



Committee Report

Planning Committee South - 29 June 2021

Application no DC/21/1226/FUL

Location

41 Knight Road
Rendlesham
Suffolk
IP12 2GR

Expiry date 26 May 2021

Application type Full Application

Applicant Loyal Care

Parish Rendlesham

Proposal Change of use from residential to children's home

Case Officer Rachel Smith

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1. Summary

- 1.1 The application seeks to change the use of 41 Knight Road, Rendlesham from a C3 residential use to a C2 residential institution to be used as a children's home for up to 5 children.
- 1.2 The application was presented to the Referral Panel on 11 May 2021 as the Parish Council object to the proposal which is contrary to the Officer recommendation of approval. The Parish Council's concerns can be summarised into three elements which include a lack of information in the application, covenants on the property and highways/parking. Officers consider that there is sufficient information to be able to determine the application, covenants are private matters outside of the planning process and the Highways Authority has not objected. Although the recommendation to the Referral Panel was to delegate the decision, Members felt that given the Parish Council objection and level of local interest, including from the Ward Member, the application should be determined by Planning Committee.

- 1.3 While concerns in relation to the potential impact on neighbours' residential amenity and potential blocking of the highway and shared driveway are noted, it is not considered that, without the support of the County Council, a reason for refusal on highway grounds is justified. Nor would the impact of staff arriving and leaving the site be so significantly different to the use of the property as a private family residence justify a reason for refusal on amenity grounds. The application is therefore recommended for approval.

2. Site description

- 2.1 41 Knight Road is a large, detached residential property with double garage located within the Settlement Boundary of Rendlesham. It is located at the end of a private drive off the end of Knight Road which is a cul-de-sac. The site is surrounded to the north, east and south by other residential dwellings. To the west of the site is a small area of green space with footpath link leading to a recreational area.

3. Proposal

- 3.1 The proposal involves changing the use of the property from a Class C3 residential dwellinghouse to a C2 Residential Institution. The proposed nature of the C2 Use would be as a children's home for up to five children from age 8 to 18.
- 3.2 The home would be staffed by a maximum of six staff during the day and two at night. It is proposed that the morning shift will start at 7.30am and finish at 22.30 and the night staff will start at 22.00 and finish at 8am.
- 3.3 It is proposed that on the ground floor of the property would be two, young person's bedrooms as well as a kitchen, living room, games room and office space. On the first floor would be three further young person's bedrooms as well as an office/staff bedroom and bathroom facilities.
- 3.4 It is proposed that parking would be available in the double garage (two spaces) with three further spaces in a tandem pattern alongside one side of the driveway. This would enable these vehicles to manoeuvre out of their space using the opposite side of the driveway and the turning space to leave the site. The turning space may also be used for visitor parking however this would be for short periods at a time.

4. Consultations/comments

- 4.1 A total of 14 letters from third parties have been received in relation to this application. 12 of these object to the application. The main issues raised can be summarised as follows:
- lack of information in the application
 - pedestrians accessing Jubilee Park will be put in danger as a result of increased vehicular traffic
 - limited parking and careful manoeuvring required to allow for shift changes and visitors etc.
 - parking is not available on Suffolk Drive as it is a private road

- increase in parking within cul-de-sac (Knight Road) resulting in impact on congestion and visibility
- increase in traffic, potentially at unsociable hours
- possibility of increased crime and anti social behaviour
- poor public transport service in Rendlesham
- insufficient parking
- increase in noise and disturbance
- potential impact on shared driveway
- lack of information on the company running the home
- setting a precedent for other similar changes of use
- not in Rendlesham Neighbourhood Plan

4.2 Two letters received are in support of the proposal or raise no objections.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Rendlesham Parish Council	7 April 2021	4 May 2021

"Rendlesham Parish Council writes to OBJECT to this application, for the following reasons.

Knight Road

Knight Road is a wholly residential area. The introduction of a commercial care home would adversely affect the area because of staff shift patterns. The design of the road is such that houses are close, with shared driveways, and a mixture of business and residential property in such close proximity causes concern. Whilst there is no objection to a children's home in principle, Knight Road is not an appropriate location.

