

DR/26/22

Report to: DEVELOPMENT & REGULATION (22 July 2022)

Proposal: COUNTY COUNCIL DEVELOPMENT - The change of use of the Caretakers House, 32 Takely End from use class C3 (residential) to use class C2 (residential institution) to provide temporary accommodation for children in care

Ref: CC/BAS/46/22

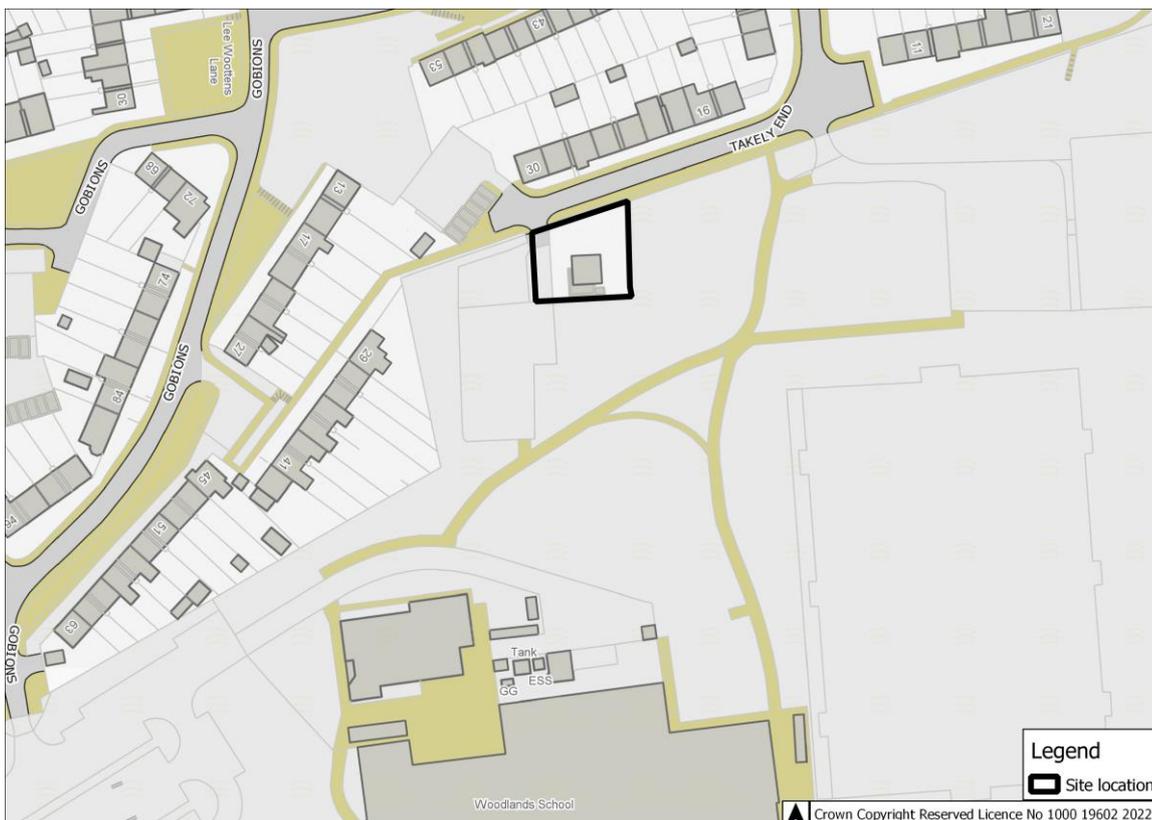
Applicant: Essex County Council

Location: Caretakers House, 32 Takely End, Basildon, Essex
SS16 5AZ

Report author: Chief Planning Officer (County Planning and Major Development)

Enquiries to: Rachel Edney Tel: 03330 136815

The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND

An application for the change of use of the building from residential use to a wellbeing centre for use by Woodlands School was submitted to Basildon Borough Council in June 2019 (19/00965/FUL) and granted planning permission in September 2019. However, the permission has not been implemented and the school wishes to surrender its lease on the building.

2. SITE

The property is a former caretaker's house situated within the grounds of Woodlands School.

The property is a two storey detached property consisting of three bedrooms, garden, carport and driveway. The property can accommodate 2 vehicles on-site.

