

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2023/0989/FULL
Location: 48 The Runway Hatfield AL10 9GL
Proposal: Change of use of a dwelling (C3a) to a children's home (C2) for a maximum of four children
Officer: Ms Ashley Ransome
Recommendation: Refused

6/2023/0989/FULL

Context	
Site and Application description	<p>The application site is located at the far end of the long cul-de-sac of The Runway and consists of a two-storey detached dwelling.</p> <p>The proposal involves the change of use from dwellinghouse (Class C3a) to children's home (Class C2). Under the proposal, the property would become a long-term home for up to four vulnerable children aged 8 to 18 years. The home would have a registered manager, who is also a carer, working between the hours of 9am – 5pm and two care staff working on a rota basis, thus totalling three members of staff at any one time. None of the staff would reside at the property, but one staff member would stay overnight, each night as a waking night.</p> <p>It should be noted that a recent Certificate of Lawfulness for the change of use from C3 dwellinghouse to C2 residential institution was refused for the following reason:</p> <ol style="list-style-type: none"> 1. The proposed use of the property as a children's home (C2 Residential Institution) is considered to represent a material change of use from that of the existing C3(a) (dwellinghouse) for the reasons set out within the report. Planning permission is therefore required.
Constraints (as defined within WHDP 2005)	<p>SAG - 0 - Distance: 0 LCA - Landscape Character Area (De Havilland Plain) - Distance: 0 PAR - PARISH (HATFIELD) - Distance: 0 Wards - Hatfield Villages - Distance: 0 WCCF - Watling Chase Community Forest - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 A4DAS - Hatfield Additional Storeys Article 4 Direction - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7588238) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7661643) - Distance: 0 HAT - Hatfield Aerodrome - Distance: 0 HEN - No known habitat present (high priority for habitat creation) - Distance: 0 HEN - No known habitat present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 HHAA - Hatfield Heritage Assessment Area (Hatfield Business Park) - Distance: 0</p>

Relevant planning history	Application Number: 6/2022/2506/LAWP Decision: Refused Decision Date: 24 April 2023 Proposal: Certificate of lawfulness for the change of use from C3 dwellinghouse to C2 residential institution		
Consultations			
Neighbour representations	Support: 0	Object: 10	Other: 0
Publicity	Neighbour Letters		
Summary of neighbour responses	<p>10 neighbour representations have been received, all objecting to the proposal. Below is a summary of the representations raised:</p> <ul style="list-style-type: none"> • This is a private residential area which is already has an influx with numerous HMO properties resulting in an overload of students and cars (approximately 6 per property), lots of noise, disturbance and nuisance, not to mention overloads of rubbish due to the already overcrowded area. • The location of no.48 is currently in a secluded private section of the estate & therefore we object to the requested application taking into account the reasons mentioned above plus the negative impact to property prices, safety, & the number of additional people coming & going this would bring. • Sufficient notice was not provided to the neighbours to allow for adequate comment on the planning application for 48 The Runway. The lack of proper notification undermines the principles of transparency and community engagement that should underpin the decision-making process. It is imperative that all affected parties have the opportunity to voice their concerns and contribute to the evaluation of proposed developments. Therefore, I request that the planning department reconsiders the timeline and ensures that ample notice is provided to the neighbours, allowing them sufficient time to review the application and submit their comments. • Concern over the management and maintenance, such as overflowing bins, unkept gardens and general mess and disturbance. • The mention that staff will be “encouraged” to take public transport and not use their cars sounds far more like a quiet suggestion. The parking and roads are already extremely limited as it is and having 4 additional cars (2 of which will have to be on the greenery off road) will damage the local environment and busy the street far too much. • The property has a drive suitable for only 1.5 vehicles - it would not be practical to use the tandem garage behind the drive for the 2 members of staff plus frequent visitors from the health service, social services, other professions and family members visiting the children. • The operation of a 24-hour care facility necessitates the continuous presence of support staff, which will significantly increase the number of vehicles entering and existing the property. • This will increase traffic on an already congested and crowded street. • The mention of CCTV in each Childs room makes me uncomfortable for two reasons. One of which is it insinuates that they have no privacy, the second is if they are troubled children and therefore NEED constant supervision. The presence of CCTV can inadvertently suggest an anticipation of anti-social behaviour within the facility. The neighbourhood already has many 		

