

PLANNING COMMITTEE: 17th December 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1362

LOCATION: 30 Five Acres Fold

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2)

WARD: Delapre & Briar Ward

APPLICANT: BTTLR Limited
AGENT: Land and General Planning Services

REFERRED BY: Councillor G Walker
REASON: Not in keeping with the character of the area and parking concerns

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 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 proposal is for the change of use of the premises from a four bedroom dwellinghouse to a children's home for two children and with two full time members of staff.

3 SITE DESCRIPTION

3.1 The application site comprises a two storey semi-detached dwelling located in a cul-de-sac within a modern estate. Surrounding properties are of varied styles but are of a broadly similar type.

3.2 There are two off-street parking spaces to the front of the property.

4 PLANNING HISTORY

- 4.1 N/1993/231 - Ground Floor Extension At Rear – Approved 10/05/93
- 4.2 N/2012/0624 - Two-storey rear extension including additional window to side elevation – Approved 17/08/12

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 Northampton Local Plan (1997) saved policies.

6 National Policies

- 6.1 **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:

Section 2 – Achieving sustainable development
Section 8 – Promoting Healthy and Safe Communities

6.2 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

6.3 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:

Policy E20 – New development
Policy H29 – Residential Institutions

6.4 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **Environmental Health** - Given the scale of the proposal, would not have any objection to the application, given the sensitive nature of the locality a condition holding the applicant to the numbers of children proposed might be appropriate.
- 7.2 **Local Highway Authority** – No comments to make.

- 7.3 **Councillor G Walker** – Calls in the application to Committee on the grounds that this is not in keeping with this very small cul-de-sac, there is no spare land for cars to park when dropping off children, there is a very fast highway just off this estate and it is not in keeping with the estate.
- 7.4 Representations received from the occupiers of seven neighbouring and nearby properties, making the following points in summary:
- The deeds state there can be no commercial use of the property or any use which would be “a nuisance, damage annoyance or grievance” to neighbouring properties.
 - Car parking is bad in the area the proposal would exacerbate the problem, more vehicle movements would be generated.
 - Children may not be well behaved.
 - Noise would be excessive in summer months.
 - Garden would be overlooked by strangers.
 - This is a commercial venture not in keeping with the residential status of the estate.
 - Driveway is not wide enough to accommodate large vehicles which may be necessary.
 - Physical or mental capacity of the children is not stated, no changes for handicapped children are shown so the property may be unsuitable.
 - Children may not integrate due to the older demographic of the area.
 - Request planning conditions limiting occupancy, limiting vehicle numbers, requiring a live in manager, requiring fences and driveways to be repaired and security measures to be installed.
 - Roof guttering overflows onto patio area, which would be a problem for young children.
 - Concerned there may be other children hanging around the area, especially teenage years.

8 APPRAISAL

- 8.1 Given that no physical changes to the property are proposed the issues to consider are the impact on the amenities of adjoining occupiers, as well as implications for highway safety and amenity.

Impact of the proposed use

- 8.2 The use as a home for children is in broad terms similar to a family home and the intention is to provide a family environment for the children. In addition to the children, there would be a maximum of two full time members of staff on site at any one time, but there would be occasional visits by others such as health professionals.
- 8.3 This would be no different to a family home with two parents, who may also be visited occasionally by professionals and which could potentially accommodate more children.
- 8.4 Comments from objectors refer to the potential for bad behaviour by the children, possible excessive noise, overlooking of neighbouring gardens and the type of children who may be accommodated, such as disabled children or teenagers, including attracting other children who may hang around the area. However, there is no evidence to suggest that this will be the case. Due to the scale of the use and the fact that there will be two full time members of staff offering round the clock supervision, the potential impact would not be considered to be any greater than a dwellinghouse. It is considered, therefore, that there would be no material increased impact on adjoining occupiers as a result of the change of use.
- 8.5 Reference is also made by an objector in relation to potential accommodation for disabled children. In the event of the need to accommodate such children, meaning any physical changes to the outside of the building may be necessary, this would generally require planning permission and the impact on neighbours could be considered at that time, although it is unlikely that any significant impact would result. In any event, no such changes currently proposed.

Highway and parking issues

- 8.6 Two on-site parking spaces are available to the front of the property, which is one below the current standard for a four bedroom house. The standard for a residential home is one space per full time equivalent staff as well as one visitor space per three beds. This would also generate a need for three spaces, meaning that there would be no increase in the shortfall. It is noted that there is no parking restriction in the area and spaces are generally available on street. Although professionals would visit from time to time, this would be no different to a family home. The level of parking available is therefore considered to be appropriate. It can be noted also that no objection has been made by the Local Highway Authority, meaning that a refusal on parking grounds could not be defended at appeal.
- 8.7 In terms of dropping off any children, as there would only be two children included for the proposed use, this would not be significant and would create no more of an impact than if children were being dropped off at a family home.

