

The information, recommendations and advice contained in this report are correct as at the date of preparation, which is more than two weeks in advance of the Committee meeting. Because of these time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comment. Any changes or necessary updates to the report will be made orally at the Committee meeting.

Case Officer	David Stevens
Application No.	23/00668/FULPP
Date Valid	8th September 2023
Expiry date of consultations	2nd October 2023
Proposal	Change of use from dwellinghouse (Use Class C3) to flexible use either as dwellinghouse (Use Class C3) or as a childrens' residential home (Use Class C2) (amended description agreed with the applicant on 22 September 2023)
Address	<b>69 Marrowbrook Lane Farnborough</b>
Ward	Empress
Applicant	Beyond Vision Transitions
Agent	-
Recommendation	<b>Grant</b>

### Description

No.69 Marrowbrook Lane is an extended detached two-storey 5-bedroom dwelling on the east side of Marrowbrook Lane opposite the closed end of Tower Hill. The property has a vehicular entrance from the Lane and, as existing, the majority of the land to the front of the house is hardstanding with sufficient space to accommodate 3 cars. To the rear is a private garden area of approximately 160 sqm.

Internally, the ground floor comprises an integral single garage, a small porch leading into a lounge room, a passageway leading past the stairs to a study and a large kitchen/dining room spanning the entire width of the house to the rear. There is also a utility room partially under the stairs. On the first floor there are five bedrooms, with the master bedroom to the rear complete with an ensuite bathroom. There are a further 4 bedrooms and a bathroom.

The neighbouring properties to either side are Nos.67a and 71 Marrowbrook Lane; No.6 Hinstock Close is to the rear; and Nos.35 Tower Hill & 40 Marrowbrook Lane are directly opposite.

The proposal is for the change of the use of the existing dwellinghouse (Use Class C3) to a flexible use as either a dwellinghouse (Use Class C3) or as a childrens' residential home falling

within Use Class C2 (residential institutions). This is an amended description agreed with the application to address a concern of the property owner that the use of the property is able to revert to Use Class C3 (dwellinghouse) use should the proposed childrens' residential home use cease.

No physical alterations or extensions are proposed to the property. It is proposed that the application property be a home for **four** resident children, aged between 12 and a maximum of 17 years old, together with 2 supervising non-resident carers on duty at any one time on a shift basis. Four of the bedrooms would be allocated to accommodate one child each and the bedroom doors provided with Yale-type locks. The master bedroom suite would be used as a staff office and rest room. The remainder of the house would remain in conventional domestic use as existing, including the kitchen/diner, study, lounge, utility room and the first-floor communal bathroom.

The proposed childrens' residential home would be subject to licencing and subsequent inspection by Ofsted. It is understood that the applicants have submitted an application to Ofsted to this effect.

At present the property is being occupied with a single child resident, together with the staff carers working in shifts. However, this nature and level of occupation does not trigger a material change of planning use to C2 use. The current occupation of the property remains as a C3 dwellinghouse and there is no breach of planning control.

### **Relevant Planning History**

Planning permission was granted in February 1989 for the erection of two-storey side and rear extensions, RSH6101.

### **Consultee Responses**

No consultations required.

### **Neighbours notified**

In addition to posting a site notice near the application site and press advertisement, 5 individual letters of notification were sent to those properties in Marrowbrook Lane, Tower Hill and Hinstock Close directly abutting or opposite the application site.

### **Neighbour comments**

At the time of writing this report a total of 45 representations have been received, comprising 31 objections, 12 supporting comments and 2 neutral representations.

**Objections** have been raised by the occupiers of Nos.19, 40, 42, 44, 50 (twice), 61, 63, 65, 67, 67a, 71 (twice), 73 and 77 Marrowbrook Lane; 20a, 26, 33, 35, 37a & 37b Tower Hill; 2, 3, 10 & 11 Kiln Place; 26 Marshall Close; 161 Keith Lucas Road; 8 Parsons Close Church Cookham; 53 Clarence Road, Fleet; and an address in Hove, West Sussex. Objection is raised on the following summary grounds:-

- (a) This is not a suitable location for a childrens' residential home – this is a quiet residential area with a notable number of older and/or single people living in proximity to the application property. Local residents are extremely anxious about the additional noise,

disturbance and activity that would occur. Existing residents feel unsafe, and even terrified, and the proposal is not at all welcomed;

