

20/10/0017

BETTERCARE KEYS LTD

CHANGE OF USE FROM DAY SCHOOL (D1) TO RESIDENTIAL CARE HOME (C2) AT STADDONS, KINGSTON ST MARY (RETENTION OF WORKS ALREADY UNDERTAKEN)

Grid Reference: 322961.128556

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Approval

With regard to the existing authorised use of the site, the proposal is considered to be appropriately located, not increasing the need to travel by private car. It is considered that the use as a care home, would not to have an unreasonable impact upon the residential amenity of nearby property and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements).

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

SITE DESCRIPTION AND HISTORY

The site comprises an isolated two-storey dwelling in the open countryside, accessed via a long unpaved track. The track gives way to a yard area which provides parking/turning facilities for a number of vehicles in front of the dwelling, to its north side. The remainder of the site is largely laid to lawn, although there is some hardstanding along the west side of the house and an outbuilding to the rear. The site is largely surrounded by high conifer hedges. To the rear (south) are a range of dilapidated agricultural buildings. The surrounding agricultural land is largely laid to miscanthus, which currently has the effect of preventing views into and out of the site to surrounding dwellings and public highways.

Application 20/00/0021 permitted the change of use of the dwelling to a small education unit for up to 7 children. This was subsequently increased to 10 through the grant of application 20/02/0017. There is no other planning history for this site. The submitted planning statement indicates that this use ceased in October 2009.

PROPOSAL

This application seeks planning permission to change the use of the existing dwelling to a residential care home (class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) for children. The change of use has already occurred. No changes to the external appearance of the building would result from the proposal.

The application details explain that the home currently accommodates 3 children with staff working on a shift basis to provide 24 hour care and supervision. At any one time, 2 care staff are present plus a home manager during the day time. Overall, 10 staff are employed, plus the manager.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – The proposal is considered to be distant from adequate services and facilities such as health, retail and leisure. In addition, public transport services are infrequent, so staff are likely to be dependent on the car for their daily needs. Fostering such a growth in the need to travel is contrary to government and local planning policy.

However, the Local Planning Authority must decide whether the retention of the buildings for the proposed use or other overriding planning need outweighs the transport policies that seek to reduce reliance on the private car.

8 parking spaces would be retained within the site. The Local Transport Plan places a ration of 1 spaces per 4 beds and 1 space per 2 staff, which equates to 5 spaces. It can, therefore, be concluded that the development provides an over provision of parking.

The site operates a 24 hour shift basis with two care staff present at the site at any one time. Therefore, although users of the site are reliant on the private car it is unlikely that the proposed use would generate a significant volume of traffic.

At the point where the private access joins the adopted highway, it is subject to the national speed limit, however, due to the constrained nature of the highway it is unlikely that vehicle speeds past the site would be at the upper end of this speed limit. I am, therefore, satisfied that the visibility provided at the point of access is considered to be acceptable.

Therefore, no objection is raised to the proposal.

KINGSTON ST MARY PARISH COUNCIL – Awaited. Members will be updated at Committee.

POLICE – Verbal discussions have confirmed that there have been incidents reported, but they have all been contained within the premises. There have been no crimes reported from outside the premises.

ENVIRONMENTAL HEALTH – Verbally confirmed that they have had no complaints about noise or disturbance. Given the distance to the closest neighbour (in excess of 100m) they would not raise any comments.

Representations

The Ward Member, Cllr Guerrier, has verbally confirmed that he wishes to object to the proposal based on the fear of crime generated.

