

Application Number: 20/10656 Full Planning Permission

Site: BARBERRY HOUSE, WILDGROUND LANE, HYTHE SO45 4HJ
Development: Change of use of the building from a dwelling house to care home for up to four residents
Applicant: Pathway Care 360 Ltd
Agent: Spruce Town Planning Ltd
Target Date: 26/08/2020
Case Officer: Jo Chambers

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the character and appearance of the area;
- 2) Impact on residential amenity of adjacent neighbouring properties;
- 3) Impact on highway safety;
- 4) Impact on the local delivery of services.

This application is to be considered by Committee because of a contrary view by the Parish Council.

2 SITE DESCRIPTION

The site is occupied by a 1.5 storey 5-bedroom detached dwelling and is located at the corner of Wildground Lane and Butts Ash Lane within the built-up area. Access is gained from Wildground Lane, a private road, which also serves 4 other dwellings. The property has an integral double garage in front of which is a 10m deep driveway. The drive extends to the side of the garage. The boundaries of the site are largely screened by hedges and fencing.

3 PROPOSED DEVELOPMENT

Permission is sought for the change of use of the dwelling house to a care home to provide residential care to young people aged 14-18 with complex social, behavioural or emotional needs. The agent has advised that the home would not take in new residents aged 18, and most would move out before then. However, if an existing resident is in an ongoing education course when they turn 18 then they may stay at the home until their course has finished and move on then.

A maximum number of 4 young people would reside at Barberrry House at any one time and would be long term placements. They would attend local schools and the property would be their domestic residence only.

Staff would be present on a shift basis. No carers would reside at the property. The actual number of staff present would be dependent on the individual care needs of each young person. Each young person would always have 1 member of staff working with them.

The day shift would run between 08:00-22:30 with one member of staff per young person; each staff member would be present during that time e.g. 4 children = 4 staff (other than during initial assessment). The night shift would run between 22:30-08:00. Two members of staff would be present overnight. One of the day shift staff would stay on through the night shift and would sleep but be available to support the night shift worker if required. The second member of staff would arrive just for the night shift and would stay awake throughout the night.

The maximum number of staff at shift change would be 5, comprising of 3 day shift staff, 1 day shift who will stay overnight and 1 night shift member of staff.

No physical changes are proposed to the property.

No definite information is available on how staff would travel to the site. The applicant has reported that several staff do not drive and those from the local area may arrive by foot/bicycle.

The agent has advised that occasional visits may arise for property maintenance or deliveries akin to any domestic residence. Parents may visit, most often for a couple of hours each month.

The proposal relates to residential accommodation and activities would normally be completed away from the home. The agent has advised that the home will be Ofsted registered.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
20/10027 Use the property as C3 (b) use (Lawful Development Certificate that permission is not required for proposal)	21/05/2020	Was Not Lawful	Decided	
18/11512 6 dwellings; bin and cycle store; parking; demolition of existing	21/01/2019	Refused	Appeal Decided	Appeal Dismissed

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

STR1:	Achieving sustainable development
STR5:	Meeting our housing needs
STR6:	Sustainable economic growth
STR8:	Community services, Infrastructure and facilities
ENV3:	Design Quality and Local Distinctiveness
CCC2:	Safe and sustainable travel

Neighbourhood Plan

Hythe and Dibden Neighbourhood Plan

Supplementary Planning Guidance And Documents

SPD - Parking Standards

Relevant Legislation

Town & Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Relevant Advice

National Planning Policy Framework

NPPF Ch.2 - Achieving sustainable development

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch.11 - Making effective use of land

NPPF Ch.12 - Achieving well-designed place

Constraints

Tree Preservation Order: TPO/0027/18/G1

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL. The Council welcomes the application for a facility to provide a residential care home for young people and this is considered to be a more positive and beneficial use for the site than previous applications. However, the Council has serious concerns about the impact on the wider area and neighbours due to additional traffic and parking caused by the visitors, staff and tradespeople visiting the site. Butts Ash Lane is a road that already has significant traffic issues and near misses and is a main access road for drivers accessing the road to Fawley and for young families and children walking and cycling to local schools.

The site has limited parking and any attempts to park on Wildground Lane will negatively impact the neighbouring properties. There are concerns about access to properties for emergency vehicles due to parking issues. The Council would welcome clarity on staff numbers and how the young residents are supported during holidays and if the numbers proposed are reflective of a prepared schedule once fully operational.

