



Report to East Area Planning Committee

Application Number:	PL/23/2407/FA
Proposal:	Change of use to a children's home for Buckinghamshire Council Leaving Care Service (Use Class C2) with installation of solar panel on rear roof slope
Site location:	9 Pineapple Road Amersham HP7 9JN
Applicant:	Buckinghamshire Council (Mr Andrew Bourne)
Case Officer:	David Wood
Ward affected:	Little Chalfont & Amersham Common
Parish-Town Council:	Amersham Town Council
Valid date:	21 July 2023
Determination date:	15 September 2023 (Extended: 18 October 2023)
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application is for a change the use of the property from a dwellinghouse (Use Class C3b) to as a small children's home for the Buckinghamshire Council Leaving Care Service (Use Class C2).
- 1.2 The application has been submitted by Buckinghamshire Council as the applicant and therefore falls to be determined by Committee as per the procedures in the constitution.
- 1.3 The recommendation for the proposal is to grant conditional permission.

2.0 Description of Proposed Development

- 2.1 The site comprises an existing detached property located on the western side of Pineapple Road in Amersham. The property contains 2 bedrooms, a lounge, dining area, washroom, utility room, kitchen, and laundry room at ground floor level with 6 bedrooms and 2 bathrooms at first floor level. The property is served by 2 on-site parking spaces. The site is situated in a predominantly residential area with some surrounding mixed uses including commercial and retail.
- 2.2 This planning application seeks to change the use of the property from a dwellinghouse (Use Class C3b) to as a small children's home for the Buckinghamshire Council Leaving Care Service (Use Class C2). For the purposes of the Use Classes Order 1987 (as

amended), Use Class C3b is described as a single household of not more than 6 residents where care is provided. Use Class C2 are described as residential institutions where residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes.

- 2.3 In terms of the proposed use under Use Class C2, the property will accommodate 4 children aged 13 and 18 years on a long-term basis who will be supported by a permanent member of staff providing adult supervision 24 hours a day.
- 2.4 The proposed layout provides for a staff washroom, staff/sleepover room, office, lounge, dining area, utility, kitchen, and laundry room at ground floor level. The layout of the first floor will remain as existing, with 4 bedrooms and a new free flow area to be provided. The access from the highway and parking area would remain unchanged. It is also proposed to install solar panels on the rear roof slope of the property to enhance the energy efficiency of the building. There are no other internal or external alterations proposed.
- 2.5 The application is accompanied by Design and Access Statement.

3.0 Relevant Planning History

- 3.1 CH/1988/0101/OA - demolition of a dwelling to allow for the erection of a pair of semi-detached houses with integral garages, forming 9-9a Pineapple Road. Conditional Permission
- 3.2 CH/1988/2231/FA - pair of semi-detached houses and garages. Conditional Permission
- 3.3 CH/1989/3726/RB - single storey rear extension, alterations, conversion and use of two houses as one unit for 5 mentally handicapped persons and one full time staff member. Conditional permission (The consent was implemented and the property was then used for many years as a care home for adults with a learning disability and managed by Mencap but is now vacant.)
- 3.4 PL/22/1615/FA - change of use to a single dwelling (Use Class C3) - withdrawn (application site already C3)
- 3.5 PL/22/3658/SA - Certificate of Lawfulness for the proposed refurbishment of the property. Withdrawn

4.0 Summary of Representations

- 4.1 At the time of drafting the report a total of 13 representations have been made in response to the application. These are summarised within appendix a of the report.
- 4.2 Amersham Town Council made representations on the application on 7 August 2023 and state 'no objections'.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), February 2023.
- National Design Guidance, October 2019
- Core Strategy for Chiltern District - Adopted November 2011:
- Chiltern District Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.
- Affordable Housing Supplementary Planning Document (SPD) - Adopted 21 February 2012
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

- Buckinghamshire Council Countywide Parking Standards (2015)

Principle and Location of Development

Core Strategy Policies:

CS12 (Specialist housing)

Local Plan Saved Policies:

CSF1 (Provision of community services and facilities in the built-up areas excluded from the Green Belt)

- 5.1 The application site is located in the built-up area of Amersham. Core Strategy Policy CS12 states that within Amersham, the Council will encourage the provision of extra-care homes, specialist housing for the elderly and housing and supported living accommodation designed for people with disabilities including for those with dementia and mental health problems. Regard should be had to the following factors: the need for a location within the built-up area of the towns, close to shops, health and community facilities; the potential for development to be self-contained; and, the availability of public transport to reduce travel requirements.
- 5.2 Local Plan Policy CSF1 states that within the built-up areas, development for community services and facilities will be acceptable provided that (i) the proposal would not involve the loss of residential land or an existing dwelling, unless (a) it can be shown that the loss cannot be avoided because there is no other suitable land or buildings available in the area; and (b) it can be demonstrated to the satisfaction of the Council that the service or facility to be provided is either not currently available in the area, or demand is in excess of the existing level of supply, (ii) the proposal would not be detrimental to the character and amenities of the area in which it would be located by reason of its appearance, layout, noise, traffic generation, vehicle parking, loss of landscaping or general disturbance.
- 5.3 Technically, the proposal would involve the loss of a C3 residential use however in practice, the proposed Class C2 Use would not be dissimilar to the lawful use of the site which is a C3(b) use described previously in section 2 of the report. Matters pertaining to highways and residential amenity are explored further below.

