

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/00488/FUL Holybrook	29 th April 2021 ¹	Proposed change of use of dwellinghouse (C3) to residential care accommodation (C2) 3 Goodwin Close, Calcot, Reading, RG31 7ZW Hannah's Little Cherubs

¹ Extension of time agreed with applicant until 29th October 2021

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/00488/FUL>

Recommendation Summary: To GRANT PLANNING PERMISSION subject to conditions.

Ward Member: Councillor Richard Somner

Reason for Committee Determination: In receipt of 10+ objections

Committee Site Visit: 20th October 2021

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for the change of use of an existing dwellinghouse (use class C3) to residential care accommodation (use class C2).
- 1.2 3 Goodwin Close is located within Holybrook, a residential area within the Calcot, Purley-on Thames and Tilehurst settlement. The suburban residential area is formed of several cul-de-sacs and connected footpaths. Goodwin Close is a cul-de-sac accessed from Carters Rise. Dwellings are predominately detached and located in modest plots creating a spacious appearance within the road. There are areas of green space and green front boundary treatments that all contribute positively to the character of the area.
- 1.3 3 Goodwin Close is currently a detached dwelling used by a single household (use class C3) with a detached garage to the west that extends forward of the principal elevation. To the east of the dwelling is a public footpath which is separated by a brick wall. Within the existing front garden there are two trees, an area of grass and hedge on the front boundary. Currently an area of hard surfacing is positioned in front of the garage providing parking for the existing dwelling. The dwelling has previously been extended to the rear, and there is a moderate sized rear garden.
- 1.4 The proposed development seeks to change the use of the detached dwelling occupied by a single household to a residential care home. The agent has confirmed it is intended for 3 children between the ages of 8-18 years to be cared for by staff on a rota system. The home proposes to cater for children with learning difficulties and who require one-to-one care during the day. The staff include a manager, a deputy manager, four support staff during the day (two at the property at any one time) and at night one waking night staff member. The information accompanying the application describes that the residential care home will aim to create a similar environment to a family house.
- 1.5 The existing use class C3 is defined as *“use as a dwellinghouse (whether or not as a sole or main residence) by— (a) a single person or by people to be regarded as forming a single household; (b) not more than six residents living together as a single household where care is provided for residents; or (c) not more than size residents living together as a single household where no care is provided to residents (other than a use within Class C4).”* Whilst it is intended to replicate a family home environment, the proposed use does not fall within C3(b) because of the total number of staff and because the staff work on a rota system. The proposed use therefore falls within C2, which is defined as *“use for the provision of residential accommodation and care to people in need of care (other than a use within class C3). C2 also includes use as a hospital or nursing home, and use as a residential school, college or training centre.*
- 1.6 Amendments were received during the course of the application to address parking concerns and the objections raised by Thames Valley Police. As a result the change of use also includes re-surfacing the front garden with hard surfacing and a 1.8 metre boundary fence to abut the existing boundary wall on the east and south boundaries. Additional information, including information requested by the Highway Officer, was also submitted in a covering letter during the course of the application. Amended plan consultation requests were sent to consultees and to those who have made a representation on the application.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
89/34996/ADD	2 storey extension to existing residential house.	Approved. 12.07.1989.

