

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01539/FP	Change of use from an HMO (Use Class C4) to a Children's residential home (Use Class C2)	44 Sparhawke Letchworth Garden City Hertfordshire SG6 4PX

Submitted Plan Nos

Location plan (1:1250) Location plan (1:2500) 24068 - 001 24068 - 010

1.0 Policies

HS3	Housing mix
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HS4	Supported,sheltered,olderpersonshousing
D3	Protecting living conditions
SECN5	Delivering sufficient supply of homes
SP1	Sustainable development in North Herts
SP9	Design and Sustainability
T2	Parking
SPDVP	Vehicle Parking at New Development

2.0 **Site History**

- 2.1 19/01818/FPH Retention of detached outbuilding in rear garden to serve as ancillary living accommodation for 6 bed HMO REFUSED
- 2.2 19/02596/FPH Retention of detached outbuilding in rear garden to serve as ancillary living accommodation for 5 bed HMO CONDITIOANL PERMISSION
- 2.3 24/01544/LDCP Use of the property as a children's home for up to four children **TO BE DETERMINED**

3.0 **Representations**

3.1 **Statutory Consultees**

- 3.1 **North Herts Environmental Health** – No objection

I have no objection and no comments to make on the proposals.

3.2 Crime Prevention Design Advisor – Hertfordshire Constabulary - Objection

- ❑ *As you are aware both national and local planning policy state that applications and decisions should take matters regarding crime, disorder, and the fear of crime into consideration. I have substantive concerns regarding this application as there does not appear to be any mention of crime or how these matters will be addressed.*
- ❑ *the plans show that the room at the rear of the property, opposite the lounge, will be converted into an office for use by the staff. To adapt this room into an office the door will need to be replaced with one that is third party certified to PAS 24:2022, or equivalent standard, the locking set will need third party certification to BS 3621 or suitable equivalent. The door will also need to be suitably third party certificated to the correct fire rating. The reason for this is to comply with the regulations around the storage of the children's personal data, to comply with the regulations around Data Protection.*
- ❑ *also have material concerns regarding the applicant. As part of my research into this application I have conducted 'due diligence' by doing some background checks on the company. According to Companies House the company is registered as a property management company, who formally may have had some dealings with the care sector. However, on further searching I can find no trace of either company on both the OFSTED and CQC databases. This does raise the issue of how experienced this company are in dealing with this particular care sector. I have raised this concern with colleagues from Children's Services at County Hall – they are not familiar with this company either.*

3.3 Neighbour Representations

Headteacher – The Grange Academy

We were alerted today to the application made regarding 44 Sparhawk and a change from an HMO to a Children's residential home. Having read through the details of the application, including responses submitted by neighbours and Hertfordshire police, we wish to raise some concerns. As you will be aware, 44 Sparhawk sits directly opposite the front entrance of our Junior School. As an inclusive school, we are supportive of the valuable work that children's residential homes offer communities, and this is clearly a critical piece of support for some of our most vulnerable members of society. However, we have concerns regarding the company associated with taking over this property, as stated in the police report regarding the application and information available online. We would like some assurances that the children's home is compliant with:

1. *The Children's Homes (England) Regulations 2015*
 - o *Standards of care: Homes must meet certain standards regarding the quality of care provided.*
 - o *Safeguarding: Ensures the protection of children from harm, neglect, and abuse.*

- o *Staffing and management: Standards for the qualifications, experience, and training of staff, as well as appropriate staffing levels.*
- o *Health and well-being: Ensures that children's physical and mental health needs are met.*
- o *Education and activities: Homes must support children's education and development through suitable activities.*
- o *Complaints and monitoring: Requires systems to be in place for managing complaints and monitoring the quality of care.*

2. The Children Act 1989 (and Amendments)

- o *Section 17: The duty of local authorities to safeguard and promote the welfare of children in need.*
- o *Section 20: The provision of accommodation for children.*
- o *Section 22: The duty to safeguard and promote the welfare of looked-after children.*

3. The Care Standards Act 2000

- o *Registration requirements: Providers must be registered with Ofsted and meet prescribed standards.*
- o *Inspection and enforcement: Ofsted has the power to inspect children's homes and take enforcement action if standards are not met.*

