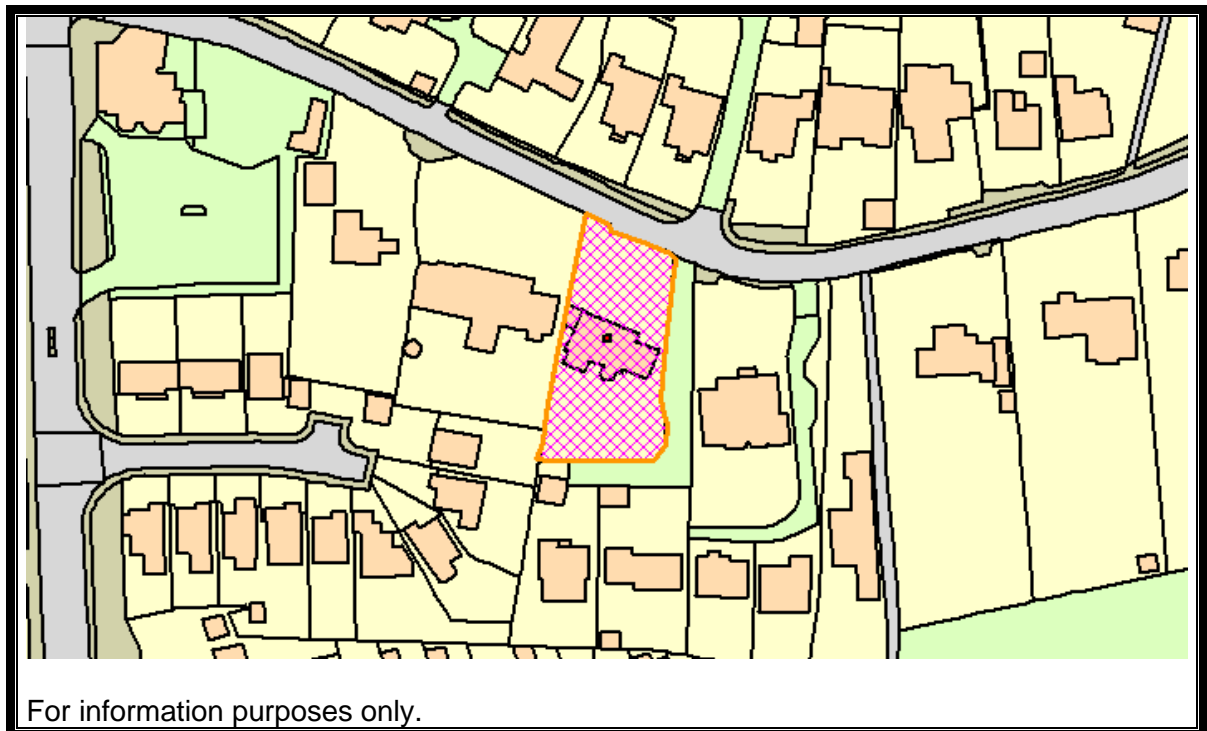


Meeting:	Planning and Development Committee	Agenda Item:
Date:	9 January 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	23/00762/FP
Location :	Oak Lodge, Rectory Lane, Stevenage, Herts
Proposal :	Change of use from dwellinghouse (Use Class C3) to residential institution for the care of up to 4 children (Use Class C2)
Drawing Nos.:	23067-001; 23067-SK1; 23067-010-A;
Applicant :	Jeeves Care Group Ltd
Date Valid:	13 October 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site is a large four bedroom detached dwelling on the southern side of Rectory Lane, located towards the western end, and lies within the St. Nicholas and Rectory Lane Conservation Area. To the east, south, and west are residential dwellings and to the north is the highway of Rectory Lane with residential dwellings beyond. The access to the cul-de-sac of Nycolles Wood is opposite the site.

