

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00746/FP	Change of use from C3 (dwellinghouse) to C2 (children's home) and provision of 4 car parking spaces.	2 Quinn Way Letchworth Garden City Hertfordshire SG6 2TX

Submitted Plan Nos

26017 - 001 26017 - 002 Care Management Plan

1.0 Policies

D3	Protecting living conditions
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NE4	Biodiversity and geological sites
T1	Assessment of transport matters
T2	Parking
SECN12	Achieving well-designed places

2.0 **Site History**

2.1 None relevant.

3.0 **Representations**

3.1 **Neighbour Consultation – 5x Objections:**

- Harm to amenity.
- Parking issues.
- Oversubscription of on-street parking.
- Emergency services access potentially impacted.
- Out of place in a residential area.
- Potential safety issues for residents from nearby activities.
- Detrimental impacts to disabled residents near to the site for care visits, parking and proximity of parking.
- Noise generation.
- Intensity of use may harm amenities of neighbouring occupiers.
- Early morning and evenings and late at night movements may result in noise generation.
- Disturbances will harm amenity for neighbours.
- Lack of information relating to management, staffing and safeguarding. Also seeks information on: Maximum staffing levels and shift patterns, Visitor numbers, Behaviour management, Noise mitigation, Community impact, Emergency procedures.
- Intensity of use is higher than a normal household.
- Harm to neighbours that share driveway.
- Enjoyment of dwelling harmed.
- Potential for antisocial behaviour and noise at all hours of the day and night.

3.2 **Environmental Health:**

- Initially sought more information, specifically a Care Management Plan.
- Following the receipt of an amended Care Management Plan and details of the selection criteria, withdrew request for more information. Registered No Objection provided a condition was attached requiring the development be undertaken in accordance with the proposed use.

3.3 **Highways Authority:**

- Does not wish to restrict grant of permission.
- *“Overall, the Highway Authority considers that the proposed development would not result in a significant increase in traffic generation, would provide adequate on-site parking, would utilise a suitable existing access arrangement, and would not have a material adverse impact on highway safety or the operation of the surrounding road network. The proposal is therefore acceptable from a highway perspective.”*

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 No. 2 Quinn Way comprises a detached two storey dwelling in a residential area in Letchworth Garden City. The property features a rear garden and a modest front garden/driveway area.
- 4.1.2 The dwelling sits at the entrance of Quinn Way, off a private driveway shared among four dwellings. To the rear is a wooded area, to the side is a footpath and amenity area together with parking. The adjoining neighbour is a dwelling of similar size and layout to the application dwelling.

4.2 **Proposal**

- 4.2.1 Change of use from C3 (dwellinghouse) to C2 (children's home) and provision of 4 car parking spaces.
- 4.2.2 The operation of the Children's Home would comprise:
- To provide specialist residential care and accommodation for up to 3 children and young people with emotional and behavioural difficulties (EBD) and learning disabilities.
 - The residents would be aged between 8 and 18 years old.
 - It would not require external alterations, enlargements or modifications.
 - Internal safety upgrades are proposed including for fire doors.
 - Would be a 'family style' residential care home.
 - Will be registered with Ofsted prior to opening.

4.2.3 **Staffing:**

- Care staff would be present at all times, providing care on a 24-hour basis.
- Two staff would be present during the day and two or three during the night.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of Development:

- 4.3.2 The application is within a residential area within the settlement boundary of Letchworth Garden City, as defined by Policy Sp2 of the North Herts Local Plan 2011-2031. The proposal seeks the change of use of the dwelling from use class C3 to C2, to operate as a children's home for up to three children.
- 4.3.3 The site is in proximity to various bus stops along Radburn Way, providing public transport access to the wider area for staff to and from the site. As such, it is considered that the site would be in a location that could be accessed by members of staff via sustainable transport and could be used by occupants of the home if required. The site is in proximity to Garden City Academy, for educational needs, and is in relative proximity to Baldock Road Recreation Ground and the shops around Avenue One. The location is therefore sufficiently sustainable.
- 4.3.4 Changes of use from Class C3 to Class C2 require planning permission and are considered on a case-by-case basis, depending on the nature of the use, intensity and impact.
- 4.3.5 The submitted planning statement advises that the staff would not live within the property, and would operate on a shift pattern. Therefore, as they are not permanent residents of No. 2 Quinn Way, the use class would fall within C2. The 1987 Use Classes Order describes how C2 comprises a 'Residential Institution', and its full description is the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses), among other uses. "Care" is defined within Article 2 of the Use Class Order 1987 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'*.

Case Law – C3 and C2

- 4.3.6 Established case law provided 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 this 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 on Neighbouring Properties:

- 4.3.7 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.8 No physical development is proposed as associated with the change of use. Internal alterations would occur to meet the requirements for C2 uses, however, this would not result in harm to amenities of neighbouring occupiers given the built envelope/bulk would not be enlarged.
- 4.3.9 The proposal would not require changes to the internal layout, nor would it result in an increase in the number of bedrooms within the dwelling. Therefore, it can be considered that there would be no increase in the number of permanent residents that would reside or could reside within the dwelling. Based on the intensity of the use, it is considered that it would not be a significantly detrimental impact on the neighbouring properties and their amenities from general activity/movements to and from the property.
- 4.3.10 The submitted planning statement confirms that no more than 3 children would be permanent residents at any given time. Two staff would be present during the day, and by one member of staff during the night, with an additional member of staff on call when needed. Awake night staffing is advised as not general night-time arrivals or departures, with shift patterns designed to minimise disturbance and with staff handovers being controlled to ensure they are brief. Educational attendance is expected during the days and would therefore be akin to typical residential living patterns for a C3 use. In my opinion, the proposed shift pattern would not result in significant detrimental noise disturbances for neighbouring properties. The movements to and from and the times of movements are considered to be sufficiently similar to a typical family home.
- 4.3.11 Environmental Health (Noise) sought the submission of a Care Management Plan. This included details of selection criteria and the operation of the proposed use. They advised that they did not object to this submitted information, but required the inclusion of a condition maintaining the use of the building in accordance with the approved use. I consider this condition would be reasonable.
- 4.3.9 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Highways and Parking:

- 4.3.10 Hertfordshire Highways do not wish to restrict the grant of permission. They do not consider that the proposed operation would harm the safe operation of the surrounding highway, or detract from parking levels in the area.
- 4.3.11 The development would not require the provision of additional bedroom spaces, and would therefore be tantamount to a 6-bed dwelling. There are no specific policies for parking provision for children's homes, and would therefore subject to the parking standards for residential dwellings within the Parking at New Developments SPD. This would require the provision of 2 off-street parking spaces, and this would be met by the driveway area that the dwelling presently benefits from and would continue to benefit from. Furthermore, given the age of the residents, and the number of staff at the property, it is not considered that parking requirements would be intensive. Four parking spaces are shown on the submitted block plan, and I consider it is prudent to condition that these spaces shall remain in place whilst the dwelling is used for these purposes. Should there be additional parking requirements, it was noted during the site visit that on-street parking was available and would allow for infrequent use. In the round, the development is not considered to cause harm to local parking levels or the safe operation of the highway in this area.

4.4 **Conclusion and Planning Balance**

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 **Alternative Options**

- 4.5.1 None applicable.

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 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.

3. 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 Care Management Plan received 1 May 2026 unless otherwise agreed in writing by the Local Planning Authority.

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.

4. The premises shall be used for a residential childrens' care home for a maximum of three (3) children under 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.

5. There shall be no more than three (3) 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.

Biodiversity Net Gain

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.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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: 18 June 2026	