

<b>APPLICATION NO</b>	<b>PA/2017/1007</b>
<b>APPLICANT</b>	Mr Pete Buller, Esland Care
<b>DEVELOPMENT</b>	Planning permission to retain change of use from a dwelling house (Use Class C3) to a residential care home (Use Class C2)
<b>LOCATION</b>	31 Low Street, Haxey, DN9 2LE
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr David Rose – significant public interest) Objection by Haxey Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means approving proposals that accord with the development plan without delay or, where the development plan is absent, silent or out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate development should be restricted.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 58 states that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should also respond to the local character and reflect the identity of local surroundings and materials and should be visually attractive and use appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 69 states that planning decisions should promote opportunities for meetings between members of the community who might not otherwise come into contact with each

other, create safe and accessible environments where crime and disorder do not undermine the quality of life or community cohesion, and safe and accessible developments.

Paragraph 70 states that planning decisions should plan positively for the provision of local services to enhance the sustainability of communities and residential environments and ensure that an integrated approach is taken when considering the location of community facilities and services.

Paragraph 123 states that planning decisions mitigate and reduce to a minimum noise and other adverse impacts upon quality of life through the use of conditions whilst recognising that development will often create some noise.

Paragraph 196 states that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise and that the National Planning Policy Framework forms a material consideration.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

**North Lincolnshire Local Plan:** Policies H16, T1, T2, DS1 and DS4 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS5 and CS22 apply.

### **Interim Planning Policy for Residential Care Homes/Institutions**

#### **CONSULTATIONS**

**Highways:** No objections.

#### **PARISH COUNCIL**

Objects on the following grounds:

- the density of housing and shared access will give rise to more and excessive vehicular movements
- the intention of Use Class C2 is for elderly relatives
- Haxey has a limited range of facilities
- the limited range of services are insufficient to support the needs of the children being looked after
- there are limited bus services to the wider area
- it is likely the staff will use their vehicles to transport the children being looked after
- concerns about the welfare of the children and integration into the local community
- the proposal will create additional pressures on local services
- not an appropriate location

- the proposal is not sustainable
- policies H5 and H16 of the local plan do not apply to smaller settlements such as Haxey
- there are limited resources and services in the settlement to support the proposal
- there will be excessive numbers of staff movements to and from the site
- a traffic assessment should be undertaken.

## **PUBLICITY**

A site notice has been displayed. Nine letters of objection have been received raising similar issues to those raised by the parish council, together with the following issues:

- the applicant's company is not located in the local area
- disruption to neighbouring properties
- obstruction within the highway
- antisocial behaviour from the occupants
- the children do not use local services or clubs
- there is insufficient parking within the site
- the staff and carers park their vehicles within the pub car park
- increase in littering, loitering and antisocial behaviour
- accumulation of rubbish
- some of the supporting information is inaccurate, particularly in respect of proximity to local services and regularity of bus timetable
- the pub car park is being used as an unauthorised car park for staff vehicles.

## **ASSESSMENT**

The application site is 31 Low Street in Haxey. Three applications, under references PA/2016/505, PA/2016/1255 and PA/2016/1610, were previously submitted to determine whether the proposed use of the site was lawful falling within Classes C3(b) (PA/2016/505 and PA/2016/1255) and C2 (PA/2016/1610) of the Town and Country Planning (Use Classes) Order (1987), none of which were considered to be lawful. As the change of use has already taken place, retrospective planning permission is now sought to retain the change of use from dwelling house (C3) to a residential care home (C2).

**The main issues with regard to the determination of this application are whether the principle of development of a children's home is acceptable within Haxey with regard to sustainability, and whether the change of use to a children's home would be to the detriment of highway safety and residential amenity.**

## Principle (incorporating sustainability)

The application site is located within the development limit for Haxey as defined by the Housing and Employment Land Allocations Development Plan Document (HELA DPD) (2016). The application site is within Flood Zone 1 as identified by the North Lincolnshire Strategic Flood Risk assessment and thus poses no concerns with regard to flood risk issues.