2. RELEVANT PLANNING HISTORY

- 2.1 00/00298/TPCA. Removal of ash tree, works to oak tree and holly bush within a conservation area. Granted consent 07.08.2000.
- 2.2 13/00294/TPCA. Reduction of crown by 30% on 1no. oak tree and crown reduction of 20% on 1no. holly tree. Granted consent 13.08.2013.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the change of use of the single domestic dwelling (Use Class C3) to a residential institution for the care of up to 4 children (Use Class C2). The proposal also comprises the erection of a security gate with associated pedestrian access.
- 3.2 The application comes before the committee as it has been called-in by Councillor Bibby. The Councillor called in this application in terms of impact on neighbouring properties and impact on residential amenity.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of a site notice, public representations have been received from the following properties:

- Rectory Lane: Rivelin; Bridon; Medbury; Priory Cottage; Oak House; Oak Court; No.1 The Priory; Turnpike Close; Wayside; Orchard House;
- Rectory Croft: 2; 4
- Nycolles Wood: 1; 2; 3; 5; 6; 7
- Chestnut Walk: 1
- Rectory Lane Residents' Association

- 4.2 A summary of the comments received are set out below:

- If it is run like 25 North Road, then there will be problems for neighbours;
- How will the Council ensure there is no circumvention of C2 use or relevant laws?
- Business properties are not in keeping with residential areas;
- No details provided in the application of contact numbers for staff;
- Will worsen traffic problems on Rectory Lane and Nycolles Wood;
- No details given of the agreement with Marquis of Granby for using their car park;
- How will neighbours be protected from noise and traffic?
- No details of previous care home at 36 Rectory Lane that caused significant issues before it was shut down;
- Previous care home at No.36 caused significant fear, vulnerability and distress to neighbours from anti-social behaviour;
- Loss of large, aspirational, family home;
- Will affect house prices;
- Will cause an increase in crime and anti-social behaviour;
- Will set a precedence for more properties to be changed to care homes;
- Council should invest in, and build, a purpose-built children's home;
- No footpath on this side of Rectory Lane;
- Concern about property being changed to other institutions within C2 use;
- Children with complex issues will need a lot of care and a lot of different authorities involved meaning a lot of meetings;
- Lack of security measures around the premises;
- The change of use makes no economic sense to the Council's finances;

- There is clearly a need for such care homes, but not in Rectory Lane;
- Concerns about safety, security and decorum of the area as a result of the change of use;
- Drug issues behind the property will influence potential residents;

4.3 The aforementioned is not a verbatim copy of the objections which have been raised. Full copies of the representations received can be viewed on the Council's website.

5. CONSULTATIONS

5.1. Environmental Health

5.1.1 No objections. Care homes are not regarded as houses of multiple occupation so no requirement to be licenced as such. Noise is unlikely to be an issue as it's a detached property.

5.2 Herts County Council as Highways Authority

5.2.1 The proposals do not include any external changes to the access or parking. Therefore, the highway authority would not wish to restrict the grant of planning permission.

5.2.2 Following receipt of a new plan with details of a security gate, the highways authority was re-consulted and they advised there was no change to their previous comments.

5.3 Herts Police Crime Prevention Design Advisor

5.3.1 No design and access statement submitted. No crime data included in application to show this has been considered. Having checked the records, there is only one crime recorded in the past year in Rectory Lane, however North Road had twenty reports of anti-social behaviour. Closed police records indicate several reports relating to the applicants' other premises at 25 North Road although these were related to one particular individual which can be expected of this type of use wherever it is located. Noted that applicant intends to meet with local police and PCSO's but neither of these can deal with Secured by Design and no attempt has been made thus far to engage with us. Also have substantive concerns that there is no secure locked office shown on the plans.

5.3.2 Following receipt of these comments, the applicant submitted additional information, engaged with the Crime Prevention Design Service (CPDS), and held a meeting with them. As such, the CPDS Officer submitted further comments.

5.3.3 As a result of a meeting with the applicant, we now fully support this application as the applicant has agreed to seek to achieve Secured by Design for the development, the office will be secured and alarmed, a new security gate will be installed to LPS 1175 issue 8 B3 rated and will be 'gate safe' certified.

