



# PLANNING STATEMENT

*50 Moss Way, Hitchin, SG5 2QP*

*Job Ref: 25/030*

*Date: April 2025*



Prepared by Tom Donovan BA (Hons), MA, MRTPI on behalf of

**PETER GEORGE TOWN PLANNING**



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## **Section 1: Introduction & Background**

- 1.1 We have been instructed by Mr Kalirai of 5ab Care Ltd (the Applicant) to prepare and submit a planning application to North Hertfordshire District Council (the Council) for the change of use and extension of the existing dwelling (Use Class C3 (a)) to use as a children's home (Use Class C2) for up to three children.
- 1.2 This statement explains the proposals, sets out relevant local and national planning policy and ultimately makes the case for why planning permission should be granted.

### **Planning History**

- 1.3 None.



## Section 2: Analysis of the Site and Surroundings

- 2.1 The application property is one half of a semi-detached pair of dwellings. It is situated on Moss Way, which is located within Westmill, a residential area within the north-western part of Hitchin.

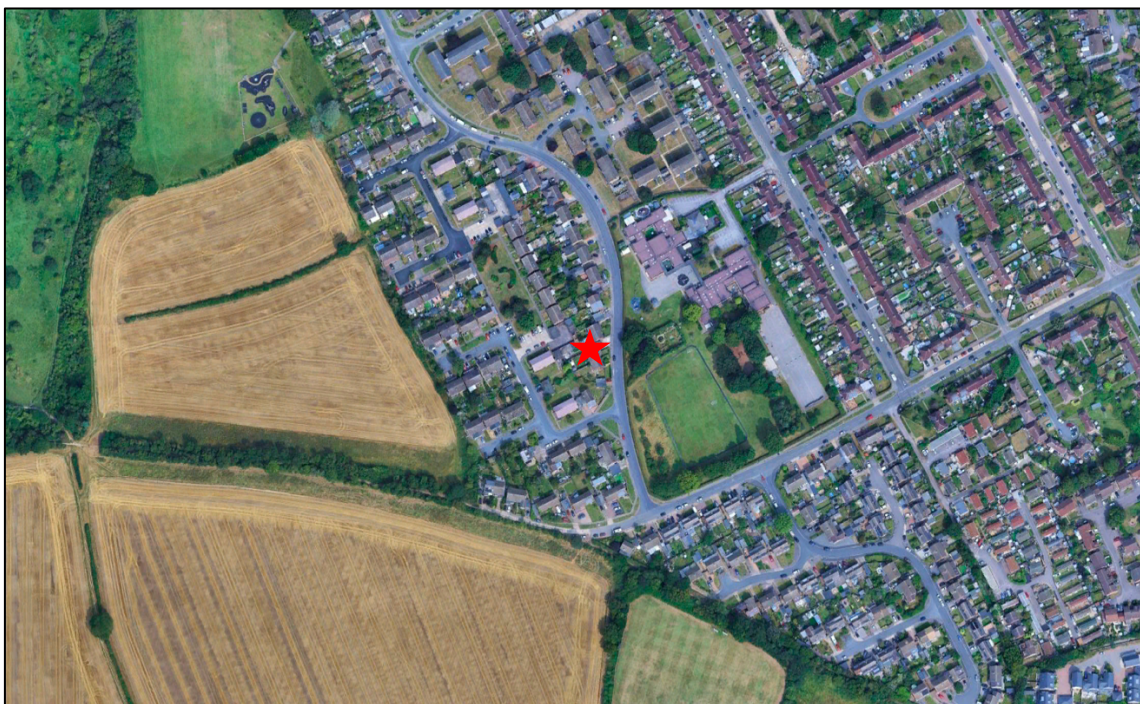


Figure 1 - Site Location

- 2.2 The application property is of masonry construction with a tiled roof. The property has a single garage to the front (shared with no.48). The property has a hardstanding to the front of the garage providing parking for one car. A second parking space can be accommodated within the integral garage.
- 2.3 The property has a small residential garden area to the front and rear of the existing dwelling.



- 2.4 The application site is located within walking distance of a range of local community facilities, shops and services including schools, convenience store, doctors' surgery, pharmacy, public open space, and a range of public transport options.



