



**PLANNING COMMITTEE:** 21<sup>st</sup> January 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1346

**LOCATION:** 29 Colonial Drive

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) to accommodate a maximum of 4 children (8-18 years old)

**WARD:** East Hunsbury Ward

**APPLICANT:** GAC Family Services  
**AGENT:** TZ Town Planners Ltd

**REFERRED BY:** Councillor P Larratt  
**REASON:** Impact on residential amenity and parking

**DEPARTURE:** No

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#### **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 four children aged 8 to 18 years old.
- 2.2 There will be no staff living permanently at the property, however there would always be members of staff on site.
- 2.3 There are no external alterations proposed to the property as part of this application.

#### **3 SITE DESCRIPTION**

- 3.1 The application site comprises a large, 4-bedroom detached two storey dwelling located on Colonial Drive, sharing a driveway with 3 other properties. The property has two existing formal car parking spaces to the front and a double garage.

## **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)

Northamptonshire Parking Standards (2016)

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.
- 6.2 **Northamptonshire Police** – No objection as the children’s home will be regulated by the CQC and Ofsted.
- 6.3 **Ward Councillor Phil Larratt** – Concern about the impact of a commercial activity, with staff and visitors, into a property amongst other properties in the area that are all in residential use. The property has a shared drive and there are concerns about staff and visitor parking, and how this will affect access to their properties.
- 6.4 **East Hunsbury Parish Council** – Concern about the impact upon the narrow and shared driveway serving 4 dwellings, the proposed change from C3 to C2 would create unacceptable intensification of the residential use of the property. Increase in traffic, noise/disturbance and increased parking requirement above a normal family. Parking on-street would have an adverse impact upon residential amenity.
- 6.5 **42 neighbour letters** have been received, objecting to the application. The concerns raised can be summarised as follows:
- Parking on street is difficult as existing.
  - Concerns the proposal will result in increased anti-social behaviour and criminal damage to neighbouring properties.
  - Not in keeping with the demographics of the area.
  - Lead to a loss of privacy.
  - Parking pressures if each child has a car.
  - Close to the M1 and A45 is not safe and may lead to easy absconding.
  - Set a precedent for all types of businesses to operate in this residential street.
  - Four bedrooms and a study does not appear to be adequate.
  - Self-isolation of future occupants due to the pandemic may lead to aggression.
  - Originally submitted Location Plan does not represent correct land ownership.
  - Street will become unsafe for existing elderly and children.
  - Noise and disturbance will arise.
  - Covenant precludes businesses from operating in homes.
  - Traffic will increase.
  - Consider existing residents human rights.
  - Private homes pay carers less.
  - Lack of schools and amenities in walking distance.
  - Increased presence of emergency services.
  - Lack of a permanent adult resident.
  - Parking plan is not right as there would only be 2 parking spaces.
  - Shared driveway will have increased comings and goings and parking pressure.

## 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 four children aged 8 to 18 years old. A shared lounge, kitchen, dining room, and bathroom are provided, alongside a utility room, a study and downstairs WC. Four bedrooms are available at first floor and one including an en-suite bathroom.
- 7.2 Policy H1 of the JCS seeks to ensure an appropriate mix of housing to meet different housing needs. The proposal is intended to be operated similarly to a ‘family’ with a maximum of four 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. There

would be a maximum of 3 carers at the property including an Ofsted registered manager who will oversee the running of the home. The rota would provide for 2 carers on site from 08:00-20:00 and the manager present during the daytime 09:00-17:00. Overnight there would be one carer who would be awake and supervising and an additional carer would be on call.

- 7.3 Visitors to the site are expected to be professionals such as social workers and Ofsted workers every 5 weeks. 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 'looked after children' under section 20 of The Children's Act. The proposal will provide the children with a family home where they are supported and looked after by responsible carers 24/7. There would be a maximum of 3 carers at the property at any one time and although this is more than two parents, the environment is considered to be similar to that of a family and is intended to operate as such.
- 7.5 The use of a dwellinghouse as a care home for up to 4 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 have a number of 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 subject to a condition limiting the number of children to 4, which 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 four children is broadly similar to a family dwellinghouse, albeit with one more adult than might be expected. However, as a dwellinghouse, each room could have occupiers looking through windows, playing within the garden, and making noise associated with a large family dwellinghouse. Given the large size of the property is expected it could reasonably accommodate a large family. As a Care Home for young persons, occupiers could look 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. Family visitors are required through Ofsted to meet the children at a separate contact centre under supervision. The only likely frequent visitors, other than staff, would be social workers, approximately every 5 weeks.
- 7.10 With no objection having been received from Public Protection, and with the disturbance from this property likely to be similar to that of a large 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 or increased loss of privacy.

### **Parking and highway safety**

- 7.11 As discussed earlier within this report, it is the case that there would be a maximum of three carers at any one time on at the property, of which the manager would be present during the daytime

only. 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 car use associated with this property would be limited to the carers with three cars requiring parking spaces at any one time and only limited visits by professionals.