It is important to consider the sustainability credentials of the settlement in which the retention of this residential care home is being sought, particularly given the level of objection received from local residents and the parish council in respect of linkages with local services and amenities. This will allow the local planning authority to determine whether the development is sustainable.

Whilst the adopted Core Strategy classes Haxey as a rural settlement, the North Lincolnshire Settlement survey ranks Haxey 9<sup>th</sup> out of the 79 settlements scored within the survey and is classified as a Market Town/Large Service Centre and received a total settlement score of 45 as shown in the Settlement Survey Profile Table below:

Overall Hierarchy Position		<b>9</b>
Total Settlement Score		<b>45</b>
Key Facilities and Services (Max: 7)		<b>6</b>
Category (maximum available score)	Score	Hierarchy Position
Conveniences (18)	15	9
Community Services (22)	14	6
Health & Education (17)	10	7
Transport & Access to Employment (15)	5	21
Living Environment & Community Safety (6)	0	n/a
Tourism (3)	1	n/a

The Interim Planning Policy for Residential Care Homes/Institutions criterion a) states that conversions of residential properties to residential care homes/institutions or the erection of new ones will only be permitted provided that they are located in sustainable locations with good access to key facilities such as shops, schools, health, leisure and other community facilities. This criterion points towards policies CS1, CS2 and CS22 of the adopted Core Strategy, and policies H16 and T1 of the North Lincolnshire Local Plan. These policies set out the spatial strategy for North Lincolnshire which steers development to the most sustainable locations and indeed policy H16 specifically indicates that residential care homes should be sited in the larger, more sustainable settlements. When considering its settlement sustainability score, Haxey is clearly a sustainable location for a residential care home of this scale. The applicant, in their supporting statement, makes reference to the number of facilities available in Haxey, including village hall, shops, doctor's surgery and primary school and the proximity to bus stops which offer services to Epworth and its additional facilities.

Notwithstanding the above, regard is to be had to the scale of operation in this case to assess its overall sustainability. The applicant has stated in their supporting statement that the total number of children that reside at the facility is three. The number of children resident, therefore, is not significant and could comfortably reside in the building as a private residential dwelling. The scale of the operation in this case is unlikely, therefore, to significantly cause more harm than that of a large dwelling which could otherwise occupy the site. It is therefore unreasonable to conclude that this proposal would constitute unsustainable development in principle. The principle of development is therefore established and the location of this dwelling house to be retained in use as a residential care home is considered to be sustainable.

The C2 use class (Residential Institution) includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. This use class does not differentiate between the ages of the population and is not aimed specifically at a particular demographic of society.

### **Impact on highway safety and residential amenity**

The applicant, within the submitted planning statement, states that the residential care home has a maximum of three children residing at the facility at any one time and that the children range between the ages of 10-17. A breakdown of the staffing arrangements is provided in the planning statement and is as follows:

“The staff comprises 2 primary carers who each work a 4-day week (3 days on then 3 days off, so there is always one of them present), a home manager working Monday to Friday (9am-5pm), a deputy manager plus two team leaders (one of whom is always on shift): 5 care workers who work a 2-day on, 4-day off rota pattern; resulting usually in 2 members of staff in addition to the primary carers being present during the day. At night 3 staff stay overnight (no waking-night staff required)”.

The document goes on to state that staff changeover typically occurs at approximately 8am and that during term time the children either attend school or are home schooled. In addition to the carers there are visits from social workers and other support professionals. The planning statement indicates that there are eight vehicular spaces within the site, this includes garaging for two vehicles. Highways has considered the level of traffic generation and the level of existing parking provision put forward as a result of the staff numbers and raise no objection on highway and pedestrian safety grounds. Given the staff numbers set out in the supporting statement and the lack of an objection from Highways it is considered that there is sufficient parking available within the site to meet the needs of the care home during the day and that the proposal doesn't generate traffic movements over and above the levels normally generated from a residential property. In addition there is sufficient visibility onto Low Street for access and egress from the site.

