

Report of the Chief Executive

Application number:	24/00514/FUL
Location:	28 Park Hill, Awsworth, NG16 2RD
Proposal:	Proposed Change of Use from Residential (C3) to Residential Children’s Home (C2)

The application is brought to the Committee at request of Councillor D D Pringle.

1. Purpose of the Report

1.1 The application seeks planning permission to change the use of the property from residential (C3) to a residential children’s home (2).

2. Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix.

3. Detail

3.1 The application seeks full planning permission to change the use of this property, currently C3, to a residential children’s care home (C2).

3.2 The application site consists of a two storey mid-terrace dwelling with a garden area to the rear. The dwelling is located in a residential area with a mix of two storey and single storey properties.

3.3 In regards to neighbouring properties, the site is located in a built up residential area of Awsworth with adjoining neighbours to the north east (27 Park Hill) and to the south west (29 Park Hill). To the north and north west are located 29 and 31 Attewell Road. To the south is located 74 Park Hill.

3.4 The benefits of the proposal are the retention of the dwelling as a residential use, the provision of targeted accommodation to the benefit of future occupants in need of a care home and compliance with policies contained within the development plan. There would be the potential for an impact on neighbour amenity but this is outweighed by the benefits of the scheme.

3.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers:

7.1 Nil.

Appendix

1. Details of the application

- 1.1 The application seeks planning permission to change the use of the property from residential (Class 3) to a residential children's home (C2). The type of care will be the provision of care for one young person aged between 11-16 years old who have behaviour, social and emotional needs. The dwelling will be the child's main residence and according to information submitted within the supporting statement accompanying the application, the child would be taken to school, outings and activities by the staff on site. The child will be looked after by staff working at the property providing 24-hours cover, on a rota basis, with two in the daytime and two overnight (one member of staff awake during the night). The shift patterns for the care staff will be from 7am to 10pm and 10pm to 7am, so potential for two vehicles to be parked on the road during the change overs. There are no external/internal changes, one room will be occupied by the child and the second room will be occupied by the carer.
- 1.2 The applicant has advised that management and supervision practices will be implemented to address any anti-social behaviour promptly. There will be a process of community engagement to address any concerns regarding noise and disturbances, as well as noise mitigation measures and security measures (installation of CCTV cameras).
- 1.3 The support statement advises that any visits additional to the staff on shift, will be pre-arranged, once a month and more likely to be carried out during the weekends.

2. Site and surroundings

- 2.1 The dwelling is a mid-terrace two storey house. The front elevation abuts the pavement. The property has an outbuilding to the rear garden, adjoined to a matching outbuilding at no. 27, and a separate outbuilding, further into the garden, beside the boundary with no.31 Attewell Road.
- 2.2 To the north and north west of the application site are located nos. 29 and 31 Attewell Road semi-detached two storey dwellings. The common boundary treatment is comprised of the application site's outbuilding and approx. 1.7m high fence. Opposite to the site is located 74 Park Hill, a detached bungalow.
- 2.3 To the north east is located 27 Park Hill, an attached terraced dwelling. This property has a single storey rear extension and the common rear boundary is formed by a 1.1m high fence and brick outbuilding. 29 Park Hill, an attached terraced dwelling to the other side, is located to the south west of the application site, the common boundary treatment is a 1m high brick wall which extends for 3.5m followed by a 1.8m high fence.

3. Relevant Planning History

- 3.1 A certificate of lawfulness for a proposed change of use from dwelling house to children's home was refused on 9 May 2024 under reference 24/00094/CLUP. The reason for refusal was based on insufficient evidence being provided to determine whether a material change of use would be lawful.

4. Relevant Policies and Guidance

4.1 Broxtowe Aligned Core Strategy 2014:

The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: design and Enhancing Local Identity

4.2 Part 2 Local Plan 2019

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-Making, Design and Amenity
- Policy 19: Pollution

4.3 National Planning Policy Framework (NPPF) 2023

- Section 2 : Achieving sustainable Development
- Section 4: Decision-making
- Section 8: Promoting healthy and safe communities
- Section 12: Achieving well-design places

5. Consultations

- 5.1 **Designing Out Crime Officer – Nottinghamshire Police:** raised no objections and makes the following observations:

A management plan is advised to mitigate the risk of young people being manipulated and ensure there is a process in place with the local Policing team to respond appropriately if required. Also advised the staff at the home to demonstrate a "good neighbour" approach in dealing with any negative impact caused by the behaviour of children and young people and contact Nottinghamshire Police 'Children in Care' Officer in order that an appropriate plan is in place ahead of any reported incident.

5.2 Five neighbours either adjoining or adjacent to the site were consulted and a site notice was posted on Park Hill to inform neighbouring properties about the change of use. Two comments were received, objecting on the following grounds:

- Past building works have caused damage and subsidence, which should be investigated before any new development considered
- Impact of proposed development on mental wellbeing of nearby residents should be key consideration
- Repeated applications for the development – previous concerns remain valid (inadequate parking; unsuitable road conditions; impact on local community)
- Proposal to house young adults aged 16 to 24 with complex needs, and turnover this would result in, presents safety concerns for those in care and surrounding community
- Impact on local infrastructure – roads already congested, lack of parking, not suitable for frequent emergency access, putting strain on local resources including police and emergency services
- Lack of community consultation
- Unprofessional and profit driven operations – concerns regarding organisation behind application
- No disabled access to the property contrary to applicant claim
- Proposal would remove affordable housing option in area where needed
- Fear of anti-social behaviour impacting on neighbour amenity

6. Assessment

6.1 The main issues for consideration are the principle of the change of use and whether the proposal would have an impact on neighbour amenity.