6. RELEVANT PLANNING POLICIES

6.1. Background to the Development Plan

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
- change to policies on Biodiversity.

6.2.2 The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.3 Planning Practice Guidance

6.3.1 The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

6.4 Adopted Local Plan (2019)

6.4.1 The policies set out below are relevant in the determination of this application:

Policy SP1: Presumption in favour of sustainable development;
 Policy SP2: Sustainable development in Stevenage;
 Policy SP5: Infrastructure;
 Policy SP6: Sustainable transport;
 Policy SP7: High quality homes;
 Policy SP8: Good design;
 Policy SP9: Healthy communities;
 Policy SP11: Climate change, flooding and pollution;
 Policy SP12: Green infrastructure and the natural environment;
 Policy SP13: The historic environment;
 Policy IT5: Parking and access;
 Policy HO6: Redevelopment of existing homes;
 Policy HO10: Sheltered and supported housing;

Policy HC5: New health, social and community facilities;
Policy GD1: High quality design;
Policy FP7: Pollution;

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020
Stevenage Design Guide Supplementary Planning Document January 2023.
St Nicholas/Rectory Lane Conservation Area Management Plan 2012

6.6 Community Infrastructure Levy

- 6.6.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development.

7. APPRAISAL

- 7.1 The main issues in the assessment of the application are the acceptability in land use policy terms, impact on the character and appearance of the St Nicholas/Rectory Lane Conservation Area, impact on residential amenity and car parking provision.

- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.3 Land Use Policy Considerations

- 7.3.1 Paragraph 60 of the National Planning Policy Framework (NPPF) (2023) sets out that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

- 7.3.2 The loss of the existing single-family dwelling must be recognised, as this would have a negative impact on general housing supply. It is also important to note that the existing dwelling qualifies as an "aspirational" home, for which there is an identified shortage within the Borough. However, it is considered that the adverse impacts of this loss would be outweighed by the provision of a care home for children, for which there is an identified shortfall, and as such, the proposal is compliant with Policy SP7 overall.

- 7.3.3 Policy HO6 of the adopted Local Plan (2019) states that planning permission for schemes resulting in the change of use or redevelopment of existing homes for non-residential purposes will be granted where:

- a) It would provide a small-scale social, health, community or leisure facility or a small-scale extension to an existing business use in the same building;
- b) It would not adversely affect the surrounding or adjoining properties; and
- c) A suitable, alternative non-residential site is not available for the proposed use.

- 7.3.4 The aforementioned policy also states that planning permission for residential schemes resulting in a net loss of housing will be granted where it provides demonstrable benefits against the relevant housing policies of this plan. Policy HO10 of the same document stipulates that planning permission for sheltered and supported housing schemes will be granted where the site is well served by passenger transport, there is good access to local services and facilities, there is an appropriate level of amenity space and car parking provision, and the proposal is appropriate to its locality.