3. Procedural Matters

- 3.1 **EIA:** Given the nature and scale of this householder development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Site notice displayed on 9th April 2021 on the hedge at the access to 3 Goodwin Close; the deadline for representations expired on 30th April 2021.
- 3.3 **CIL:** Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). The development is for a C2 use, the initial assessment is the development will not be CIL liable. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Holybrook Parish Council:	<p><u>Original response:</u> Objection.</p> <p>Material planning considerations include: lack of parking provision, number of vehicle movements in and out of property, concerns due to current on-street parking, the need for the children's care home, cost burden to the Council, engagement with stakeholders, sustainable location, fear of crime, design doesn't take crime into consideration and contrary to the NPPF.</p> <p>Other matters include: building regulations and the qualifications and experience of the applicants.</p> <p><u>Amended plans:</u> Objection.</p> <p>Contrary to the NPPF and National Design Guide, crime is not designed out of scheme, disturbance of vehicle movements (late night shift change), lack of dropped kerb, loss of front garden and impact, need for a family dwelling, financial burden to the Council.</p>
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Highway Authority (WBC):	Conditional approval (Following amendments and additional information): Full response within report.
Tree Officer (WBC):	No Tree Preservation Orders and not within a Conservation Area. No tree information accompanying the application. There seem to be two trees (one Cherry and one unknown) in the front garden. Both are shown as being removed to facilitate the new parking space to the front of the house. Recommendations made for landscaping improvements. No objections, a condition is advised for a landscaping scheme to be provided before the development commences.
Environmental Health (WBC):	No objection. If the application is approved and valid complaints are made about noise and/or other anti-social behaviour these will be dealt with under the Environment Protection Act 1990 and the Anti-Social Behaviour, Crime and Policing Act 2014.
Children's Services (WBC):	<p>In terms of location, the proposed children's home is relatively close to two existing children's homes run by a different company. Those homes have been in existence for a long time without an indication that Calcot is an inappropriate location because of any specific factors inherent to that vicinity. It could be argued that this proposal is safer for the children staying there due location away from busier roads.</p> <p>The pressures on children's residential accommodation are well established nationally with significant demand from Local Authorities to place children in suitable accommodation that will meet their specific needs. In addition there is a desire to place children within 20 mile radius of their home area. Calcot as a location would benefit a number of Local Authorities due to its proximity to their borders.</p> <p>Youth provision in Calcot, it is not dissimilar to other areas of West Berkshire: there is access to local parks, recreation grounds, sports clubs, uniformed groups etc, however there is not a universal youth provision in that location.</p>
Thames Valley Police:	<p><u>Original response:</u> Objection</p> <p>Fundamental concern is with the proposed detached office. Reference to NPPF 2020 paragraph 91b and 127f. Concerns with the office are that when staff use for meetings there is no natural surveillance of any visitors, concerns with security of the office, the office is not integral to the main dwelling. Requests for office to be re-designed. Boundary treatments due to relationship with public footpaths and garage block consideration is required for a safe and secure environment for the children. Details of boundary treatments required. Formal surveillance important to deter crime and anti-social behaviour, surveillance is required and can be dealt with by way of a planning condition.</p> <p><u>Amended plans and additional information:</u></p> <p>Appropriate amendments have been submitted including robust boundary treatment and the garage to remain as such. Request</p>

	for formal surveillance for the residential care facility to be dealt with via condition.
Lead Local Flood Authority (WBC):	No comments received at time of writing the report.

Public representations

- 4.2 Representations have been received from 89 contributors, all of which object to the application.
- 4.3 Section 70(2) of the Town and Country Planning Act 1990 states that an authority will have a regard for the development plan and any other material consideration. Therefore the list below forms the material planning considerations raised in objections. The other matters have been listed but cannot be taken into consideration as part of the application as these are not material planning considerations.
- 4.4 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the table below identifies the issues/points that have been raised:

Unsuitable location:	Access to facilities (schools, youth provisions, shops, recreational/sport facilities), quiet residential location, community cohesion, lack of community knowledge.
Impact to the character of the area:	No longer has a family use, similar to business/commercial premises, exceeds use as 3-bed dwelling, removal of trees at application site.
Impact on neighbouring amenity:	Noise disturbances, additional traffic, continuous disturbance over 24 hour period, congestion, not sufficiently separated from neighbouring properties.
Fear of crime:	Both at the property and within the surrounding area (adjacent alleyway, secluded open spaces and green space opposite application site), anxiety for residents.
Parking and highway safety:	Existing site and access cannot accommodate levels of parking required, parking on-road exacerbating existing problems, concerns for the safety of both other road users and pedestrians, increased traffic movements for children to access facilities, concerns not all movements considered.
Drainage:	Hard surfacing increasing surface water run-off.
Ecology:	Presence of protected species.
National and local policy compliance:	Proposal is not compliant with the NPPF, West Berkshire Core Strategy (2006-2026) policies CS1, CS13, CS14, and CS16.

Insufficient details:	Staff movements, visits and children to be accommodated.
Public consultation:	Display of site notice, consideration of all representations, no engagement with the local community.
Future applications:	Further extensions, change to care for adults which would have different impacts, setting a precedent.
Other matters (not material planning considerations):	<ul style="list-style-type: none"> • Qualifications and motivation of the applicants and staff, • Impact on house values, • Provisions of storage for records, • Deeds of covenant restricting activity to private dwelling, • Health and safety regulations.

