

TWC/2024/0633

Breffni House, Farm Lane, Horsehay, Telford, Shropshire, TF4 2NE
Change of use from Residential Dwelling (Use Class C3) to Residential Care Home
(Use Class C2) ****AMENDED DESCRIPTION**** ****AMENDED PLANS &
ADDITIONAL INFORMATION RECEIVED****

APPLICANT

Chantal Miller

RECEIVED

12/08/2024

PARISH

Dawley Hamlets

WARD

Horsehay and Lightmoor

THIS APPLICATION IS BEING HEARD AT PLANNING COMMITTEE AS THE PROPOSAL HAS RECEIVED A NOTABLE NUMBER OF OBJECTIONS.

<https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?applicationnumber=TWC/2024/0633>

1. SUMMARY RECOMMENDATIONS

- 1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to conditions and informatives.

2. SITE AND SURROUNDINGS

- 2.1 The application site is Breffni House, which is located on the North Eastern side of Farm Lane, Horsehay, at its junction with Wellington Road.
- 2.2 In terms of the surrounding context, the application site is located within the Built up Area of Telford, with other residential properties to the South East. The character of the area is generally that of housing, which are predominantly detached and set within large plots. To the North / North East of the application site is Horsehay Common.
- 2.3 The unit to which the change of use relates comprises a spacious 2-storey, six-bedroom detached dwelling with parking and ample private amenity space. The application site is located approximately 2.7 miles from Telford Town Centre and near to other local centres. Public amenity areas, schools and other facilities are also available nearby.

3. PROPOSAL

- 3.1 This application seeks full planning permission for the change of use from Residential Dwelling (Use Class C3) to Residential Care Home (Use Class C2).

- 3.2 The proposed care home will provide a home for four young persons between the ages of seven (7) and seventeen (17) under the care of full time staff members, whilst living collectively in a family setting. The young persons will have emotional and behavioural difficulties (EBD), and require an environment where they can receive support, nurturing, and opportunities to thrive, with the aim of them living at the home long-term or permanently (until adulthood).
- 3.3 No external alterations are proposed to the existing dwelling. The existing parking area will be used to provide formalised parking spaces, whilst utilising the existing access.

4. RELEVANT PLANNING HISTORY

- 4.1 TWC/2024/0146 – Application under Section 192 for a certificate of lawfulness for proposed use from dwellinghouse (Use Class C3) to dwellinghouse (Use Class C3(b)) – Section 192 Proposed Use – Planning Permission Required on 17th April, 2024.

5. RELEVANT POLICY DOCUMENTS

- 5.1 National Planning Practice Guidance (NPPG)
National Planning Policy Framework (NPPF)
- 5.2 Telford and Wrekin Local Plan (TWLP) - 2011-2031
SP1 Telford
SP4 Presumption in favour of sustainable development
HO7 Specialist housing needs
C3 Implications of development on highways
C5 Design of parking
BE1 Design Criteria
- Homes for All SPD

6. NEIGHBOUR REPRESENTATIONS

- 6.1 The application has been publicised through direct notification to neighbouring properties, local members and the Wellington Town Council.
- 6.2 The Local Planning Authority (LPA) received 46 objections and 1 comment to the scheme.
- 6.3 The following summarised issues were raised in objection to the proposal:

- Lack of amenities
- Application site close to busy main road
- Limited access to schools, doctors, dentists
- No suitable recreational or transport facilities
- Risk to safety of nearby residents
- Potentially cause anti-social behaviour
- Neighbouring house prices devalued
- Issues surrounding consultation period
- Noise disturbance
- Mirrors a previous application which was refused
- Inconsistencies with application, especially description
- Traffic issues
- Impact on local wildlife

7. STATUTORY REPRESENTATIONS

7.1 Dawley Hamlets Parish Council – No Comment Received.

7.2 Highways – Support Subject to conditions

Whilst the Local Highways Authority (LHA) note and have taken into consideration the comments and objections raised by residents, the change of use from a dwellinghouse (Use Class C3) to a residential care home (Use Class C2), would likely have a negligible impact on the adopted carriageway in the vicinity of the property.

