaries of the site are not secure.
 - Impacts from possible location of bin stores, smoking shelters and additional boundary treatments.
 - Concerns regarding possible use of shed in rear garden for activities associated with the care use and possible disturbance arising from this.
 - Overdevelopment.
 - The application setting a precedent for further such changes of use which will erode the character of the area.
 - Impacts on protected Oak Trees on site.
 - Impacts on trees along rear boundary.

Response to representations received

7. The matter of the impact of the proposals upon the value of property or the effect of the development upon neighbouring residents' ability to sell their homes in future is not a material planning consideration and therefore cannot be taken into account when determining this application.
8. In respect of concerns regarding the application setting a precedent for other similar facilities in the area in future, each case must be considered upon its own merits and the acceptability of other such uses, if these were to be proposed, would have to be considered by the local planning authority at the time and based upon the specific impacts and context of the particular application submitted.
9. In terms of the matter of the perceived lack of clarity in the application in regards to the proposed use, the applicant has provided an additional statement in response to the third party representations received and at the request of the local planning authority. This, amongst other things, confirms that whilst the applicant also provides care facilities for adults elsewhere, the use proposed is for a children's care home as stated on the application form. In the interests of clarity, a child is anyone under the age of 18 years old.
10. In terms of the publicity undertaken for the application, this was carried out by the local planning authority in accordance with the Council's adopted notification procedures and the relevant statutory requirements of the General Permitted Development Order.
11. The other matters that have been raised in regards to highway safety, amenity and the impact upon the character of the area are considered in the below assessment of the proposals.

Consultation Responses

12. **Hedge End Town Council** – Objection on the grounds of the proposals being out of keeping for that specific local area coupled with parking hazards, highway safety concerns and potential on-street parking issues from the nearby nursing home.
13. **Hampshire Highways** – No objections on highways grounds
14. **Environmental Health Specialist** – The existing use is as a guest house therefore there are currently vehicle movements to and from the facility, not associated with a residential use. Within the additional information provided it is noted that the number of staff to children ratio is high, 3- 4 staff to 5 children, therefore the supervision should ensure control on issues such as noise.
15. There are neighbouring properties next to the proposed care home and also a neighbouring property to the rear of the garden area. There is a nursing home across from the proposed care home. The house structure

should contain any noise from residents however in warm weather they may wish to ventilate the house which would mean opening of windows and therefore if there is internal noise from the occupants this could become an issue. In addition the dining area is a conservatory and this will not contain noise as well as the brick built house structure.

16. Based on the additional information provided by the applicant on the proposed use, there is the potential for noise to cause an impact on residential amenity if any of the residents do have vocalisation issues and windows are open, and the use of the garden area is intended. There is a shed proposed at the rear of the garden area but there are no other garden buildings proposed.

Policy Context: Designation Applicable to Site

- Within Built-up Area Boundary
- Within Established Residential Area
- The Site is Subject to a Tree Preservation Order (TPO 277)

Legislative provisions, development plan saved policies, emerging local plan policies, SPD's and National planning policy

Legislative provisions:

17. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a local planning authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

18. At the current time the Development Plan for the Borough comprises the Saved Policies within the Eastleigh Borough Local Plan Review (2001-2011) and the Hampshire Minerals and Waste Plan (October 2013).

The Eastleigh Borough Local Plan Review 2001-2011

19. The Eastleigh Borough Local Plan Review 2001-2011 (the adopted Local Plan) was adopted in May 2006. In November 2008, the Council submitted a list of proposed Saved Policies to the Secretary of State with a request that they be saved until they could be replaced by a new Local Development Framework. The policies detailed below were saved and are considered to be of relevance to the development proposals.
20. Saved policy 59.BE requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, that development has a satisfactory means of access and layout for vehicles, cyclists and pedestrians, makes provision for refuse and cycle storage

and avoids unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, and noise, disturbance and fumes.

21. Saved Policies 100.T, 101.T and 104.T refer to highway related matters and respectively require that development be sited where it is, or could be, well served by sustainable modes of travel, includes measures that minimise its impact on the highway network, make provision for developers contributions towards transport improvements where additional trips will occur on the network, and provide for adequate off-road parking to serve the development or use proposed.

Emerging Local Plan Policies

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014:

22. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While this has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application.

Emerging Eastleigh Borough Local Plan 2016-2036:

23. The Council is at the pre-Submission publication stage (Regulation 19) of the emerging Eastleigh Borough Local Plan for the Period 2016 – 2036. The current consultation stage runs from 25 June until 6 August 2018 with submission to the Secretary of State scheduled for Autumn 2018. The adoption of the Local Plan is anticipated in Summer 2019. Given the status of the emerging Plan, it is considered that limited weight can be attributed to it.
24. In respect of this application, the relevant policies of the 2011-2029 and 2016-2036 plans essentially echo the requirements of those of the adopted local plan as listed above and are not therefore considered to effect the recommendation put forward.

