

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

12 November 2020

Application No:	SMD/2020/0565	
Location	152 Park Lane, Knypersley, ST8 7BQ	
Proposal	Change of use from dwellinghouse (Class C3) to a care home for the purposes of providing temporary respite care for up to two persons who are in need of full time care (Class C2)	
Applicant	Mrs Kelly Caddy Helping Angels Ltd	
Agent	Mr. Rob Duncan	
Parish/ward	Biddulph	Date registered: 09/10/2020
If you have a question about this report please contact: Benjamin Hurst tel: 01538 395400 ex 4127 benjamin.hurst@staffsmoorlands.gov.uk		

REFERRAL

The application is before committee because there is significant local interest, and it has been called in by Councillors Nigel Yates and John Redfern.

1. SUMMARY OF RECOMMENDATION

APPROVE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The existing dwelling is a two-bedroom detached bungalow located within the established built up area of Knypersley, on the southern side of Park Lane. The bungalow is one of seven bungalows that form a row between and opposite two-storey, mainly, semi-detached dwellings.

2.2 The existing bungalow, comprises a sitting room, kitchen, shower room, conservatory and two bedrooms. It has a large garden extending to the front, with driveway running along its SE boundary, which extends alongside the dwelling leading to a detached garage to the rear. To the rear of the site lies a large garden area that backs on to the rear garden of no.10 Menai Drive.

2.3 The site is located within a long established area of suburban housing within the defined town settlement boundary of Biddulph.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 The proposal is to use the existing bungalow to provide 'respite care' for up to two persons, who, through physical and cognitive conditions, need full-time care.

Respite care is planned, or emergency care provided for a temporary period to support families and other unpaid care givers during holidays, breaks or family emergency. Typically, the care would be provided for young people (less than 25 years old) and guests would typically stay for periods of no less than 2 nights and no more than 7 nights.

3.2 The guests would always be supervised by two experienced and qualified carers who would operate on a shift basis, with staff changing over twice a day. The premises would not provide medical, educational, or full residential care and therefore, under normal use, there would not be supplementary visits from personnel such as doctors, teachers, therapists, or social workers.

3.3 The application does not include any proposals to alter or enlarge the dwelling and the existing driveway arrangement would provide the parking for at least three vehicles.

3.4 The applicants, Helping Angels Ltd, explain in their statement that they are a registered care provider, regulated by the Care Quality Commission (CQC). They state their aims and objectives as being to improve market choice for accessing respite services, and to improve the quality of life and opportunities for young people with learning disabilities from within the North Staffordshire area. It is said that local respite providers covering the North Staffordshire area are already oversubscribed and the proposed change of use will respond to and help address the need for such services.

3.5 The applicant points to the Department of Education Departmental Advice on Short Breaks for Carers of Disabled Children confirms that Local Authorities have a duty under the Children Act 1989 to provide, as part of the range of services they provide for families, breaks from caring for carers of disabled children to support them to continue to care for their children at home and to allow them to do so more effectively. This duty is enshrined within the Breaks for Carers of Disabled Children Regulations 2011 (more commonly known as the Short Breaks Regulations) and requires local authorities to do three things:

- 1. to ensure that, when making short break provision, they have regard to the needs of different types of carers, not just those who would be unable to continue to provide care without a break;*
- 2. to provide a range of breaks, as appropriate, during the day, night, at weekends and during the school holidays; and*
- 3. to provide parents with a short breaks services statement detailing the range of available breaks and any eligibility criteria attached to them.*

3.6 The applicant did not seek any pre application advice from the Council regarding the application. Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128617>

4. RELEVANT PLANNING HISTORY

None

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

- The Local Plan Development Document (adopted Sep 2020)

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS6 Biddulph Area Strategy
- DC1 Design Considerations to protect residential amenity
- SD4 Pollution
- T1 Sustainable Transport

National Planning Policy Framework (NPPF) revised.