4.5 Following the re-consultation on amended plans these material planning considerations were raised:

- 1.8 metre fence inappropriate: not sufficient to design out crime, concerns wall to be removed, out of character in the area.
- Removal of trees: Area Tree Preservation Order?
- Four parking spaces not the solution: access over existing dropped, movements during staff change over, parking in emergencies, enforcing parking, changes in level at the site, drainage for hard surfaced area.
- Proposed shift changes - disturbances at late night change.
- Increased congestion and highway safety concerns remain.
- Fear of crime: amendments do not design out crime.
- Accessibility concerns.
- The need for a residential care home, there is a need for family homes.
- Planning permission for estate placed a condition for no commercial or industrial activity to take place.
- Implications for Council's resources and funding.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1 (Spatial Strategy), ADPP4 (Eastern Area), CS1 (Delivering New Homes and Retaining the Housing Stock), CS4 (Housing Type and Mix), CS13 (Transport), CS14 (Design Principles), CS16 (Flooding), CS17 (Biodiversity and Geodiversity), CS18 (Green Infrastructure) and CS19 (Historic Environment and Landscape Character) of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS6 (Noise Pollution) and TRANS1 (Meeting the Transport Needs of New Development) of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

- WBC Quality Design SPD (2006)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of the development
- Character and appearance
- Neighbouring amenity
- Fear of crime, anti-social behaviour, and designing out crime
- Highway matters
- Other matters

Principle of development

6.2 The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP4, CS1 and CS4 of the Core Strategy. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP4) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policies CS1 and CS4 relate specifically to housing.

6.3 Policy ADPP1 provides a hierarchy of settlements within the district to ensure development follows the existing settlement pattern and delivers the spatial vision and objectives for West Berkshire. The hierarchy comprises defined urban areas, rural service centres, and service villages. In this context, the settlement of Calcot, Purley-on-Thames and Tilehurst is defined as the 'Eastern Urban Area', which contains a wide range of services and is the focus for the majority of development.

6.4 Policy ADPP4 provides the spatial strategy for the Eastern area which includes the Eastern Urban Area (Calcot, Purley-on-Thames and Tilehurst). The policy states that Calcot benefits from a close functional relationship with Reading and the individual identity will be maintained.

6.5 Policy CS1 provides the overarching strategy for boosting the supply of housing in the district. It seeks the retention of the existing housing stock, unless there is a reasoned justification such as a benefit to the community.

6.6 Policy CS4 relates to housing type and mix. It states that residential development will be expected to contribute to the delivery of an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community, including those with specialist requirements. The mix on an individual site should have regard to:

- The character of the surrounding area.
- The accessibility of the location and availability of existing and proposed local services, facilities and infrastructure.
- The evidence of housing need and demand from Housing Market Assessments and other relevant evidence sources.

6.7 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and

variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (paragraph 60). The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes) (paragraph 62).

- 6.8 Objection letters considered that the proposed change of use would be contrary to Policy CS1 in terms of reducing the housing stock. Consultation comments raised concerns that there was a need for family housing in Calcot and the proposal would result in the loss of a dwelling.
- 6.9 The proposed change of use would result in the loss of a single dwelling within use class C3, and as the permanent residents are children it would not equate to a household in terms of calculating housing supply. To this extent there is a conflict with Policy CS1 in terms of resisting the net loss of housing stock. The Council can currently demonstrate a healthy housing land supply in excess of seven years, and it is recognised that the proposed use would provide a permanent residence for up to three children.
- 6.10 The loss of one family dwellinghouse is considered to be outweighed by the social benefit of providing the proposed service. Children Services recognise the national pressures on children's residential care accommodation with local authorities seeking suitable accommodation for children with specific needs. As a result of the location of the home it would not only provide a benefit to West Berkshire but to the surrounding local authorities. Holybrook Parish Council queried whether there was evidence that a residential care home is required in Calcot. It is considered the advice from Children Services does not support this objection.
- 6.11 In terms of housing type and mix, the location of the site is considered to be relatively well served in terms of local services, facilities and infrastructure. There is an identified need for the proposed use. Whilst the use would be outside of use class C3, it would still provide long-term, full-time residence for three children, and thereby be addressing a specialist residential need, consistent with Policy CS4 and paragraph 62 of the NPPF. The character of the surrounding area is examined below, but in terms of need it is considered that the proposal complies with Policy CS4.
- 6.12 Concerns were raised with regard to the suitability of the location including the access to shops, recreational/sports facilities, youth provisions and schools. Children Services considered the location was not dissimilar to the rest of West Berkshire in terms of access to facilities for children. The location near to other local authorities is not considered to be an unsustainable location. Children Services acknowledged that there are existing children homes in close proximity and there was no indication that these were in an inappropriate location.
- 6.13 The objections raised with regard to the principle of the change of use are noted. However, it is considered that the proposal is in accordance with Policies ADPP1, ADPP4, CS1 and CS4 of the Core Strategy, as well as the relevant national policies within the NPPF. The principle of the development is therefore supported. The development plan also includes general management policies which seek to ensure that the impacts of any development are acceptable. These potential impacts will be considered in the following sections.