- 7.3.5 Turning to Policy HC5, this states that planning permission for new health, social and community facilities on an unallocated site, would be granted where there is:
- An identified need for the facility;
 - The site is appropriately located in terms of its location and accessibility; and
 - The facility is integrated with existing health, social or community facilities, where appropriate.
- 7.3.6 The proposed development seeks a change of use of the existing property (Use Class C3) to a residential care home (Use Class C2) for up to 4 children. The children would live with carers as a single household although the carers would not live at property, working on a shift basis. The property would not be altered internally or externally and would continue to be laid out as a typical dwellinghouse where there is a kitchen, dining room and living room area where the children and carers would interact.
- 7.3.7 The applicant advises that there is a shortfall in spaces in Hertfordshire for local children and they often find themselves placed into care homes many miles from their family. The home would be operated on a private basis and the owners of the property live locally, within 1 mile of the site and would visit the site regularly to ensure it is being run effectively and correctly.
- 7.3.8 In terms of siting and location, the development would be approximately 1km from the historic Old Town High Street and the shops and services contained therein and approximately the same distance to the Sainsbury's superstore on Hitchin Road. The John Henry Newman, Barclay Academy and Thomas Alleyne secondary schools are within 1km and Letchmore Infants and Nursery, Almond Hill Junior and Woolenwick Infant and Nursery schools are also in close proximity. North Road is well serviced with public transport and the Lister Hospital is very close by to the north. Given this, the site is well served by alternative forms of transport with good access to local services and facilities.
- 7.3.9 The question of whether the proposal is appropriate to its locality is a broad one and also covers matters of detail (e.g., appearance) as well as matters of principle (i.e., land use). Strictly from a land use perspective, the proposal is considered to be appropriate for its locality because it is, fundamentally, a proposal for a residential use within an established residential area which is not significantly constrained by Local Plan designations or environmental factors. Of course, the proposal would amount to a different type of residential use of the site than the existing use as a single-family dwelling but not to the extent that it would be inherently incompatible with its location.
- 7.3.10 Having regard to the above, despite the loss of 1no. four-bedroom dwellinghouse, there are benefits of the development which outweigh its loss. In particular, the proposal would provide a fundamental residential facility for children where there is an identified need for such facilities. The development would also generate additional employment which is also considered to be a benefit as it supports one of the fundamental aims of the NPPF which is to also deliver sustainable economic development. Therefore, it is considered that the principle of the proposed development in land use policy terms is acceptable subject to its impact on the appearance of the area and on residential amenities. These are assessed in the following sections of this report.

7.4 Impact on the Character and Appearance of the Conservation Area

- 7.4.1 The proposed development does not consist of or include any external alterations to the property, such as new openings (i.e., additional windows and doors being installed) or extensions to the existing property.
- 7.4.2 The proposal does include for a new security gate to be installed across the entrance to the driveway in front of the property which would be approximately 10.5m from the back edge of the highway of Rectory Lane. This new security gate would be 1.5m high and be of a side-

sliding operation. It would be constructed of composite material and be grey in colour. A separately operated pedestrian gate would form part of the overall security gate.

7.4.3 Due to the set back from the main highway this gate will have minimal visual impact on the street scene and is not too dissimilar to other gates in the area or security gates you would expect to find on large, detached dwellings in this type of setting.

7.4.4 As referenced in 7.3.9 above, from a land use perspective, the proposal is considered to be appropriate for its locality because it is, fundamentally, a proposal for a residential use within an established residential area. Of course, the proposal would amount to a different type of residential use of the site than the existing use as a single-family dwelling but not to the extent that it would be inherently incompatible with its location. In this regard, it is not considered that the use would amount to a business use, nor that it would harm the historic character and appearance of the conservation area as a result.

7.4.5 It is therefore, considered that the change of use of the building would not adversely affect the character and appearance of the conservation area.

7.5 Impact on Residential / Neighbouring Amenity

7.5.1 As stated above, the proposed development does not consist of or include any external alterations such as new openings (i.e., additional windows and doors being installed) or extensions to the existing property. Therefore, the proposed development would not impact on the level of privacy and outlook currently enjoyed by neighbouring properties over and above the current situation.

7.5.2 Turning to noise which could potentially be generated by the development, the Council's Environmental Health Officer has raised no concerns in this regard. Further, 4 children under 18yrs of age living in the property would be in line with that expected of a 4-bedroom family dwelling. However, if there are any statutory nuisances generated by the development, such as noise, in the future then the Council's Environmental Health Department under the Environmental Protection Act 1990 have powers to enforce against this.

7.5.3 Concerns from local residents regarding a business use not being acceptable in a residential area are noted. However, the use of the premises as a home for children has been assessed to be acceptable in this location and it is not considered that a home occupied by 4 children with staff would be materially different to that of a large single family. This viewpoint has been upheld at a recent appeal in November 2023 (APP/F1040/W/23/3319968, 61 Ashby Road, Woodville, Derbyshire) whereby the Inspector found that a detached five-bedroom family home could accommodate a large family which could include adult children or children with additional needs. He went on to conclude that the proposed conversion would not intensify the use of the site beyond that which is already possible and consequently the level, and character, of noise generated on site by residents would not be dissimilar to a scenario that could occur at the existing dwelling, without planning permission. Further, he stated that although there is a difference between the use of a property as a C3 dwellinghouse and a C2 care home, given the scale of the proposal, the appreciable difference with regards to the living conditions of neighbouring occupiers would not be unacceptable. This decision is pertinent to the application which is before the Council in that it would have similar characteristics to that outlined in the aforementioned appeal decision.

