

PLANNING COMMITTEE: 21 January 2021
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1528

LOCATION: 84 Gresham Drive

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) for up to 3no children aged between 8-17 years old, to include single storey front extension

WARD: West Hunsbury Ward

APPLICANT: Farj Services Limited
AGENT: Architectural Solutions (Midlands) Limited

REFERRED BY: Director of Planning and Sustainability
REASON: Raises planning matters relating to impact on the character of the area which should be considered by the Committee

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 seeks planning permission for the change of use from a four bedroom Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) for a maximum of 3 children aged between 8-17 years old.

2.2 The application also seeks planning permission for the erection of a single storey front extension.

3 SITE DESCRIPTION

3.1 The application suite consists of a detached, two storey, brick and mock Tudor dwelling house with an enclosed rear garden located within a small cul-de-sac. The property benefits from a detached

double garage to the side of the property with driveway for two vehicles and a shared driveway which runs along the front of the property leading to no. 85 Gresham Drive.

3.2 The surrounding area is predominantly residential with detached dwellings of similar sizes and varying styles.

4 PLANNING HISTORY

4.1 None relevant.

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), 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:

- S10 – Sustainable Development
- H1 – Housing
- 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 policies are material to this application:

- E20 – Design
- H29 – Residential Institutions

5.5 Supplementary Planning Documents

- Planning out Crime in Northamptonshire SPG 2004
- Northamptonshire County Parking Standards 2016
- Northampton Parking Standards 2019

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

6.1 **NBC Public Protection** – no comments to make.

6.2 **Cllr Terrie Eales** – raises objections due to increase in vehicle movements particularly during shift changes, the adequacy of the management company and the duty of the Local Authority to perform necessary checks, works that have already been carried out at the property. Concerns also raised regarding adequate space for children within the property and facilities that should be provided.

6.3 **West Hunsbury Parish Council** – raised objections due to unacceptable intensification of vehicle movement within a small cul-de-sac which may negatively impact on the amenity of the local area. Vehicle movement may be at anti-social times or the day and night due to shift changes. Additional vehicle movements and increase in parking due to visitors to the property which could impact emergency vehicles.

6.2 26 representations have been received in relation to the application, including 2 in support.

Comments received are summaries as follows:

- Absence of overriding need based on the 2019 Specialist Housing SPD
- Use not appropriate for a small residential cul-de-sac with elderly people and families with children with no regard for the community
- Impact on residential amenity due to:
 - anti-social behaviour
 - increased crime rate
 - noise disturbance
 - light pollution
- Increased traffic causing parking issues which will restrict access for emergency vehicles
- The property too close to a dual carriageway to be safe for small children
- Poor bus service in the area
- Overlooking of property from surrounding properties
- Size of property not suitable for 3 children
- The backgrounds of children unknown
- No disabled facilities for the children
- No facilities in the area for children other than a couple of small pocket parks
- The property is not secure enough to keep children in or parents out
- A recent Ofsted report about company states that certain aspects of the company requires improvement
- Specialism of applicant business is that of adult care and not children
- Decreased value in house prices in street
- Increase in insurance premiums due to criminal damage in the area
- Restrictive covenants on the property preventing commercial uses
- Comments comparing the refusal of application ref N/2020/0238 (care home for single parents)
- A similar use nearby cause issues with police being called day and night

Support letters are summarised as follows:

- supports proposed use.

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 three children aged between 8-17 years old. A shared lounge and kitchen/dining room are provided, alongside three en-suite bedrooms and a carer's room and staff toilet and shower room.
- 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 three 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 a maximum of 3 carers on duty and a maximum of 2 carers at night.
- 7.3 Visitors to the site are expected to be professionals such as social workers who must visit every 6 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 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 parent. 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 in living a normal family life. A maximum of 3 staff will be on duty at the property at any one time but no staff would live at the property.
- 7.5 The use of a dwellinghouse as a care home for up to 3 children is not considered to be a significant change in terms of the principle, 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 3 or more children.

Design

- 7.6 The proposal include the erection of a small single storey front extension to provide a downstairs toilet and shower. The proposed extension is situated away from the shared boundaries with neighbouring properties and as such, would not unduly impact adjoining occupiers. The design and appearance of the extension is considered acceptable. Furthermore, it is noted that a porch of larger dimensions could be erected in the same position to the proposed extension without planning permission.

