

DC/2015/01303

**CHANGE OF USE FROM DWELLINGHOUSE TO RESIDENTIAL CARE HOME
FOR UP TO SIX YOUNG PERSONS**

HAZELDENE, COMMON ROAD, MITCHEL TROY COMMON

RECOMMENDATION: APPROVE

Case Officer: Jo Draper

Date Registered: 23.11.15

1.0 APPLICATION DETAILS

- 1.1 The application site comprises of a large, extended, detached dwelling with a detached annexe set in large grounds. The main house is made up of five bedrooms, kitchen/dining area, lounge and conservatory, and the annexe comprises three bedrooms and a living room area with kitchen/dining area.
- 1.2 The property is situated in Mitchel Troy Common accessed from Mitchel Troy Road to the north. The property has a driveway off the road that runs through the settlement, with a large car parking area available. The site is residential in nature to the west and open and rural to the east. Hazeldene is located approximately 0.5 miles south of Mitchel Troy village and 2.5 miles south of Monmouth.
- 1.3 Planning permission is being sought for a change of use of the site to a residential care home (Class C2). It is proposed that there will be a maximum of six young people resident at the site at any one time. Hazeldene would be a young persons' care home providing accommodation and care for up to six residents with learning difficulties.
- 1.4 The supporting information submitted with the application states that the age group would range from 9 -18 (i.e. school age) and the residents would attend local schools, appropriate to their age and education needs. Given the specific needs of the residents, their home (which is what this development would be) needs to be in a location which would provide for a calming, low stimulus environment ideal for these young people to flourish. The applicant has stated that the site has excellent and extensive amenity space which is a key feature for establishing this type of environment. Young people with learning difficulties can find it difficult to manage the auditory and visual stimuli that day to day life presents and a rural property in a safe environment is, therefore, vital. In terms of access to local services, all required services are located within relatively close proximity. A large family occupying the site would give rise to a similar pattern of use. Indeed, the young people will normally be transported to local services and facilities – e.g. school, leisure facilities in a single vehicle and will not give rise to multiple individual trips. There will be three or four staff on site during the day and two overnight to provide the appropriate level of care. The supporting information concludes that the application entails a change of use

to a small residential care home which will have no greater impact than the existing lawful planning use.

- 1.5 There are no external changes proposed to the application site. The application site is situated within the Wye Valley AONB.

2.0 RELEVANT PLANNING HISTORY

DC/2001/00172 Proposed extension, garage and new access to the existing cottage
Approved 10.05.2001

DC/2004/00553 Double garage and annexe accommodation
Approved 16.12.2004

DC/2004/01314 Construction of a stable/barn for horses on site of previously demolished barn
Approved 28.04.2005

DC/2007/01258 Conversion of existing garage and store-room into a self-contained holiday let.
Approved 28.11.2007

Adjoining site

DC/2010/00325 Erection of stable block and implement storage shed with ancillary works
Refused 12.01.2011
Appeal Dismissed 06.07.2011

DC/2015/01322 Conversion of stone stable/ barn to a specialist school (use class D1) and associated external alterations
Monahawk Barn, Hazeldene, Common Road, Mitchel Troy
- Also on this agenda

3.0 LOCAL DEVELOPMENT PLAN POLICIES

There are no policies contained within the LDP which expressly relate to the conversion of existing dwellings to small-scale care homes. However Paragraph 6.1.33 states the following:

Housing for People in Need of Care:

It is recognised that many people have housing needs that cannot be adequately satisfied by conventional housing stock. The term 'housing for people in need of care' covers a variety of residential care facilities where the special needs of particular groups can be accommodated. This includes nursing homes, sheltered housing, extra or close care housing, continuing care retirement communities or other similar types of development where an element of care is provided as part of the development. Proposals for such facilities will be assessed against the LDP policy framework and national planning policy guidance (PPW). To ensure that residents of such housing are well integrated

with the wider communities, sites for these facilities should be located within defined settlement boundaries and accessible to a range of services and facilities, such as GP surgeries and shops.

Development Management Policies

EP1 General Development Policy

DES1 General Design Policy

LC4 Development within the Wye Valley AONB

4.0 REPRESENTATIONS

4.1 Consultations Replies

Mitchel Troy Community Council: recommends refusal.

The Planning and Access (P&A) Statement 4.2.3 states that MCC does not have any policies to cover conversions of private dwellings into small care homes - class C2 residential homes. This appears to be correct and unfortunate, but other planning authorities do have such policies, and some extracts are quoted below.

North Lincolnshire:

(a) "Proposals... will have to take into account the possible impact that they will have upon adjoining residents. Wherever possible, residential care homes should be located close to schools, leisure/community facilities and other local services such as shops, healthcare and public transport all of which are needed to meet the day to day needs of residents and staff.