7.5.4 In regards to the amenities for the clients at the property, there is an existing private garden area to the rear of the property which measures in excess of 450sqm, and which is currently enclosed with a mixture of hedging and timber fencing. Given this, the living standards for the clients who would reside within the property would be acceptable in this instance.

7.5.5 A large number of local residents raised concerns regarding a, now closed, children's care home at No.36 Rectory Lane (approximately 300m to the east adjacent to the cul-de-sac of

Nicholas Place). The applicant has provided a statement on 10th November (available to view on the public vile titled 'Applicant response to Objections'). Page 4 of this document provides background to the use of No.36 as an unregulated care home. In 2009 when this facility was created, there were no requirements for planning permission for a change of use and no requirements to register with Ofsted as a children's home. As such, there were no mechanisms in place to provide enforcement to regulate or manage this previous facility.

- 7.5.6 The applicant goes on to provide details of current regulations in his aforementioned statement. The property will be required to register with Ofsted who will carry out a full inspection of the property and assess the risk assessments which have been carried out by the applicant. If they conclude that the property is unsuitable or that children placed in the home will not be safe, then registration is denied, and the home cannot operate. Ofsted will also carry out regular checks, both announced and unannounced, of the property, staff, and children's welfare and if at any time they find the management of the home to be wanting in any areas, they reserve the right to enforce the closure of the property. This will ensure that the property is managed satisfactorily, and neighbouring amenities are protected from poor management such as occurred with the now closed, unregulated home at No.36.
- 7.5.7 Concerns from local residents regarding the 'type' of children who would reside at the home are noted. The applicant has confirmed that the admission process for children into such homes is rigorous and designed to ensure that children are placed in home where there are suitably qualified staff for their needs. Each child is assessed and only placed into a home where their individual risk assessment matches that of the home. The children visit the home prior to placement to ensure all needs can be met and they will settle with other residents. Children are generally accepted on a mid to long term basis for stability.
- 7.5.8 Concerns regarding anti-social behaviour are noted. Case Law suggests that anti-social behaviour and fear of crime can be material planning considerations where there is evidential basis for that fear. In this instance, it is accepted that the fear of crime and fear of future anti-social behaviour is based on experiences of historical issues caused by the previous, unregulated and poorly managed children's home at No.36. A judgment is therefore needed as to whether this fear of future harm outweighs the benefits of the proposed development.
- 7.5.9 The Hertfordshire Sufficiency Statement (March 2021) produced by Herts County Council states there are currently 996 children requiring care in Hertfordshire. Of these, 384 are placed outside of Hertfordshire of which 41 are over 100 miles from their family home. This is due to a lack of suitable, available places within Hertfordshire. Clearly there is an evidenced need for the proposed development to address the shortfall in places, and whilst 4 spaces will not make a large dent in the deficiencies, it nonetheless is a benefit to the proposal.
- 7.5.10 Anti-social behaviour is not an absolute certainty and can, and does, arise in any residential setting. It should be noted that the applicant has provided additional statements since the initial submission which detail how the property is regulated by Ofsted and it is further noted that the applicant will work with Herts Police to ensure the property is satisfactorily designed and secured to Police standards.
- 7.5.11 The NSPCC website states that research shows that looked after children tend to have poorer outcomes in education attainment and mental and physical health when compared to children who have not been in, or needed to be in, care. However, when comparing looked after children to other children in need, this is not the case and studies have shown that looked after children have better outcomes than children in need. Other studies have found that most looked after children will say their experiences have been good and it was the right choice for them. Therefore, there is no evidence to say that children in the proposed care home will be any more likely to subscribe to anti-social behaviour than other children. With good care and management, any anti-social behaviour that does arise would be dealt with by the managers and owner of the premises. As stated in 7.5.5, the previous home at No.36 was unregulated and not managed satisfactorily which resulted in the issues experienced by local residents and

there is no evidence to suggest that the proposed care home would result in the same harms. The owner has clearly and precisely outlined the regulation and management process of the home (see 7.5.6 above) which will safeguard the amenities of the neighbouring properties.