Character and appearance

- 6.14 Policy CS14 of the Core Strategy requires development to enhance and respect the character and appearance of the area. The policy advises that good design not only relates to the appearance of the development but the way it functions. Policy ADPP4 in the Core Strategy seeks that the identity of Calcot is retained.
- 6.15 The proposed change of use does not include extensions or external alterations to the property itself.
- 6.16 The amendments submitted during the course of the application include the loss of the soft landscaping in the front garden to be replaced with hard surfacing. Objection letters considered that the change would have a harmful impact to the character of the area. The landscaping is not protected by a Tree Preservation Order. However, the front gardens within Goodwin Close do contribute positively to the suburban character of the area. The complete loss of this landscaping to the frontage would therefore have a negative impact on the character of the area.
- 6.17 However, it is recommended this can be addressed by the use of a condition for landscaping. The Highway Officer considered that there is space for both the parking and landscaping within the front garden. The Tree Officer in their comments recommends the Cherry Tree in the front garden is retained and screen planting is undertaken in the rear garden. Therefore, by way of a landscaping condition the impact on the character of the area would be addressed. A site plan which indicates both car parking layout and landscaping is recommended to be submitted for this condition.
- 6.18 The concerns with the change in levels in the front garden are noted and can be dealt with as part of a car parking layout condition in which site levels are requested.
- 6.19 The external appearance of the plot will also be altered by the erection of a 1.8 metre close boarded fence on the east and south boundary. The fence will be a typical garden fence found commonly in urban residential areas. The fence is proposed to sit behind the existing boundary wall on the eastern boundary. It is noted that to accommodate the fence adjacent to the principal elevation there will have to be the removal of the corner of the boundary wall this is not considered to significantly alter the character. The proposed boundary treatments are considered acceptable in terms of impact on the character of the area.
- 6.20 The change of use to the residential children's care home would likely intensify the activity associated with 3 Goodwin Close due to staff working on a rota. However, the residential care use is considered compatible for the area because the home is intended to operate closely to a family dwellinghouse (Floor Plans and Planning Statement). The number of people residing at one time in the property would be similar to a large family, which could occupy a house in use class C3. Furthermore, the three proposed shift changes and the movements of transporting the children are not considered to alter the character to an extent that would be harmful to the residential character of Goodwin Close.
- 6.21 The proposed development by the use of condition is not considered to significantly impact on the character and appearance of Goodwin Close. The application is therefore considered to comply with Policy CS14, and Policy CS4 in terms of the compatibility of the type of residential accommodation with the character of the surrounding area.