Lack of Information

It was noted that there was a significant lack of detail in the application.

o The Parish Council wishes to understand what the definition of "Children's Home" is in this context.

o There is a general lack of information regarding hours of use, by staff and visitors (both relatives and third party services). It is thought that this may be a 24/7 operation with 14 staff and shift changes morning and night.

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o There is also concern that if permission for a Change of Use was agreed it could be changed again, for any non-residential purpose. The Parish Council recommends that if permission is granted, the permission sits with the applicant and not the property.

o The Parish Council notes that, prior to permission being given, the property has already been renamed "Lotus House" and signage has been installed at the property already.

Covenants

All the houses in Knight Road are covered by a restrictive covenant that precludes the use of any of the premises as a business for anything other than agricultural use. This should have been made clear to the prospective tenant by the property owner, as he would have been aware that a Change of Use would be required.

A Change of Use granted here would set an unacceptable precedent elsewhere in this road, to the detriment of other residents who seek to protect the right to the enjoyment of their homes in a residential setting.

Parking & Accessibility

- The application states 7 car parking spaces are needed, only 5 are available on site which includes 2 (garage) spaces already allocated to the house cars that transport residents at the home when required. These spaces are blocked by the remaining 3 spaces and cars would have to be moved every time house cars need to be used (since staff members are not permitted to use their own vehicles to transport children). This will have a detrimental effect on the neighbour who uses the shared drive.
- It is likely the increased traffic would, at times, block the turning head at the end of Knight Road, adversely affecting the houses in the immediate area.
- Suggestions that Suffolk Drive could be used for unallocated parking are incorrect. This is a private road, and no permission from the landowner or his agent has been sought or granted, and the residents of Suffolk Drive have not been consulted.
- Ms Catalin Condurat (responsible individual for Lotus House and director of Loyal Care Limited) has misunderstood the nature of her informal conversation with two Parish Councillors. In her email to Rachel Smith at ESC Planning (dated 19 April 2021) she says that “The Parish Council stated that there is some parking available within the village centre which we will explore to utilise when necessary.”

This is not the case, and this is not the position of the Parish Council.

Other businesses and facilities in the centre of the village have sufficient parking for their needs, but not an excess. It is not reasonable to expect the shops, Community Centre (or further afield to the dentist, nursery or GP surgery) to absorb an overflow from 41 Knight Road, to the detriment of their clients or customers.

- There were no further details in the application regarding visitor parking, service delivery, emergency services etc. Professionals such as social workers and others will inevitably need to attend for meetings and assessments and, given the rural location of Rendlesham, it is inevitable that these professionals will use private cars to attend at a location where there is no provision for visitor parking.

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- We are already concerned about the impact that the redevelopment of the Sports Centre site will have to traffic, parking and safety in the general proximity of the school. Unallocated parking will potentially exacerbate this.
- Direct discussion with the case officer has also revealed that there are other aspects requested for the Change of Use which were not included in the application.“

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	7 April 2021	23 April 2021
Summary of comments: Does not wish to restrict the grant of permission.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	7 April 2021	20 April 2021
Summary of comments: Due to the residential nature of the use I have no objection to make. The applicant is however reminded of their responsibility to prevent statutory nuisance and the premises should be managed with this in mind.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Disability Forum	7 April 2021	22 April 2021
Summary of comments: Cannot comment on access for children with complex needs as the drawings do not show the internal layout of the property. Cannot comment with information provided in application.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 15 April 2021

