

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01058/FP	Change of use of from Class C3(b) (use as a dwellinghouse by up to three residents living together as a single household and receiving care) to Class C2 (residential institution). Insertion of ground floor front window following removal of garage door to facilitate garage conversion.	3 Larkin Place Royston Hertfordshire SG8 5UR

Submitted Plan Nos

Location plan LC/01 LC/02 LC/03 LC/04 SP/01

1.0 Policies

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National Planning Policy Framework

The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8, 10 and 11 - Achieving sustainable development

Paragraphs 39, 48, 56 and 57 - Decision-making

Paragraph 96 - Promoting healthy and safe communities

Paragraphs 109, 115-118 - Promoting sustainable transport

North Hertfordshire District Local Plan 2011-2031 Local Plan and Proposals Map

HS3 Housing Mix

HS4 Supported, Sheltered and older persons housing

D3 Protecting Living Conditions

T2 Parking

Supplementary Planning Document.

Vehicle Parking at New Development SPD (2011)

Design 2013

Sustainability 2025

2.0 Site History

2.1 01/01975/1HH - Retention of single storey rear extension. Conditional Permission

- 2.2 **26/00051/LDCP** Use of existing house for the provision of care to no more than 3 young people living together as a single household (Class C3b) **GRANTED**

3.0 **Representations**

Statutory Consultees

- 3.1 **Royston Town Council** – No objection

- 3.2 **Herts Highways** - Hertfordshire County Council as Highway Authority has considered that the proposal is of low scale development therefore the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway consequently has no objections on highway grounds.

- 3.3 **Environmental Health (Noise)** - Given the property type, the location, and the support from the closest neighbours, we do not have many concern about this facility. However, it would be prudent to attach a condition to ensure that the selection of the occupants and the running of the premises does not significantly change from what has been proposed.

- 3.4 **North Herts Ecology** - No ecological information has been submitted, no foreseen impacts from CoU, no comments to make.

3.5 **Neighbour Representations**

CLlr Lewis did request application to be called in to planning committee however, the request was rejected as no reasons were given in regards to the wider public interest in line with the Councils Constitution.

Summary of 1 support 2 Larkin Place –

- ☐ Their vision is to create a family-like environment for children who have not had a good start in life, and who through no fault of their own have not been able to be placed within a pre-existing foster or adoptive family.
- ☐ short supply, especially for older children
- ☐ a level of uncertainty about how the new residents might impact for better or worse

Summary of 18 objections from neighbours on Larkin Place, Spenser Close and Betjeman Road

- ☐ Permanent loss of a family dwelling from the housing stock through conversion to a commercial Class C2 children's care facility.
- ☐ The previous Certificate of Lawful Development for C3(b) does not establish the principle of the proposed C2 use, because the lawful use depended on resident carers living as a household rather than non-resident shift staff.

- ❑ The C3(b) position should not be treated as a meaningful fallback where the applicant's stated intention is to operate a staffed C2 institution with shift workers.
- ❑ Absence of a proper management plan prevents the Council from assessing how the home would operate day to day, including staffing, handovers, visitor management, incidents, office use and neighbour liaison.
- ❑ Inconsistent staffing information in the planning statement creates uncertainty about the true operational intensity of the use and its likely impacts on traffic, parking, noise and residential amenity.
- ❑ Inadequate parking provision and likely highway conflict, particularly during twice-daily shift changeovers at 8:00am and 8:00pm.
- ❑ A pool or company vehicle associated with the care home would create additional parking demand beyond staff vehicles and has not been properly addressed in the application material.
- ❑ Professional and statutory visitor traffic, including social workers, Independent Reviewing Officers, CAMHS, Ofsted, legal representatives, education and medical professionals, has not been adequately assessed.
- ❑ Displaced parking in a constrained residential cul-de-sac could reduce carriageway width, obstruct visibility, create manoeuvring conflict and affect emergency vehicle access.
- ❑ The proposed parking layout may be unworkable in practice where vehicles are blocked in or parked in a way that requires repeated manoeuvring on a shared driveway.
- ❑ A full transport statement and parking survey should be required before determination, including assessment of staff, pool car, statutory visitor, family contact, management, delivery and emergency access demands.
- ❑ The nearby school creates pedestrian and parking pressures during weekday peak periods, and nearby recreational activity may generate further cumulative parking demand at weekends.
- ❑ Material difference between the existing C3(b) permission and the proposed C2 institutional use, including non-resident shift staffing, professional visits, management activity and Ofsted-regulated operation.
- ❑ Garage conversion to office space indicates the true operational nature of the proposed use and would also remove existing parking capacity.
- ❑ The garage conversion may alter the visual character and architecture of the residential cul-de-sac and should be assessed as part of the overall planning impact.