5.3 Paragraph 91 of the National Planning Policy Framework states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, and should enable and support healthy lifestyles, specially where there is would address identified local health and well-being needs. Paragraph 92 adds that to provide the services that the community needs, planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

6. CONSULTATIONS

A site notice was posted and displayed on the 22nd Oct, Expires 12th Nov.
11 near neighbours were notified in writing on the 12th Oct.

Public response to consultation

6.1 13 letters of objection have been received from nearby residents. The following comments and points are made:

- *The existing residential community are quite elderly making for a close knit and tranquil environment. Those elderly residents are particularly vulnerable to noise and disturbance because they spend a lot of time at home and in their gardens. They are worried about noise and disturbance that might result from unpleasant language, challenging behaviour, frequent and irregular coming and goings at all times of the day and night causing noise and light pollution from car headlights.*

- *Nearest neighbours would suffer loss of privacy*
- *house price will be devalued as a direct result and it will become a less attractive area to move to*
- *Park Lane is a busy fast road, with history of accidents, visitors would be numerous and frequent (doctors, medical intervention, deliveries of equipment and food, house maintenance/gardening and owners visiting the site). It is difficult to reverse out of the driveways and roadside parking causes a highway danger.*
- *Existing parking provision would be provided on a long end to end, single width drive with no turning space*
- *There is concern for the safety of the young people who would stay at the property. If carers cannot make it to work they will have to fend for themselves. Should anyone get on to the road they could quite possibly be seriously injured or even killed.*

Biddulph Town Council

6.2 Biddulph Town Council do not object to the proposal.

SCC Highway Authority

6.3 No Objection. According to the SCC Collision Database there have been no recorded collisions within 43 metres either side of the properties access. The property is located on an unclassified road, with a speed limit of 30mph and no collisions recorded. Visibility is good, the proposal does not increase the size to the property or trip generation and can accommodate parking in accordance with the Staffordshire Moorlands Parking Standards.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 Located within one of the area's largest town settlements, defined by a settlement boundary, where the development plan spatial strategy is to strengthen its role as a service centre, the main issues for consideration relate to impacts on residential amenity and highway safety. The scope of the 'dwellinghouse' use class (Class C3) is actually rather broad and would, for example, permit the property to be used, without planning permission, by up to six unrelated adults in need of care living together as a household. This application proposes a use that would not be dissimilar in its character and impacts. However, the applicant does not argue that there would not be 'material change', and instead, for the avoidance of doubt, seeks express planning permission.

General Principles for Development and Spatial Strategy Approach

7.2 One of the fundamental principles that underpin the adopted Local Plan, provided at Policy S1, is that development shall contribute positively to the social and

economic development of the area by, in part, delivering quality services for healthcare and community. The site's location in Knypersley is within a 'significant service centre'- the town settlement boundary of Biddulph, the second largest settlement in the district. It is part of the Local Plan's 'area strategy' for Biddulph, Policy SS6, to enhance its role as a service centre by improving the range of housing availability, and facilities for health and community.

7.3 The provision of a small residential facility within an established area of housing to support those in the community who care for some of our most vulnerable residents, would align with and help deliver on those local plan strategy commitments.

Impact on the character and appearance of the area

7.4 The application does not propose any internal or external alterations and the bungalow would not be enlarged. There would be no changes to its size or appearance.

Impact on Highway Safety

7.5 The existing bungalow already has a long 22 metre driveway to the front and side of the dwelling, there is also a width of hard surface across the frontage that provides additional parking. The application does not propose to change or increase parking provision, the proposal would rely on existing arrangements that provides space for more than 3 cars.

7.6 The residential care facility would not provide any medical, nursing or education function. It would not, during the normal use of the property be visited by doctors, nurses, or social workers. Those persons likely to visit the property in a car would be limited to the two care providers (with change over at the beginning and end of each shift) and those family members, or other care givers, when each guest (no more than two at any one time) is dropped off and collected. For the most part it will be just two cars parked on the driveway, with the more occasional visit of a third car when guests arrive or depart. The normal delivery of food and provisions or visits from maintenance services should be no more than that of a normal dwellinghouse and overall the parking demands and vehicular movements associated with this facility, should really be no more intensive than that of a normal two car household who may of course have any number of visits from friends and family.