A number of objectors have raised the issue of additional staff parking their vehicles within the public house car park opposite the site. Whilst this is a matter for the site operator to investigate (parking of vehicles on private land) and regulate there is on-street parking available on Low Street within close proximity of the site which could accommodate those vehicular movements which are of a more transient nature (i.e. social workers and visitors) and where the operators of said vehicles require their vehicle for multiple trips to a number of sites in the day.

It is noted that some movements will occur early in the morning (when there is a changeover of staff for example) but the numbers of movements per day are not significant to cause an adverse impact on neighbouring properties in terms of noise and disturbance.

A number of concerns have been raised with regard to the notion that the children being looked after within the residential care home will not integrate with the local population or with local services, clubs, organisations etc. Given that this six-bedroom property could be occupied by a family with multiple children without any form of planning consent, such comments do not have weight. The National Planning Policy Framework, in paragraph 69, is clear that planning should promote mixed communities where opportunities for meetings between members of the community who might not otherwise come into contact should be encouraged. There are no other known facilities of this type (small-scale residential care home) in Haxey and the proposal would not lead to over concentration of such facilities that would lead to a detrimental effect upon the character of the area.

Paragraph 69 continues to state that developments should be safe where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

A number of objections have been raised which relate to issues of antisocial behaviour and loitering associated with the children being looked after at the facility and there have been issues with the background of the children residing at this location. Whilst it is not known whether there have been incidents involving children resident at the facility, such matters are dealt with under separate legislation or can be dealt with by the company operating the residential care home (i.e. in-house procedures).

It is considered that the property has an appropriate level of open space associated with its use which is not significantly greater than that of a large residential dwelling. The property is served by an appropriate access point and has sufficient parking for the scale of use. Whilst it is acknowledged that this type of facility will lead to an increase in traffic movements associated with staff in the early morning (i.e. during staff changeover), the numbers of movements involved are unlikely to cause a significant level of noise and disturbance that would have an adverse impact upon residential amenity. In addition, the scale of the residential care home, which will not have more than three children in residence, is unlikely to cause significantly more noise and disturbance associated with its use as a residential house where children are resident, than would occur if the property were a large, private, family dwelling.

### **Other issues**

A number of objections have questioned the credibility and background of the company, given that it has placed vulnerable children into the home without the appropriate planning consent who, subject to the refusal of this application, could be displaced, which could affect their emotional wellbeing, and that it has previously applied for a certificate of lawfulness. Such matters do not form material considerations for planning, although it is noted that the company has a background in operating a number of small-scale care homes for young people and operates a community charter to ensure that the development integrates successfully into the local community where their homes become established.

### **Conclusion**

In conclusion, it is considered that the change of use of a residential dwelling to a residential care home where no more than three children are resident would not result in a

form of unsustainable development given that the property could host similar numbers of children as a private residential dwelling and the number of facilities available within the settlement of Haxey. It is acknowledged, however, that this type of operation has the potential to result in an increase in traffic movements compared to that of a standard residential dwelling but the impacts of such an increase are not considered to have a significant adverse effect and would not be to the detriment of highway safety or residential amenity. It is therefore recommended that planning permission be granted subject to conditions.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The residential care home shall be retained in accordance with the following approved plan references: PA/2017/1007/01, PA/2017/1007/02, PA/2017/1007/03 and PA/2017/1007/04.

**Reason**

For the avoidance of doubt and in the interests of proper planning.

2.

The residential care home hereby permitted shall not at any time have more than three children in residence at the facility.

**Reason**

The proposal is only justified as being acceptable with regard to the Interim Planning Policy for Residential Care Homes/Institutions, policy CS2 of the North Lincolnshire Core Strategy (2011) and saved policy H16 of the North Lincolnshire Local Plan (2003) on sustainability grounds on the basis of no more than three children being in residence at the facility and to prevent the uncontrolled expansion of the children's home without the prior assessment of its associated impacts by the local planning authority.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



**PA/2017/1007**





**PA/2017/1007 – Site Location**



© Crown copyright and database rights 2017 Ordnance Survey 0100023560