The property is accessed via Takely End. It is located to the northern boundary of the school site to the north of the main school buildings and is separated from the buildings by areas of grass.

There are residential properties to the north of the property in Takely End and north west and west in Gobions.



Essex County Council owns the property freehold of the building. It was subject to a lease in favour of the Academy Trust but this is currently being surrendered and the County Council will have control of the unimpeded freehold.

The property is located approximately 500m south of Basildon town centre and is well connected, with Basildon train station within approximately 360m providing services to London Fenchurch Street. The nearest bus stop is approximately 200m to the west of the site providing services to Basildon town centre and Grays.

3. PROPOSAL

It is proposed to change the use of the building from Use Class C3 (Residential) to

Use Class C2 (Residential institution) to provide temporary accommodation for children in care.

It is not proposed to alter the existing external appearance of the building as a result of this application, although internal works would be required to bring to property up to the required standard.

4. POLICY CONSIDERATIONS

The following policies of the Basildon District Local Plan Saved Policies September 2007 provide the development plan framework for this application. The following policies are of relevance to this application:

Basildon District Local Plan Saved Policies September 2007

Policy BAS BE12 – Development Control
Policy BAS BE21 – Healthcare Developments

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Basildon District Local Plan Saved Policies September 2007 is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

Following the decision of Full Council on 3 March 2022 to withdraw the Basildon Borough Revised Publication Local Plan 2014-2034, the Council is in the process of preparing a programme of work to prepare a new Local Plan for the borough.

NEIGHBOURHOOD PLAN

There is not an adopted Neighbourhood Plan in place for the area.

5. CONSULTATIONS

BASILDON BOROUGH COUNCIL – Any comments received will be reported

BASILDON BOROUGH COUNCIL ENVIRONMENTAL HEALTH – No objection subject to a condition relating to construction hours

HIGHWAYS AUTHORITY – No objection subject to a condition requiring cycle parking to be provided in accordance with EPOA Parking Standards

LOCAL MEMBER – BASILDON – Basildon Westley Heights – Objects – application is out of keeping with the area and totally inappropriate to locate this foster home/unit on the grounds of a school

6. REPRESENTATIONS

Thirteen properties were directly notified of the application. One letter of representation has been received. This relates to planning issues, summarised as follows:

Observation

Not ideal to put children who may feel disadvantaged in a situation where other children may be abusive and hurtful to them.

I also disagree with using this house as it could be used for other purposes.

Comment

Noted. See appraisal

Noted. Planning permission was granted by Basildon Borough Council for the use of the property as a wellbeing hub for the school. However, this did not come to fruition and the Academy Trust wish to surrender their lease on the property. No other

alternative uses for the property have been proposed and the application has to be determined on its own merits.

7. APPRAISAL

The key issues for consideration are:

- Need
- Policy Considerations
- Impact on Residential Amenity

A NEED

Section 20 of the Children's Act 1989 reads:

Provision of accommodation for children

Provision of accommodation for children: general

1. Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation, as a result of:
 - a) There being no person who has parental responsibility for him;
 - b) His being lost or abandoned; or
 - c) The person who has been caring for him being prevented (whether or not permanently; and for whatever reason) from providing him with suitable accommodation or care.

The Act requires local authorities to secure accommodation for children in their care, within 20 miles from home and within local authority boundaries wherever possible and appropriate. This is known as 'sufficiency duty' and is stated in the Act as *"the Local Authority must take steps to secure, as far as is reasonably practicable, sufficient accommodation within the Authority's area boundaries which meets the needs of children that the local authority is looking after and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area"*.

Essex County Council has a duty of care to ensure that all children, who are unable to live with their own family for whatever reason, have appropriate care and support. The Council's aim is to provide high quality care, preferably within a family, or other residential setting as close as possible to their home locality.

The property would be used to accommodate children under the age of 18 when initially entering care, or if existing arrangements broke down, before a more permanent placement could be identified. One child together with a carer would be accommodated at the property at any one time.

The Department for Education, as part of a series of reforms to improve standards in children's social care, placed restrictions on Local Authorities placing children in

care in unregulated (non OFSTED registered) accommodation from 9 September 2021.