- ❑ Works apparently linked to C2 use, including installation of fire doors, appear to have commenced before planning consent and raise questions about building regulations, fire safety and structural suitability.
- ❑ Substandard bedroom accommodation appears to fall below Nationally Described Space Standards, with one bedroom reportedly below both the 7.5 m² and 6.5 m² thresholds.
- ❑ The application does not explain how sleeping accommodation would be allocated between children and care staff, nor justify any departure from space standards.
- ❑ Noise and disturbance from a 24-hour commercial C2 operation, including night-time vehicle movements, shift handovers, emergency callouts, visitors and outdoor activity, could harm neighbouring residential amenity.
- ❑ Neighbouring residents, including elderly and vulnerable residents living in the immediate cul-de-sac, have raised concerns about personal safety, previous anti-social behaviour nearby, parking outside homes, and anxiety about the proposed use.
- ❑ Residents report that consultation and communication from the applicants was inadequate, with some neighbours only becoming aware of the proposal after formal notification.
- ❑ Neighbour amenity concerns are reinforced by evidence from the applicants' existing Hitchin home, including reported noise, hard landscaping, outdoor activity and anti-social behaviour.
- ❑ The planning officer should verify the Ofsted registration status of the Hitchin home and consider whether its operation reflects the model proposed for Royston.
- ❑ For these reasons, the application should be refused unless the Council is fully satisfied that the identified harms can be avoided or robustly mitigated through enforceable planning controls.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is a detached dwelling located off Larkins Place, Royston. Access to the property is via a shared drive with No.2. The property benefits from a private rear garden and front driveway/garden area.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the change of use of existing residential dwelling (C3) to registered Children's Home (C2) for up to 3 children
- 4.2.2 The proposed development relates to the change of use of the existing residential property at 3 Larkin Place from Class C3(b) (use as a dwellinghouse by up to three residents living together as a single household and receiving care) to Class C2 (residential institution). The property currently benefits from a lawful Class C3(b) use. This application seeks to regularise and support the operational model of a children's home, including the use of shift-working staff, which is more appropriately aligned with a Class C2 use. The proposal is for the property to accommodate up to three young people within a supportive and therapeutic residential setting, with care staff present on a 24-hour basis.
- 4.2.3 The property was last used as a private residential dwelling. The site has not yet been brought into use under its lawful Class C3(b) use; however, that use remains extant and capable of being implemented at any time.

4.3 Key Issues

- 4.3.1 In considering a change of use from dwelling house (Use Class C3) to residential institution (Use Class C2) to accommodate up to 2 children in a small children's home, the relevant planning considerations are:

- ☐ Principle of development – definition of use class and material change of use;
- ☐ Impact upon local amenity and character of the area – including noise and safe environment; and
- ☐ Parking provision.
- ☐ Alterations to integrated garage conversion.

Principle of Development

- 4.3.2 The application site is in a residential area within the settlement boundary of Royston as defined in Policy SP2 of the adopted Local Plan.
- 4.3.3 The proposal seeks to change the existing use of the residential dwelling to a children's care home, for up to three children. With four staff members working in shifts to provide 24 hr care.
- 4.3.3 The site is located in a residential area of Royston. The site is well placed to support sustainable travel. Bus stops on Burns Road, within easy walking distance of the property via Betjeman Road and Larkin Place, serve a circular route connecting to Royston railway station. There is also a pedestrian footpath link from the mini roundabout at the junction of Burns Road and Betjeman Road. 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.

- 4.3.4 In regard to amenities, the property is within close proximity to Roman Way Primary School and Royston has 1 secondary school. Coombes Community Centre and Doctors and Pharmacy are off Burns Road. The property would also have access to public open spaces with play areas at Royston BMX Park and Serby Avenue Playground a short walk from the property.
- 4.3.5 During the course of the application, concerns were raised in relation to the need for such a use and the lack of provision/space at the dwelling for the use. Regarding 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).

Use Class C2 – Residential Institutions

- 4.3.6 A change of use from Use Class C3 to Use Class C2 requires planning permission and is considered on a case-by-case basis depending on the nature of the use, intensity and impact.
- 4.3.7 Given the proposal is that the ‘staff’ would not be permanent residents of No.3 Larkin Place, Royston the use would fall within Use Class C2. The [Use Classes Order 1987](#) (as amended) defines C2 as residential institutions. The full description is use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
- Use as a hospital or nursing home.
- Use as a boarding school, residential college or residential training centre.

“care” for Use Class C2 is defined as ‘personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment’. This is within [Article 2](#) of the Use Class Order 1987.