6.2 Principle

6.2.1 The proposed use of the property is considered to retain the residential nature of a dwelling and as such, subject to the matters below, is considered to be acceptable in principle.

6.2.2 The proposal is for a change of use to a residential children's home for a child aged between 11 to 16.

6.3 Design

6.3.1 No external changes have been proposed.

6.4 Amenity

- 6.4.1 Policy 17 of the Part 2 Local Plan states that permission will be granted for development which integrates into its surroundings, provides convenient access and ensures a satisfactory degree of amenity for occupiers of new development and neighbouring properties.
- 6.4.2 The application does not propose any external changes to the dwelling and only relates to the change of use from C3 to C2, therefore there would not be any issue with loss of light. There is currently a degree of mutual overlooking between the application site and nos.27 and 29 Park Hill due to the small rear gardens and low boundary treatment. Therefore having regard to the nature of the proposed change of use, on balance, it is considered the proposed use would not have a significantly detrimental impact on the occupants of these neighbouring properties.
- 6.4.3 In regard to the use, the nature of the use as a residential care home for one child would not significantly differ compared to the use of a dwellinghouse (Use Class C3), where it may be expected for a family including people of this age to reside, and as such it is considered, subject to the provision of a management plan condition, that there would not be any significant impact in terms of increase of noise and disturbance for the occupiers of neighbouring dwellings sufficient to warrant a refusal.
- 6.4.4 In respect of amenity for the intended occupiers of the property, it is considered that the use as C2 residential would be similar in terms of how the property is used to that of a dwelling house, that is, it would have a layout expected in a house, for example, living/common room and kitchen to the ground floor, sleeping accommodation to the first floor. As for the objection in respect of accessibility for an occupier with a disability, there is no indication of access needs in the submitted information and in any case, this would be a matter for the operator to consider the suitability of the property for each child's needs.
- 6.4.5 Concerns raised in respect of impact on mental health and fear of anti-social behaviour (given that the proposed use is only for 1 child) are noted however this would not be a reason to refuse planning permission, and the concern would not be afforded significant weight in the consideration of the merits of the application.

7 Access

- 7.1 The dwelling does not offer off road parking. However, only the staff would potentially require access to a vehicle. The support statement advises that carers may own a vehicle, however, on street parking by a members of staff would be unlikely different should the dwelling be occupied by a family. The development would not result in high level of vehicular activities or visits. As such, it is considered that the proposed use would not result in a significant

detriment to highway safety or result in inconvenience to local residents in terms of parking at such a significant level to be considered as a reason for refusal on this basis alone.

8 Other Matters

- 8.1 As there are no physical alterations proposed to the property, that is, the proposal only relates to a material change of use, the objection in relation to previous building works carries little weight.
- 8.2 The change of use is for one child aged between 11 to 16, and not for adults aged 16 to 24, as stated in one of the objections. It should be noted that planning permission is not required for a use where up to three non-related adults are sharing a property.
- 8.3 In response to perceived lack of consultation, it is noted that 5 addresses adjoin or opposite the site were consulted, and a site notice posted, and as such the statutory duty to consult has been met.
- 8.4 Concerns regarding the suitability of the organisation are not a matter that can be considered as part of a planning assessment.
- 8.5 In respect of the concern regarding loss of affordable housing, as the proposal only relates to one x two-bedroom property, it is considered that this would not result in a significant impact on affordable housing supply in this area. It is noted that as no physical alterations or extensions are proposed, the property, should the use cease, could be reverted to C3 (dwellinghouse) use.

9 Planning Balance

- 9.1 The benefits of the proposal are that the care home would enable more targeted service provision to the benefit of the user of the facility and to the benefit of the wider community, and would enable the retention of a residential use, which could be converted back to a dwelling should there be a demand in the future, without recourse to major alterations.
- 9.2 The negative impact is the potential noise issues arising from the use, however, subject to the implementation of noise mitigation measures within the Management Plan (which will be conditioned); it is not considered sufficient to outweigh the positives.
- 9.3 On balance. It is considered that, for the reasons above, the benefits of the proposed development would outweigh any potential negative impact and that planning permission should be granted.

10 Conclusion

- 10.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality and comments raised in representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:</p>	
1.	<p>The use hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the site Location Plan received by the Local Planning Authority on 6 August 2024, and drawing number A102 received by the Local Planning Authority on 2 September 2024.</p> <p>Reason: For the avoidance of doubt.</p>
3.	<p>Prior to the use of the property as a residential children’s home, a Resident Management Plan (RMP) shall be submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall thereafter be carried out in accordance with the approved RMP, for the lifetime of the use. For the avoidance of doubt, the RMP shall include the following:</p> <ul style="list-style-type: none"> i) Details of on-site staffing, including a dedicated property manager during normal office hours supported by designated wardens who will stay at the premises and will deal with any emergencies or incidents outside office hours including night time supervision; ii) Details of how the property manager and wardens will liaise with local residents throughout the year and how residents can make contact in the event of any disturbance, emergencies or any other management issues; iii) The proposed management of servicing and deliveries; iv) Details of noise management including measures to ensure that noise disturbance to neighbouring residential properties is minimised. <p>Reason: To protect the amenities of neighbouring residents and in accordance with the aims of Policy 10 of the Aligned Core</p>

	Strategy (2014) and Policies 17 and 19 of the Part 2 Local Plan (2019).
4.	<p>The use hereby permitted shall be for the accommodation of no more than one resident and the equivalent of two full time carers at any one time.</p> <p>Reason: To ensure a satisfactory standard of neighbour amenity and highway safety and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy(2014).</p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	The applicant should ensure that sound insulation to limit the transmission of noise between properties is installed and achieves the minimum requirements as contained in the current version of British Standard Approved Document E.

Map

