

PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0972

LOCATION: 121 Penrhyn Road

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) to accommodate a maximum of 2no children aged 8 to 18 years old

WARD: Delapre & Briar Ward

APPLICANT: CAG Family Services
AGENT: Land and General Planning Services

REFERRED BY: Councillor J Davenport
REASON: Concerns about parking and anti-social behaviour

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposal would have no significant undue impact upon the character and appearance of the area, neighbour amenity and parking and highway safety. The proposal is therefore in conformity with the National Planning Policy Framework, Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, and Policies E20 and H29 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 The application proposes the change of use of the existing dwellinghouse to a children's home for a maximum of two children aged 8 to 18 years old.
- 2.2 There will be no staff living permanently at the property, however there would always be a member of staff on site.
- 2.3 There is no external alteration proposed to the property. One of the existing bedrooms would be used by a carer.

3 SITE DESCRIPTION

- 3.1 The application site comprises an end of terrace two storey 3-bed dwelling located on the southern side of Penrhyn Road. Parking is provided on-street.

4 PLANNING HISTORY

- 4.1 None.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), and the Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S10 - Sustainable Development Principles.

Policy H1 - Housing.

Policy H5 - Managing the Existing Housing Stock.

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

Policy E20 - New Development (Design)

Policy H29 - Residential Institutions

5.5 Supplementary Planning Documents

Northampton Parking SPD (2019)

Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection. Recommend condition restricting number of children which would assist in protecting general residential amenity.
- 6.2 **Private Sector Housing** – The property is not considered a HIMO as it will only be occupied by two occupiers. No involvement unless a complaint of disrepair is received.
- 6.3 **Northamptonshire Police** – No objection as the children’s home will be regulated by the CQC and Ofsted.
- 6.4 **Councillor J Davenport** – Concern with impact on parking and anti-social behaviour from children with behavioural problems exacerbating issues already seen with HIMOs and students, further affecting the character of the area.
- 6.5 4 neighbour letters have been received objecting to the application. The concerns raised can be summarised as follows:
- Crime issues in area, not suitable for children.
 - Change may result in an increase in anti-social behaviour.
 - Existing parking issues in the street. Staff and visitors to this property would exacerbate the issue.
- 6.6 1 letter of support has been received appreciating the need for this type of housing for young people in need.

7 APPRAISAL

Principle of development

- 7.1 The application proposes the conversion of an existing dwellinghouse to a children’s home for a maximum of two children. A shared lounge, kitchen, dining room, and bathroom are provided, alongside two bedrooms and a carer’s room.
- 7.2 The proposal is intended to be operated similarly to a ‘family’ with a maximum of two children being looked after by carers 24/7. With regards to staffing levels, there will be no staff living permanently at the property, however there would always be a member of staff on site. During the day there would be 2 carers on duty and an Ofsted registered manager who will only be on site during the morning. When children are at school, only one support staff will be on duty during the day. At night, there will be one member of staff on duty. Shift patterns are 8am-2pm, 2pm-8pm, and 8pm-8am.
- 7.3 Visitors to the site are expected to be professionals such as social workers who must visit monthly. Other appointments, such as with GPs, are offsite. Family members do not visit the children at home, with these being by prior arrangement at a contact centre.
- 7.4 The planning statement outlines that ‘the children who will be looked after at this property are children who are finding it hard to be placed with a foster parent(s) and reasons for this are varied and one of them could be because there is no availability of places with foster parents and the local authority would have decided that the child cannot live with their parents. The purpose of this is to provide the children with a family home where there are responsible individuals 24/7 (carers who will be on a rota) who will look after the children and support them to live a normal family life. A maximum of 3 staff will be on duty at the property at any one time.’
- 7.5 The use of a dwellinghouse as a care home for up to 2 children is not considered to be a significant change in terms of the principle as compared with a dwelling, subject to there being an acceptable impact with regards to the impact upon the street scene, amenities of adjoining occupiers, and highway safety. It is not considered that the proposed change would have an

unacceptable impact upon the character of the area, with any use being similar in style and scale to the existing use as a dwellinghouse where any occupier could easily have two or more children.

Design

- 7.6 The proposal does not include any changes to the exterior to the existing building. As such it is not considered that there would be any impact upon the character and appearance of the host property or street scene as a result of this proposal.

Amenity

- 7.7 As part of the assessment of this application, the Council's Public Protection team have been consulted on the proposal. No concerns were raised by this team as to the impact upon neighbouring amenity due to the small level of the use. Public Protection requested a condition limiting the number of children to 2, to ensure that the potential impacts on amenity can be controlled, as if the use is restricted to the low numbers detailed in the application, this would assist in protecting general residential amenity.
- 7.8 It is the case that the use of a house for the care of up to two children is broadly similar to a family dwellinghouse. As a dwellinghouse, each room could have occupiers looking through windows, playing within the garden, and making noise associated with a large family dwellinghouse. As a Care Home for young persons, occupiers would be looking through existing windows, at existing views over neighbouring properties, and would reasonably make the same level of noise disturbance as expected from a family within this building.
- 7.9 It has also been advised that there are infrequent visitors to the site, restricted to professional visits such as the Social Services. Any family visitors are required through Ofsted to meet the children at a contact centre under supervision and on neutral ground. The only likely frequent visitors, other than staff, would be social workers once monthly.
- 7.10 With no objection having been received from Public Protection, and with the disturbance from this property likely to be to a similar level as a two children family and how the property could already be used, it is not considered that the proposed change of use would result in an unacceptable impact upon neighbouring amenity.