Neighbouring amenity

- 6.22 Policy CS14 of the Core Strategy seeks proposals that maintain a good quality of life to residents. Saved Policy OVS6 specifically seeks to minimise the impact of noise generated from a development.
- 6.23 In terms of matters typically associated with new built form, such as overbearing impacts, loss of daylight/sunlight and privacy, the proposed change of use will not have a harmful impact due to the nature of the proposal.
- 6.24 The main consideration is the intensification of use and the objections with regard to noise and disturbance due to additional traffic, more comings and goings at 3 Goodwin Close and the late night shift changes.
- 6.25 Due to the operation of 3 Goodwin Close with staff on a rota system there would be some potential increase in disturbance for neighbouring dwellings. However, 3 Goodwin Close is a detached dwelling which assists in reducing the potential for undue disturbance. It is noted in the Planning Statement that efforts would be made by the operators to employ local staff and encourage the use of public transport which would reduce the disturbance at shift changes. Furthermore, the additional response to comments indicates that appointments for the children would predominately take place off-site.
- 6.26 To ensure that the impact from the shift changes would not be harmful to the neighbouring residents it is recommended that a condition is placed for the shift changes to not take place between the hours of 22:00 – 06:00, thereby reducing the potential for overnight disturbances. The applicant's agent has been made aware of the recommended condition.
- 6.27 Environmental Health raise no objections to the proposal. The officer noted that significant disturbance would be dealt through legislation separate to Planning. This is discussed further in the following section.
- 6.28 By the use of conditions the proposal is considered, on balance, not to have a harmful impact on neighbouring amenity.

Fear of crime, anti-social behaviour, and designing out crime

- 6.29 The majority of objections received have raised concerns with the fear of crime, how this may potentially cause harm to social cohesion and an increase in the level of disturbance.
- 6.30 The NPPF 2021 advises in Paragraph 92 (b) and 130 (f) that planning decisions should aim to create communities and well-designed places that are safe and accessible so that fear of crime does not undermine the quality of life or community cohesion.
- 6.31 Policy CS14 of the Core Strategy reflects paragraph 92 and 130 of the NPPF by seeking development proposals that create safe environments.
- 6.32 Fear of crime can be a material planning consideration where the proposed use can reasonably be considered a reason for fear of crime. However, the weight that can be attached to this consideration is dependent on the evidence to demonstrate that there is a material harm to resident safety as a direct result of the change of use in this location.
- 6.33 The comments and reports referred to in the letters of representation identify concerns with anti-social behaviour referring to incidents at a care home within the area.

Notwithstanding these letters, the consultation responses did not provide evidence that would substantiate a refusal on the basis of harm to resident safety as a direct result of a residential children's care home in Goodwin Close. Furthermore, the residential care home is regulated through other legislation and would require to meet Ofsted standards. Environmental Health also note disturbances are controlled by Environment Protection Act 1990 and the Anti-Social Behaviour, Crime and Policing Act 2014.

- 6.34 It is recognised that Thames Valley Police did have an objection to the proposal. However, this was with regard to the design of the development rather than the use of 3 Goodwin Close as a residential care home would increase crime within the area. In addition, the amended plans received addressed the concerns raised by Thames Valley Police.
- 6.35 The new boundary treatment is considered to secure the application site. Objections raised concerns that the new boundary treatment would not be sufficient. However, Thames Valley Police considered the amendments were appropriate. Furthermore, it is considered the fence will still retain a clear line of sight down the footpath adjacent to 3 Goodwin Close, maintaining good natural surveillance and therefore not creating an unsafe environment. A condition is recommended to ensure the proposed boundary treatment is erected before 3 Goodwin Close is occupied as a residential care home.
- 6.36 It is noted the request from Thames Valley Police for a condition for surveillance details to be submitted is applied. These details will be required to be submitted, approved and installed prior to the occupation as a children's care home.
- 6.37 The objections from Thames Valley Police particularly raised concerns with the office within the detached garage. Concerns with how secure the facility and maintaining surveillance over the main dwelling were raised by Thames Valley Police. The office was removed from the plans because this was not considered by the applicant to be necessary to maintain on site. Removing the office addressed the objection by Thames Valley Police. A condition is recommended to maintain the garage for garage/storage purposes because a habitable room would not create a secure and safe environment for the children as it could potentially reduce surveillance.
- 6.38 Therefore, whilst the fear of crime is a concern for residents is recognised, significant weight cannot be attached to the consideration because there is insufficient evidence to substantiate that the proposed development in this location would result in material harm to resident safety.