- (b) The local community is tight-knit and is united in objecting to the proposals [*Officer Note: the consideration of planning applications is not a ballot where numbers of objections or strength of local opinion should influence the outcome. Planning applications must be considered objectively on the basis of relevant material planning issues*];
- (c) Objections from the local community outweigh any benefits of the proposed residential home : indeed, the proposed Home would provide no benefits to the community and, indeed, the children are thought to come from outside the area [*Officer Note: this is unknown and an operational matter : it is not a matter relevant to the consideration of the planning application on its land use planning merits*];
- (d) The application property has been a family home for many years – the proposed change of use is thought unjustified;
- (e) The proposed residential home should be provided elsewhere on a larger site [*Officer Note: the Council must consider the proposals that have been submitted with the application. The Council cannot take into account the possibility of alternative proposals or sites being pursued for the proposals instead in determining planning applications*];
- (f) Existing problems with anti-social or disruptive behaviour, broken glass, vandalism and crime (burglary) in the area – which would be exacerbated by the proposals;
- (g) Fear of danger to, and intimidation of, existing children in the area;
- (h) Children occupying the proposed home may be vulnerable, have mental health problems, behavioural issues, potential or actual criminality, and may have associates in life who are not good role-models;
- (i) Considerable concern that the proposed home has a high potential to become, at any time of the day or night, a focus for congregating youths outside the property, smoking, drug-taking, anti-social behaviours (such as undue noise, disruption, intimidation, graffiti, vandalism to surrounding property etc), criminality and, consequently, police visits – and this will have a detrimental impact on the lives of existing local residents. It would also put undue and unnecessary strain on already stretched public services;
- (j) The proposed use could attract paedophiles, thereby putting all children in the area, including at the application property, at risk;
- (k) There are no facilities available in Farnborough for young people to use and, as such, this is not an appropriate location for a childrens' residential home;
- (l) Increased comings and goings and general unwanted additional activity associated with the property due to the staff shift system to be operated, social worker visits, attendance by emergency services, police etc;
- (m) The road outside the application property is subject to regular speeding traffic and the application site is on a dangerous blind corner in the road – this is an unsafe location for children to live and to cross the road;
- (n) Inadequate on-site parking – such that there would be increased on-street parking where no parking should take place; and it would exacerbate existing street parking problems and congestion;
- (o) Loss of privacy to occupiers of the adjoining properties – the application property is situated close to neighbours;
- (p) Inadequate security measures and no confidence that the applicants can manage the proposed residential home and maintain control of the children in their care. It is thought that the applicants are currently advertising for staff whom will have the responsibility of running the home – yet would be young, inexperienced and underpaid [*Officer Note: the proposed home will be regulated and subject to inspection and review by Ofsted, whom can also be contacted by anyone should they have any evidence and concerns about the inadequate operation and management of the home. It is understood that the applicants are renting the application property and, as such, do not own it. In any event,*

*claims concerning the financial resources or otherwise of the applicants are not a matter for consideration in the determination of planning applications];*

- (q) Granting planning permission in this case is a foregone conclusion since the application property is already being used as a childrens' home [*Officer Note: the current use of the property has been investigated by the case-officer; however, as noted earlier in this report, there has been no material change in the planning use of the property to date and the applicants are not operating and using the property in breach of planning control.*]
- (r) The current occupation of the property with just one child has already given rise to significant noise, disturbance and activity outside the application property due to police and ambulance attendance – this would surely be magnified by the occupation of the property at full capacity with 4 children as proposed. The current occupation of the property with just one child in care and the problems this has caused demonstrates the applicants inability to manage a childrens' care home;
- (s) Having regard to the previous objection (r) above, it is thought that the home is intended to have 5 resident children when full [*Officer Note: this is incorrect, the application states a maximum of 4 resident children which can be the subject of a planning condition*]
- (t) The local community should have been informed earlier [*Officer Note: the applicants are/were not under any obligation to notify local residents of their intentions with regard to the application property and, in any event, they have submitted a planning application for their proposals that has been subject to the required statutory notification procedures. It is clear that the local community is well aware of the proposals and have had the opportunity to make representations about them*];
- (u) The applicants are a privately-run company whom appear to have insufficient financial resources to acquire the application property [*Officer Note: The alleged financial position of the applicants is not a matter for consideration with planning applications*];
- (v) The proposals are the consequence of failed Government privatisation policy and cost-cutting and are simply a means for private companies to profit;
- (w) The future intentions of the applicants concerning the property are unknown – what if they wish to extend the property in the future? [*Officer Note: opinions regarding the applicants or their likely future behaviour cannot affect consideration of planning applications on their merits*]; and
- (x) Loss of property values [*Officer Note: this is a matter specifically excluded from consideration with planning applications by long-standing Government guidance*].