Transport matters and parking

Core Strategy Policies:

CS25 (Dealing with the impact of new development on the transport network)

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications throughout the district)

TR11 (Provision of off-street parking for developments throughout the district)

TR16 (Parking and manoeuvring standards throughout the district)

Buckinghamshire Countywide Parking Standards (2015)

- 5.4 According to the application form and from viewing the site, there are 2 existing car parking spaces. In accordance with the Buckinghamshire Countywide Parking Standards (2015) (BCPG), 2 spaces are required for residential institutions with up to 4 residents. As such, the proposal complies with the council's standards and no objections are raised with regard to parking. Furthermore, the change of use is unlikely to create a significant increase in traffic and therefore no objections are raised with regard to the impact of the proposal on the highway network.
- 5.5 Although under the new Use Class (C2), additional residents could occupy the building,

it is of such a size and scale that it is unlikely that many more residents would be able to live at the property and alter the character of the site and surrounding area. However, a C2 use would be unrestrained in terms of numbers and a condition to ensure that the number of residents does not exceed four is considered reasonable, as that is what has been applied for and to enable a further assessment of any additional residents on the parking provision and amenities of neighbours to be assessed in the future.

- 5.6 In terms of vehicular movements, the proposal would be broadly comparable with the lawful use of the site. In this regard it is considered that the proposed development would not lead to any unacceptable impacts on the safety or inconvenience of highway users. The Council's Highways officer has not raised any objections on this basis.

Raising the quality of place making and design and Amenity of existing and future residents

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC3 (Protection of amenities throughout the district)

- 5.7 In terms of the impact on the character of the area, the change of use sought would not result in any external changes to the existing property, except for the addition of solar panels on the rear roof slope. This element of the scheme would not be prominent within the surrounding streetscene.
- 5.8 As stated previously the use of the site as children's after care facility would not be too dissimilar to the lawful use of the site. In terms of impact on neighbouring residential amenity, the proposed use displays many features of a family dwelling as the accommodation would be used for day to day living and the facilities would be shared by the occupants and will therefore function similar to a family home environment.
- 5.9 Furthermore, a Class C3 dwelling is capable of having up to six people occupying it. Therefore, the number of people expected to reside at the property would be less than what would be possible as a large family occupation.
- 5.10 Notwithstanding the above, it would be reasonable to attach a condition to any permission to ensure that the use of the property within Use Class C2 is restricted to the use of the property as applied for as a children's after care facility.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 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
- 6.2 As set out above it is considered that the proposed development would accord with the development plan policies.

- 6.3 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 6.4 The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2023) 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.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance the application was acceptable as submitted and no further assistance was required.

9.0 Recommendation: Conditional Permission. Subject to the following conditions:

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.
Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.
2. The two parking spaces on site, one either side of the building, shall be retained and that area shall not thereafter be used for any other purpose.
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
3. The number of residents within the development known as 9 Pineapple Road hereby approved shall not exceed a total of four.
Reason: To maintain the amenities of the locality.
4. The development hereby permitted shall only be used for purposes relating to a children leaving care service and uses ancillary to this purpose and shall not be used for any other purposes whatsoever including any other uses falling within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended.
Reason: In order to protect the amenities of nearby residents having regard to noise and disturbance and also to ensure sufficient car parking is provided.
5. This permission relates to the details shown on the approved plans as listed below:

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
21 Jul 2023	Location Plan
21 Jul 2023	3663.PR.AB.04P

INFORMATIVE(S)

1. The Council is the Charging Authority for the Community Infrastructure Levy (CIL). CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure.

If you have received a CIL Liability Notice, this Notice will set out the further requirements that need to be complied with.

If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.chiltern.gov.uk/CIL-implementation> or contact 01494 475679 or planning.cil.csb@buckinghamshire.gov.uk for more information.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None

Amersham Town Council Comments

No objections. (07.08.2023)

Consultation Responses

Highways:

Highways officers are satisfied that the 2 spaces existing on site are sufficient for the use proposed. It is suggested that their future retention be conditioned. Highways movements would not be above the existing lawful use of the site.

Representations

13 comments have been received objecting to the proposal:

- This application does not comply with Bucks policy TR16. A C2 property with up to 10 residents must provide 5 parking spaces.
- 1 disabled parking space and provision for cycles.
- The 2 existing spaces are not sufficient.
- Pineapple Road is a small quiet residential street with permit parking and is not suitable for any extra parking.
- Inadequate layout for purposes proposed
- Concerns over amenity in terms excess noise/disturbance
- Loss of 2 dwellings a concern

Comments regarding anti-social behaviour were also made, however it should be noted that only material planning considerations can be taken into account in the assessment of this application.