For context, the LHA apply 1 space per 4 ‘care beds’ and 1 space per staff for a residential care home. The Applicant has stated that there will be 4no. staff members present for most of the time, and 2no. staff members present overnight.

The establishment will have 5 ‘care beds’ and 4 staff for the vast majority of time, so the proposals would be in accordance with the Authority’s adopted parking standards. The level of parking provision provided by the Applicant indicates a total of 12no. spaces available.

Taking the above into consideration, the LHA do not consider the development would give rise to any unacceptable highways safety impacts which would warrant the refusal on highways grounds.

In principle, the Local Highways Authority have no objection to the proposals. However, this is subject to a condition being included.

7.3 Specialist Housing Team – No Objection:

From a commissioning perspective, the proposal would be meeting local sufficiency needs around providing this type of service within the borough.

Furthermore, from a commissioning perspective, there are no concerns with this provider delivering this service. Ofsted would regulate the service and would visit the provider and assess their suitability to deliver the service for the vulnerable young people.

Therefore there are no concerns with the scheme.

7.4 **Shropshire Fire Service – Comment:**

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" document. Standard informative to be applied.

8. APPRAISAL

8.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of development
- Scale and Design
- Impact on the amenity of adjacent properties / uses
- Highways impacts
- Other matters

Principle of development:

8.2 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Telford & Wrekin Local Plan (TWLP) which was adopted in January 2018. The National Planning Policy Framework (NPPF) is also a material planning consideration.

8.3 The application site is located within the Built up Area of Telford, where the principle of residential development is generally considered acceptable. This is subject to appropriate scale and design, impact on neighbouring properties and any technical constraints being satisfactorily addressed; all of which have been considered during the assessment carried out.

8.4 The proposed development would see the existing 6-bedroom dwelling being utilised in its current form, as a four-bedroom children's care home (plus 2no

staff bedrooms). In this instance, the application site is already in residential use, therefore the principle of residential development on the application site is considered appropriate and therefore complies with policy SP1 and SP4 of the TWLP.

Scale and Design:

- 8.5 The application site comprises an existing detached, 6-bedroom dwelling with ample parking and private amenity space. Whilst no external alterations are proposed to the dwelling, some internal changes are proposed, including the re-configuration of the internal layout and established rooms; this is to allow the sub-division of one of the existing first floor bedrooms to provide an additional storage room.
- 8.6 The proposal will provide private bedrooms for each of the four (4) children in their care, with the fifth and sixth bedrooms being utilised for staff sleeping quarters if required, (during the shared night shift). The private garden amenity space will be utilised by the children and carers, in the same manner as a standard 'family home' and is therefore considered appropriate in size for this use.
- 8.7 The scale and design of the dwelling will not be altered as a result of the proposal and the scheme will not therefore impact the existing streetscene. The design of the internal arrangements are also considered appropriate for the type and level of care being proposed. The proposal is therefore compliant with the relevant parts of Policies BE1 and HO7 of the TWLP in respect to scale and design.
- 8.8 Policy HO7 of the TWLP will support proposals within Use Class C2 and other forms of residential accommodation including retirement homes to address specialist housing needs, provided that:
- i. The proposed development is designed to meet the specific needs of residents, including requirements for disabled people, where appropriate;
 - ii. The location of the development (including where such provision is part of a larger scheme) is in close proximity to community and support facilities, shops and services, and public transport connections; and
 - iii. The proposed development relates well to the local context in design, scale and form.
- 8.9 In terms of the location of the application site, comments have been raised by neighbouring properties regarding the lack of facilities close by to the application site. However, as outlined above, the site is located within the Built up Area of Telford, and is considered to be a sustainable location. Lightmoor Village Primary School is located approximately 1 mile away from the site, whereas Morrisons, Lawley Drive, and other small shops within this vicinity are located approximately 1.2 miles from the site. The site is also situated approximately 2.6 miles from The Madeley Academy and the closest bus stop is approximately 0.3 miles from the site on Bridge Road. As such, the siting of

the proposal is considered appropriate. The scheme is also considered appropriate in terms of design given that no external changes are being made. The proposal also meets the specific needs of its proposed residents and as such complies with Policy HO7 of the TWLP.