Parking and highway safety

- 7.11 As discussed earlier within this report, it is the case that there would be a maximum of three staff at any one time on this site, although the norm is likely to be one to two members of staff. The occupiers of the property would be children between the ages of 8 and 18 and as such are unlikely to have vehicles themselves, and family visitors are not allowed at the property. It is, therefore, likely that the level of car use associated with this property would be similar to a two parent household.
- 7.12 The application site is not provided with any parking, however on-street parking is not restricted. The site is also within reasonable walking distance of bus stops and the town centre.
- 7.13 NCC Highways have been consulted on this application and no comments have been received and therefore it must be presumed that there is no objection to the scheme.
- 7.14 With no objection having been received from NCC Highways, and the site being within walking distance of shops and bus routes, it is considered that the proposal would not have an unacceptable impact upon the highway network.
- 7.15 With regards to bicycle storage, the application site has a secure rear garden within which bicycles could be stored.

- 7.16 With regards to bin storage, there is room for the bins to be stored within the rear garden and this is considered acceptable for the proposed use.

8 CONCLUSION

- 8.1 To conclude it is considered that the proposed change of use to a C2 children's home would not have an unacceptable impact upon neighbouring amenity and the highway network. As such the proposed change of use is considered acceptable and it is recommended that planning permission is granted subject to conditions.

9 CONDITIONS

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, A101-A PROPOSED FLOOR PLANS.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. The number of occupants in care within this property shall not exceed 2 persons at any one time and the age of the occupants in care within this property shall be between the ages of 8 years and 18 years only.

Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

4. There shall not be more than 3 members of staff on site at any one time.

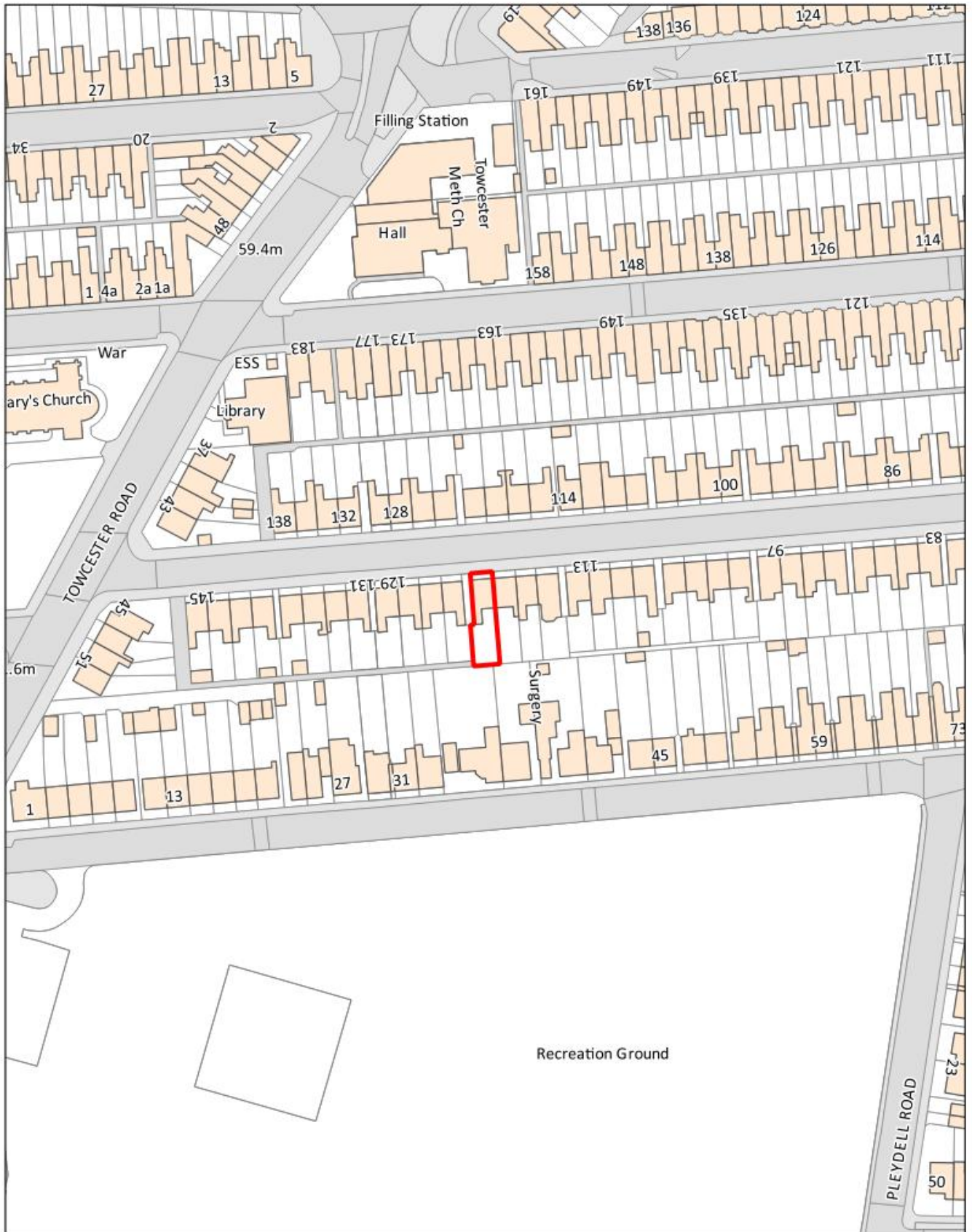
Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

10 LEGAL IMPLICATIONS

- 10.1 The development is not CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **121 Penrhyn Road**

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Date: 17-09-2020

Scale: 1:1,250

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