When a child is identified as requiring care and support, its needs are assessed and a suitable long-term placement is identified. For some children a suitable placement, that meets their needs, isn't always available immediately. These children require temporary OFSTED regulated emergency accommodation whilst a long-term placement can be found. This particular property was identified by the Children and Families Directorate of the County Council as being suitable for the placement of a single child for this purpose.

The Local Member has objected to the proposal and considers that the application is out of keeping with the area and it is totally inappropriate to locate this foster home/unit on the grounds of a school.

The property originally provided accommodation for the on-site resident caretaker to Woodlands School. However, when the school converted to an Academy in 2015 the property was no longer required for school purposes and was excluded from the transfer of property assets to the Academy Trust, remaining under the control of the County Council. The Trust took a separate lease of the house for use as a wellbeing hub and obtained planning permission from Basildon Borough Council but the project did not come to fruition and the Trust now wishes to surrender its lease. The property does not now form part of the school site and is available for an alternative use such as a temporary solo emergency children's home.

The house is not only available but is also the right size for the proposed use. It is a three bedroomed property – one bedroom would be used by the child, one would be available for use by the carer leaving the third bedroom for office use. The ground floor would remain as a normal residential property, providing a calm and homely environment.

The property is suitably located to serve the needs of children from south Essex. Planning permission has already been granted for the change of use of similar properties in Chelmsford and Colchester. The property's specific location within Basildon is ideal, being a quiet residential area of the town with no passing traffic. Since the remodelling of Woodlands School, the school access adjacent to the property is rarely used by the school and the main school buildings were relocated and are approximately 100 metres from the property, meaning that despite its urban location, it is now relatively isolated from neighbouring buildings adding to the tranquillity of the location, which is considered to be beneficial to any child accommodated at the property.

When the property was identified as being potentially suitable for the proposed use, officers engaged with the Academy which has expressed support for the use. No concerns regarding safeguarding or any other issues have been raised by the Academy.

The local police have also been consulted on the use of the property and have undertaken a risk assessment. The assessment concludes that any risks that may arise would be adequately mitigated by proper management of the facility. The

Council is currently in the process of recruiting a specialist third party provider to manage the property. The chosen provider would need to seek registration from OFSTED to deliver a solo children's home service from the property. Any risk to the safety and wellbeing of the children accommodated at the property would need to be robustly mitigated before registration would be approved. The property would also be subject to the OFSTED monitoring regime to ensure standards of care are maintained. The County Council, through quality assurance, contract management, regular independent and social care visits would also ensure any risks associated with the proposed use of the property would be minimised.

It is anticipated that children would reside at the property for an average duration of a fortnight up to a maximum period of 12 weeks.

It is considered that the need for the change of use of the property to provide temporary accommodation for children in care has been demonstrated and would be in compliance with the provisions of the Children's Act 1989. It would also help the County Council to meet its duty of care in ensuring that all children unable to live with their own families, for whatever reason, have appropriate care and support.

B POLICY CONSIDERATIONS

The use of the property to provide accommodation for children in care would require a change of use from Use Class C3 (Residential) to Use Class C2 (Residential institution).

Use Class C2 includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.

Paragraph 93 of the NPPF states inter alia that *"to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of other local services to enhance the sustainability of communities and residential environments"*.

Saved Policy BAS BE21 (Healthcare Developments) states inter alia that *"planning permission for primary and community health facilities, including residential care accommodation will be granted in appropriate locations."*

The change of use of the property from a residential dwelling to providing temporary accommodation for children in care would enable Essex County Council to help meet its duty of care to ensure that all children, unable to live with their own family for whatever reason, receive appropriate care and support.

The County Council's aim is to provide high quality care for children preferable within a family or other residential setting as near as possible to their home locality. The property is close to public transport links to Basildon town centre and other community facilities such as schools and healthcare facilities.

The proposed change of use of the building would provide temporary accommodation for children in care, whilst more permanent placements are identified. Therefore, the principle of development is considered to be acceptable

and in compliance with the provisions of Paragraph 93 of the NPPF and Policy BAS BE21.

C IMPACT ON RESIDENTIAL AMENITY

One child together with a carer would be accommodated at the property at any one time.