- 7.5.12 With regards to crime data, Herts Police Crime Prevention Design Advisor (CPDA) initially raised concerns with regards to a lack of secure office for staff and no liaison between the applicant and themselves in relation to obtaining Secured By Design. They noted twenty crime reports for anti-social behaviour in nearby North Road, but the data cannot tell us if that was people passing through or residents causing the disturbance. As such, the crime data is not an accurate predictor of whether the proposed development will cause harm to residential amenity. It is noted that the CPDA did not raise concerns over the principal of the change of use nor the operation of the premises as a children's care home. Following a meeting between the CPDA and the applicant, they provided additional comments to withdraw their objection and confirm they fully supported the application on the basis that there will be locked office and the security gates will be of a satisfactory security standard.
- 7.5.13 The overnight staff will operate on a 'waking shift' basis, they will not be sleeping. As such, the safety and security of the property and residents will be monitored 24 hours a day which exceeds that of a normal family home.
- 7.5.14 Many local residents expressed concern that allowing this application could lead to an intensification of use in future or change to other types of institutions covered by a C2 use. A condition has been agreed with the applicant that will restrict the premises to children's care home for 4 children. Any deviations from this would require planning permission in order that the Council can fully assess the impacts of any change.
- 7.5.15 On balance, it is considered that the unmet needs of Hertfordshire children are significant, and the proposed development would help address the shortfall in demands. Further, being children, there is a need to be located in a sustainable location, close to educational facilities. The site has been assessed to be in such a location which is afforded some weight in favour of the application.
- 7.5.16 The fear of crime and anti-social behaviour are valid concerns and based on historical occurrences in the vicinity and so are accepted as material considerations. However, the historical occurrences arose from an unregulated premises with poor management and the applicant has provided details of how the proposed development would be regulated and run by qualified and experienced staff and equipped with modern security arrangements. As such, the substantial benefits of providing suitable and acceptable housing for children in an accessible location outweigh the identified harms.

7.6 Car Parking and Highway Safety

- 7.6.1 The nearest relevant standard associated with the development as set out in the adopted Car Parking Provision SPD (2020) would be "Use Class C2 Residential Institutions".
- a) Institutions/homes with care staff on premises at all times (excluding nursing homes, hospitals, residential schools, colleges or training centres)".
- 7.6.2 This standard stipulates that 1 space per 5 residents' bed spaces plus 1 space per 2 staff (non-resident) should be provided. The site is not located in a non-residential accessibility zone, although it is on the border of the zone covering North Road and surrounding areas.
- 7.6.3 The proposed development seeks to convert the existing property into a 4-bedroom care home with up to 2 waking carers on site at all times. Taking this into consideration, there would be a requirement for 1 space for the number of children and 1 space for the 2 staff on site at any given time; a total of 2 spaces needed.