Representations in **Support** have been received from persons at 13 Marrowbrook Lane; 10 Weir Close; 35 Frimley Road, Camberley; and addresses in Croydon; Dagenham, Essex; Cambridge; Reigate; Twickenham; Elephant & Castle, London; Bexley, London (SE2); Leytonstone, London (E10); and Camden, London (NW1). These correspondents all appear to be people working in the Care Sector and may be professional contacts of the applicants. The following comments are made in support of the proposals:-

- The application property is in an appropriate location;
- The applicants really care about the children they care for and have achieved some amazing outcomes for them;
- The proposed residential home will support a lot of young people in care who are in desperate need of housing in a stable home environment – there is a national crisis in care provision for children who may have experienced neglect, abuse or unstable living conditions.;
- Children in the looked-after care system are often less privileged, neglected and forgotten, yet the proposed use would provide positive benefits through the proper nature, supervision and support for up to 4 children, giving them a chance they would

not otherwise get;

- Other positive benefits include peer support, educational opportunities, safety, stability, life skills, legal protection, mental and emotional support;
- Children thrive on stability and routine, which the proposed home can provide;
- Creating a space where children can feel loved, safe and protected is the essence of the community we want to build – and this must include all people, including the disregarded, ignored, needy and less fortunate;
- More children's homes are needed to stop children being moved around the Country disrupting their education and development;
- Negative and incorrect assumptions and stigma about children in care need to be challenged and proved wrong;
- Children in care are no more likely to be out of control or troublemakers than children living with their own family – and existing residents are just as likely to need to call an ambulance or the police in the middle of the night;
- Job creation in the area;
- Communities are meant to be working together to support everyone from every age, race, gender. These young children didn't choose the life they have been brought up in. Who are we to stop them from getting their stable background to help them achieve and grow?

The **Neutral** representations received are from an occupier of No.13 Marrowbrook Lane and an address in Teignmouth, Devon - believed to be the owner of the application property. This latter correspondent comments that it is their understanding that rooms would be provided for 4 children in care who will be supervised 24/7. The proposals are not for a young offenders' unit [*Officer Note: that would, in any event, be a different use for which a separate planning permission would be required.*]. This correspondent also asks that the application be considered on the basis of the facts.

### **Policy and determining issues**

The property is in the defined built-up area of Farnborough. It is neither a Listed nor locally-listed building; and is not located near to any other building(s) with these designations. The application property is not situated within a Conservation Area. Policies SS1 (Presumption in Favour of Sustainable Development), IN2 (Transport), DE5 (Proposals Affecting Existing Residential (C3) Uses), and LN4 (Specialist & Supported Accommodation) of the adopted Rushmoor Local Plan (2014-2032) are relevant. Also relevant is the Council's adopted Supplementary Planning Document (SPD) "Parking Standards" adopted in 2017. Since this SPD was subject to extensive public consultation and consequent amendment before being adopted by the Council, some significant weight can be attached to the requirements of this document. The advice contained in the National Planning Policy Framework most recently updated in July 2021 (NPPF) and National Planning Practice Guidance (NPPG) is also relevant.

The Town and Country Planning Use Classes Order (1987, but subsequently variously amended since) identifies a range of uses of buildings and specifically permits changes of use from one use to another within individual Use Classes. Where activity results in a material change of use of a building to a use falling within a different Use Class then planning permission will be required to authorise that change of use. A material change of use from Use Class C3 to C2 is development requiring planning permission.

Depending on the specific circumstances of the residential use involved, a children's residential home could fall into either the C2 or C3 use classification. **Use Class C2**

**(Residential Institutions)** reads as follows:-

**Use for the provision of residential accommodation and care to people in need of care [other than a use within class C3 (dwellinghouses)].**

**Use as a hospital or nursing home.**

**Use as a residential school, college or training centre.**

The C2 Use Class does not include residential institutions of a custodial nature (these have a separate Use Class : C2A) and, as such, the proposed C2 use does not cover the use of the property to house people whilst serving a custodial sentence or order. A separate planning permission would be needed for C2A use.