	<p>students that cause issues from time to time. With this addition, this would make more difficult.</p> <ul style="list-style-type: none"> The requested change of use contradicts the existing covenant. The property's covenant specifically restricts any commercial or business activities, and converting it into a care home for children would clearly fall under this category. Granting permission for such a change would set a precedent that undermines the purpose and integrity of the covenant.
<p>Consultees and responses</p>	<p>Hatfield Town Council:</p> <ul style="list-style-type: none"> No response received. <p>Hertfordshire Constabulary:</p> <ul style="list-style-type: none"> In the absence of a documented procedure, such as mentioned above, I would not be able to support this application. It is difficult to predict the impact that this facility could have on the neighbourhood. The increasing numbers of such applications is causing discussions to be had at a national level within police, and emerging evidence suggests that these homes, unless carefully managed, are causing real problems for the local population. What I would have wanted to see is a strong and robust documented procedure around how problem behaviour and disruptive children would be dealt with to prevent it being an issue for other people living nearby. Whilst the desire to provide as near as is possible a caring home life for these individuals is laudable, the potential for them to be disruptive to others is a real issue. CCTV would certainly be necessary to record the comings and goings of visitors to the home and should also cover the immediate surrounds of the home. <p>WHBC Client Services:</p> <ul style="list-style-type: none"> No impact on existing ARRC collections. The property would receive a larger 360l refuse bin and standard 240l recycling bin plus a food waste caddy. <p>Children's Services, Hertfordshire County Council:</p> <ul style="list-style-type: none"> Any provision wishing to operate as a Children's Home must be registered with Ofsted and there are strict regulations in place governing children's residential provisions. A service would not be a lawful provision without such registration being in place. Modern children's homes are intended to be very much like a family home where young people live in a setting as close to family life as possible. The staff look after them 24 hours a day and ensure that they have access to education and a range of activities for their wider wellbeing. <p>WHBC Public Health and Protection:</p> <ul style="list-style-type: none"> Planning permission can be permitted, subject to conditions.
<p>Relevant Policies</p>	
<p><input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others: R19, D9, H3, H4, H9</p>	

The Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023) (Draft Local Plan):

SP1 Delivering Sustainable Development
 SP7 Type and Mix of Housing
 SADM9 Loss of Residential
 SP9 Place Making and High Quality Design
 SADM11 Amenity and Layout
 SADM12 Parking, Servicing and Refuse

Main Issues

Principle of Development

Loss of Residential:

As outlined, the application will involve the change of use of a family residential unit (C3) to a children’s home (C2), would result in the loss of a dwellinghouse. Policy H3 of the Welwyn Hatfield District Plan 2005 is therefore relevant.

Policy H3 outlines that “Planning permission will not be granted for the redevelopment or change of use of premises which would result in a net reduction in the number of dwellings in the district”. Policy SADM9 of the Council’s Emerging Local Plan 2016 is similar.

Notwithstanding the loss of a C3 unit, the proposed development will provide a children’s home which would still be a form of residential use. Therefore whilst there is a conflict with the wording of the policy, there would not be a loss of residential accommodation and, as such, this conflict would not amount to reasonable grounds to withhold planning permission.

Special Needs Housing:

Regard should also be had to Policy H9 of the Welwyn Hatfield District Plan 2005 for Special Needs Housing.

Policy H9 sets out that “The Council will grant permission for schemes which provide special needs accommodation particularly in town centres or in areas which are close to community facilities and services. Incorporation of special needs housing schemes in residential development in central areas will be encouraged”. In particular, Policy H9 refers to young people at risk. Similarly, within the Council’s Emerging Local Plan 2016, Policy SP7 sets out the type and mix of housing to be delivered, which includes specialist housing. Specialist housing comprises a mix of people who require to live in an environment providing care, including vulnerable people.

As such, it is considered that the proposal of a children’s home would provide young people at risk/ vulnerable people a safe place to reside, which is considered to meet with Policy H9 of the Welwyn Hatfield District Plan 2005 and Policy SP7 of the Council’s Emerging Local Plan 2016.

Design (form, size, scale, siting) and Character (appearance within the streetscene)

No external changes are proposed. The character and appearance of the existing property would therefore not be altered and thus no assessment is required in this regard.