Expiry date: 7 May 2021

6. Planning policy

National Planning Policy Framework 2019

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7. Planning considerations

Principle

- 7.1 The proposed change of use would result in a C3 dwellinghouse becoming a C2 residential institution. While the proposal does result in a change of use as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended), the nature of the proposed use would not be significantly different to the existing use in that it would be for residential purposes. The property is a substantial, five bedroom dwelling. While the proposed use is likely to see a slight intensification of use given the staff required, the proposed use would not be significantly different to a large family occupying the property.
- 7.2 Concern has been raised that the property and its location is not suitable for the proposed use. To be run as a children's home, the site, the property and the manager have to be registered with and assessed by Ofsted. Therefore, if there were any concerns in this respect, these would be raised by Ofsted, independent of the planning process.
- 7.3 Concern has again been raised that the proposed change of use may result in an increase in anti-social behaviour. It cannot be assumed that future residents of the home would likely be responsible for such behaviour any more so than the members of any other family who could occupy the property, or any of the surrounding properties. The applicant has stated that when children first become resident at the home, they will be permanently supervised and that it is only when they have become more settled and have the trust of staff will they be permitted some independence. The children will also be expected to be in full time education.
- 7.4 The applicant has stated that the children's home would have to be registered with Ofsted and this is a very strict process with lots of regulations that need to be met. One thing that Ofsted will consider is the size and suitability of the home for the proposed use and they would only grant registration for the number of children that they believe could be accommodated comfortably and safely. While their application to Ofsted is for five children, they may only be granted registration for four, for example.

Residential Amenity

- 7.5 Given the similarities of the proposed use compared to the existing use, it is not considered that there would be a significant change in noise and disturbance at the property compared to how the property could be occupied as a family home, potentially for a large family. It should be noted, however, that the proposed change of use may result in a noticeable change in the number of people visiting the property compared to how the dwelling may be used if left unoccupied or occupied by only one or two persons, for example. The Council's Environmental Protection Team have no objections to the proposed use however would want to draw the applicant's attention to their responsibility to prevent statutory nuisance. They advise that the home is managed with this in mind.

“Night-time” hours are generally accepted to be between 11.00pm and 7.00am. The proposed shift pattern would therefore avoid change-overs within this period.

Highways and Parking

- 7.6 One of the main concerns raised by the Parish Council and neighbouring residents is the potential impact of parking and manoeuvring. The property benefits from a double garage and sufficient space on the driveway for a further four vehicles to be parked, in tandem in front of the garage. There is also a turning space on the drive. While there is space for six vehicles to park on the property, there would likely be the need for some manoeuvring of these vehicles, particularly when shift changes occur. The layout of the parking is not considered to be ideal however the site is located within the Settlement Boundary of Rendlesham which has a population of potential staff who may not need a vehicle to access the site. It is also served by a bus service and this therefore may be an option for some. While concern has been raised regarding alternative parking availability within the village centre and on-street nearby, this is also a possibility for any overspill parking.
- 7.7 Suffolk County Council as local Highways Authority have not raised any objections to the proposal and do not wish to restrict the grant of permission. They further comment that the public highway will not be negatively impacted by this proposal but the parking arrangements could affect neighbouring properties due to the implementation of tandem parking. They also note that the additional parking indicated on Suffolk Drive may not be within the applicant's control. The applicant is now aware of this.

Other matters

- 7.8 Concern has been raised that there is a legal covenant relating to the site (and other neighbouring dwellings) which restricts the use to that of a private dwelling only. The applicant has been made aware of this and has stated that they are seeking Legal advice on this matter however it is separate to the planning process and cannot be considered as a material consideration relating to this application. In addition, the applicant has confirmed that their tenancy agreement with the landlord permits them to use the property as a children's home and that they have professional indemnity insurance that covers them for any damage produce by any restrictive covenant that we were not aware of.
- 7.9 Concern has also been raised regarding the history of the owner of the site. The owner of the site is not the applicant and, again, any personal circumstances cannot be taken into account when assessing the planning implications of the proposal.

8. Conclusion

- 8.1 The proposed use (residential) is not dis-similar to the existing use and the provision of specialised accommodation such as this is supported in principle, particularly within an existing community and within a Settlement Boundary of a large village. While the use may intensify to some degree, it is not considered to be significantly different to that which could be expected if the property were occupied by a large family. Similarly, while there may be pressure on parking space, it is not considered that this would be so significant as to warrant a reason for refusal on that basis. The proposal is therefore considered to be acceptable.

9. Recommendation

9.1 Approve, subject to controlling conditions as set out below.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be completed in all respects (with the exception of the additional parking of Suffolk Drive) strictly in accordance with Site location plan received 18 May 2021 and floor plan and parking plan received 25 May 2021 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
Reason: For the avoidance of doubt as to what has been considered and approved.
3. The premises herein referred to, shall be used as a children's residential home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning [Use Classes] Order 1987) (or any Order revoking or re-enacting the said Order).
Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment.
4. No more than five children shall be in residence at the property at any one time.
Reason: For the avoidance of doubt what has been considered and approve, in the interest of amenity and protection of the local environment.