**Use Class C3 (Dwellinghouses)** reads as follows:-

**Use as a dwelling house (whether or not as a sole or main residence) by —**

**(a) a single person or by people to be regarded as forming a single household;**

**(b) not more than six residents living together as a single household where care is provided for residents; or**

**(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4 [a small House in Multiple Occupation]).**

Planning permission is not required for the change of use between any of the sub-categories (a), (b) or (c) within Use Class C3.

A childrens' residential home could fit into Use Class C3 sub-category (b). The legal distinction made between C2 and C3 use in the context of childrens' residential homes is clarified by case law. Firstly, they are considered to be a 'care' institution because it is unrealistic to expect children to look after themselves in a single household. Secondly, a further difference between C3(b) and C2 use is whether or not the residential property is occupied as a single household. The nature of a childrens' residential home use where there is no parent and care is provided by non-resident carers on a rota basis, as is proposed in the current application case, is considered to be a further characteristic indicating C2 use as opposed to C3(b) use.

However, it is important to understand that the legal distinction between the C2 and C3 residential uses is a technical construct. Accordingly, even when the way in which a residential property is occupied and used has characteristics indicative of C2 (residential institution) use, it is still necessary for the Council to consider, as a matter of fact and degree, whether or not the scale and nature of residential occupation of a property with those C2-type characteristics present is, overall, sufficient to trigger a material change in the use of the property in question away from C3 use. This is a matter of judgement for the Council on the circumstances of each individual case encountered. It is also conceivable that, should those circumstances change with time, it is entirely possible that the judgement of whether or not a residential property is in C3 or C2 use could also change with time. There is, therefore, the prospect of the use of a property fluctuating back and forth between C3 and C2 use over time without any physical changes being made to the property on the basis of how the property is run and the care provided.

The distinction made between Use Classes C3 and C2 in the context of a childrens' residential home also indicates circumstances when a home occupied by children in care would **not** amount to a material change of planning use. The concept of living together as a household identified in respect of C3 use means that a proper functioning household comprising children

in care with live-in staff carers would fall within Class C3(b) and planning permission would not then be required. Similarly, if the property were to be occupied by 17+ year olds (whom would be considered capable of looking after themselves in a single household) with what the applicants describe on their website as being semi-independent 'floating support' only [a further type of residential home facility understood to be provided by the applicants elsewhere], this would not require planning permission since such a use would also still fall within Use Class C3(a) or (c). The significance of these observations is that it is conceivable that similar, if not greater, impacts upon neighbours, or even just the fear of such impacts, could arise even in situations where planning permission is not required.

When considering whether a material change of use away from C3 use has taken place, it is also pertinent to consider that a C3 residential use itself covers a wide range and variety of possible scales, intensities and characters of residential occupation. This could range from a dwelling occupied by a single person living on their own all the way to a dwelling occupied by a considerably more active household, perhaps comprising a large family with grown-up children for example, that would be likely to generate considerably more activity and noise impacting their neighbours and the locality in general. Furthermore, in land use planning terms, no distinction is made within the residential Use Classes about the type of tenure of dwellings and the identity, age, lifestyle, character, health, abilities and behaviour of residents. No planning permission is required when there is a change in the single household occupation of C3 residential properties even when this results in profound differences in impacts upon neighbours.

In considering the actual or potential harm that would or could arise from the proposed C2 use it is therefore necessary for the Council to assess this within the context of what could happen without the need for planning permission; indeed, to consider any impacts through the lens of the wide range of impacts that can and do occur with conventional C3 residential occupation of property.

In this overall context it is considered that the main determining issues are the principle of the proposals, impacts on neighbours; and highways considerations. Since no extensions or external alterations to the existing property are proposed, there can be no material impact on the visual character and appearance of the area.

## **Commentary**

### **1. Principle –**

Paragraph 62 of the NPPF (2021) states that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”* It is general Government policy that it is appropriate for residential care facilities to be located in residential areas and, indeed, that re-use of existing residential property is sustainable and to be encouraged.