- 7.6.4 The submitted plans show that the hardstand to the front of the property will remain in-situ and has been measured at approximately 20m wide and 8m deep. This size of hardstand would likely accommodate at least 8 vehicles which is therefore considered to significantly exceed the required amount of parking and would therefore allow for a number of visitors to park on site in addition to staff without causing an overspill on to adjacent roads.
- 7.6.5 Herts County Council as Highways authority have assessed the application and raised no concerns or objections in relation to access, highway safety or the security gate to be installed.
- 7.6.6 With regards to the proposed new gate, this would be installed across the access to the hardstand driveway on the eastern side boundary. It would be of sliding operation so there would be no harm to the shared access driveway for the two dwellings to the rear through blocking of access. It is sited approximately 10.5m from the back edge of the highway with Rectory Lane so cars pausing to wait for the gates to open will not cause an obstruction on Rectory Lane.
- 7.6.7 In regards to cycle parking, the Council's Car Parking Standards SPD state that 1 short term space per 20 beds plus 1 long term space per 10 staff on duty should be provided on-site. The private rear garden, and securely gated front curtilage is considered adequate in size for the storage of bicycles. Consequently, sufficient cycle parking would be readily available on-site.
- 7.6.8 Concerns from local residents regarding the lack of pedestrian footpath on the southern side of Rectory Lane are noted. However, there is no pedestrian footpath on this side of Rectory Lane for its entire length. As such, any resident wishing to access any property on the southern side of the road must use the footpath on the northern side and then cross the road. The application site is no different and would be the same whether a single-family dwelling with children or a care home with children. HCC Highways raised no concerns in this regard. As such, the application is considered acceptable in this regard as the occupiers will not be any more disadvantaged or at risk than every other property along Rectory Lane.
- 7.6.9 With regards to comments made referring to the applicant's comments in their submission about utilising The Marquis of Granby's car park, the applicant provided an additional statement on 10th November 2023 which included further details on this matter. They currently have a verbal agreement with the landlord of the public house to use their car park on an ad-hoc basis when the need arises due to the road works on North Road occasionally making access to their property at 25 North Road difficult. They are aware that this is an informal and verbal agreement which could be revoked at any time and thus, cannot be considered as a factor in the determination of this application in relation to parking provision. Notwithstanding and set out earlier in this report, the driveway parking for the application site is of such a size that additional overflow parking at The Granby would not be required.

7.7 Other Matters Raised in Representations

- 7.7.1 House prices are not a material planning consideration and cannot be taken into account in the assessment of this application.
- 7.7.2 The applicant is not required to submit contact details of future staff members as part of this application.
- 7.7.3 Concerns over drug dealing in the area are a matter for the Police.
- 7.7.4 The site is not located within a Green Link or Green Corridor under Policies NH3 and NH4 therefore there is no requirement for the applicant to provide contributions towards the maintenance, improvement or extension of said areas.
- 7.7.5 Comments received stating that the Council should be investing in building their own purpose-built care home for children and that this application will not be financially viable for the Council

are not material to this application. This application is not being proposed by the Council and will not therefore impact the Council financially.

7.8 Other Matters

Waste and Recycling

7.8.1 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. The current requirements for waste and recycling per household are as follows:-

Bin Type	Use	Domestic / Trade	External Dimensions mm H x L x D (H + open lid)
180ltr Wheelie Bin (Black)	General Waste	Domestic	1070 x 580 x 730
240ltr Wheelie Bin (Brown)	Green & Food Waste	Domestic	1100 x 600 x 800
60ltr Bag (Black)	Recyclables -Plastic & Cans	Domestic	490 x 350 x 350
60ltr Bag (Blue)	Recyclables -Paper & Card	Domestic	490 x 350 x 350
23ltr Caddy (Red)	Glass	Domestic	405 x 320 x 400
23ltr Caddy	Food Waste	Domestic	405 x 320 x 400
240ltr Wheelie Bin (Black)	General Waste	Domestic	1100 x 600 x 800
360ltr Wheelie Bin	General Waste / Recyclables	Domestic / Trade	1120 x 630 x 890
660ltr Eurobin	Recyclables	Trade	1400 x 1300 x 720
1100ltr Eurobin	General Waste / Recyclables	Trade	1400 x 1300 x 1000

7.8.2 The submitted plans indicate that the secured front curtilage can accommodate the required vessels without hindering the car parking provision.