Amenity

- 7.7 Concern was raised within neighbour letters regarding antisocial behaviour and criminal damage from future residents.
- 7.8 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.
- 7.9 It is the case that the use of a house for the care of up to 3 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 person's, occupiers would be looking through existing windows, at existing views over neighbouring properties, and would reasonably make the same level of noise disturbance and light pollution as expected from a family within this building.

- 7.10 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 every 6 weeks.
- 7.11 It is considered that the fears expressed by objectors are attributable to concerns about individual behaviour, possibly linked to management/supervision issues. There will be a 24/7 presence of staff on site to supervise the occupants and the appropriate supervision of the children would also be subject to control under Ofsted regulations.
- 7.12 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 three child 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

- 7.13 Concern was raised in neighbour letters regarding the impact of parking availability within this area as a result of the development which in turn may impact accessibility by emergency services and service providers.
- 7.14 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, the occupiers of the property would be children between the ages of 8 and 17 and as such are unlikely to have vehicles themselves. Family visitors are not allowed at the property and it is therefore likely that the level of car use associated with this property would not be materially different to that expected of a four bedroom family dwelling.
- 7.15 The application site benefits from a driveway with parking for two vehicles and a double garage which counts towards an additional parking space as defined within the Northamptonshire County Parking Standards 2016.
- 7.16 No bicycle storage is shown on the plans, however, this would be possible within the double garage with ample room still for parking one vehicle.
- 7.17 A regular bus service runs approximately every 30minutes from the nearby Ladybridge Drive approximately 300m from the application site, into Northampton Town Centre via the nearby local supermarket and local centre and as such, the property would be considered a sustainable location with alternative methods of transport available to staff.
- 7.18 A property of this size could attract a family with a high level of car ownership. The timing of the majority of vehicle movements would coincide with normal daily activity related to work and school journeys, as well as leisure and shopping trips in the afternoon and evening.
- 7.19 NCC Highways have been consulted on this application and advise they have no comment. With no objection having been received from NCC Highways, and in view of the above, it is considered that the proposal would not have an unacceptable impact upon the highway network.

Safety, security and wellbeing of children in care

- 7.20 Comments have been raised by residents relating to the management of the facility, financial records of the applicant and agent and the safety and wellbeing of the children that may be housed within the property.
- 7.21 The intended use of the property is to provide a safe, warm, family environment and prepare young people for independent living within a family orientated, residential setting. The property is located within a predominantly residential area with easy access to schools, open spaces, leisure facilities, local centres etc.

- 7.22 In general terms, the management of the home would be required to operate within the minimum national standards for children's homes and would be subject to Ofsted regulation and inspections as well as the required Care Quality Commission (CQC) registration. These are matters governing the regulation and licensing of children's care homes, which are outside the control of the planning system, subject to separate legislation and regulations and therefore are not material planning considerations.
- 7.23 Financial matters in relation to either the applicant or the agent are not a material planning consideration.

Other Matters

- 7.24 Concerns expressed in objections about the potential impacts on property values, insurance premiums and restrictive covenants are not material planning considerations.
- 7.25 Comments made in relation to the 2019 Specialist Housing SPD relate to the document's contents stating the need for C2 housing places between 2018-2023. This SPD document relates specifically to guidance for housing of older people and disabled people (both physical and with learning disabilities) and does not provide guidance or assess specialist housing need for other vulnerable groups and as such, is not a material consideration in respect of this application.
- 7.26 With regards to bin storage, bins would be stored in the rear garden as the current situation for a family. It is considered that this is acceptable for the proposed use.
- 7.27 Any work that has been carried out at the property has been internal only and does not require planning permission as the property is currently classed as a dwelling house.

8 CONCLUSION

- 8.1 To conclude it is considered that the proposed change of use to a C2 dwellinghouse would not have an unacceptable impact upon neighbouring amenity and the highway network. As such the proposed change of use and associated external alterations are 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: ASM-20-L08-2 and ASM-20-L08-3.

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 3 persons 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.