(b) Consideration should be given to the compatibility with the surrounding land uses

(c) It should not have a detrimental effect on the character of surrounding residential areas

(d) There should be no increase in noise, odour or disturbance."

Leeds - Guidance Note for planning permission for children's homes:

"(a) The key issues relate to the impact on the amenity of nearby occupiers. Relevant factors will include the movements to and from the premises associated with such a use ... The need for visitors on a regular basis (including emergency services). The internal fitting of the premises with fire alarms, lockable doors etc., would also be factors suggesting that a material change of use may have taken place.

(b) Assessments require careful balancing of the need to assess the amenity expectations of the residents in their communities against the need to ensure that vulnerable children are also appropriately accommodated."

- Hazeldene is set in a rural position within the Wye Valley AONB and does not have the services mentioned in the first quote. A vehicle journey would be needed each time.

- The P&A para 5.2.1 states "there are only a few immediate neighbouring properties"; but there are more than 20 immediately opposite and many more within a few hundred yards.

- The full impact of the change of use on adjoining residents has not been taken into account.
- This change of use, together with application 2015/01322 for conversion of Monahawk Barn into a school, would be the equivalent of at least 10 new dwellings on Mitchel Troy Common.
- Para 5.1.9 of the P&A statement claims the change is for "a much needed residential care service". Is there evidence of such a need within Monmouthshire?

MCC Highways: no objection

The access to the site is to be retained as existing for a residential home.

The visibility as conditioned for residential must be retained and maintained for this proposed use, to safeguard the potential users as well as the users of the adjacent public highway.

The traffic generated by the care home will not be significantly increased to require substantial improvements to the existing. But there will be a change in the type of vehicle. More likely to be use of commercial vehicles for transport. Site internal amendments may be necessary in time.

Parking on site is above the minimum required for residential. And as proposed the parking would adequately support the proposal for a care home for young people. A disabled parking bay must be indicated for this commercial business. It must be noted that the young people are unlikely to be vehicle drivers and therefore all parking spaces will be for staff and visitors.

Should the care home change to adults, there may be a requirement for revisiting the parking arrangements.

MCC Social Services:

- Monmouthshire *already geographically hosts a high number of private residential children's homes* (I believe at least six) which I understand is considerably more than neighbouring authorities, and is a high number for the population size of our County. Children and young people who are placed in residential settings often have complex needs and exhibit risky behaviours around harm to self and harm to others. This places considerable pressure on statutory support services and resources within the area, particularly education, police, children's services, health and safeguarding services. Often we don't know when a young person has been placed, or what their needs are, until they present to one of the statutory agencies.
- Although we have a high number of residential placements within the area, they are *rarely used for Monmouthshire children and young people*. This is not to say that Monmouthshire CS does not use residential placements, it is just that usually we end up placing out of the County, for a number of reasons – sometimes suitability of the match between the placement and the YP and sometimes because of lack of vacancies.
- Children and YP placed in our county often come from outside the region and indeed from outside of Wales and can arrive from all over the country. It is fair to say that LAs (as we are ourselves sometimes) can be in a position whereby they are desperately searching for a placement for an YP. However, I would never-the-less question *whether placing a child in an isolated region in Wales where there are no facilities, would in most cases achieve good outcomes for*

them in their overall care planning (although for some children it might be a short-term solution). Whilst the care planning and overall responsibility for the child remains with the placing LA because of the distances involved this can leave children feeling abandoned and isolated and lacking a more responsive support service from their allocated social workers than would be expected if there were closer to home.

- The *development of further residential services is not generally in keeping with our commissioning aims within Monmouthshire* and indeed the Gwent region. We are increasingly looking to maintain complex children and young people within specialised foster care placements or at home with more intense packages of support services in place.

Dwr Cymru-Welsh Water: recommends conditions relating to drainage connection

4.2 Neighbour Notification

21 representations have been received raising the following issues, 18 objecting, 2 impartial and one letter of support from the co-owner of the property.

Objections:

- Would spoil the village
- Increase in traffic where pedestrian movement is already hazardous as there is no footpath to use
- Common Road is a dangerous highway with no footpath or street lighting close to a blind bend
- The proposal is materially different to that of a C3 residential use. The fall-back C3 use is therefore irrelevant.
- Reference is made to paragraph 6.1.3 of the Local Development Plan whereby specialist housing for people should be located within defined settlement boundaries with good access to services and amenities etc. This application is inexcusably silent on the range of services and support that will be needed. The village has no services or facilities of any kind, Mitchel Troy is identified as a minor village under the LDP, one aspect of which is its absence of community facilities. This is the wrong location for such residents that require access to further support and services.
- Noise and disturbance would be detrimental to the quiet enjoyment of the local population
- Conflict of use with local children playing in close proximity of the application site
- The Priory Group has not demonstrated a need for the use given that the Talocher school is in such close proximity
- The proposed annexe is a completely standalone building to the main house and cannot be considered as an associated annexe
- There is only 24/7 care in the annexe alone and not the main building
- The position is inappropriate sited in very close proximity to bungalows for the elderly
- All services are in Monmouth