4. The Children's Homes (Quality Standards) Regulations 2015

- o *The Education Standard: Ensures that children's educational needs are met.*
- o *The Protection of Children Standard: Safeguards children from harm and promotes their welfare.*
- o *The Health and Well-being Standard: Ensures that children's health needs are addressed.*
- o *The Positive Relationships Standard: Encourages children to form and maintain positive relationships.*
- o *The Leadership and Management Standard: Ensures strong leadership and effective management in children's homes.*
- o *The Engagement with the Wider System to Ensure Children's Needs are Met: Encourages cooperation with external agencies.*
- o *The Independence and Preparation for Adulthood Standard: Prepares children for leaving care and adulthood.*
- o *The Care Planning Standard: Ensures children's needs are appropriately planned for and met.*

5. The Social Care Common Inspection Framework (SCCIF)

This is Ofsted's inspection framework for children's social care services, including children's homes. The SCCIF sets out the principles and criteria for inspections:

- o *Children's experiences and progress: Focuses on the quality of care and how it impacts children's experiences and outcomes.*
- o *Leadership and management: Assesses how well children's homes are run and whether staff are qualified and well-led.*
- o *Safeguarding: Ofsted inspects how homes ensure children's safety and how they respond to safeguarding issues.*

6. The Children and Families Act 2014

- o *Enhanced support for children in care.*
- o *A focus on improving outcomes for looked-after children.*

7. Working Together to Safeguard Children (2018)

This statutory guidance outlines the responsibilities of organisations, including children's homes, in safeguarding and promoting the welfare of children. It emphasizes multi-agency cooperation and the need for robust safeguarding policies.

8. The Children and Social Work Act 2017

This legislation focuses on improving support for children in care, as well as providing safeguards for their welfare. It also includes provisions regarding local authorities' responsibilities and duties towards children in care and their transition to adulthood.

9. The Human Rights Act 1998

Children's homes must comply with the Human Rights Act, ensuring that the rights of children in care are protected, such as their right to safety, education, and a family life where possible.

Ofsted's Role in Enforcement

Ofsted uses these laws and standards to:

- o Inspect children's homes regularly to ensure compliance.*
- o Register and regulate children's homes.*
- o Take enforcement action where homes fail to meet required standards, which may include imposing requirements, issuing warning notices, or cancelling registrations if the service is inadequate.*

2 objections have been received from No. 40 and 42 Sparhawke

Below is a summary of submitted objections

- Impact on amenities*
- Anti-social/criminal behaviour*
- increase in noise*
- setting a precedence for change of use in residential area*
- Questions over the need*
- Unsuitable dwelling – terrace property - lack of provision and space*

Concerns surrounding the applicant/company, and the compliance of the Children's Homes to other legislation outside of Planning are not relevant planning matters and therefore cannot not be taken into account during the determination of this application.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application property is a 1950's terrace property which has been changed into a 5 person HMO.

4.2 Proposal

- 4.2.1 Planning permission is sought for the change of use of existing residential dwelling (C4) to registered Children's Home (C2)

4.2.2 The proposed children's care home would operate as such:

- Up to 4 residents of mixed sex between the ages of 11-18 living at the property at any time.
- up to 2 members of staff (dependent on the complexity of user), working on a shift basis at the property generally, with members of staff providing 24-hour care
- Shift patterns – 2 full-time carers based on the property at any one time working generally, on a 12-hour shift basis. Handovers would likely be around 8am and 8pm daily and take a few to 15 mins with a maximum of half an hour. This change over is just to go through any notes taken throughout shift.
- Parking for 2 cars are required – space for 2 off street parking spaces

As a result of the proposed change of use, no external alterations are proposed

4.3 Key Issues

4.3.1 The key issues relate to the principle of development and the impact on the amenity of nearby occupiers.

- ☐ Principle of development
- ☐ Impact upon Residential Amenity
- ☐ Parking provision

Principle of Development

4.3.2 The application site is in a residential area within the settlement boundary of Letchworth as defined in Policy SP2 of the adopted Local Plan.

4.3.3 The proposal seeks to change the existing use of the HMO to a children's care home, for no more than 4 children, at No. 44 Sparhawk. The property is a short distance, from the nearest bus stop which goes in Letchworth town centre and railway station and Stevenage town centre. As such, it is considered that the site is in a location that could be accessed by members of staff via sustainable transport and could be used by the occupiers of the care home if required. Being located in the North of Letchworth the access via the road networks is in close proximity to the A507 and A1(M).

4.3.4 In regard to amenities. The property is in close proximity to a number of shops located on Southfields and the Grange Recreation Ground with play areas also in close proximity. The site is also opposite The Grange Academy School and Secondary Schools in Baldock and Letchworth accessible by bus or car.