Highway matters

- 6.39 Policy CS13 of the Core Strategy states road safety is a key consideration for developments. Saved policy TRANS1 applies in terms of parking standards for the proposed development.
- 6.40 Letters of objection also raised concerns with regard to parking and additional traffic and the impact this would have on users of Goodwin Close. The final full comments from the Highway Officer are copied into this report:
- 6.41 I refer to the responses from the Local Highway Authority (LHA) from March 2021. I also refer to the '*Response to Comments made to Application Ref: 21/00488/FUL*' dated April 11th 2021 and the '*Proposed Parking Bay Layout 020 Rev B*' dated June 4th 2021. I have also viewed a number of objection letters received along with responses from the Parish Council.

6.42 Within the Response, paragraph 3, the proposal will comprise of one Manager, one Deputy Manager, one Waking Night Staff, and four Day Support Staff. Over a 24 hour period the proposal will operate as follows:

- From 08:00 – 16:00 hours, there would be three staff members; one Manager, and two support staff;
- From 16:00 – Midnight there would also be three staff members; one Deputy Manager and two Support Staff; and
- From Midnight – 08:00 during night-time hours there will be one Waking Night Staff member who has sleeping accommodation.

6.43 Paragraph 5 states that *“generally staff will stay on site whilst working during daytime hours. It is expected that a single communal vehicle would be used to transport the three children to and from school so two trips in the morning and afternoon, and any after school activities between 3 and 7pm or appointments as part of their care routine”*.

6.44 I have sought to represent the above within the table below with the staff shift changes over a 24 hour period. I have assumed that not every member of staff will bring their own car, but most will. I am not convinced that staff will never leave the premises, so I have added a single daily trip, in this case at 11.00 hours for e.g. shopping or deliveries, etc. I have included the daily trips to and from school and after school activities and appointments. It is unlikely in my view that such trips will occur every day for every child, so I have assumed an average of at least one activity and / or appointment every day after school.

6.45 I have therefore assumed that during a weekday, there would be some 18 to 24 vehicle movements per day. I agree with objectors that this is more than a family four bedroom dwelling, where 6 to 8 vehicle movements per day would be expected. However it is still a very low number of vehicle movements in what is a relatively very lightly trafficked location.

Hours	Staff		Children		Parking demand
	Arrive	Depart	Arrive	Depart	
01:00					0 to 1
02:00					0 to 1
03:00					0 to 1
04:00					0 to 1
05:00					0 to 1
06:00					0 to 1
07:00					0 to 1
08:00	2 to 3	0 to 1	1	1	2 to 3
09:00					2 to 3
10:00					2 to 3
11:00	1	1			2 to 3
12:00					2 to 3
13:00					2 to 3
14:00					2 to 3
15:00			1	1	2 to 3
16:00	2 to 3	2 to 3			2 to 3
17:00			1	1	2 to 3
18:00					2 to 3
19:00			1	1	2 to 3

20:00					2 to 3
21:00					2 to 3
22:00					2 to 3
23:00					2 to 3
00:00	0 to 1	2 to 3			0 to 1
01:00					0 to 1
Total	5 to 8	5 to 8	4	4	

Projected Vehicle movements and car parking over 24 hours weekday

- 6.46 Within the table, I have also sought to calculate the car parking demand, which at most is a maximum of three cars. Much concern has been raised regarding shift changes. I stand to be corrected, but I would expect that the shift change would take place more gradually over a 15 to 20 minute period ensuring that there was enough off street car parking. I do not foresee a convoy of some three cars arriving and leaving at the same time every day, twice a day. In the rare occasion when this did occur, any on street car parking would occur for a relatively very short period of time. There is anyway, a fourth space provided, to cover for some shift overlap.
- 6.47 It is not for the LHA to comment on noise and disturbance issues, particular the midnight and the 06:00 shift changes. The LHA would have no objection if the shift changes were altered to more socially convenient times.
- 6.48 The car parking layout submitted on June 4th 2021, now includes four car parking spaces. It is clear that even more than four car parking spaces could be provided. This in my view isn't required. I consider that the dropped kerb can be extended within the taper of the layby. This will ensure that no car parking is lost within the layby. I consider that this should be shown on a drawing, with only the four car parking spaces requested. This would then ensure that some of the front garden is retained for grass or vegetation. This plan can either be secured now, or secured by condition. The dropped kerb would be provided via a vehicle crossing license obtained from the LHA.
- 6.49 Considering the level of objection, attention should be drawn to the English governments 'National Planning Policy Framework' 2021, paragraph 111 that states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". From planning appeal decisions, the term "severe" is already quite a high bar. There is not a severe impact from this proposal that would warrant the LHA recommending refusal that could then be defended at a planning appeal.
- 6.50 The LHA raises no objection to this proposal.
- 6.51 The Highway Officer has recommended conditions for details of vehicle parking and turning to be provided and details of electric vehicle charging points; these are applied to the recommendation for approval.
- 6.52 With the recommended condition to restrict the hours of shift change it is acknowledged this would change the Highway Officers' calculations. However, the Highway Officer in their comments considered changes to the shifts would be acceptable.