The proposals do not give rise to the loss of residential accommodation within the Borough and, as such, the proposals comply with the requirements of Local Plan Policy DE5. Local Plan Policy LN4 (Specialist & Supported Accommodation) states that the Council will permit housing specifically for *“others with a need for specialist housing, including specialist housing with care”* where *“sites are appropriately located in terms of access to facilities, services and public transport;”*. Residential care home accommodation is in general short supply nationally and it

is evident that there is an on-going need for it. The application site is located within the built-up area of Farnborough within walking distance of the town centre and, as such, is clearly in appropriate proximity to facilities, services and transport. Accordingly, it is considered that the proposals are supported in principle by Local Plan Policy LN4.

The proposal is for the residential occupation of existing residential property. In land-use planning terms the proposed childrens' home is a form of residential use and, as such, it is considered most appropriately located in a residential area. It is considered that the proposed childrens' home would operate day-to-day very much like a large family home. Even with non-resident carers it is considered that, in land use planning terms, a childrens' home would still operate for much of the time very much like, and potentially be indistinguishable from, the use and occupation of a C3 dwellinghouse, with those occupying or present in the home partaking in activities typical of conventional residential occupation – cooking, cleaning, eating, sleeping, washing, watching TV, enjoying the garden, socialising, reading, children going to school, doing homework etc.

It is a matter for Ofsted to judge whether or not the application property is appropriate in detail in terms of its location and the facilities provided as part of its entirely separate regulatory regime for the licencing of childrens' care homes and care staff. The various issues raised by objectors in these respects are not matters for the Council in the consideration of the current planning application since they fall within the jurisdiction of this separate Government agency. It is clear Government guidance to Local Planning Authorities that matters dealt with by other authorities under other legislative powers should be left to the relevant authorities concerned.

In the circumstances, in land use planning terms, it is considered that it can only be concluded that the proposed flexible C3 or C2 residential use is acceptable in principle.

## **2. Impacts on Neighbours –**

It is clear that the proposed C2 residential use gives local residents considerable cause for anxiety, amply demonstrated by the objections. However, it is considered that the proposed childrens' residential home use only tenuously triggers the need for planning permission. There is also considerable overlap in the way that the application property could or would be used whether in C3 or C2 use. Whether or not an institutional residential use, many of the basic activities of residential occupation would be the same nonetheless. Furthermore, it is pertinent to consider that there are ways in which the application property could be occupied by children in care with staff carers that would not require planning permission, but would nevertheless, be likely to give rise to similar or even greater impacts, or anticipation of such, amongst neighbours in the vicinity.

Since there are no proposals to undertake physical alterations to the application property there would be no change in the way that the existing house relates to its neighbours to either side; and the property is to remain in a form of residential use that would, on a day-to-day basis, use the property as if it were a conventional C3 dwellinghouse. Accordingly, there could be no material and harmful change to the privacy of occupiers of the immediately adjacent properties.

The supporting information submitted with this application has explained that the aim is to provide a family environment with 24/7 care. During the day the children would attend school/college, when it is considered that the use of the application property would then be little different to any other residential property. However, what could potentially make the proposed childrens' home different are the personalities and turnover of the children that would occupy the site and the potential level of disruption that might arise from the behaviour of some.



It is to be expected that, with children coming from different backgrounds and potentially having complex needs, the level of noise and activity generated at the property would be unpredictable and variable. Indeed, the recent emergency service activity and general disturbance arising from the behaviours of the current single child currently resident of the application property has demonstrated this. However, these variable and unpredictable situations could also readily happen with conventional C3 residential occupation too – such as with a blended family for example. Additionally, the non-resident shift nature of the care and support to be provided would also contribute to the level of activity associated with the property. However, it is considered that the likelihood of noisy and disruptive neighbours, or the existence of neighbours with mental health and/or behavioural issues, is not restricted solely to a C2 residential use and could, equally, arise with a C3 residential use. Indeed, given the predominance of C3 residential property such issues are numerically more likely to arise from the activities of occupiers of conventional C3 accommodation overall. Furthermore, given the unrestricted level of noise, activity and disturbance that could arise with the application property with its existing C3 use if occupied by a large family, it is considered that these differences would be marginal and, therefore, in planning terms, not give rise to material and undue additional harm to the residential amenities of neighbours over and above what is already possible and unavoidable.

