

PLANNING COMMITTEE –2 APRIL 2019

Application No:	19/00106/FUL	
Proposal:	Change of Use from Use Class C3 (Dwelling House) to Use Class C2 (Children's Home)	
Location:	1 Elm Close, Newark-on-Trent NG24 1SG	
Applicant:	Homes2Inspire	
Registered:	22nd January 2019	Target Date: 19th March 2019
		Extension of time agreed: 3rd April 2019

The application is presented to Committee at the request of Cllr Roberts due to concerns about the suitability of the property for the proposed use.

The Site

The application site is located within the built-up area of Newark, just off the B6326 London Road, which is one of the main thoroughfares through the town. A large number of the bus services that run in and around the town can be accessed at bus stops located on London Road, making it a very accessible location.

The dwelling that is the subject of this application is situated within a predominantly residential area, on the corner of Elm Close and Elm Avenue, the latter being a long straight road with residential properties down the eastern side and flanked on the western side by the Newark Cemetery. This green open space and proliferation of mature trees is on the margins of the Newark Conservation Area and contributes to the Conservation Area setting. Properties on the eastern side of the road however are not included within the Conservation Area, including the application site.

No.1 Elm Close itself is a late 20th Century, five-bedroom brick built property with UPVC casement windows, an integral garage and a driveway (accessed off Elm Avenue) that wraps around the front and side of the house, providing off-street parking for up to five vehicles. The garden is located to the side of the house, fronting Elm Close, however, a number of large conifers screen this part of the property from the roadside. Although Elm Avenue and Elm Close are not particularly wide roads there are no parking restrictions, meaning there is ample street parking available if required. By virtue of the road access and orientation of the principal elevation, No.1 Elm Close appears to be have greater association with the Avenue than with the Close itself.

Relevant Planning History

No relevant planning history.

The Proposal

The proposal is for the change of use from a dwelling house (Use Class C3) to a residential

children's home (Use Class C2) to accommodate up to five young people aged between 10 and 18 years old, with two appropriate adults on site at all times. The home would be operated by Homes2Inspire, who are registered care providers specialising in accommodation for children and young people in care and away from their families.

The proposal involves no material change to the outside of the property, merely proposing internal alterations that are not subject to planning controls, in order to make the building fit for the required purpose. The house would retain its residential character with the principal aim of facilitating a family environment for its occupants.

The following documents have been submitted with the application:

- Site plan (Drawing 01-01)
- Existing floor plan (Submitted 21/01/2019)
- Proposed floor plan (Submitted 21/01/2019)
- Cover letter (Submitted 21/01/2019)
- Statement of purpose (Submitted 21/01/2019)
- 1 Elm Close H2I Response letter (Submitted 19/03/2019)

Departure/Public Advertisement Procedure

Occupiers of 7 neighbouring properties have been notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement hierarchy

Spatial Policy 2 – Spatial distribution of growth

Spatial Policy 7 – Sustainable transport

Core Policy 9 – Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM8 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in favour of sustainable development

Other Material Planning Considerations

National Planning Policy Framework 2019

Planning Practice Guidance (on-line resource)

Consultations

Newark Town Council - No objection to the proposal

NSDC Environmental Health - *[With] both the small number of residents and the onsite support I don't envisage any problems.*

NSDC Access and Equalities Officer - *It is recommended that the developer be advised to consider inclusive access to, into and around the proposals with available facilities designed so as to be equally convenient to access and use throughout.*

It is recommended that the developer be advised to make separate enquiry regarding Building Regulations and be mindful of the provisions of the Equality Act.

NCC Highways - *It has been confirmed that a maximum of 5 children are expected to be accommodated at the application site. Overnight two support workers will be on site. Although the parking provision has not been demonstrated on a site plan, there is sufficient space within the site curtilage to park up to five vehicles.*

Whilst it is understood that visitors are expected to the site, taking into account the low number of children and the parking provision available, the Highway Authority would not wish to raise objection to this proposal.

NSDC Conservation Officer - *Conservation has scrutinised the submitted plans. The application site is in close proximity to the Grade II listed Cemetery Chapels (list ref: 1297720). There are no elevations submitted for the proposed change of use, with the exception of revised floor plans. It is stated in the application form that there are no new materials proposed for the works, and as such Conservation has made an assessment of the application on the grounds that there will be no material change to the setting of the Grade II listed Cemetery Chapels. The proposed change of use from residential C3 to a children's home C2 has notable public benefits and as such there are no objections to the proposal.*

11 letters of representation have been submitted by local residents. The issues raised in these representations are summarised under the following themes:

- Fear of crime: some comments raise suggestions that the proposed change of use could contribute to an increase in crime
- Road safety: there are concerns amongst existing residents relating to the width of the footpath and pedestrian safety; the volume of traffic using the road; on-street parking due to a perceived increase in the number of visitors to No.1 Elm Close and cumulative impacts in conjunction with busy periods at the cemetery
- Operating a business: concerns at the impact of business operations on the character of the area and how it would be operated; competency of Homes 2 Inspire; more suitable properties elsewhere in Newark to accommodate the business
- Tranquility of the area: perceived loss of tranquility due to the nature of the proposed use; area is residential and the introduction of a business would change this
- Neighbour amenity: loss of privacy; noise disturbance
- Deeds of the property do not allow it to be used as anything other than a dwellinghouse

Comments of the Business Manager

Principle of Development

The LDF Spatial Strategy identifies the Newark Urban Area as the sub-regional focus intended to

be the main location for new services and facilities within the District. Moreover, Policy DM1 facilitates development within the Urban Boundary for development that is appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

On this basis, in policy terms, the proposed change of use at No.1 Elm Close is considered acceptable in principle, subject to an assessment against site specific criteria set out below.