Other matters

- 8.8 Reference is made by some objectors to covenants in the deeds which prevent a commercial use of the premises. Whilst the use could be classed as commercial, any restrictive covenants are not a material planning consideration and would not represent a reason to refuse planning permission. If there is any wish to enforce any covenant this would be a private legal matter.
- 8.9 Reference is also made to a leaking roof gutter, which is not a material planning consideration.

9 CONCLUSION

- 9.1 Due to its scale, the proposed use would be similar in character to a family home and it is not considered that this would result in any additional impact on the amenities of adjoining and nearby occupiers, nor would there be any adverse impact on highway safety or amenity as a result of the proposal. The proposal is therefore considered to be in line with Development Plan Policy and the National Planning Policy Framework.

10 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 plan: 002.

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

3. The premises shall be used as a children's home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification

Reason: In the interests of the amenity of the area and neighbouring residents, highway safety and to ensure that effective planning control is retained by the Local Planning Authority in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

4. The children's home hereby permitted shall be occupied by a maximum of two children and two full time members of staff 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.

11 BACKGROUND PAPERS

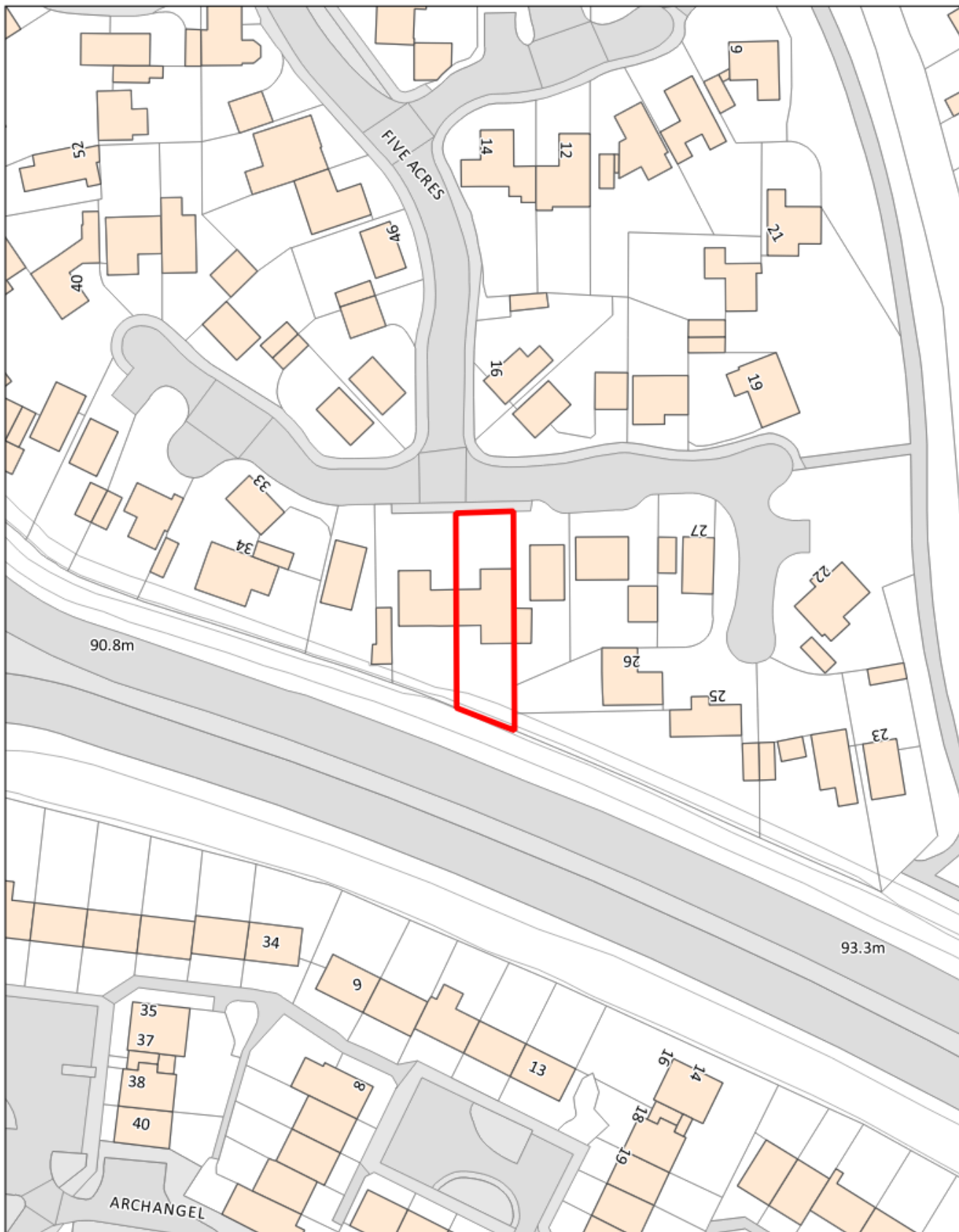
11.1 N/2019/1362.

12 LEGAL IMPLICATIONS

12.1 The development is CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

13.1 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: **30 Five Acres Fold**

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Date: 04-12-2019

Scale: 1:750

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