It is considered that the extent of the impacts on neighbours, whether actual or feared, depend upon how well the property and the children in care are managed and handled by the operators of the home. Key to any impact is the effective management of the site, which would primarily be the day-to-day responsibility of the site operator, the applicants. Effective management of the site would also apply to the concerns regarding perceived fears of an increase in crime and anti-social behaviour. Provided the site is managed responsibly it is considered that there is no reason why there should be any increase in crime or anti-social behaviour as a result of the proposed flexible C3 or C2 use.

The management of the site would be regulated outside the planning process by Ofsted and, as such, it is neither considered appropriate nor reasonable for the Council to require and enforce management controls over the proposed C2 use. This would either be a duplication or would have the potential to create restrictions that would work at odds with the controls imposed and enforced by Ofsted. Nor is it considered that it would be appropriate for the Council to withhold planning permission on the basis of matters that would be the subject of the separate Ofsted regulatory regime. Nevertheless, it is considered appropriate for the Council to impose conditions to restrict the nature of the C2 use approved to being solely as a childrens' home; and also to limit the occupancy of the property if in C2 use to no more than four children at any one time – these are details that define the proposed planning use.

### **3. Highways Considerations –**

It is clear Government guidance that denying planning permissions on highways grounds is only justified and appropriate where any highways concerns are demonstrated to give rise to 'severe' harm to the safety and/or convenience of highway users. It is not sufficient to merely identify concern about a highway matter. Furthermore, clear evidence of wider harm(s) being caused to the highway network with severe impact(s) must be identified. As a consequence, justification for refusal on highway grounds must meet a high threshold. Additionally, planning permission cannot be withheld on highway grounds on the basis of actual or potential speeding problems since it is unreasonable to take into account actual or potential criminality by others.

In this case the application property has an existing means of vehicular access to/from the public highway and this would not be changed by the proposals. Notwithstanding the highway

safety concerns raised in objections, there are no parking restrictions on the street outside the application property. Nor is there any requirement for residential properties to temporarily make available parking provision for deliveries, emergency service vehicles etc. Accordingly, it is not considered that the continued use of the existing vehicular access with the proposed C2 residential use would make any material and harmful difference to the safety and convenience of highway users in the locality.

The existing area of the property to the front of the house has sufficient space to accommodate 3 cars parked on site. Whilst this would be in a blocking layout, this arrangement is entirely conventional and typical of the on-site parking provided at many residential properties. Furthermore, it meets in full the on-site parking provision that would be expected for an extended house of this size and, indeed, is acceptable and lawful for the current C3 residential use however intensively the property could potentially be used. It is not considered that the proposed C2 use would give rise to a requirement for parking provision materially different from that which already exists with the current C3 use. Given that the children occupiers of the house are unable to drive, the functional parking requirement for the proposed C2 use would relate primarily to that of the attending staff carers and, even, at shift changes, the existing parking arrangements for the property are considered to be entirely adequate. It is considered appropriate that a condition be imposed to require the retention of the parking area to the front of the house for parking purposes at all times in respect of the proposed C2 use since there is currently no requirement for the parking area to be retained for this purpose with the application property as existing.

It is considered that the proposals are acceptable in highways terms and, as such, comply with the requirements of Local Plan Policy IN2.

## **Conclusions –**

The application proposes the use of an existing large residential property in an established residential area surrounded by residential properties for a form of residential use that would possess many of the same characteristics of residential use in land-use planning terms as a conventional residential dwelling occupied by a large single household. Given the similarity in land use planning terms between its existing C3 use and the proposed C2 use, and the separate on-going regulation of the proposed C2 use by Ofsted, it is considered that the proposals are acceptable in principle, and would have no material and harmful additional impacts on the amenities of occupiers of surrounding residential properties and the safety and convenience of highway users in the vicinity. The proposals are therefore acceptable in planning terms having regard to the requirements of Policies SS1, IN2, DE5 and LN4 of the adopted Rushmoor Local Plan (2014-2032).

## **Full Recommendation**

It is recommended that planning permission be **GRANTED** subject to the following conditions and informatives:-

### **Conditions**

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

Reason - As required by 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 permission hereby granted shall be carried out in accordance with the following approved drawings and document: Existing Floorplans; Proposed Floorplans; Terraquest produced 07-EP-2023 Site Location Plan; and Applicants' Supporting Statement.

Reason - To ensure the development is implemented in accordance with the permission granted.

- 3 The existing parking area to the front of the house with vehicular access to Marrowbrook Lane shall be used only for the parking of private motor vehicles ancillary and incidental to the residential use of occupiers and/or visitors to No.69 Marrowbrook Lane. These spaces shall be kept available at all times for parking and shall not be used for the storage of caravans, boats or trailers.