Supplementary Planning Documents

- Quality Places
- Residential Parking Standards
- Accommodation for Older People and Those in Need of Care
- Planning Obligations

National Planning Policy Framework

25. At a national level, The National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications.

National Planning Practice Guidance

26. Where material, this guidance should be afforded weight in the consideration of planning applications.

Assessment of Proposal

Principle

27. The application site lies within the urban edge within the Council's adopted Local Plan, where the basic principle of development is considered to be acceptable. In addition, the Council's adopted Supplementary Planning Document: Accommodation for Older People and Those in Need in Care states, specifically in respect of conversions relating to care-based uses, that within the urban edge the re-use of buildings for C2 purposes is deemed to be appropriate in certain circumstances, such as where there is no conflict with openness and the proposals are in keeping with their surroundings.
28. It is considered therefore that the general principle of a C2 use in this location is acceptable. The granting of any formal planning approval, however, is subject to the exact nature, design and impact of the specific use and development proposed being considered to be appropriate and in accordance with the relevant local plan policies and supplementary guidance as set out above.

Layout, design and impact on the character of the area

29. In terms of the impact of the proposed use on the character of the area, concerns have been raised within the representations received regarding the appropriateness of a care home of this nature being sited within what is a substantively residential area and how this may change or affect the locality. The issue of the potential or perceived associated impacts which have been cited by residents in respect of amenity are considered in the section below, however, in regards to the appropriateness of the siting of the use within such an area, the Council's adopted SPD on Accommodation for Older People and Those in Need of Care, sets out provisions and guidance in relation to the matters of the location, accessibility and integration with the community, of care uses.
30. This SPD emphasises (paragraph 4.23 – 4.24) the importance of residents being in close proximity to adequate services and facilities to cater for their needs, and that the local area should also provide opportunities for residents to integrate with the local community, in order to improve their quality of life. These point are also highlighted within National Planning Policy, with Paragraph 69 of the NPPF setting out that "the planning system can play an important role in facilitating social interaction and creating, healthy and inclusive communities", with one of the core planning principles of the Framework (paragraph 17) being that planning should "take account of and support local strategies to improve

health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.”

31. The applicant, within the supporting statement provided, has also alluded to similar considerations. This statement sets out that best practice highlights the importance of placements for children who require more specialised provision being such that appropriate access to the support of services within the local area is provided. It also emphasises the need for children requiring such provision to be placed as close to their existing family networks and support systems as possible, with this, as well as the collaboration of the services and the wider community, helping to ensure that children are able to grow both knowing and feeling part of their community, as well as aspiring to make a positive contribution to it.
32. Providing care in the community has long been promoted for people with varying needs and is often the best way in which to ensure that those needing help have the opportunity to integrate and thrive within their communities. The siting of a facility such as this within a residential area is therefore considered to be appropriate and is supported by both local and national planning policy. It is also a material consideration that the use, similar to the present guest house, also falls within the umbrella of the planning ‘C’ use classes which covers a range of residential uses. The intensity of use will also not be significantly different to at present, with a maximum of 5 children and their carers not being deemed to represent a materially greater level of potential occupation than what it is currently an 8-bedroom guest house with ancillary owners’ accommodation.
33. The proposals also incorporate very limited alterations to the exterior of the building, with these comprising of fenestrational changes to two ground floor windows which serve the room denoted as ‘room 1’ on the submitted floor plans. These changes involve the removal / bricking-up of an existing side facing window, as well as an existing set of patio doors within the building’s front elevation being changed to a window. These changes in themselves are not considered to have a significant impact upon the exterior of the property or how it would visually appear within the street scene relative to the present guest house use. Taking account of all the above factors it is not deemed that the proposals would undermine or significantly materially alter the prevailing character of the area. Similarly, whilst the comments in regards to the loss of a guest house facility in the local area are noted, there is nothing in planning policy terms that prevents against the loss of such uses.
34. A number of the third party representations received have also alluded to potential further works including bin stores, changes to front boundary treatments and additional structures such as smoking shelters being placed within the rear garden of the property, which it is understood may have resulted from a consultation event held by the applicant. Further concerns have been raised in regards to the adequacy of existing rear boundary treatments. These works are not covered within the submission and depending upon their nature and extent may or may not require

planning permission. In order to ensure that these works are appropriate and do not affect amenity of parking arrangements, as well as in the case of bin and cycle storage ensure adequate provision, a condition is recommended to require details of these measures prior to the use proposed commencing.