Permitted development

- 6.53 According to paragraph 54 of the NPPF, planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so.
- 6.54 Concerns were raised that by granting the change of use, 3 Goodwin Close could be occupied for adult residential care purposes rather than for children. A condition is

recommended to be applied to restrict the use to a residential care home for 3 children between the ages of 8-18 years. The condition is required because the application was assessed on the basis care would be provided for children. The care of adults could raise new issues that have not been assessed as part of this application which the local planning authority wish to assess including character of the area, highway safety and neighbouring amenity.

- 6.55 As per the previous section 'Fear of Crime' the garage will also be restricted to the use of garage and storage area. This was to maintain surveillance over the access to the property to ensure a safe environment for the children living at 3 Goodwin Close.

Other Matters

- 6.56 **Drainage:** Concerns were raised with regard to hard surfacing and the impact on drainage. The site is within Flood Zone 1 and not within a Critical Drainage Area, and is therefore an area of lower risk. A condition is recommended to provide details of the proposed hard surface to ensure it is appropriate for drainage.
- 6.57 **Ecology:** A letter of representation refers to protected species. Due to the location, nature and scale of the development is not considered that there would be a significant impact on biodiversity.
- 6.58 **Accessibility:** Concerns were raised that 3 Goodwin Close was not appropriate for children who may have additional needs including accessibility to the property. These concerns are noted. However, the Planning Statement states that the placement of children would be reviewed on a regular basis to ensure the facility remains suitable.
- 6.59 **Staff accommodation:** It is acknowledged that the room for staff accommodation is small. However, the intention is to provide a waking staff member accommodation and would not a permanent residence for a member of staff. Therefore, whilst the accommodation is small it is considered unreasonable to refuse the application on the staff accommodation provisions.
- 6.60 **Future applications:** any future application would be assessed on its own merits and therefore this application would not set a precedent.
- 6.61 **Insufficient details:** Further information submitted during the course of the application was considered to address these objections.
- 6.62 **Planning permission for the estate:** Planning permission 104545 for the estate does restrict any further commercial or industrial activity on the estate following the completion of the development (condition 21). The condition does not have a significant material bearing on this application because the C2 use is a residential use. In addition, a planning application could be submitted to supersede this condition for a dwelling within the estate, subject to consideration by the local planning authority.
- 6.63 **Public consultation:** The Case Officer visited the site and displayed the site notice correctly for the 21 day period required. Therefore the duty in the Town and Country Planning (Development Management Procedure) (England) Order 2015 is discharged.
- 6.64 **Pressure on Council resources and funding:** There is no substantive evidence submitted to demonstrate that the children's care home would unduly and negatively impact on the Council resources and funding.
- 6.65 Representation letters also raised matters including house values, covenants, references to other legislation (Health and Safety, Building Regulations) and the

qualifications and motivations of the applicants. These do not form a material planning consideration and therefore are cannot be considered as part of this application.

7. Planning Balance and Conclusion

- 7.1 This application has received a significant number of objections on grounds of character of the area, neighbouring amenity, fear of crime, and highway safety. These have been considered.
- 7.2 By the use of conditions the development is not considered to have a harmful impact on the character of the area, neighbouring amenity and highway safety.
- 7.3 Furthermore, the residential care accommodation provides a social benefit to the wider area by providing care accommodation for children.
- 7.4 Fear of crime was a significant concern for objectors to the application. However, significant weight could not be attached to the planning consideration as there is insufficient evidence to demonstrate that the use would result in a material harm to resident's safety. The amendments submitted during the course of the application and by the use of conditions demonstrate that safety is secured for both occupiers of 3 Goodwin Close and neighbouring properties.
- 7.5 Therefore, in the planning balance it is considered that the proposed benefits outweigh the impacts of the development.
- 7.6 Having taken into account the relevant planning and material planning considerations the proposed change of use is considered to be acceptable. The application is recommended for conditional approval.