Future occupants living standards

All proposals for residential use should meet, as a minimum, the National Described Space Standard, unless it can be robustly demonstrated that this

	<p>would not be feasible or viable. As such, in considering the quality of accommodation provided for future occupants, the National Technical Housing Standard, is a material consideration.</p> <p>From observing and measuring the submitted floor plans, it is considered that all bedrooms that are proposed (two on the first floor (one single, one double) and two on the second floor (both doubles), along with a staff office on the first floor) within the property meet the National Technical Housing Standard, and as such, future occupants will have sufficient internal living space.</p> <p>Policies H4 and D1 of the District Plan and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes but space should be functional and usable in terms of its orientation, width, depth and shape.</p> <p>The property benefits from a garden to the rear which is considered to be commensurate to the size of the dwelling.</p>
<p>Impact on neighbours</p>	<p>The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p> <p>Policies D1 and R19 of the District Plan, as well as Policy SADM11 of the Draft Local Plan, seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.</p> <p>As there are no external alterations proposed, it is considered that the proposed change of use to a children’s home would not give rise to material adverse impact on the occupiers of adjoining or surrounding properties by reason of loss of light, privacy, overshadowing, overlooking or overbearing impact.</p> <p>The impact of the proposed use is more nuanced. It is acknowledged that the number of occupants residing at the site would be no different to a large family and the use as a children’s home is still in residential use. However, the way a care home is used could potentially give rise to a greater level of disturbance compared to a C3(a) dwelling.</p> <p>The use is likely to generate significantly more activity compared to a family home and the occupants themselves may be more likely to generate noise, for example, through shouting. Similar concerns have been expressed by Hertfordshire Constabulary in their representation. It is acknowledged that noise levels would vary depending on factors such as the number of children, their ages, care needs, supervision, and the management of the facility. Nevertheless, it is considered that a children’s home has a greater potential to be noisier when compared to a dwellinghouse and the applicant has submitted insufficient information to overcome this concern.</p> <p>Depending on the care needs of the occupants, the proposed use will generate a significant increase in the number of visitors to the site (shift workers, various health visitors, family visitors, day care mini-buses, emergency vehicles, caterers, clinical waste collections, cleaners, building & garden maintenance</p>

	<p>workers, etc.) which would likely result in significant adverse amenity impacts for neighbouring residents. The increase traffic, noise and potential disturbances associated with a care home would result in a significant departure from the established character and nature of the existing use of the property as a C3 dwellinghouse.</p> <p>Given the proximity of adjoining properties and the relative high density of the surrounding development, for the reason set out above, it is considered that the proposed use would result in significant detrimental impacts upon neighbouring amenity contrary to Policies D1 and R19 of the District Plan; Policy SADM11 of the Draft Local Plan; and the NPPF.</p>
<p>Access, car parking and highway considerations</p>	<p>In terms of parking, paragraph 105 of the NPPF states that in setting local parking standards, authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles.</p> <p>Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings.</p> <p>For a C2 use with care staff on premises at all times, the SPG guidelines suggest that one space per five residents' bed spaces is provided, plus one space per two staff. With four children to be cared for by six full-time equivalent staff, this would equate to four off-street parking spaces.</p> <p>The site currently benefits from a single driveway and a single garage. However, the garage does not realistically provide a useable parking space for most vehicles. This is based on the Interim Policy for Garage Sizes as set out within the Interim Policy for Car Parking Standards and Garage Sizes whereby it states that '... domestic garages have a genuine ability to be used for the intended purpose by being at least 6 metres long by 3 metres wide and sufficiently tall to accommodate modern cars'. Whilst no plans have been provided in respect to the internal sizing of the existing garage at the application site, upon measuring the garage door when visiting the site, it was observed that this measures approximately 2.2 metres in width (garage door) which is a significant shortfall.</p> <p>The recent appeal decision at 8 Thistle Drive in Hatfield (APP/C1950/D/22/3305204) is a material consideration in relation to garage parking. This appeal allowed a retrospective garage conversion to habitable space. The Council had refused the planning application on the grounds of the unacceptable loss of a parking space and resultant impact on the safety and operation of the highway network. However, the Inspector concluded that the garage was redundant due to its impractical size since the dimensions of the garage were smaller than the dimensions set out within the Interim Policy for Car Parking Standards and Garage Sizes. The Inspector opined that the</p>