6 Representations have been received objecting to the proposal and raising the following issues:

- The premises are unsuitable for containing the children who frequently escape. There have been a number of incidents including theft, arson and troubled teenagers going AWOL since the establishment of this centre. These seemed to reduce dramatically during the time that it was used for daytime care. Missing children could be a threat to other local residents, adults and children.
- A footpath passes through the premises and these children should not mix with the public.
- The lanes are used by local children to walk home from local secondary schools.
- Disturbance was generally less when the property was a day school.
- Staffing levels appear to be insufficient.
- Since the applicant has been in residence, staff and children have trespassed on adjoining land and damaged crops and other private property.
- The school is unsuitable for the area and is damaging the peaceful neighbourhood.
- There have been instances of children being bullied by carers.
- The site is in open farmland and, therefore, remote from the normal facilities for leisure and interest of teenagers.
- Fires are being lit and a barn has been burned down. This is of particular concern given the miscanthus grass (a highly flammable crop) which has been planted around the site. These children should not be allowed to mix with this crop.
- The fire alarm constantly sounds and there is often shouting.
- There is a regular sound of smashing glass as windows are broken.
- Police and staff frequently get lost trying to find the site and end up at neighbouring houses.
- The fire engine may not be able to navigate the drive due to overhanging trees.
- It is accepted that there may be 'teething problems' at a new facility, so a temporary permission should be considered to allow various other regulatory issues to be properly complied with.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the impact on highway safety and the impact on the amenities and living conditions of neighbouring residents.

Principle

The site is located in the open countryside and is isolated from public transport and other facilities. It is not, therefore, a location in which planning policy generally supports the provision of new care homes since those visiting and working at the site would generally be reliant upon their own private vehicles.

However, regard must be given to the existing authorised use of the site as a day school and comparison can be drawn between this existing use and the care use which is now proposed. Coupled with that, the proposed use would operate on a small scale – currently 3 children – and future growth of this is limited by the size of the building. With reference to this historic use, it is not considered that the proposed use would be any less acceptable in the rural area and is, therefore, accepted in principle.

Highways

The Highway Authority have considered the proposal, and note that, for a care home, there is an overprovision of parking on the site. In many ways this is a somewhat arbitrary assessment, since the parking area is not a formal car park as such, rather it is a loosely surfaced yard area to the front of the dwelling. Furthermore, restricting the parking area, forcing it to be smaller, would only result in any additional cars parking on the long, wide access track and would not serve to encourage travel to the site by other means, which is the rationale for limiting parking.

In terms of the access to the site, the Highway Authority are satisfied that the visibility at the junction with the public highway is capable of accommodating traffic from the proposed use and that the local highway network has sufficient capacity. Accordingly, the impact on the local highway network is considered to be appropriate.

Neighbouring residents

Given the limited number of nearby residents, the proposal has attracted considerable interest. Neighbouring residents claim to be experiencing a high degree of disturbance from the care home the use of which has been ongoing for some 12 months now. The disturbance allegedly results from children escaping from the home and frequent visits by the police, coupled with noise from shouting and the fire alarm. Whilst much of this is hearsay, it gains weight from the extent to which it appears to be a common theme raised by the local residents.

However, on the contrary, there have been no formal complaints made to Environmental Health regarding noise or disturbance from the premises. More importantly, the police, whilst acknowledging that there have been instances reported from within the site/premises, have never been called to off-site incidents. It is considered that this evidence suggests, whilst there is a perception of criminal activity within the area, this is not actually the reality.

In cases such as this, it is customary to regard this type of disturbance issue as a matter for the managers of the care home. It follows that, generally, a well managed facility ought not cause significant detriment to the amenities of nearby residents. Verbal discussions with Ofsted, the regulating body for this type of institution, have

confirmed that the way in which residents are managed is a matter for them. Concerned parties should contact Ofsted who would investigate any potential mismanagement, or if children within their care are creating risk or danger to themselves or others. From these discussions, it appears that Ofsted, rather than the Local Planning Authority, are the correct body to regulate and control the premises.

It must also be remembered that the application seeks a change of use to a C2 use. This would result in an open permission for a care home – not necessarily one for young people. Indeed, most existing care homes could be changed to this type of facility without reference to the planning system. In light of this, it is the use – i.e. a care home – that must be assessed here. Specific regulation and management is dealt with by Ofsted.

Conclusion

Given the authorised use of the premises it is considered that the proposal is appropriately located and would not impact unreasonably upon the highway network. It is considered that the alleged disturbance to neighbouring residents and their fear of crime is not supported by the evidence available from the Police or Environmental Health. Accordingly, it is considered that these matters cannot be given sufficient weight to justify the refusal of planning permission.

The proposal is, therefore, considered to be acceptable and it is recommended that planning permission is granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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