8. Full Recommendation

- 8.1 To delegate to the Service Director – Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1. **Commencement of development**

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 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved plans**

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Drawing 21.03-001 (Location Plan) received on 04.03.2021;
Drawing 21.03-020B (Proposed Parking Bay Layout) received on 10.06.2021;
Drawing 21.03-010A (Proposed Floor Plan) received on 10.05.2021
Planning Statement (Prepared by I D Planning) received on 25.02.2021.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Boundary treatments (provision and retention)**

The residential children's care home hereby approved shall not be occupied until the boundary fence treatments as shown on Drawing 21.03-020B received on 10.06.2021 have been fully provided in accordance with the details submitted. The existing boundary wall on the east boundary adjacent to the footpath shall be retained. Thereafter, the fence shall be retained in this condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a safe, secure and accessible environment for children occupying 3 Goodwin Close. This condition is in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026).

4. **Landscaping (pre-commencement)**

No development shall take place until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include detailed plans, planting and retention schedule, programme of works to ensure successful cultivation of trees/shrubs and grass establishment, and any other supporting information. All landscaping works shall be completed in accordance with the approved landscaping scheme within the first planting season following the first occupation of the residential care home. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place. Agreed with the applicant's agent: To be agreed.

5. **Parking layout (pre-commencement)**

No development shall take place until details of vehicle parking have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Details of vehicle parking and turning space;
- Hard surfacing materials;
- Finished ground levels of the designated vehicle parking;
- Details of the extended dropped kerb

The use hereby permitted shall not commence until vehicle parking has been completed in accordance with the approved details (including any surfacing arrangements and marking out). Thereafter the parking shall be kept available for parking (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is necessary because the parking arrangement will need to be determined before any construction to ensure it can be accommodated within the space available. Agreed with applicant's agent: To be agreed.

6. **Electric vehicle charging point (pre-commencement)**

No development shall take place until details an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The use hereby shall not commence until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). Agreed with applicant's agent: To be agreed.

7. **Formal surveillance (pre-commencement)**

The residential children's care home hereby approved shall not be brought into operation until details of formal surveillance (CCTV) have been submitted and approved by the Local Planning Authority. The submitted details shall include a plan to show the number, locations of any CCTV, the direction these shall face and specification details. All CCTV footage shall be retained and stored for a minimum of 30 days. The CCTV shall be installed in accordance with the approved details and be retained in approved condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Surveillance is critical in deterring crime and anti-social behaviour and is required to maintain a safe environment for occupiers of 3 Goodwin Close and neighbouring properties. This condition is in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because the CCTV must be installed before first use. Agreed with applicant's agent: To be agreed.

8. **Restriction on shift changes**

No staff shift changes shall be take place between the hours of 22:00 and 06:00 on any given day.

Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

9. **Garage outbuilding: restricted use**

The outbuilding to the north-west of the main property labelled as 'Garage/ Bike & general storage' on Drawing 21.03-010A received on 10.05.2021 shall be used as a Garage and for bike & general storage purposes, and for no other purposes. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no physical alterations shall be made to the garage, unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the garage is not converted to a habitable room which would take staff away from the main building. This is to maintain surveillance of main property to ensure a safe, secure and accessible environment for children occupying 3 Goodwin Close. This condition is in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

10. **Restriction of use to residential children's care home**

The building shall be used as a children's care home for the occupation of up to 3 children between the ages of 8-18 years and for no other purpose, including any other purpose in 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 and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (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: Any other use may not be acceptable on the site. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP4, CS1, CS13, CS14 of the West Berkshire Core Strategy (2006-2026), and Policies TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Informatives

1. **Proactive statement**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. **Compliance with approved drawings**

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

3. **Compliance with conditions**

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

4. **Pre-conditions**

Conditions nos. 4, 5, 6 and 7 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

5. **Access Construction**

The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or highwaysassetmanagement@westberks.gov.uk should be contacted to agree the access construction details and to grant a licence before any work is carried out within

the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

6. **Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

7. **Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

8. **Building regulations**

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control