- 8.10 Section 7 of the Homes for All SPD sets out the type of supported and specialist housing that is required to meet identified needs within the Borough. Accommodation for vulnerable young people is an identified need and the proposal is supported by the Council's Specialist Housing Team. This is further supported by a Ministerial Statement on planning for accommodation for looked after children released in May 2023.

Impact on the amenity of adjacent properties / uses:

- 8.11 Policy BE1 of the Telford & Wrekin Local Plan states that the Council will support development which demonstrates that there is no significant adverse impact on nearby properties by noise, dust, odour or light pollution or that new development does not prejudice or undermine existing surrounding uses.
- 8.12 As an existing dwelling, and the proposed use being that which shares similarities to the working of a family home, Officers do not consider that there will be any adverse impact on nearby properties by way of noise, dust, odour or light pollution over and above those that would arise from the occupation of the property as a C3 dwelling.
- 8.13 The proposed development will provide a home for four children ranging between the ages of seven (7) and seventeen (17). The Applicant has confirmed that the number of staff members present on a regular basis will be five; this includes one manager and four care staff. The on-site manager will work Monday – Friday, between 09:00 and 17:00. Two of the care staff will work the day time shift, starting between 07:00 and 09:00 and finishing between 16:00 and 19:00. The other two care staff will then stay throughout the night. The maximum number of staff present on site would be six, but this will only be for the small change over period early morning.
- 8.14 In terms of staff meetings, the Planning Statement submitted outlines that these would generally be undertaken off-site. Likewise, visits made by Social Workers and Ofsted would also be infrequent. The Planning Statement advises that Ofsted visits occur infrequently, possibly twice a year, with social workers visiting once or twice in the initial month of placement, and then once every 12 months. As such, the intensity of these visits are limited and would be comparable to a family home. The additional over-provision of car parking factors this into consideration, in any event.
- 8.15 The supporting material outlines how the Applicant (Positive Outcomes), are specialist care providers in the area of therapeutic residential care services for children. The Applicant has confirmed that care homes such as this proposal, must be run as closely as possible to a typical family household, providing a stable home environment for the children as their sole, long-term residence.

- 8.16 Whilst the proposed development will offer a level of on-site care (as set out in the Planning Statement and supporting information received), it is intended that the daily operation of the home will be indiscernible to that of a large dwelling house with the young person's coming and going for education purposes and the adults coming and going for work purposes and thus, will not prejudice or undermine the existing surrounding uses. It is considered therefore that the proposal accords with Policies BE1 and HO7 of the TWLP in relation to impact on neighbouring residential amenity.

Highway Impacts

- 8.17 As part of this submission the Applicant has provided a Site Plan demonstrating the on-site parking provision available at the application site. This includes space for up to 12 cars on the existing driveway and 3 cars within the existing garage.
- 8.18 To further demonstrate the available off-road parking provision, the Applicant has submitted a series of car movement plans, outlining the anticipated car movements on a normal day. This includes the comings and goings of staff and the home car, as well as showcasing that there will be little disturbance to the surrounding highway network, with cars being able to access and egress the site whilst other staff members are already parked; this is particularly relevant during staff change over times.
- 8.19 Whilst the proposal is for a children's care home (and the parking standards for care differ from residential dwellings), it is acknowledged that the proposal will be operated in the same manner as a residential dwelling. The children being cared for range from the ages 7-17 and will therefore not have use of a car, with only the carers requiring parking facilities, and space being available for the home car.
- 8.20 As such, given the size of the existing driveway and the number of staff change overs per day being limited, and in recognition of the proposed development and staffing rota presented in the Planning Statement and documents submitted, the level of traffic associated with the development is not considered to differ significantly from that of the existing residential dwelling. Shift changes are proposed to take place at appropriate times during the day, with some leeway to these times to ensure that there is not too much disruption to the surrounding area. As such, there is no significant highway safety impacts to warrant refusal of the application and it is considered compliant with Policy C3 of the TWLP.
- 8.21 For clarity, Appendix 4 of the TWLP requires C2 Uses to provide parking facilities at a rate of one per full-time staff member, and one space per 4-bedspaces. The proposal therefore exceeds the TWLP Parking Standards

and the Local Highways Authority are satisfied (subject to the conditioning of the Planning Statement and documents submitted, and the car parking being laid out as proposed prior to occupation) that the proposal complies with Policies C3 and C5 of the TWLP.

