



## Report to West Area Planning Committee

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<b>Application Number:</b>	23/06492/R9FUL
<b>Proposal:</b>	Change of use from 3-bed dwellinghouse (use class C3) to 2-bed children's home for Buckinghamshire Council Leaving Care Service (use class C2) with installation of solar panels on rear roof slope
<b>Site Location:</b>	42 New Road Bourne End Buckinghamshire SL8 5BN
<b>Applicant:</b>	Mr Andrew Bourne - Buckinghamshire Council
<b>Case Officer:</b>	Victoria Burdett
<b>Ward(s) affected:</b>	The Wooburns, Bourne End & Hedsor
<b>Parish-Town Council:</b>	Wooburn And Bourne End Parish Council
<b>Date valid application received:</b>	8th June 2023
<b>Statutory determination date:</b>	3rd August 2023
<b>Recommendation</b>	Application Permitted

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Full planning permission is sought for a change of use from 3-bed dwellinghouse (Use Class C3) to 2-bed children's home for Buckinghamshire Council Leaving Care Service (Use Class C2) with installation of solar panels on rear roof slope.
- 1.2 The proposed use is appropriate within a residential area and will not give rise to a loss of amenity to adjacent residents in the locality.
- 1.3 The proposed development will not result in detriment to highway safety, the character of the area, the environment or ecology and will not increase the risk of flooding in the area.
- 1.4 The application has been made on behalf of Buckinghamshire Council and is therefore due to be determined by the Planning Committee, in accordance with the Council's constitution.
- 1.5 The proposed development complies with the relevant Development Plan Policies and is therefore recommended for approval.

## 2.0 Description of Proposed Development

- 2.1 The application property is a two-storey, detached dwellinghouse, situated on the eastern side of New Road, Bourne End.
- 2.2 The existing property is a three bedroom dwelling which is located to the immediate south of Bourne End Academy; a co-educational secondary school. To the south of the application site is No. 40 New Road; a detached, two storey dwellinghouse.
- 2.3 It is proposed to convert the existing dwelling into a 2-bed children's residential care home. Details submitted with the application show that the third bedroom in the dwelling will be used as a staff office and sleep in room. A maximum of two children (aged between 13 and 18) would live in the house, with a permanent member of staff present at all times.
- 2.4 In 1994, temporary consent (REF: 94/09052/CONCC) was granted for the change of use of the property from a dwelling to teaching accommodation. This consent was renewed in 1998 under application REF: 98/06324/CONCC. The consent expired after 12 months and has not since been renewed, reverting the property back to C3 use. The property was previously occupied by a caretaker in association with the adjacent school, but has been vacant since their departure.
- 2.5 The application is accompanied by:
  - a) Cover Letter
  - b) Ecology and Trees Checklist
  - c) Plans

## 3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
94/09052/CONCC	CHANGE OF USE TO TEACHING ACCOMMODATION (CC/75/94)	PER	3 November 1994
98/06324/CONCC	Renewal of consent for change of use of 42 New Road to teaching accommodation	PERTP	6 July 1998

## 4.0 Policy Considerations and Evaluation

### Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM1 (Presumption in favour of sustainable development), DM6 (Mixed-use development)

- 4.1 The application site is situated in an established residential area within the Bourne End and Wooburn Green Settlement Boundary.
- 4.2 The use of the property as a 2 bed children's home, is acceptable in principle.

### **Transport matters and parking**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM2 (Transport requirements of development sites)

Wooburn and Bourne End Parish Council, Neighbourhood Plan: Policy WBE/PD4 (Parking Standards for All Planning Applications for New Developments and Existing Properties)

- 4.3 The Highway Authority has been consulted on the application, and has made the following comments:
- 4.4 “In terms of trip generation, I would expect that vehicular trips to the application site following the proposed works to be comparable to the existing situation.
- 4.5 New Road is an unclassified cul-de-sac subject to a 30mph speed limit. This carriageway benefits from pedestrian walkways and street lighting.
- 4.6 Having reviewed the proposed development using the Buckinghamshire Countywide Parking Guidance 2015 (BCPG) policy document, I can confirm that the application site is located in Residential Zone B. In accordance with the BCPG policy document, a parking bay should measure 2.8m x 5.0m whereas the internal dimensions for a garage should be 3.0m x 6.0m.
- 4.7 I note that 1 space per 3 residents would be required to serve the proposed development for optimum parking provision. In addition, I note the existing internal dimension for the garage is substandard, measuring approx. 2.0m x 4.8m when compared against the BCPG policy document standard (i.e. 3.0m x 6.0m), and therefore would not be counted as contributing towards the recommended parking provision for the dwelling. As one parking bay would be less than the existing situation of 2(no) parking bays to serve the property, I am satisfied that the parking requirement following the implementation of the proposed development can be achieved in-curtilage.
- 4.8 Mindful of the above, I offer no objections to the proposals and in this instance suggest no conditions for inclusion upon any planning permission that you may choose to grant”.
- 4.9 As such, it is considered that the proposed development would not have any detrimental parking or highway implications.