Community Infrastructure Levy

7.8.3 The Council adopted CIL on 1 April 2020 and the CIL Charging Schedule specifies a payment for new floorspace in line with the following rates (plus appropriate indexation):

Development Type	CIL Rate (£ per square meter)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m ²	£100/m ²
Sheltered housing	£100/m ²	
Extra care housing	£40/m ²	
Retail development	£60/m ²	
All other development	£0/m ²	

7.8.4 The proposed development would be liable for CIL but would be zero-rated because care homes are defined as falling within the “all other development” category by the charging schedule.

Equality, Diversity and Human Rights

7.8.5 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person’s rights under the Convention.

7.8.6 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.

7.8.7 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council’s obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

7.8.8 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.8.9 Residential dwellings are not considered to be a noise-based use. Accordingly, it is not considered that the development would contravene the Human Rights Act by way of preventing or hindering the right to peaceful enjoyment of a home.

7.8.10 The care home would provide living accommodation for children in need, who are protected by the Equalities Act. Further, as a large detached residential dwelling, it would be very easy to adapt internally and externally to accommodate the needs of any disabled children.

7.8.11 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council’s Equality Policy or the commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.

8 CONCLUSIONS

8.1 The policies considered to be most relevant for determining this application are listed above in Section 6.4.1 and mentioned throughout this report. These are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up to date.

8.2 The proposed development would result in the delivery of a 4-bedroom children’s care home. This would make a modest contribution towards addressing the shortfall in children’s care home spaces in Hertfordshire and reduce the number of children being placed outside of Hertfordshire away from their family and friends and education premises to the detriment of the mental health and education.

8.3 Balanced against this is the loss of the single-family dwelling which is currently on the site. Although this loss does not conflict with any particular policy, boosting the supply of market dwellings is nonetheless a clear objective of the development plan. This carries weight against

the proposal, although given that only one dwelling would be lost and in view of the Council's housing land supply and housing delivery positions, that weight is limited.

- 8.4 Harm arising from potential anti-social behaviour and fear of crime have been determined to be a key material consideration arising from previous experiences in the vicinity. However, measures will be in place to mitigate this.
- 8.5 The proposal has been assessed to be acceptable in terms of car parking provision, cycle storage, impact on neighbouring and residential amenity and on the collection of waste and recycling.
- 8.6 On balance, it is considered that the need to provide suitable, accessible and safe housing in a residential environment for children in care outweighs the harms identified and the proposal is therefore considered to be acceptable.
- 8.7 Accordingly, the proposal is considered to be in accordance with the development plan when read as a whole. In the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

9 RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions and informatives:
 - 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
23067-001; 23067-SK1; 23067-010-A;
REASON:- For the avoidance of doubt and in the interests of proper planning
 - 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements 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 Prior to the first occupation of the development hereby permitted, the security gate as shown on drawing number 23067-SK1 shall be installed in the location as shown on drawing number 23067-010-A and shall be permanently retained in that form thereafter for the lifetime of the development.
REASON:- To ensure the safety and security of the occupiers of the site.
 - 4 The area of hardstand to the front of the property as shown on drawing number 23067-010-A shall not be obstructed at any time and shall be used only for the parking of vehicles for the lifetime of the development.
REASON:- To ensure that adequate parking facilities are available within the site.
 - 5 The premises shall be used for a residential child care home and for no other purpose, including any other purpose in Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order with or without modification. The number of children cared for and resident on the premises shall not exceed four at any one time.
REASON:- In the interests of the amenities of neighbouring properties.

The Council has acted Pro-Actively for the following reason:-

- 1 Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVE

1 Public Information on Planning Applications

Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

2 Community Infrastructure Levy

Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020.

This application may be liable for CIL payments, and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

3 Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation

Drains (when laid or tested)
Floor and Roof construction
Work relating to fire safety
Work affecting access and facilities for disabled people
Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

4 **Party Wall etc. Act 1996**

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

5 **Herts Police Crime Prevention Design Advisor**

Prior to first occupation of the premises, the applicant will contact the Hertfordshire Constabulary Crime Prevention Design Service with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design.

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023, and the St Nicholas/Rectory Lane Conservation Area Management Plan (2012).
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework December 2023 and Planning Practice Guidance.