Other matters

- 8.22 In addition to the points discussed and addressed above, other concerns were raised by local residents which are addressed below.
- 8.23 Firstly, a number of comments have been made regarding a previous application on the site and the fact that this was refused. The application in question was TWC/2024/0146, which was a Lawful Development Certificate for proposed use from dwellinghouse (Use Class C3) to dwellinghouse (Use Class C3b)). As this was a Lawful Development Certificate, the LPA had assessed whether the proposed works required the submission of a Full Planning Application or whether the works would be lawful. As the proposal was for the care of children it was determined that the works would fall within the 'C2' Use Class, rather than C3(b) and would be material, therefore requiring planning permission. Officers do wish to reiterate that when TWC/2024/0146 was assessed, this based on a matter of fact and degree, rather than on the suitability of the proposal in relation to Policies outlined within the Telford & Wrekin Local Plan, which has been the case for this application.
- 8.24 Comments were also initially raised regarding the description of this application and the fact that this was for a change of use from Use Class C3(b), rather than C3. Officers did query this with the Applicant when the scheme was first submitted, and an amended Application Form was submitted during the course of this application; the description of the proposal is now considered appropriate, with the existing use being confirmed as Use Class C3.
- 8.25 A number of neighbouring properties have also been received, querying the consultation period undertaken as part of this application, and that not all neighbouring properties were consulted. Officers are however satisfied that all neighbours who share a boundary with the red edged application site boundary (as required by the Development Management Procedure Order and TWC Statement of Community Involvement) were formally consulted in this instance, and the process has been duly adhered to.
- 8.26 The concerns raised over the personal history of the users, risk to safety of neighbouring properties and issues surrounding anti-social behaviour are acknowledged, but this is not a material planning consideration. These homes

need to be in sustainable locations, with access to facilities and schools and be supported by an established local community. The applicants are looking to provide a 'family home' to the young persons in its care, rather than institutional settings. This approach is also favoured by the statutory regulator, Ofsted, who has been encouraging providers to move away from the more traditional institutional model, having recognised that 'institutionalised' persons can then have difficulty transitioning effectively to independent living and the workplace. Policy HO7, the Homes for All SPD and national guidance supports the provision of care homes for young persons and it is considered that this proposal complies with the criteria set out within local policy.

9. CONCLUSIONS

- 9.1 Having regard to the above considerations, the proposal represents a sustainable form of development that falls within the 'Built Up' area of Telford. The proposal is considered to be acceptable in regards to scale and design and would remain in-keeping with the character and appearance of the immediate area and will not have a significantly detrimental impact upon the amenity of neighbouring residential properties. Furthermore, the Local Highways Authority have supported the scheme, subject to conditions, as there is a sufficient amount of off-road parking available for the proposed use. As such, there are considered to be no principle or technical reasons to warrant refusal of this application, and appropriate conditions are imposed to control its future use and management.
- 9.2 The proposal is therefore deemed to be compliant with the Telford & Wrekin Local Plan 2011-2031 and the guidance contained within the NPPF.

10. DETAILED RECOMMENDATION

- 10.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** (with the authority to finalise any matter including conditions, legal agreement terms, or any later variations) subject to the following:

A) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):-

A04 - Time Limit Full

CO13 – Parking, Loading, Unloading and Turning Area

C038 - Development in accordance with plans

Custom – Development in accordance with Planning Statement

Custom – Restrict use and number of children in care (4)

Informatives:

I17b COAL AUTHORITY – Low Risk Standing Advice

I32 Fire Authority

I40 Conditions

I41 Reason for Grant