Case Law – C3/C2

- 4.3.8 Established case law provided for by the North Devon judgement in respect of a house used to care for children provides understanding of the use of a Children’s Care Home which is a fundamental basis of determining the application. This case considered whether a dwellinghouse used to provide residential care for two children fell within Class C2 or C3(b). Only the children would live permanently on the premises; the carers being resident elsewhere and providing care on a shift rota system. In the North Devon case, the property was being used as a home for two children. Two non-resident staff were always at the property with a shift system operated by 6 to 7 carers to maintain the requisite cover. The application was based on the premise that the children by themselves would constitute a single household with the use falling within Class C3(b). Crucially, the Judge found that the children could not be regarded as constituting a household by themselves. The question also arose as to whether carers who do

not live on the premises but who, between them, provide 24-hour care can be regarded as living together as part of the household. The court held that the concept of living together as a household means that a proper functioning household must exist and thus, for the use to fall within Class C3(b), the children and carers must reside in the premises. Otherwise, the use falls within Class C2.

Impact upon local amenity and character of the area

- 4.3.9 While considering the application occupiers of neighbouring properties raised several concerns over the proposed development and its impact on their residential amenity. No additional extension to the host property other than the conversion of the integrated garage to habitable accommodation is taking place, the assessment on the impact upon neighbouring amenity relates to mainly the proposed use.
- 4.3.10 Objections have been received from occupiers of neighbouring properties 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.
- 4.3.11 Furthermore, the applicant has confirmed that no more than 3 children would be permanent residents of the property at any given time. 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 - A maximum of 4 full-time carers based on the property at any one time working generally on a 12-hour shift basis. Handovers would likely be around 0800am and 2000pm daily and take a maximum of half an hour for change over.
- 4.3.12 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 would not be significantly difference from the normal patterns of movement from and to a typical family home.
- 4.3.13 On balance, it is considered that the general noise and disturbance impacts would not be significantly different from that at a family dwelling and therefore refusal of planning permission is not justified for this reason.
- 4.3.14 The children's care home is proposed to have 24 hr care with the children not being left unsupervised for any period, 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 subject to conditions.

- 4.3.15 It is considered that the proposal would not result in significant impacts upon surrounding residential amenity that would warrant refusal of planning permission and on this basis the proposal accords with the general policy aims of Local Plan Policy D3.

Parking provision

- 4.3.16 As a result of the proposed development, the number of bedrooms would not increase at the property. 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).
- 4.3.17 There are no specific parking standards for children's care homes in the Local Plan or 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 (under 18), 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 the 4 off-street car parking spaces shown on the Location plan 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.

Conversion of garage to residential accommodation

- 4.3.18 Policy D1 of the Local Plan requires that development proposals respond positively to the site's local context, retain existing vegetation and minimise the visual impact of street furniture and parking provision. Policy D2 of the Local Plan requires extensions to houses to incorporate design that is sympathetic to the main dwelling in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.
- 4.3.19 The proposal seeks to replace garage door with a window and brick up the remainder. I have recommended a condition that all proposed external materials should match existing.
- 4.3.20 Regarding neighbour amenity, the footprint of the dwelling would remain unchanged, no upper-floor windows are proposed. Therefore, it is not considered that the proposal would result in unacceptable harm upon neighbouring living conditions in terms of overdominance, shading or overlooking.
- 4.3.21 This development is therefore considered to be in accordance with Policy D1, D2 and D3 of the NHLP and Section 12 of the NPPF.

4.4 Conclusion

- 4.4.1 The principle of development is acceptable. On balance, it is considered that the proposed change of use would not be significantly detrimental to the amenities of neighbouring residents. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal would comply with the relevant policies in the adopted Local Plan and the NPPF. It is therefore recommended that the application be granted subject to conditions as recommended below.

5.0 **Recommendation**

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

1. 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.
2. 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.
3. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.
4. The use hereby permitted shall be for a children's home only and shall not be used for any other purpose falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) without the prior written consent of the Local Planning Authority. The use shall operate in accordance with the submitted details.

Reason: To control the future use of the site and to assess any potential future impacts of alternative C2 uses and to protect the amenities of neighbouring occupiers, to comply with Policy D3 of the North Herts Local Plan 2011-2031.

5. The premises shall be used for a residential childrens' care home for a maximum of three (3) children up to the age of 18 at any one time 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 to comply with the provisions of Policy D3 of the Local Plan 2011-2031.

6. There shall a maximum of four (4) members of staff present on the premises at any one time, excluding emergency circumstances.

Reason: In the interest of residential amenity and to limit potential noise and parking impacts and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

7. Prior to the occupation of the children's care home hereby permitted, a minimum of four 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. Local Plan Policy T2.

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: 14 July 2026	
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