- Concerns about the problems with the Talocher School and the difficulties that local residents experience with that site
- Increase in crime
- Increased hardstanding leading to further flooding
- Policy EP1 states 'or any identifiable risk to public health or safety'
- Representative of the Priory Group who attended the public meeting stated that the young persons are likely to be pupils who have been excluded from state schools and who have severe behavioural problems. This is unsuitable in close proximity to elderly and children on the local estate.
- The applicants are purchasing a separate lot of land adjacent to a neighbouring property which may cause impact upon neighbour amenity at a later date.
- Many of the 70 worried attendees at the recent meeting identified the number of vulnerable residents nearby (both elderly and young children) who would be placed at increased risk. To illustrate this, the Department for Education's Children's Homes Datapack (Dec. 2014) (England) shows that more than 75% of care-home residents were between 14 and 17 and predominantly (two thirds) male. The majority of placements are for less than six months, suggesting that the dwelling environment is far from similar to the "family" model claimed by the Priory Group. 9% of children on average "go missing" from children's homes (vs 1% from foster care) representing a significant drain on Police resources. This appears quite typical from a simple web search, and Police forces have often objected to such applications given increasingly limited personnel numbers. Criminal activity for children's home residents is around 20% - roughly 2-3 times greater; and rates of substance abuse are again at 13-19%, 2 -3 times greater than that of other "looked after" children (ages 13-17). Local crime statistics for the Wonastow Road area (near to the Priory's Talocher school) show significant anti-social behaviour and related crime figures. The wisdom of the Priory Group's social experiment in the placement of such facilities in rural locations is highly questionable when consideration of the lack of immediate recreational facilities and public transport is made. What exactly are these young adults going to do with their free time?

Non-material planning objection

- Devaluation of properties

Impartial responses:

- Neighbour comments are unfair – one would think that no one has ever raised a family in Mitchel Troy whilst Talocher School is responsible for the entire crime rate of Monmouth
- This application is being treated unfairly by the residents of Mitchel Troy - these are children who have a variety of issues and need care and support, not to be made to feel like criminals.
- For the people commenting that not enough details were given about the young people who would be living there - placements change and each young person would be different...also the company is surely bound by confidentiality laws so would be unable to disclose such information.
- Perhaps an even more remote location would be more suitable to minimise complaints about noise and disruption.

- I would like to make a strong point against some of the comments. Many people have said that their concerns are about young children living adjacent to the property. There is only one family with young children in close proximity and that is mine. I would appreciate it if people would remain sensible with their objections and certainly not use my family for any reason at all, especially not as an excuse to object to a proposal that we are not against. I am impartial to this proposal, Mitchel Troy is a village that seems to like to pick and choose who does and doesn't live here. I don't think the children of the proposed development will make one bit of difference.

Letter of support from co-owner of Hazeldene:

- Bring employment to the area which is greatly needed.
- Rural environment will greatly benefit the residents and be a wonderful location for an educational centre. My four children have definitely benefitted from living in these surroundings with its close proximity to town and all its amenities.
- The holiday let accommodated six guests and was regularly full to capacity, there were also six family members living in the main house and we often had relatives staying over, we never had any complaints regarding noise or disturbances, the property is sufficiently tucked away not to be a problem to neighbours.

I can remember there being objections against a family opposite with four noisy, boisterous children moving in to the area years ago, I was asked to sign a petition to have them evicted, I refused to sign the petition as they were just children wanting to play, these children have since grown up and remain in the area, they have now been fully accepted and integrated into the community and I feel the new residents via The Priory Group will also be accepted and form an important part of the community with time.

- I lived at Hazeldene from 2001 with my ex-wife for many years and she still resides at the property with our four children. Neither we nor our guests have ever had any accidents involving vehicles or access issues during all that time

4.3 Other Representations

Local Member Representations

Councillor Geoff Burrows: objects to the proposal.

5.0 **EVALUATION**

The issues that arise in the consideration of this application are the following:

5.1 Neighbour Amenity

- 5.1.1 The supporting information submitted with the application states that activity levels arising from the proposed use will be very low key and will involve a maximum of six residents at any one time. During the day residents would attend school and, therefore, daytime activity levels at the site would normally be limited. The residents of the proposal would be young persons with learning difficulties who would access the national curriculum. They would have a structured programme of education and would often be away from the site

either at school (which could be on the adjoining site proposed under DC/2015/01322 or elsewhere) or undertaking activities.