### **Raising the quality of place making and design**

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)

Housing Intensification SPD

W&BENP: Policy WBE/PD2 – Residential Infill and Quality Design

- 4.10 The application involves the change of use of the existing dwelling into a 2-bed children’s home with the installation of solar panels to the rear roof slope. No other external alterations are proposed.
- 4.11 The level of activity arising from the proposed children’s home is considered to be similar to that of a standard dwelling and therefore the proposed development will be compatible with the residential character of the surrounding area.
- 4.12 The proposed solar panels would be installed on the rear roof slope, which therefore would not be visible from the street scene. A public footpath runs alongside the south

flank boundary. Whilst it is acknowledged that the solar panels would be visible from some points along the public footpath, it is not considered that they appear out of keeping with the dwelling or surrounding character of the area.

- 4.13 It is considered that this proposal would have no adverse effect upon the character of the surrounding area or the visual amenity of the street scene.

#### **Amenity of existing and future residents**

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)  
Housing Intensification SPD

- 4.14 As aforementioned above, the proposed development does not involve any external alterations apart from the proposed solar panels. As such, in terms of overlooking, loss of privacy, and overbearing issues, the proposed change of use is not considered to harm the amenities of neighbouring properties beyond the existing situation.
- 4.15 Concerns have been raised in terms of potential anti-social behaviour in the adjacent public footpath, due to nuisance in the past. The Local Planning Authority cannot take into consideration the behaviour of individuals within a residence, when determining a planning application nor can it assume that the future children will be disruptive/noise/abusive to adjacent residents. To do so could be seen as discriminatory.
- 4.16 The Applicant is responsible for ensuring the site is secured enough and meets the requirements for a new care home. This is not to be assessed by the Local Planning Authority.
- 4.17 Overall, the proposed development is not considered to adversely affect the amenities of neighbouring properties or future occupiers.

#### **Environmental issues**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 4.18 There are no environmental matters that would be adversely affected by this proposal.

#### **Flooding and drainage**

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Systems)

- 4.19 The application site is located in Flood Zone 1 and given no building works are proposed (apart from roof solar panels), there is not considered to be any flooding risk from the development.

#### **Ecology**

Wycombe District Local Plan (August 2019): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

- 4.20 Policy DM34 requires all development to protect and enhance both biodiversity and green infrastructure features and networks both on and off site for the lifetime of the development.
- 4.21 No assessment has been provided with this proposal so it falls to the Local Planning Authority to consider what would be proportionate for the development proposed.

4.22 In this case, the proposed development would not have a negative impact upon biodiversity or green infrastructure and given the limited scope of the proposal, enhancement is not considered proportionate.

#### **Building sustainability**

Wycombe District Local Plan (August 2019): DM41 (Optional Technical Standards for Building Regulations Approval)

4.23 Given the small-scale nature of the proposed use, it is not considered necessary to condition water efficiency, in accordance with Policy DM41.

### **5.0 Weighing and balancing of issues / Overall Assessment**

5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

5.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

5.3 As set out above it is considered that, the proposed development would accord with the development plan policies.

5.4 In line with the Public Sector Equality Duty the LPA must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The application provides for the change of use of an existing three-bedroom dwelling to a residential care home for 2 children, and a permanent member of staff. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

5.5 The Human Rights Act 1998 Article 1 the protection of property and the peaceful enjoyment of possessions and Article 8 the right to respect for private and family life, have been taken into account in considering any impact on the proposed development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights.

### **6.0 Working with the applicant / agent**

6.1 In accordance with paragraph 38 of the NPPF the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicant/agents of any issues that may arise in the processing of their application.

6.3 In this instance:

- The application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant / agent had the opportunity to speak to the committee and promote the application.

## 7.0 Recommendation

7.1 It is recommended that this application be **GRANTED**, subject to the following conditions and reasons:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).

2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 4600.WV.AB.02P, 4600.WV.AB.04P and BC1 unless the Local Planning Authority otherwise first agrees in writing.

Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

3. The use hereby permitted shall accommodate a maximum of two 13-18 year old children living at the property, at any one time.

Reason: In the interests of the amenity of the nearby residential properties and highway safety.

## INFORMATIVE

- 1 In accordance with paragraph 38 of the NPPF the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicant/agents of any issues that may arise in the processing of their application.

In this instance:

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# **APPENDIX A: Consultation Responses and Representations**

## Councillor Comments

None received.

## Parish/Town Council Comments

### **Wooburn and Bourne End Parish Council**

No objections, but we do note the neighbour's comments.

## Consultation Responses

### **Highway Authority**

No objections and no conditions recommended.

### **Environmental Health**

No objections and no conditions recommended.

## Representations

One comment has been received which is neutral to the proposal:

- The provision of more accommodation for children in care is a good thing
- The adjacent footpath is a magnet for anti-social behaviour
- Noise is also an issue on the footpath
- Please ensure the homes perimeter fence is adequately secured and that occupants are discouraged from spending time in the alley other than for access
- Parking situation in New Road is terrible
- Plenty of free parking along Fishermans Way

# APPENDIX B: Site Location Plan

23/06492/R9FUL  
Scale 1/1250



Planning Committee  
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