- 7.12 The application site provides two parking spaces to the front, an informal parking space on the property's verge, and a double garage which counts as one parking space in accordance with Northamptonshire Parking Standards. On-street parking in the locality is not restricted. A parking plan has been submitted which indicates the provision of an additional space on the grass verge adjacent to the garage on land under the applicant's ownership, currently used for informal parking provision. The existing parking available on site would ensure a minimum of 3 parking spaces would be accessible to staff, without blocking the shared driveway. Other infrequent daytime visitors such as social workers would be able to park on street for visits as might be expected of visitors to families.
- 7.13 NCC Highways have been consulted on this application however no comments have been received. It is acknowledged that due to the location and staff shift patterns it is likely that staff will arrive at site by car. However, the closest bus stops are on Rowtree Road, to the north, which is within walking distance and could potentially provide an alternative mode of transport.
- 7.14 With no objection having been received from NCC Highways, and the site being able to provide adequate parking arrangements, 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 garage or to the rear of the property and this is considered acceptable for the proposed use.

### **Other Matters**

- 7.17 Concerns have been raised regarding the potential for anti-social behaviour issues. There will be a 24/7 presence of staff on site and a manager during the day to supervise the occupants. Furthermore, the Police have raised no objections to the proposed use.
- 7.18 The issue of covenants is not a planning matter.

## **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: TQRQM20330221847505, A100.

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

4. The number of occupants in care within this property shall not exceed 4 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.

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

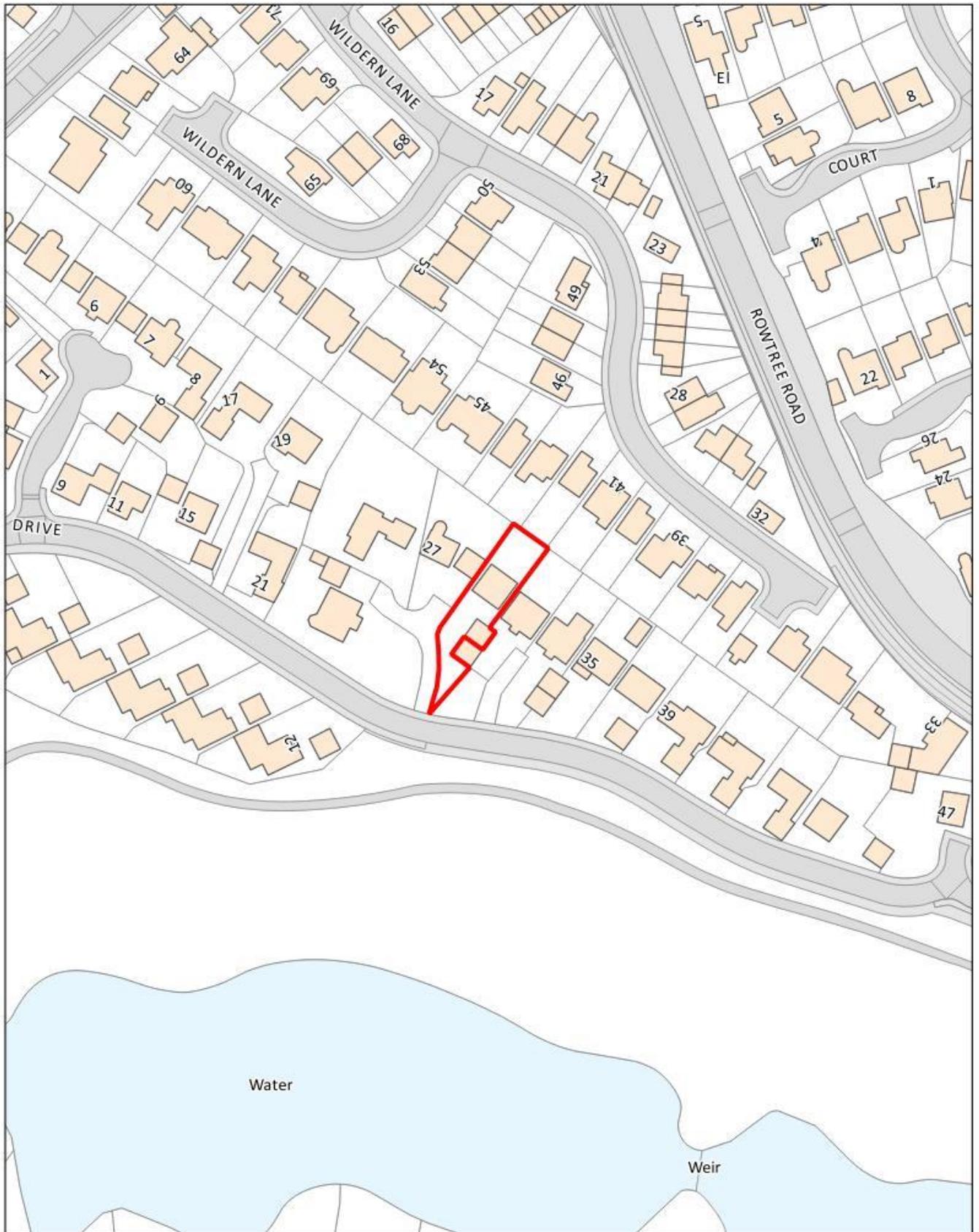
Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

## **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.



NORTHAMPTON  
BOROUGH COUNCIL

Title: **29 Colonial Drive**

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