## Section 3: The Development Proposal

3.1 The development proposal can be described as follows:

***“Part two-storey, part single-storey front and side extension following the part-demolition of the existing garage in order to facilitate the change of use of the existing dwelling from a residential dwelling (Use Class C3) to use as a children's home for up to three children (Use Class C2). Associated bin and cycle stores and installation of driveway to front.”***

3.2 In this case, the proposed C2 use would operate as follows:

- The children’s home would provide accommodation for up to, but no more than, **three children** aged between 7 and 18. The children would be cared for by trained carers twenty-four hours a day, seven days a week.
- The children would be permanent residents of the care home with three carers working at the property during daytime hours and two staying overnight at the property. A house manager will also be present 3-4 days a week between the hours of 9-5.
- The carers would work on a regular shift pattern in order to provide continuity with the children and create a family environment. The



children are expected to attend school during term-time and would otherwise largely be expected to have a social life similar to other children of a similar age.

- Care would be given in a communal environment with the children and their carers sharing facilities in a manner akin to a family unit.
- It is anticipated that children would be cared for on a medium to long-term basis to assist with integration with the local community and to build strong relationships with the carers.
- Children would have one carer each during daytime hours (typically, 8am-10pm) with two carers present at the property for the nightshift (one sleep-in, one waking).
- The children's home would be registered with OFSTED as a home for children with emotional & behavioural difficulties (EBD) and/or learning difficulties. The registration process is a rigorous one, with the ongoing operation of the home closely monitored by OFSTED.
- Each child would have their own bedroom. Dedicated space is provided for staff including an office/sleep-in space and staff bedroom.

3.3 The ethos behind the Applicant's intended operations of this Property would be for the residence to provide an environment as close as



practically possible to normal family life in order to ensure that the children can live a life of normality in the local community. This approach can offer a better environment in comparison to larger institutions as they enable individual needs to be met and allow the children to integrate into their community and live as equal citizens. As a consequence, the structure of the household is designed to ensure that the building functions as close as possible to a typical family dwelling.

### **Proposed Extensions and Alterations**

- 3.4 Proposed is a part-two-storey, part single-storey side and front extension. The two-storey side extension would have a width of approximately 2.77m and extend the full depth of the existing house. It would have a pitched roof with eaves and ridge heights to match the existing. The flank wall of the extension would be set 1m from the flank boundary.
- 3.5 The extension would include a small projection at ground floor level to create an enclosed front porch.
- 3.6 It is proposed to extend the existing driveway to create a parking area for three cars. The driveway would have a permeable surface and would, ordinarily, be permitted development.



## Section 4: Relevant Planning Policy

### National Planning Policy Framework

- 4.1 The Government policies on different aspects of planning are set out in the National Planning Policy Framework 2024 (the Framework).
- 4.2 The relevant sections of the Framework are as follows:
- Section 2: Achieving sustainable development
  - Section 5: Delivering a sufficient supply of homes
  - Section 9: Promoting sustainable transport
  - Section 12: Achieving well-designed places
  - Section 15: Conserving and enhancing the natural environment

### Development Plan

- 4.3 Section 38(6) of the Planning Compulsory Purchase Act 2004 states that:

*“If regard is to be had to the development plan for the purpose of any determination under the Planning Acts, the determination must be made in accordance with the plan unless material considerations dictate otherwise.”*

- 4.4 The development plan context for the planning application is provided by:



- North Hertfordshire Local Plan 2011-2031

4.5 The following policies are considered relevant to the consideration of this application:

#### Strategic Policies

- Policy SP1: Sustainable Development in North Hertfordshire
- Policy SP2: Settlement Hierarchy and Spatial Distribution
- Policy SP6: Sustainable Transport
- Policy SP8: Housing
- Policy SP9: Design & Sustainability
- Policy SP10: Healthy Communities

#### Development Management Policies

- Policy T1: Assessment of Transport Matters
- Policy T2: Parking
- Policy D1: Sustainable Design
- Policy D3: Protecting Living Conditions
- Policy HS3: Housing Mix
- Policy HS4: Supported, Sheltered and Older Persons Housing

#### **Supplementary Planning Documents**

- Vehicle Parking at New Development SPD September 2011
- Design SPD July Parking