Traffic, Parking & Highway Safety

35. A number of concerns have been raised by neighbouring residents in regards to highway safety issues, with these pertaining principally to additional traffic generation and notably parking, with there reportedly being existing problems in the immediate area in this regard. These concerns relate to on-site parking provision for staff and visitors and whether there is sufficient useable space on the site frontage to ensure that on-street parking, which could result in obstruction to neighbouring residents and to the public highway itself, would not be required.
36. The application property has a relatively large frontage area which is laid to hardstanding and, as shown on the submitted site layout plan, is capable of accommodating parking for at least 5 vehicles, with additional space being physically available if tandem parking were to be utilised. Whilst the Council's Residential Parking Standards SPD does not contain a specific standard for children's care homes, it is considered that the requirements are comparable to those of a nursing and rest home with residents themselves being unlikely to drive or use cars but parking being necessitated for visitors, healthcare professionals and on-site staff. The parking requirement for uses of this nature within the Council's SPD is 1 car parking space per 6 bedrooms plus 1 space per staff member. Based upon 5 residents residing in the property and up to 4 members of staff being present, this equates to a total parking requirement of 5 spaces which the development would provide for.
37. It is also necessary to have regard to the existing authorised use of the building, with this currently being used as a guest house with up to 8 rooms available, in addition to the owners living area within the premises. The proposed occupancy therefore, which incorporates a maximum of 5 children in addition to care staff, overall would not be considered to generate significantly more traffic or parking than the existing premises which could, if at capacity, result in a similar or greater level of occupancy. As such, the highways authority has raised no objection to the application and it is not therefore considered that the scheme would have an unacceptable impact on highway safety within the area such as to justify the refusal of the application on these grounds.

Amenity of neighbours and wider area

38. Concern has been raised within the objections received that the proposed use of the property as a residential care home will lead to anti-social behaviour within the local area, to the detriment of the amenity of neighbouring residents. Further issues have been raised in regards to the

impact upon the privacy of neighbouring residents, as well as the possibility of disturbance which could impact upon amenity, with the latter point having also been referenced by the Council's Environmental Health Specialist.

39. In respect of the first of these matters, whilst acknowledging that the residents of the facility will have a range of varying complex needs which require specialist care, there is considered to be nothing to indicate that problems of crime or anti-social behaviour will result from the presence of this facility in this location or that this would provide sufficient grounds in planning terms to justify the refusal of the application. The proposal is for a modest sized home which would provide care for no more than 5 children at any one time, with these children being under the care and supervision of specialist staff. The care home would also be subject to strict legislative requirements, outside of the planning process, which cover care uses of this nature and the facility would be registered and regulated by Ofsted, who have their own audit and inspection framework to ensure that the home is run in accordance with the relevant standards. In terms of the question raised as to whether or not the facility could in future provide care for adults, a condition can be imposed to control the use of the facility which includes restricting both the age as well as the number of residents for which care can be provided.
40. In regards to the matter of intrusion of privacy and overlooking, as noted above there are very limited external alterations proposed to the building, with none of these being at first floor level. The use will also remain residential in nature and whilst being different to a guest house, it is not considered that there will be any unacceptable material increase in levels of overlooking resulting from the change of use.
41. The potential for disturbance to occur has also been cited by residents and is alluded to by the Council's Environmental Health Specialist in their consultation response with regards to the specific matter of possible vocalisations from residents when using the property's rear garden or if the property windows are opened. In terms of the question of movements first of all, whilst acknowledging that patterns may differ to some degree, overall levels would not be considered to be materially greater than the present use of the building as a guest house and it would be very difficult to justify therefore that a undue level of disturbance would result in this regard.
42. Similarly, in terms of possible noise from residents, given the limited level of occupancy with a maximum of 5 children being cared for and taking account of the size of the property, which if it was a residential dwelling could house a large family with a comparable number of children, whilst acknowledging that there may be occasional instances of disturbance it is not considered that this would be such a regular occurrence as to justify substantive harm to amenity or to warrant a clear and justifiable reason for refusal. Similarly, it would not be reasonable to impose conditional restrictions on the use of the external garden area as this would unduly

restrict the nature of the use applied for, to the extent that any such condition would fail to comply with the test of reasonableness as set out in paragraph 206 of the NPPF.

43. Finally in regards to amenity, it has also been suggested within the representations received that the external space would not be sufficient for the number of proposed occupiers and that the location of the site on a relatively busy main road would put the occupants at risk. However, as noted above, as a guest house or indeed as a dwelling of this size accommodating a large family, the property could result in similar levels of occupation and the locational characteristics are or would be the same for these uses. As noted above, children within the home will also be cared for and supervised by trained staff in order to ensure their safety.