5.1.2 In land-use terms this appears very much like a large family home, but what makes it different is the perceived personalities of the young people that would occupy the site and the potential level of disruption that might arise from the behaviour of such residents. This is an unknown, variable factor and one that it is difficult to predict in the consideration of this planning application. The intensity of the use of the site will to some degree differ from that of a normal household as the level of care and support will result in a more frequently accessed site by carers and staff (this aspect is addressed separately under Parking and Access below) and is likely to lead to some additional activity compared to its use as a single dwelling. The movements caused by the three or four day time staff together with the two overnight carers would be minor and would not be significant in relation to impact on local amenity. It is considered that the proposals will create a small increase in activity at the site but this would not be harmful compared to the activity associated with the existing lawful uses of the property as a large dwelling and annex/ holiday let. Key to any impact is the effective management of the site which would be a matter for the site operator and would be outside the effective control of the planning process. The management of the site would be regulated outside the planning process by The Care and Social Services Inspectorate Wales. The management of the site would also apply to the concerns regarding perceived fears of an increase in crime. Provided the site is managed responsibly there is no reason why there should be any increase in crime or anti-social behaviour as a result of the proposal.

5.2 Parking and Access

The Monmouthshire Parking Standards supplementary planning guidance (SPG) (adopted 2013) requires one space per resident staff, one space per three non-resident staff, and one visitor space per four beds for nursing homes. This would require provision of three to four spaces and there is more than sufficient car parking available being provided. With regard to vehicular activity, this is unlikely to be significantly more than that of the traffic movements of a large family with their associated trips, together with the activity generated by the holiday let adjacent. There is no highway objection to this proposal.

5.3 Visual Impact

The application site is situated within the Wye Valley AONB, however the proposal does not involve any external works and simply entails a change of use of an existing dwelling to a small residential care home for up to six residents, with no wider implication upon the visual or landscape amenity of the surrounding designated area.

5.4 Conclusion

5.4.1 This proposal when broken down into the sub-sections as addressed above, results in there being no objection to the proposal. LDP Paragraph 6.3.33 provides:

'Housing for People in Need of Care' states that proposals for such facilities will be assessed against the LDP policy framework and national planning policy guidance (PPW) (which it has with regard to the issues addressed above). However, the text does go on to state "*...to ensure that residents of such housing are well integrated with the wider communities, sites for these facilities should be located within defined settlement boundaries and accessible to a range of services and facilities, such as GP surgeries and shops*". There is, however, no planning policy that addresses this directly that can be applied in this case. The reasoning behind this policy framework is to ensure that residents of such housing have access to local facilities that are recognised as being required for such uses.

5.4.2 The site would be visually acceptable and suitable vehicle access and parking can be provided, and moreover there would be no demonstrable adverse neighbour impact resulting from the proposal. With regards to the accessibility of the site to local services as identified by par. 6.1.33 above, regard has to be had to the needs of the users of the proposal who would be vulnerable young people who the care provider considers would benefit from a quiet location away from the stimuli of more urban locations. The site has been chosen by the applicants as being suitable for the needs of those young persons likely to be in its care having regard to its quiet location and extensive amenity space. It is a matter of judgement for the care providers to identify a site for their customers' needs and provided the proposal would not cause harm to material planning interests (which in this case it does not) it is not considered appropriate in this instance to require the site to be in a more accessible location closer to other amenities, given the specialist nature of this type of care.

5.4.3 In any case, the site is relatively near to local facilities in Monmouth which is a short car or minibus ride away. Indeed, there may also be children staying at the proposed care home who would utilise the specialist school proposed nearby under DC/2015/01322 provided this is granted planning permission and implemented, although it is acknowledged by the applicant that children in their care could be bussed to other schools where necessary, and the proposed care home is a stand-alone proposal that is not dependent on the nearby school development being approved and realised.

5.4.4 For clarity, the applicant's agent has advised that placements will largely be made from local authorities in the region but could also be from outside the area (e.g. a young person originally from the local area but currently residing elsewhere could be placed by their current host authority). Monmouthshire County Council would be able to place children in the care home.

5.5 Response to the representations of the Community Council

These are generally addressed above. It should be borne in mind that planning applications must be determined in accordance with the Council's adopted LDP, and that policies in adopted Development Plans from other areas of the UK are irrelevant.

6.0 RECOMMENDATION: APPROVE

1. Five years in which to commence development.
2. Development to be carried out in accordance with the approved drawings/ documents listed in the table on the decision notice.
3. Limit use to a care home for children with learning difficulties and for no other purpose within use Class C2 of the Town & Country Planning (Use Classes) Order 1987 (as amended).