

24/10/0019

MR R CROSS

CHANGE OF USE FROM RESIDENTIAL HOUSE TO CHILDREN'S RESIDENTIAL HOME AT THE ORCHARDS HELLAND, NORTH CURRY

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason:

The proposal is considered not to have a detrimental impact upon visual or residential amenity or an adverse impact on highway safety and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and Policy 48 (Access and Parking) of the Somerset and Exmoor National Park Joint Structure Plan Review.

RECOMMENDED CONDITION(S) (if applicable)

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The property shall be used for the care of no more than 4 children at any one time.

Reason: In the interests of the amenity of the area and to limit traffic to the site.

Notes for compliance

1. You should ensure that the existing septic tank is in a good state of repair, regularly emptied and of sufficient capacity to deal with any potential increase in load which may occur as a result of this proposal. If it is found that a new system is necessary its discharge will require the consent of the Environment Agency.

PROPOSAL

The proposal is to operate the existing dwelling as a home for up to four children.

The use would not need permission if the care being provided was by foster parents, however the intention is that care would be provided by carers operating on a shift based system and therefore the use would not be as a single household.

SITE DESCRIPTION AND HISTORY

The property has previously operated as a care home by a different company without consent and the authorised use is as a dwelling.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - no objection

The proposal relates to the change of use from a residential home to a children's residential home. The proposal states that the site was previously used for the same purpose prior to this application. If this is the case it is unlikely that vehicle movements will change. The Orchard has access onto Helland Hill. At the point of access visibility is limited in either direction however vehicle speeds past the access are slow therefore the visibility can be considered acceptable. I therefore raise no objection to this proposal.

NORTH CURRY PARISH COUNCIL- After careful consideration at the Parish Council Meeting held on 9th June 2010 it was agreed to object to the planning application on the following grounds:

1. There will be an increase in traffic caused by regular arrival/departure of care/supervisory staff and this will put a further burden on what is a narrow access lane.
2. The Orchard is located on a 60 mph road with an 'S' bend, no street lighting and no pavement – it will put the young people resident at the home at considerable risk as they will regularly walk up to the village for the shop/bus stop etc.
3. The remote location means there is no quick access to support services such as medical care or police.
4. The location is very rural with no facilities for teenage children who by definition will not have close knit family support to provide transport to regional facilities.
5. There is a long standing environmental hazard caused by inadequate sewage disposal on the property – the cess pit continually overflows and this has been as source of regular complaints by neighbours. If young people and staff move into the building this problem will be exacerbated.

Additional Factors

There were vociferous objections to the proposal from all the near neighbours and these had been expressed to the Parish Council in writing and verbally at the meeting. The objections from neighbours are mainly based on previous experience from when The Orchard was a young people's home several years ago. Many neighbours experienced intimidation, theft, bullying of their own young children and general unsocial behaviour on the part of children in care at the Orchard. It was agreed that Mr Machen, as the Parish Councillor resident in Helland, would assist

the residents in making their views clear to TDBC. The residents would also seek to exercise their right – as there will be more than six individual objections – to have the application considered by the TDBC full Planning Committee rather than the decision being made at Planning Officer level under delegation.

The Parish Council also recorded that if the application is granted despite the Parish Council objections then minimum safeguards should be imposed including:

- Guarantee of adequate staffing/supervision.
- Restriction on number of children – maximum of three.
- If any child is proved to be disruptive to the local community there should be effective arrangements for the child to be transferred to an alternative home.
- The environmental issue over sewage should be addressed prior to any change of use approval.

Representations

15 letters of objection on the grounds of

- Increased traffic flow to the site,
- Limited public transport,
- In winter the road can become impassable,
- The road is narrow with no speed restrictions,
- Farm traffic use the road, there are blind bends and the area is not safe for pedestrians and children on bikes with no footways or street lights.
- There is a lack of amenities in the area.
- Problems caused by use of property as home between 2006-2008,
- Residents subject to foul language, intimidation, vandalism, trespass and theft.
- The proposal is inappropriate for the area and an unsuitable location, with danger of open waterways.
- The visual character of the property would be affected.
- The duty of care would not be met for the children or neighbours.
- Concern over resident safety.
- There would be a loss of property value.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,

PPS3 - Housing,

PPS7 - Sustainable Development in Rural Areas,

STR6 - Development Outside Towns, Rural Centres and Villages,

S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,

S&ENPP48 - S&ENP - Access and Parking,

S1 - TDBCLP - General Requirements,

EC7 - TDBCLP - Rural Employment Proposals,

EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The main consideration is the impact on the scale of use on the character and amenity of the area and highway safety. The property is an existing dwelling and the intention is to use it for up to 4 children with two carers. This is a similar scale of use

as it being a single family home and the use involving carers changing shift is considered to be a minimal impact and one that has to be balanced by the employment use that is created.

There is adequate parking on site to serve the proposed use and the Highway Authority consider the access suitable to serve the use proposed. The level of traffic using the site will be similar to a family home and the shift change for workers mid morning is considered not to create a significant level of additional traffic movement. The health and safety of the use of the site is governed by separate legislation governed by Ofsted and the control of children on site is the responsibility of the carers. It is not possible to impose a condition on the site to secure the removal of individual residents as suggested by the Parish Council.

The proposal utilises the existing drainage system at the property and it is the responsibility of the applicant to ensure this system is adequate for the use and there is separate legislation to address this issue. Environmental Health have been advised of the concern raised and are investigating the matter and I'm advised a new system has recently been installed. A note to the applicant on this issue is recommended.

The concerns raised by local residents and the Parish Council are noted, however the scale of residential use here is not considered to cause harm to the character or appearance of the area. Clearly there is a perceived concern over the proposed use and children's behaviour given the past use of the premises by a different operator, however this is a separate business use and while the concern of local residents is a material consideration it is not considered to be of sufficient weight to oppose the scale of use proposed.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398