## Section 5: Planning Analysis

### Principle

#### **Justification for the Children's Home**

- 5.1 The National Planning Policy Framework (the Framework) sets out the broad expectation that, to support the Government's objective of significantly boosting the supply of homes, a sufficient variety and type of land should come forward where it is needed, and the needs of groups with specific housing requirements addressed. Within this context, Local Planning Authorities are expected to assess and plan to provide housing for different groups in the community. This of course includes housing for vulnerable children.
- 5.2 Policy HS4 of the Council's adopted Local Plan (LP) deals with 'Supported, sheltered and old persons housing'. This Policy indicates support for sheltered and supported housing in use classes C2 and C3 subject to proposals meeting specific criteria.
- 5.3 Compliance with the requirements of this Policy will be scrutinised and discussed in the following paragraphs. The overall need for this type of accommodation in the district is a point also addressed.



## High-Level Analysis

- 5.4 Section 5 of the Framework states at para.61 that (bold emphasis mine):  
*“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that **the needs of groups with specific housing requirements are addressed**”.*
- 5.5 It is further stated at para.63 that (bold emphasis mine): *“...the size, type and tenure of **housing needed for different groups in the community** should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, **looked after children**, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”*
- 5.6 The general approach advocated in the Framework therefore is that planning should ensure the delivery of a mix of housing types to meet the needs of different groups in the community; this should include children’s care homes. The Framework does not delineate between housing for different groups, and we do not consider that there should be any distinction between market/family housing and housing for other groups,



including for vulnerable children, and that to take such approach would not be consistent with national policy.

- 5.7 In addition, the Minister of State for Housing and Planning made a Statement on Planning for accommodation for looked after children in May 2023. This statement should be regarded as being a material consideration in the determination of relevant planning applications and it sets out that:

*"The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes, in the right places with access to good schools and community support".*

- 5.8 It continues: *"... as set out in paragraph 62 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions. Local planning authorities should consider whether it is appropriate to include accommodation for children in need of social services care as part of that assessment".*



5.9 It also advises that: *"Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country"*.

5.10 It is further noted that the Government have consulted on a change to the Framework in respect to children's homes, the indication being that they propose to include explicit reference to looked after children in paragraph 63 of the Framework. It is clear therefore that there is clear central government and ministerial support for the provision of children's homes to reflect local needs, and to ensure the delivery of such accommodation across the whole country.

### **Ofsted Reporting**

5.11 Ofsted report regularly on children's care and their most recent report **Main findings: children's social care in England 2024** was updated on 15 July 2024. Whilst it was noted that the number of children's homes has continued to rise faster than the number of places, the evidence indicates that there continues to be a shortage in places for looked after children.



- 5.12 The findings of the report further indicate that the distribution of children's homes is highly unequal with the North West accounting for a quarter of all children's homes (746) and almost a quarter of all places (2,823). The East of England has a much lower number of children's homes (368) and places (1,762). Whilst there may of course be some correlation between need and region, this data indicates that there is likely to be a shortage of children's homes in the East of England.
- 5.13 Accordingly, it does not appear to be in dispute that there is a shortage of children's homes and that new, privately run facilities such as that proposed are important in addressing the shortfall.

#### Compliance with LP Policy HS4

- 5.14 LP Policy HS4 is supportive of proposals for sheltered and supported housing in use classes C2 and C3 subject to the following criteria being met:
- “a) there is good access to local services and facilities;*
  - b) the site is well served by public transport;*
  - c) appropriate levels of on-site landscaping, amenity space and car parking (for residents, visitors and staff) are provided; and*
  - d) it would accord with Policy HS3(b)\**



*\*Policy HS3 b states: “The scheme would provide a density, scale and character of development appropriate to its location and surroundings.”*

- 5.15 It is anticipated that the children would attend local schools and that, as far as is possible, the children and their carers would form a consistent household unit, again to provide stability and structure for the children. This property is ideally located with respect to access to essential facilities and services including schools, shops, outdoor/play space, and community and sports facilities. The site is also well served by local bus routes offering reasonably easy access to the wider urban area.
- 5.16 The dwelling in question is capable of accommodating three children and their respective carers and is clearly suitable for residential occupation in its current form. It is proposed that the three larger bedrooms would be used by the children, with one of the smaller bedrooms proposed to be utilised by one of the sleep-in carers. Moreover, the property offers a good standard of secure private amenity with sufficient parking provided.
- 5.17 Accordingly, the use of the property as a children’s home would meet all of the relevant requirements of Policy HS4 insofar that:



a) it is located in a sustainable location with respect to access to day-to-day services and facilities, b) is well-served by public transport, c) appropriate levels of on-site landscaping, amenity space and car parking is provided, and d) the proposed would be compliant with clause b of LP Policy HS3.