The Essex Parking Standards – Design and Good Practice (2009) states that for residential care homes a maximum of 1 car parking space per FTE + 1 visitor space per 3 beds should be provided. On this basis a maximum of 2 car parking spaces should be provided.

The Essex Parking Standards states that a minimum of 1 cycle parking space per 5 staff should be provided.

The property benefits from a car port and garage on the site. For a majority of the time, it is considered unlikely that more than 1 car would be parked at the property at any one time. If two carers were present it would still only result in two cars being parked at the property, which could be accommodated without the need for on-street parking.

The Highway Authority has no objection to the proposal subject to a condition requiring cycle parking, in accordance with Parking Standards to be provided. It has commented that from the details submitted the proposed residential care home would provide accommodation for one carer and up to two children under the age of 18. No changes are proposed to the existing vehicular access on Takely End and sufficient space would be retained within the curtilage for two vehicles to park.

The site is in a sustainable urban location accessible by foot, cycle and public transport in close proximity to Basildon town centre and there are restrictions in the vicinity of the site to prevent indiscriminate parking. The proposal as submitted is not considered detrimental to highway safety, capacity or efficiency.

The applicant has confirmed that one cycle parking space would be provided at the property as required by the Parking Standards.

Saved Policy BAS BE12 (Development Control) states inter alia that “*planning permission for alteration of existing dwellings will be refused if it causes material harm with regards to harm to the character of the surrounding area, including the street scene; overlooking; noise or disturbance to the occupants of neighbouring properties; overshadowing or over-dominance; and traffic danger or congestion.*”

As stated previously the property would accommodate one child and one carer at the property at any one time. It is anticipated that the property would continue to operate in much the same way as a family dwelling house. Although there would be shift changes between carers it is anticipated that these would occur during sociable hours to avoid disturbance to neighbouring properties.

The property would require some refurbishment to bring it up to current standards.

However, the work would not be extensive and no extensions or significant alterations are proposed to the property.

It is not considered that the proposed change of use of the existing residential property to provide temporary accommodation for children in care would have a significant detrimental impact on the amenities of the neighbouring properties. Further it is not considered that the proposed scheme would result in overlooking, overshadowing or over-dominance, noise or disturbance to the occupants of neighbouring dwellings, harm to the character of the surrounding area or traffic danger or congestion complying with the provisions of Policy BAS BE12.

8. CONCLUSION

It is considered that planning permission should be granted for the change of use of the existing residential property from Use Class C3 to Use Class C2 as it would provide temporary accommodation for children in care, helping Essex County Council to meet its duty in providing children, unable to live with their own family, with appropriate care and support.

It is not considered that the proposed change of use of the building would have a significant detrimental impact on the residential amenity of the neighbouring properties, streetscene or highway safety.

Accordingly, it is considered that the proposal would be in accordance with Policy BE12 (Development Control) and Policy BE21 (Healthcare Development) of the Basildon District Local Plan Saved Policies September 2007.

9. RECOMMENDATION

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/BAS/46/22 dated 11 May 2022 and validated on 25 May 2022 together with Drawing Numbers:
 - 078/001 – Floor Plan as Existing – April 2022
 - L2327 Rev B – Site Plan – 05/05/22

And

- Planning Statement prepared by Lambert Smith Hampton – May 2022
- Email from Lambert Smith Hampton dated 29 June 2022 15:04

- Email from Lambert Smith Hampton dated 30 June 2022 15:15 incorporating supplementary statement

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure the development is carried out with the minimum harm to the local environment and in accordance with Policy BAS BE12 (Development Control) and Policy BAS BE21 (Healthcare Development) of the Basildon District Local Plan Saved Policies September 2007.*

3. At least one cycle parking facility shall be provided in accordance with the EPOA Parking Standards. The facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: *In the interests of highway safety and amenity and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies September 2007.*

4. No demolition or construction work shall take place outside of the following times, except for internal works inaudible at the site boundary:

- 08:00 – 18:00 hours Monday to Friday
- 08:00 – 13:00 hours Saturdays

And there shall be no working at any other times including on Sundays, Bank or Public Holidays.

Reason: *In the interest of limiting the effects on local amenity and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies September 2007.*

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER: In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal, where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirements in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

BASILDON – Basildon Westley Heights