Access on to Butts Ash Lane and the impact of additional parking on this very busy road, with already concerning on-street parking, is a possible danger to pedestrians, cyclists and other drivers. Due to these concerns from local residents and Councillors, the Council wishes to refuse the proposal. However, the Council would welcome any plans to mitigate wider traffic and highway issues in the area.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health Contaminated Land - no concerns

HCC Highways - no objection

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

5 letters of objection on the following grounds:

- concern has been expressed regarding highway safety matters, level of traffic that could be generated and parking;
- potential noise and disturbance to existing residents;
- lack of staff/children locked out/unsupervised/Ofsted registration needed;
- anything other than a large family home will cause problems;
- problems for wildlife.

4 letters of support on the following grounds:

- lovely big garden, nice area, good schools, will be a lovely home for children;
- would provide stability and well-run home environment to kids without those things;
- site previously used as a play school;
- site previously a home for a family of 7 so proposal no different;
- adequate parking for staff as a private house up to 6 vehicles parked on occasions without difficulty;
- admirable project, meets planning criteria and care accommodation is stretched;
- building works are a temporary inconvenience, most of extra cars parked in Butts Ash Lane are not associated with Barberry House.

10 PLANNING ASSESSMENT

Principle of Development

The application site is located within a primarily residential part of the built-up area and residential accommodation for the proposed care of young people is acceptable in principle in such locations.

Impact on the character and appearance of the area

No changes, either internal or external, are proposed to the dwelling or its plot. There would be no change to the visual impact of the proposal on the character or appearance of the area.

Impact on residential amenity of adjacent neighbouring properties

The existing property is a 5-bedroom dwelling with 3 reception rooms and, as such, the level of occupation proposed would be similar to that of a large family. Noise generated within the house and garden would be unlikely to be significantly different to that associated with its use as a single dwelling for a large family. In this context, it is considered that the proposal would be unlikely to have an adverse effect on residential amenity of neighbouring properties with regard to noise or disturbance.

It is acknowledged that the young people will have complex needs including behavioural difficulties. However, it is also noted that children with behavioural difficulties can also be found living in dwellings (Use Class C3). It is considered reasonable to expect behaviours to be suitably addressed by appropriate in-house management practices and trained staff. The care home would also be subject to regulation by Ofsted.

Overall, it is considered that the impact of the proposal would be similar to that of a large family living in a dwellinghouse. The proposal would accord with the requirements of policy ENV3 which requires development to avoid unacceptable effects on residential amenity; and the NPPF which seeks to ensure safe and healthy living conditions that promote social interaction and well-being for all sections of the community.

Impact on highway safety

The agent has advised that there would be a member of care staff for each young person, with a maximum of 5 members of staff present at shift change. NFDC parking guidelines suggest 0.5 space per non-residential staff ($5 \times 0.5 = 2.5$) with visitor spaces of 0.25 per 2 clients ($0.25 \times 4 = 1$). This equates to 3.5 spaces plus cycle parking. Off-street parking is available on the existing driveway/garage and it is noted that there are no on-street parking restrictions along Butts Ash Lane.

Given that the accommodation is intended for school age people and the limited number of staff, the proposal would be unlikely to generate significantly more traffic movements or parking requirements than those that would arise if the property was used as a C3 dwellinghouse. The Highway Authority has been consulted and has advised that the amount of traffic generated by the proposal will not be materially different to the existing site. It has advised that the risk associated with the access is unlikely to be increased significantly and has raised no objection.

Impact on the local delivery of services and housing

The proposal will provide residential accommodation for 4 children/young people. This accords with policy HOU1 that seeks to address diverse housing needs at all stages of life; with the aim of Hythe and Dibden Neighbourhood Plan to support the provision of suitable housing opportunities for the local community; and with the NPPF requirement to deliver a sufficient supply of homes to meet the housing needs of different groups in the community.

Wildlife

Concern has been expressed that the proposal will be harmful to wildlife. No details or explanation has been given. It is not considered that the change of use to a care home would be harmful to wildlife.

Habitat mitigation

The change of use proposed does not represent an increase in overnight accommodation compared to the existing use as a dwelling house. Therefore, there would be no additional burden on the integrity of the protected European sites with regard to either recreational impact or nutrient neutrality.

Developer Contributions

No developer contributions are required in relation to this application.

11 CONCLUSION

The impact of the use of this property as a care home for a maximum of 4 school age young people with complex needs is considered to be no greater than the use of this 5-bedroom property as a C3 dwellinghouse. The proposal is considered acceptable and in accordance with adopted policy, the NPPF, the Hythe and Dibden Neighbourhood Plan, supplementary planning documents and with regard to other material planning matters.