5.18 Moreover, notwithstanding any planning permission that may be granted, an application to Ofsted is required within which the applicant is required to demonstrate that the premises and location are suitable and appropriate for a children's home, showing that they have assessed and managed any risks associated with the property. This process ensures that the property is suitable for use as a children's homes.

#### Summary

5.19 It is considered that the use of the property as a children's home would be compliant with the requirements of Policy LPHS4 and would therefore be acceptable in principle. It would contribute to an established local need and help address a shortfall for this type of accommodation in the local area in accordance with the spirit and overarching aims of the Framework and LP Policy.



### **Detailed Planning Issues**

5.20 As set out above, it is considered that the proposed change of use of the existing dwelling to use as a children's home would be acceptable in principle. The detailed planning issues are as follows and discussed in the following paragraphs:

- The suitability of the proposed accommodation.
- The effect on the living conditions of neighbouring properties.
- The effect on the character and appearance of the area.
- The effect on the safe operation of the adjacent highway.

### **The Suitability of the Proposed Accommodation**

5.21 As covered in broad terms above, the application property is currently in residential use and would continue to provide a suitable environment for intended occupants. Once extended, the property would have a generous internal floor and a large private garden more than sufficient to serve the intended occupants and their carer's.

### **The Effect on the Living Conditions of Neighbouring Properties**

#### **Proposed Change of Use**



- 5.22 The application site is situated within a primarily residential area and the children's home is proposed to operate on a similar basis to the existing residential property. As such, we do not consider that the proposed use would cause any material impacts on the living conditions of neighbouring residential properties due to noise, disturbance or any other related effects.
- 5.23 That being said, we are aware that these types of applications can attract local concern due to a perceived threat or concern regarding anti-social behaviour and other noise/disturbance created by potential residents of the home. Firstly, the home will be regulated by Ofsted ensuring that it will operate in accordance with its regulations and requirements. Secondly, the children will be looked after by trained carers who will themselves report to a house manager.
- 5.24 It is further noted that, as per the inspector's considerations relating to an appeal decision for a children's home in Newborough (appeal decision attached as **Appendix 1**) that *"it cannot be presumed that potential occupants of the care home would behave in an anti-social manner or increase opportunities for crime and fear of crime"* and that *"should any specific matters in respect of crime or anti-social behaviour arise, these could be*



*investigated and addressed by the authorities responsible for regulating the care home and/or the police.”*

- 5.25 In other words, sufficient safeguards exist to control the use and ensure that the proposed use of the property as a children’s home would not give rise to any harmful impacts on the living conditions of neighbouring properties.

### **Proposed Extension**

- 5.26 In terms of the proposed extension, this has been designed in order to be sympathetic to the existing dwelling and to ensure that it would not be harmful to the living conditions of neighbouring properties in terms of its size or positioning.
- 5.27 No.48 Moss Way is the property to the north. Due to the curvature of the street, this property is situated much closer to Moss Way than the application property. As such, it is situated fully in front of no.50.
- 5.28 However, the extension has been designed and sited in a manner so as to ensure that it would not be harmful to this property in terms of its physicality or positioning. Indeed, a 45-degree line drawn on elevation from



the centre of the nearest ground-floor window belonging to this property indicates that the proposed extension is unlikely to cause a loss of light to any of the main habitable rooms.

- 5.29 The majority of new windows are proposed to the front and rear of the property, albeit a single first-floor window is proposed to the side elevation. However, this is proposed to be obscure glazed in order to protect privacy.
- 5.30 With respect to no.52, given that the extension would be primarily to the northern side of the application property, it is not considered that the proposed would have a harmful impact upon the living conditions of this property in terms of its physicality or siting.
- 5.31 In all, it is not considered that the proposed extension would be harmful to the living conditions of any of the neighbouring properties.