Reason - To safeguard residential amenity and ensure the provision and availability of adequate off-street parking.

- 4 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 1987, (or any other Order revoking or re-enacting that Order) the land and/or building(s) shall be used flexibly for either Use Class C3 use or solely as a childrens' residential home within Use Class C2 (residential institutions) and for no other purpose, including any other purpose within Use Class C2 without the prior permission of the Local Planning Authority.

Reason - To protect the amenities of neighbouring residential properties and to prevent adverse impact on traffic and parking conditions in the vicinity.

- 5 The childrens' residential home (Use Class C2) hereby permitted shall not be occupied by more than 4 (four) children at any one time.

Reason - To reflect the nature of the proposals as submitted and in the interests of the amenities of occupiers of adjoining and nearby residential property.

### **Informatives**

- 1 **INFORMATIVE** - The Council has granted permission because:-


The application proposes the use of an existing large residential property in an established residential area surrounded by residential properties for a form of residential use that would possess many of the same characteristics of residential use in land-use planning terms as a conventional residential dwelling occupied by a large single household and, indeed, at some times, may not amount to a material change of the planning use of the property away from its current long-established C3 use. Given the extent of the overlap in land use planning terms between the potential impacts of the occupation of the application property in its existing C3 use and the proposed C2 use, and the separate on-going regulation of the proposed C2 use by Ofsted, it is considered that the proposals are acceptable in principle, and would have no material and harmful additional land use planning impacts on the amenities of occupiers of surrounding residential properties and the safety and convenience of highway users in the vicinity. The proposals are therefore acceptable in planning terms having regard to the requirements of Policies SS1, IN2, DE5 and LN4 of the adopted Rushmoor Local Plan (2014-2032).

It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant permission is compatible with the Human Rights Act 1998.

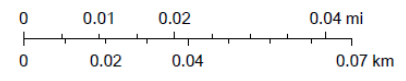
- 2 INFORMATIVE – The Local Planning Authority’s commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.



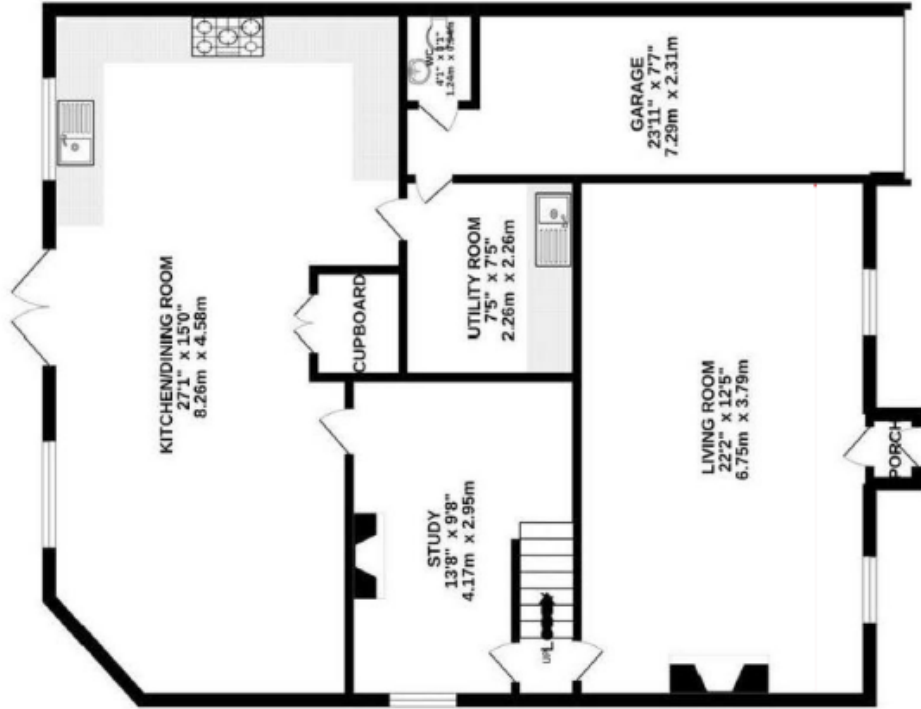
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 Planning Application

1:1,006



GROUND FLOOR



1ST FLOOR