12 OTHER CONSIDERATIONS

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. 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. The development permitted shall be carried out in accordance with the following approved plans:
Location plan
FES/2309/01 Existing ground floor plan
FES/2309/02 Existing first floor plan
FES/2309/03 Proposed ground floor plan
FES/2309/04 Proposed first floor plan
FES/2309/05 Rev A Existing & proposed site and block plans

Reason: To ensure satisfactory provision of the development.

3. The existing garage and driveway shall be retained for the parking of vehicles / cycles at all times.

Reason: To ensure the availability of parking space and in the interests of highway safety.

Further Information:

Jo Chambers

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

October 2020

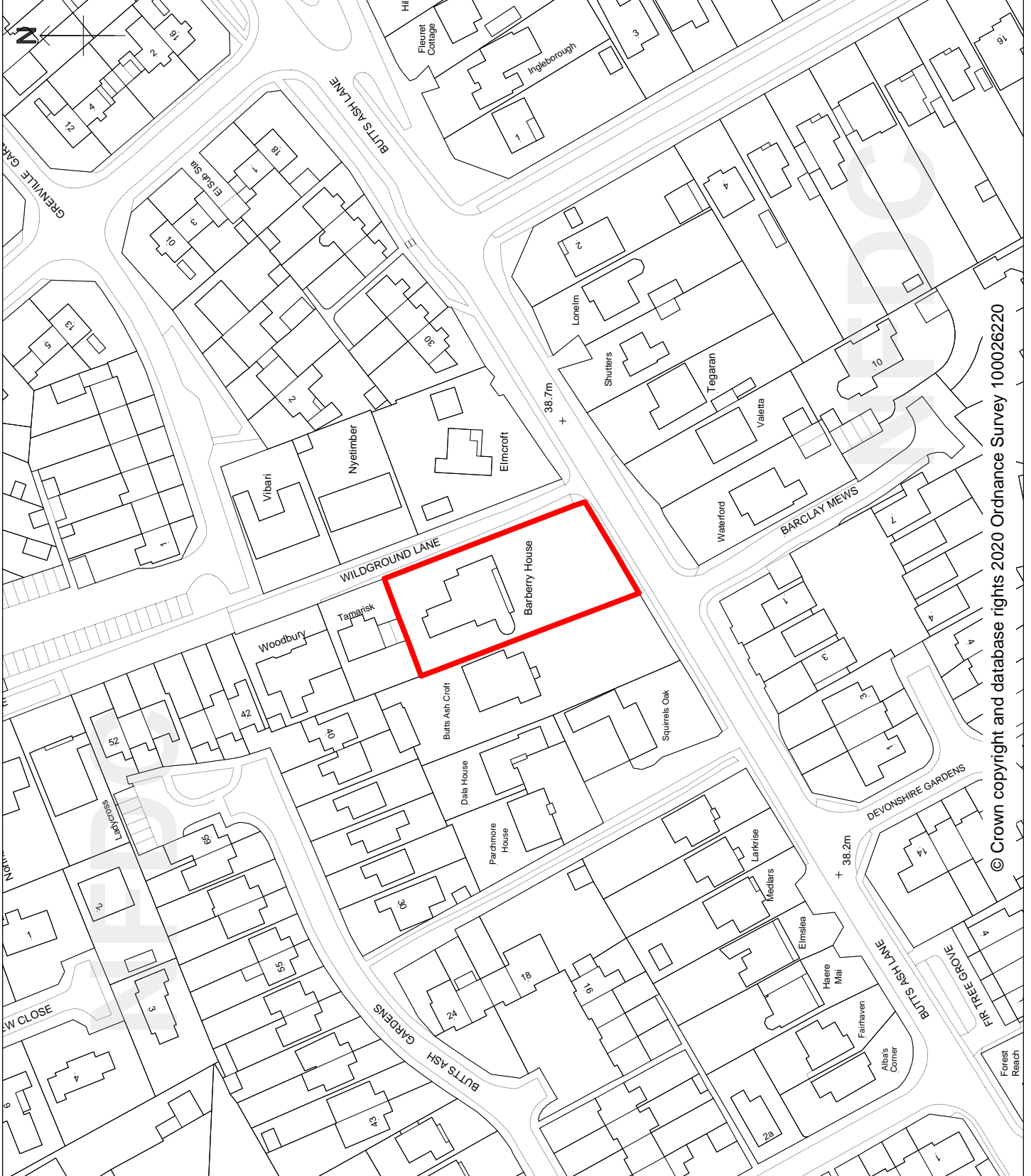
Item No:

Barberry House, Wildground Lane
Hythe SO45 4HJ

20/10656

Scale 1:1250

N.B. If printing this plan from
the internet, it will not be to
scale.



© Crown copyright and database rights 2020 Ordnance Survey 100026220