### **The Effect on the Character and Appearance of the Area**

- 5.32 The proposed extension would have a pitched roof to match the existing and would otherwise have a design and be constructed to accord with the design, character and form of the existing dwelling. The flank wall of the



extension would be set at least 1m from the boundary with no.48 in order to ensure that a sense of spaciousness is retained between neighbouring dwellings and to prevent terracing.

- 5.33 Ultimately, the proposed extension would have a design, form appearance in keeping with the character of the existing and it is considered that the proposed would have an acceptable impact on the character and appearance of the area.
- 5.34 The extended driveway would involve the provision of a permeable surface within the site frontage. This would be unobjectionable in design terms.
- 5.35 Proposed bin and cycle stores are to be provided to the rear of the property. These would be modest structures not in any way out of place in a residential context.

### **The Effect on the Safe Operation of the Adjacent Highway**

- 5.36 The proposed involves an extension to the existing driveway in order to accommodate two additional parking spaces within the site frontage. In total, three parking spaces would therefore be delivered in association with the proposed development.



5.37 It is considered that three spaces would be sufficient to serve a small children's home of this nature and would moreover be compliant with the Council's parking standards for C2 uses which requires 1 space per five residents bed spaces plus 1 space per 2 staff. Moreover, there is unrestricted on-street parking available along Moss Way to accommodate any additional visitors parking.

5.38 In addition, the property is located within the urban area a short distance from a range of essential services, facilities and public transport links meaning that there are a range of other modes of transport that could be used by staff and visitors to the site.

5.39 A small cycle store is proposed to be situated within the curtilage of the property to encourage more sustainable forms of transport in compliance with the Council's strategy to achieve more choice in terms of sustainable transport.

#### Trip Generation

5.40 The proposed development would operate in much the same manner as that of a family dwelling with children requiring transport to and from school and other after-school hobbies and activities. There would be



visitors to the property, but these would be strictly controlled by management and would not be as regular as they might be if the property was occupied as a family dwelling.

5.41 In all, it is not considered that the level of trip-generation associated with the proposed use of the dwelling as children's home would have a materially greater impact than if occupied as a family dwelling.



## **Section 6: Summary & Conclusions**

- 6.1 This statement supports an application for the change of use and extension of the existing dwelling to use as a children's home for up to three children.
- 6.2 National and local policy encourages the provision of housing for different groups in the community and there is clearly a need to provide suitable housing for vulnerable children in this area. Moreover, the proposed is situated within a sustainable location within the defined settlement area of Hitchin. Accordingly, the proposed change of use should be acceptable in principle as it would meet an identified need.
- 6.3 Regarding the detailed considerations, it is considered that the proposed use of the property as a children's home would have a similar impact to that of a typical C3 dwellinghouse (its current authorised use) and could therefore operate without detriment to the surrounding environment, the living conditions of neighbouring properties and the safe operation of the adjacent highway.



6.4 Accordingly, and in the absence of any material planning reasons to the contrary, it is therefore respectfully requested that planning permission be granted.



## **APPENDIX 1: Appeal Decision Letter Ref. APP/B3410/W/22/3291205**



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# Appeal Decision

Site visit made on 28 September 2022

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> October 2022**

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**Appeal Ref: APP/B3410/W/22/3291205**

**Poplars Farm, Yoxall Road, Newborough, DE13 8SU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mrs Melanie Crawford against the decision of East Staffordshire Borough Council.
  - The application Ref P/2021/01116, dated 5 August 2021, was approved on 23 December 2021 and planning permission was granted subject to conditions.
  - The development permitted is change use of farm house and piano barn from dwelling to C2 home for children in care (with no age restriction) and conversion of existing barn including alterations to the front elevation to form classrooms (Revised Scheme - corrected description).
  - The condition in dispute is No. 6 which states that: Upon the commencement of the use hereby approved the use of the dwelling as a Class C2 home for children in care with its associated classroom shall only operate for a period of 12 months unless a further application for planning permission is first granted by the Local Planning Authority. The operators of the care home shall give the Local Planning Authority notification in writing of the proposed commencement of the use prior the dwelling being first used as a home for children in care.
  - The reason given for the condition is: It is considered that a permanent permission ought not to be given until an assessment is undertaken of the effectiveness of the operation and management of the care home facility in relation to impacts on residential amenities in accordance with East Staffordshire Local Plan Policies SP1 and DP1 and the National Planning Policy Framework.
- 