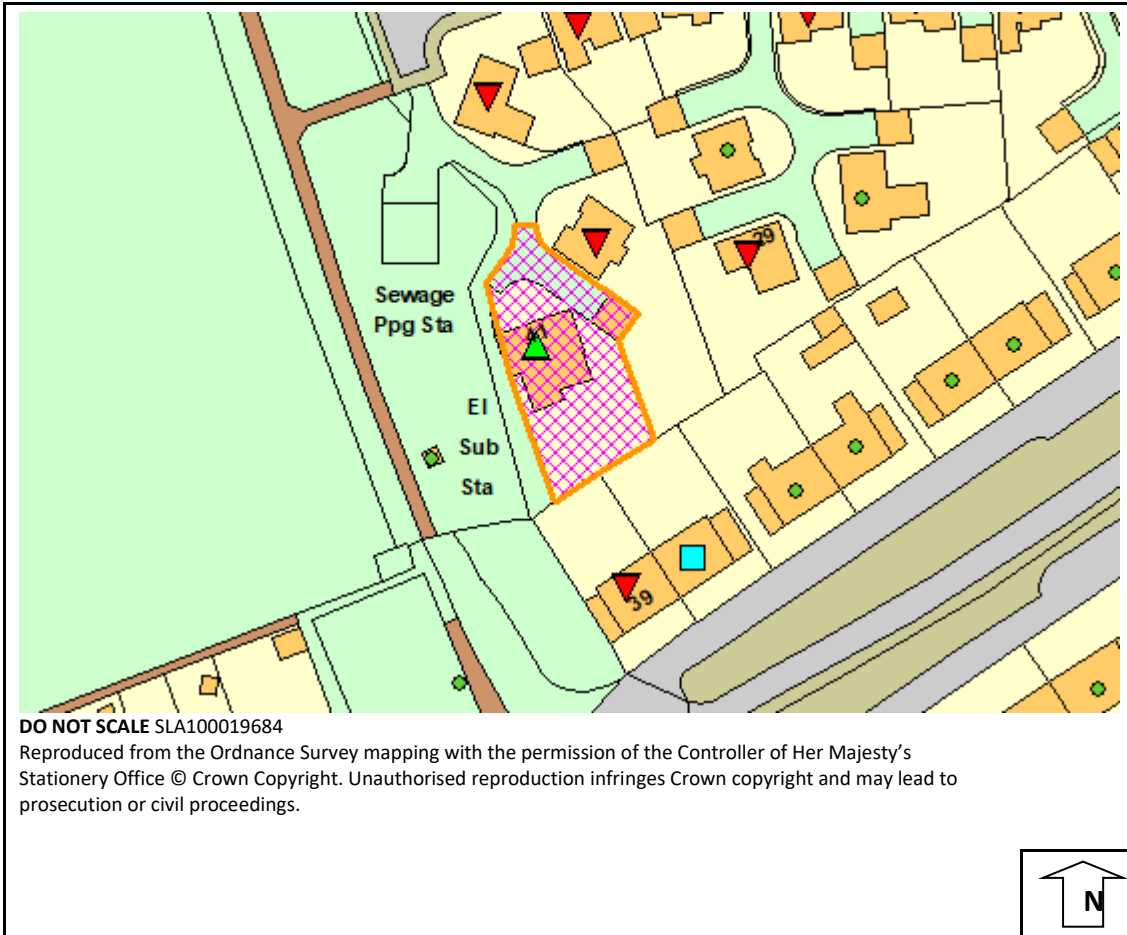
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant is however reminded of their responsibility to prevent statutory nuisance and the premises should be managed with this in mind.
3. This approval relates only to the grant of planning permission and does not over-rule any restrictive covenant on the site, nor does it permit the use of Suffolk Drive, or any other private space for parking, access or any other purpose in association with the permitted use.

Background information

See application reference DC/21/1226/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support