Planning Obligations/Considerations

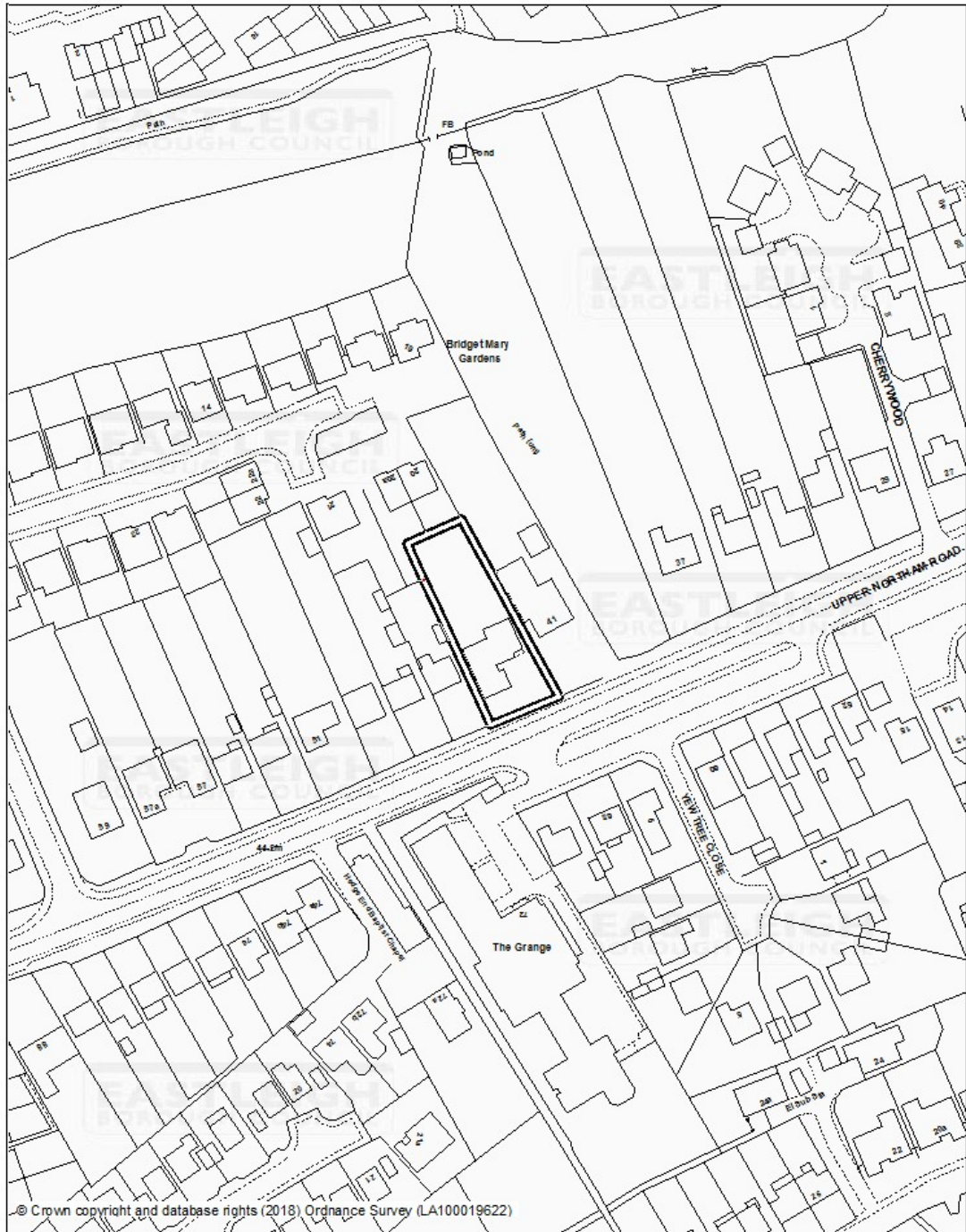
44. It is not considered that the proposed development would result in an increase in trips to and from the site relative to its current authorised use as a guest house. Accordingly, there is deemed to be no requirement for developer contributions towards sustainable transport measures. There are no other planning obligation requirements associated with the use proposed.

Other Material Considerations

45. None.

Conclusion

46. In conclusion, whilst the concerns and objections that have been raised by neighbouring residents are acknowledged, it is considered that the proposals comply with the relevant local and national planning policies and guidance and, accordingly, it is recommended that planning permission be granted for the change of use of the building to a children's care home, subject to the conditions listed at the outset of this report.



Title:

Scale:
1:1250
Map Ref.
SU4812NE
Date:
12/07/2018