## Decision

1. The appeal is allowed and planning permission Ref P/2021/01116 for change use of farm house and piano barn from dwelling to C2 home for children in care (with no age restriction) and conversion of existing barn including alterations to the front elevation to form classrooms (Revised Scheme - corrected description) at Poplars Farm, Yoxall Road, Newborough DE13 8SU, granted on 23 December 2021 by East Staffordshire Borough Council, is varied by deleting condition 6.

## Main Issue

2. The main issue is whether condition 6 is reasonable and necessary in the interests of safeguarding the living conditions of neighbours.

## Reasons

3. Based on the Council's report to Planning Committee, the imposition of condition 6 stems from the proposed increase in the age range of the care home occupants and the perceived concerns about anti-social behaviour and increase opportunities for crime and fear of crime.

4. However, it cannot be presumed that potential occupiers of the care home would behave in an anti-social manner or increase opportunities for crime and fear of crime.
5. The aim of the care home is to provide accommodation for up to 6 children between the ages of 7 to 16 in an environment which is as close to conventional family life. Moreover, the appellant and other care providers and specialists would be responsible for ensuring the effective management of the care home and the children in their care.
6. With the availability of on-site education facilities, it is likely that the children would spend most of their time at the appeal property, which is physically separated from nearby properties. Whilst I acknowledge that the children may travel about the area and use (albeit limited) local services and facilities, there is effectively no convincing evidence that local residents would actually experience anti-social behaviour as a consequence of this or the proposal.
7. Furthermore, should any specific matters in respect of crime or anti-social behaviour arise, these could be investigated and addressed by the authorities responsible for regulating the care home and/or the Police.
8. For the above reasons, condition 6 is neither reasonable nor necessary. Consequently, the removal of condition 6 would not harm the living conditions of neighbours. As such, there would be no conflict with policies SP1 and DP1 of the East Staffordshire Borough Local Plan (LP) and Policy HE4 of the Newborough Neighbourhood Plan. Together, these policies seek to safeguard the amenities of neighbours and reduce the potential for crime.
9. The Council's submissions also refer to LP policies DP3 and DP7. The former relates to matters of detailed design and the latter to pollution and contamination. As such, these policies are not specifically relevant to crime and anti-social behaviour. I, therefore, find no conflict with these policies.

### **Other Matters**

10. I have taken account of the representations made in support of the retention of the disputed condition. However, for the reasons set out above, these do not affect my findings on the main issue.

### **Conclusion**

11. For the reasons given above, I conclude that the appeal should succeed. I will vary planning permission (Ref P/2021/01116) by deleting disputed condition 6.

*M Aqbal*

INSPECTOR



## **APPENDIX 2: Appeal Decision Ref. Ref. APP/B0230/W/24/3338531**



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# Appeal Decision

Site visit made on 6 August 2024

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> August 2024**

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**Appeal Ref: APP/B0230/W/24/3338531**

**9 Marlborough Road, Luton, LU3 1EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Miss Collette Simpson against the decision of Luton Borough Council.
  - The application Ref is 23/01136/COU.
  - The development proposed is change of use of dwellinghouse to a home for up to four children or young people with two resident carers sleeping overnight and living together as a single household.
- 

## Decision

1. The appeal is allowed and planning permission is granted for change of use of dwellinghouse to a home for up to four children or young people with two resident carers sleeping overnight and living together as a single household at 9 Marlborough Road, Luton, LU3 1EF in accordance with the terms of the application, Ref 23/01136/COU, subject to the conditions in the attached schedule.

## Main Issues

2. The main issues are:
  - The effect of the proposed development on the supply of family housing and care accommodation in the borough,
  - Whether the appeal site is an acceptable location for the proposed development,
  - The effect on the character of the area; and,
  - The effect on the living conditions of occupiers of neighbouring properties, 7 and 11 Marlborough Road.