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 BACKGROUND PAPERS

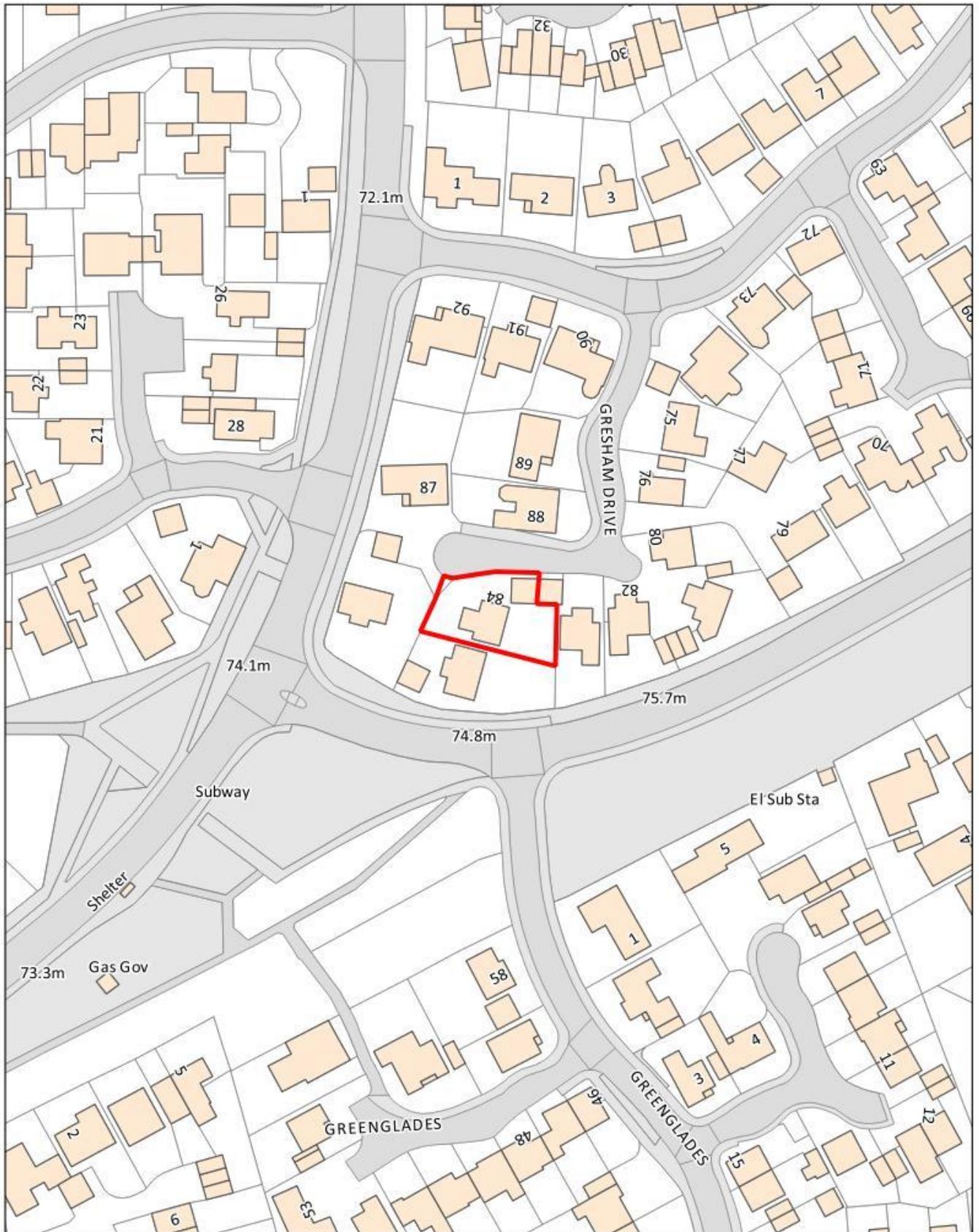
10.1 N/2020/1528

11 LEGAL IMPLICATIONS

11.1 The development is not CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

12.1 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: **84 Gresham Drive**

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Date: 13-01-2021

Scale: 1:1,000

Drawn by: -----