4.3.5 With regard to need, there are no policies at local or at national level that restricts the number of care homes that can or should be provided within a certain area. In terms of the lack of provision/space for the proposed use, it is considered that the number of individuals at the property would not increase above what could be achieved with the existing use as a residential dwelling and separate legislation would ensure that the needs of the occupants are/can met (for example, OFSTED and Child Services).

Impact upon Residential Amenity

4.3.6 During the course of the application a number of neighbouring properties raised a number of concerns over the proposed development and its impact on their residential amenity. As no physical development is taking place, the assessment on the impact upon neighbouring amenity will take into account all nearby dwellings on Sparhawke and Whitehicks. Objections have been received by neighbouring properties raising concerns relating to general noise and disturbance impacts in particular from 'comings and goings' to and from the property. In the proposal, the number of bedrooms at the property would remain unaltered and it is therefore considered that the number of permanent occupants at the property is unlikely to increase. On this basis I conclude that there will not be a significantly detrimental impact on the neighbouring properties amenities from general activity from and from the property.

4.3.7 Furthermore, the application included the staff rota which details when staff will be arriving and leaving the property. The shift patterns have been stated by the applicant as follows:

2 full-time carers based on the property at any one time working generally on a 12-hour shift basis. Handovers would likely be around 8am and 8pm daily and take a few to 15 mins with a maximum of half an hour. This change over is just to go through any notes taken throughout shift.

It is my opinion that this shift pattern is not considered to result in any significantly detrimental noise and disturbance impacts on neighbouring properties amenities as these would coincide with typical movements for the working day and school and be similar to the normal patterns of movement from and to a typical family home.

4.3.8 On balance, it is considered that the general noise and disturbance impacts would not be above and beyond what could be achieved at a family dwelling and therefore does not warrant refusal of planning permission for this reason.

4.3.9 Concerns have also been raised during the course of the application in relation to anti-social/criminal behaviour. Whilst crime and the fear of crime are material planning considerations, it is considered that the proposal is not likely to result in any additional anti-social/criminal behaviour than what could be generated by the existing residential dwelling. Furthermore, the children's care home is proposed to have 24 hr care with the children not being left unsupervised for any period of time, unlike a family home where children of this age group may be left at home unaccompanied some of the time. In coming to a recommendation of approval, it is noted that the Council's Environmental Health department have raised no objections to the application. The proposal is not considered to result in significant impacts upon surrounding residential amenity that would warrant refusal of planning permission and on this basis the application is considered to be in accordance with the general policy aims of Local Plan Policy D3.

Parking provision

4.3.11 As a result of the proposed development, the number of bedrooms would not increase at the property. The proposed use would see four bedrooms for the children and one bedroom/office for staff. The Parking SPD states that Use Class C2 – Residential institutions Institutions/homes with care staff on premises at all times (excluding nursing homes, hospitals, residential schools, colleges or training centres) 1 space per 5 residents' bed spaces plus 1 space per 2 staff (non resident).

- 4.3.12 No specific parking standards for children's care homes are detailed within the Parking SPD. Based on the above. It is considered that given the existing dwelling is required to have a minimum of 2 off-street car parking spaces and the small number of people residing at the property are unlikely to have the use of a vehicle given the age of the residents (11-17), the proposal is not considered to result in an unacceptable impact on highway safety or the wider highway network. A condition would be imposed on any planning permission granted to ensure that 2 off-street car parking spaces are provided in perpetuity. On balance, the proposal is therefore considered to be acceptable in relation to Policies D1 and T2 adopted Local Plan as well as the Parking SPD.

4.4 Conclusion

- 4.4.1 The principle of development is acceptable. No external alterations are proposed as a result of the development. On balance, the proposed change of use is not considered to result in significantly detrimental impacts on neighbouring amenity. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan and the advice in the NPPF. It is therefore recommended that the application be granted subject to conditions as recommended below.

4.5 Alternative Options

None applicable

4.6 Pre-Commencement Conditions

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed

4.7 Climate Change

None – no physical changes are proposed as part of the application other than what has been conditioned

5.0 Recommendation

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The premises shall be used for a residential childrens' care home for a maximum of four (4) children aged between 11-17 years of age and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To restrict the use and number of occupiers to safeguard the local amenities of neighbouring properties

- 3 Prior to the occupation of the childrens care home hereby permitted, 2 off-street car parking spaces shall be provided for staff members and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

Biodiversity Net Gain

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 30 September 2024	