7.7 Officially, for this type of establishment, the Local Plan parking standards require one parking space per member of staff, and one space for every three guest bedrooms. Here that would amount to a requirement for no more than 3 parking spaces and the property already easily meets that standard. This stretch of Park Lane is relatively straight with good visibility in both directions. It is lined with similarly sized dwellings, each with ample driveway parking. The road has a 30mph speed limit and there are no restrictions on street or roadside parking. The Highway Authority have not objected to this application and confirm that there have not been any collisions recorded within 43m either side of the property. It would not be necessary to alter or improve existing parking provisions by widening the access or providing additional hard surface.

Impact on Residential Amenity

7.8 The proposal has been advertised as a very broad change of use to a care home (Class C2) and perhaps some of the public objection and concern results from a degree of uncertainty and fear in respect of this. However, it is clear from the submitted detail that the property would only be used in a quite specific and limited way and the applicant is agreeable to a development description and planning condition that would tie the use to those specified details and prevent unrestrained change within the broader provisions of the use class.

7.9 The property would remain as a two bedroom bungalow within residential use compatible with the residential area, and in most respects the character and impact of the land use would be very similar to that of any other open market dwellinghouse. After all, within the C3 use class it would be permitted for any dwellinghouse to be used by up to six unrelated adults in need of care to live together as a household, by way of comparison. The proposed change of use is not deemed to be development that would 'result in noise pollution' relevant to Policy SD4 of the Local Plan.

7.10 No more than two residential guests would have only temporary stays, between 2 and 7 nights, and otherwise they live with their families and care providers within open market dwellings and residential areas. When children stay in the house they would be under the supervision of their adult carers, interacting with them in a way similar to that of a parent or guardian, and partake in after school activities such as arts and crafts, cookery etc. Where appropriate, they would attend school during the daytime. The comings and goings associated with the premises will not be dissimilar to those associated with a dwellinghouse, and the use of the premises for such purposes should not materially detract from the amenity of neighbouring residential occupiers. The proposed development is therefore consistent with the requirements of policy DC1 of the Local Plan in this regard.

Planning Balance & Conclusions

7.11 The change of use would result in only limited changes to the character of the land use and would bring some community benefit by providing facility and support for some of the area's most vulnerable residents. There would be no adverse impacts to the character and appearance of the area, highway safety or the amenity of residents. There would be no conflict with the Local Plan.

8. RECOMMENDATION

A. That planning permission be APPROVED for the residential care facility subject to the following conditions:

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

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The change of use permitted and described above shall only be carried out at the property identified and shown on the 'location and site plan' drawing number 20/606/03 and 'proposed details' drawing number 20/606/02 that were submitted with the application. The property layout and arrangement of interior room space shall remain and be used as shown in both of these drawings.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. When the property ceases to be used for the permitted purpose described above it shall be made available for reuse and a return to its former use as a single dwellinghouse (Class C3). The use may return to that former dwellinghouse use without the need for a further express grant of planning permission.

Reason:- So that it would not be necessary to gain express planning permission to return the use of the property to a Class C3 dwellinghouse.

4. This permission is to only use the property for the purposes of providing temporary 'respite care' for no more than two persons who are normally in need of full time care where each period of stay is limited to no more than 7 nights; and for no other purpose, including any other purpose in Class C2; of the Use Classes Order.

Reason:- In the opinion of the Local Planning Authority the premises for other uses within the same Use Class could cause harm to the amenities of the area.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, AA, B, C, D and E or Part 20 shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason:- For the avoidance of doubt and to ensure that the capacity and function of the property is not enlarged without planning permission.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Informative

1. The application is for a sustainable form of development which complies with the development plan and the provisions of the National Planning Policy Framework. In the spirit of paragraph 38 of the NPPF amendments were secured to reduce the impact of the scheme.