## Reasons

### *Supply*

3. The appeal proposal would result in the loss of a family home. Policy LLP15 of the Luton Local Plan (the Local Plan) states that redevelopment of existing housing to other uses will be permitted provided that replacement dwellings are provided or there is an overriding need for other uses which provides benefits to the community which outweighs the loss of housing. Policy LLP1 of the Local Plan further promotes sustainable development within the borough.

4. The council's Sufficiency Strategy Children in Care 2021 – 2024 identified a need at the time of its publication for residential care accommodation of the sort the appeal proposal would provide. The council has granted 14 planning permissions since 2019 for children's homes. However, no specific evidence has been provided to show that these permissions have met this previously identified need.
5. The consultation response from Head of Service for Commissioning and Resources for Children, Families, and Education states that a new residential facility is being provided at Wigmore Hall. However, no further detail has been provided for how many residents this would provide for, nor when that facility may be available. From the evidence submitted, the appeal proposal would meet an existing need for residential care accommodation in the borough.
6. The proposed development would therefore provide benefits to the community which in this instance outweighs the loss of housing. The supply of an additional care home would therefore be acceptable at the expense of one family dwelling. The appeal proposal would therefore accord with policies LLP1 and LLP15 of the Local Plan.

#### *Location*

7. Policies LLP1 and LLP31 of the Local Plan collectively seek sustainable development with that minimises the need for travel. The council have suggested that the development would provide accommodation for young people not resident in the borough, necessitating increased travel as they are brought to and from the site. However, the need identified above was due to an undersupply of accommodation resulting in children from Luton being accommodated outside the borough. The proposed appeal development would therefore reduce travel, so would accord with policies LLP1 and LLP31 of the Local Plan.

#### *Character*

8. The property would be occupied by up to 4 children, with up to 3 carers present on shifts and visits from social workers and clinicians throughout the week. While this is not the same as a family dwelling, there are similarities and the scale of the proposal is modest. The associated activity would be comparable to that associated with a large family home where movements occur throughout the day. Given the surrounding wholly residential area the development would not be so intensive that it would be harmful to the character of the area.
9. The appeal proposal would therefore not conflict with policies LLP1 and LLP25 of the Local Plan. The requirements of these policies include that development be of a high quality and that it preserve or improve the character of the area.

#### *Neighbour living conditions*

10. As set out above the scale of activity associated with the development would be comparable to that of a large family dwelling. While there would be regular visits from social workers and clinicians, the relatively small number of children or young people living at the property would limit the total number of visits. I do not therefore consider that the proposed use would be harmful to the living conditions of neighbouring occupiers given Marlborough Avenue is a residential street without any restrictions on traffic.

11. The appeal proposal would therefore accord with policies LLP1 and LLP25 of the Local Plan which, amongst other things, require that development minimise noise and preserve or improve the character of the area.

### **Conditions**

12. I have had regard to national Planning Practice Guidance on conditions. I have imposed conditions relating to the commencement of development (1) and confirming the approved plans (2) for certainty.
13. I have imposed a condition restricting the number of young people who can live at the property (3) in line with the proposals outlined. Finally, a condition requiring that a management plan for the care home be submitted to, and approved, by the council prior to the use commencing (4) will ensure that the care home operates in a manner suitable in this residential setting so that it will not harm the character of the area or neighbour living conditions. The appellant has agreed to this condition being discharged prior to commencement of the use.

### **Conclusion**

14. For the reasons set out above the appeal is allowed.

*M Chalk*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings: 1:1,250 location plan (council ref DC01), block plan (council ref DC02) and 1:100 floor plans (council ref DC03).
- 3) The building and/or site shall be used for residential accommodation and care for up to a maximum of 4 persons and aged between 8 -18 years old and shall be used for no other purpose, including any other purpose falling within Class C2 as specified in the schedule to the Town and Country Planning (Use Classes) Order, 1987, (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) Notwithstanding the submitted details, prior to the first operation/use of the development hereby approved, a Management Plan, including management responsibilities and maintenance schedule for all residents and external and internal areas, the management of site parking and visitation, refuse storage details and details of the complaints and compliance procedure shall be submitted in writing to the local planning authority for approval. The approved details shall be retained and adhered to so long as the development exists thereafter.