	<p>garage at No.8 Thistle Drive “made no, or at best a questionable, contribution to off-road parking”.</p> <p>While the garage at the application site might be suitable to park a small car, it would be too narrow to accommodate most modern cars given the space needed for a person to enter and exit the vehicle. A car parked on the driveway in front of the garage would also prevent the use of the garage for parking. As a result, drivers of most vehicles would choose to park on the road near to the application site.</p> <p>During a recent site visit, Officers witnessed a considerable number of vehicles parking on the street. No vehicles were parked on verges or footways as there are restrictions in place. A restriction between 8am-6pm Monday to Friday is also in place to allow only resident permit holders to park between these times. Representations from neighbours also refer to the difficulties arising from the pressure for on-street parking in the local area, which the development would worsen.</p> <p>The Runway and the surrounding area is built to a relatively high density and sees driveways, garages, narrowing of roads and a tight highway geometry, and these features, together with parking controls, limit the ability to conveniently or safely park on the highway. The proposal would add to parking pressures within the vicinity, and this would be harmful to the convenience and safety of other road users.</p> <p>The proposed parking arrangements are neither safe nor suitable to safely cater for the traffic movements from the application property. In addition, any displaced parking and increase in parked vehicles along the narrow street road would add to the cluttered nature of the environment and as such would cause some, albeit limited harm to the character and appearance of the area.</p> <p>It is acknowledged that the application site is close to local shops and facilities and to bus routes and so public and other non-car means of transport are viable travel options. However, given the particular circumstances of the proposed use discussed above, it is concluded that the development does not provide adequate off-street parking to the detriment of highway safety and character and appearance of the area. As such, the proposal conflicts with Policy M14 and D2 of the Welwyn Hatfield District Plan 2005; the guidance in the Council’s Supplementary Planning Guidance Parking Standards 2004 and the Interim Policy for Car Parking Standards and Garage Sizes. Together, these policies and guidance aim to ensure that development achieves a sensible level of parking taking into account existing standards, national policy, and local circumstances.</p>
<p>Any other considerations</p>	<p><u>Refuse and Recycling:</u></p> <p>With the site remaining in residential use, there would be no change to the existing waste storage and collection from that of the existing C3 residential use.</p> <p><u>Covenants:</u></p> <p>It is acknowledged that a neighbour representation raised a concern regarding a covenant on the property whereby the representation states that “<i>the property’s covenant specifically restricts any commercial or business activities, and converting it into a care home for children would clearly fall under this</i></p>

	<p><i>category. Granting permission for such a change would set a precedent that undermines the purpose and integrity of the covenant.”</i></p> <p>Whilst the above is noted, matters relating land ownership and restrictive covenants are not protected by planning legislation and therefore carry little weight in determining planning applications. A decision to grant planning permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts.</p> <p><u>Neighbour Notification:</u></p> <p>Concerns have been raised regarding the lack of notification of this application to neighbours by the Council. Statutorily, the Council is required to notify any neighbouring property that adjoins the site boundary. The Council undertook the necessary neighbour notifications, as well as going above and beyond the statutory requirement by notifying numerous other neighbouring properties within the surrounding area.</p> <p><u>Other issues</u></p> <p>planning is concerned with land use in the public interest, not private interests such as impact on neighbouring property values and internal CCTV cameras.</p>
<p>Conclusion</p>	
<p>For the reasons set out above, the proposed use would result in significant detrimental impacts upon neighbouring amenity contrary to Policies D1 and R19 of the District Plan; Policy SADM11 of the Draft Local Plan; and the National Planning Policy Framework.</p> <p>In addition, the proposed change of use would result in increased vehicular traffic, as staff, visitors, and service providers will need access to the property. The proposed development fails to provide adequate off-street parking and displaced on-street parking would be detrimental to highway safety and cause harm to character and appearance of the area, contrary to Policy M14 and D2 of the Welwyn Hatfield District Plan 2005; the guidance in the Council’s Supplementary Planning Guidance Parking Standards 2004; the Interim Policy for Car Parking Standards and Garage Sizes; and the National Planning Policy Framework in this regard. It is therefore recommended that planning permission is refused.</p>	

Reasons for Refusal:

1. The proposed change of use from a dwellinghouse (Use Class C3) to a children's care home (Use Class C2) for up to four children with learning difficulties would likely result in significant disturbance and harm to the residential amenity of neighbouring occupiers in terms of noise and activity levels, contrary to Policies D1 and R19 of the District Plan; Policy SADM11 of the Draft Local Plan; and the National Planning Policy Framework.
2. The proposed development fails to provide adequate on-site parking and displaced on-street parking would likely have an unacceptable impact on highway safety and cause harm to character and appearance of the area, contrary to Policy M14 and D2 of the Welwyn Hatfield District Plan 2005; the guidance in the Council’s Supplementary Planning Guidance Parking Standards 2004; the Interim Policy for Car Parking Standards and Garage Sizes; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

3.

Plan Number	Revision Number	Details	Received Date
		Location plan	9 May 2023
48TR-DRA-01		Existing Layout Plans	9 May 2023
48TR-DRA-03		Proposed Layout Plans	9 May 2023
48TR-DRA-02		Block Plan Existing	11 May 2023

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Determined By:

Mr Mark Peacock
12 July 2023