Character and Visual Amenity

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The proposed change of use involves no material change to the external appearance of the existing dwelling and although the thought of a residential institution (C2 uses) may conjure up notions of 'institutional buildings', this property is intended to provide for the children and staff alike an experience that closely replicates a normal domestic environment. This is reflected in the proposed internal layout and, from my reading of the information submitted by the applicant, the day-to-day operation of No.1 Elm Close.

I note the concerns raised by local residents that the proposed use would change the nature of the residential character of the area. I accept that the area is largely residential and whilst it is accepted that Home2Inspire is a business name, the nature of this particular business is the provision of care (as a Registered Provider) to vulnerable children in an appropriate setting. The proposal will not be comparable to operating a business that falls within the B1 Use Class. As such, it is anticipated that to all intents the dwelling will remain indistinguishable from other dwelling houses in the locality, in terms of character and visual amenity and therefore would not in my view change the residential character of the area.

In this regard and in light of comments from the Conservation Officer, there is therefore no likelihood of the proposed change of use incurring any adverse impacts on the setting of the adjacent Conservation Area.

Residential Amenity

As a 'residential institution' the proposed children's home is subject to operational requirements and procedures beyond the control of Planning. These alone are more rigorous than those affecting typical dwelling houses and will undoubtedly play some part in protecting the residential amenity currently enjoyed by residents in the immediate vicinity. With regard to this issue, Home2Inspire have provided a 'Statement of Purpose' as part of their application and further information in light of comments raised by local residents. This sets out a number of the Health & Safety and other quality assurance measures that are incumbent upon them in operating the home. Safeguarding requirements alone, relating to the protection of child welfare are likely to make a significant contribution to managing any potential risks.

As noted in relation to visual amenity and character, the operational characteristics of the property will remain principally as those of a C3 dwelling house in an urban area. The applicant is clear that their intention is to provide a 'family environment' that encourages the resident children to integrate and live as they would in their own home, as a different offer to larger institutional set ups. No.1 Elm Close is a large house in an area with a prevailing suburban character. It has a reasonably proportioned garden and is located in close proximity to large swathes of public open space.

I note the concerns raised by local residents in respect of their privacy and noise disturbance as a result of the change of use. Turning first to privacy, the application is for a change of use only, with no additional built form or windows proposed externally to the building. As such, there would be no increased ability to overlook upon neighbouring properties than currently exists.

With regards to noise disturbance, I accept that 5 children could create greater noise disturbance than perhaps the average family living in the property, however it should be noted that currently as a 5-bedroom house, there could be 4 children living at the address (assuming 1 child per bedroom, with at least 1 adult at the property) and therefore one additional child living at the address could arguably not significantly increase the level of noise disturbance to the extent that it would warrant a refusal of the application on this basis.

In light of this it is difficult to foresee any particular impacts occurring that would not be expected in the event that the property remained in use as a residential dwelling and were occupied by a large family.

Accessibility and Highways

Amended Core Strategy Spatial Policy 7 provides support for proposals which support non-car means of access to services and facilities and supports opportunities for the use of public transport. NPPF Section 9 (Promoting Sustainable Transport) also gives strong support for development that contributes to sustainable patterns of development. Both of the above policies also make clear the requirements for development to ensure safe and inclusive access, and to make parking provision appropriate to the scale of development.

Comments on the application from the Highways Authority indicate that the existing on-site parking arrangements are adequate for the long-stay members of staff and other visitors to the premises. Upon visiting the site I came to a similar conclusion on the basis that driveway is generous by normal residential standards, with two access/egress points, both with a dropped kerb (as shown on the photographs below). While residents have alluded to the fact that they have concerns about the safety of the road, particularly at times when there are large numbers of cars parked on the road, it is apparent that there are no formal parking restrictions on Elm Avenue or Elm Close, and Highways have made no reference to this matter in their comments; the parking spaces provided within the site are appropriate for the proposed use and on a day-to-day basis the use is unlikely to result in any greater impact upon parking issues than if the dwelling were to remain in C3 use.



As stated in the letter from the applicant (submitted 19/03/2019), in addition to the two residential carers on rota throughout any 24 hour period (including overnight) it is likely that there will be ad-hoc visits from designated care workers and a Regional Operations Manager. However, it is considered that these will be no different to someone receiving care at home which is permitted at a residential dwelling. Likewise, deliveries of food and other goods are all considered commensurate with a residential character.

In the context of the proposed change of use and the age profile of the intended residents, I am of the opinion that it is wholly appropriate that they should be located in premises such as this, which maximise accessibility to schools, leisure and retail facilities within the local area.

Fear Of Crime

Section 8 of the NPPF states that planning policies and decisions should aim to achieve safe places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

The perception of the proposed use is that it would result in increased police activity within the locality, either through crime or through call-outs to the property. I note the references made by local residents to comments made by Nottinghamshire Police on other applications for similar proposals across the County, most notably the potential 120-200 call outs to children's homes per year. This response from Nottinghamshire Police relates to Meadow View, assessed by Bassetlaw District Council in 2015 (application reference 15/01060/FUL). The Officer at the time took the view that the proposed change of use would allow only 1 additional child than that usually expected of a traditional household and therefore the perceived increase in Police activity did not warrant a refusal of the application on this basis (for clarity, the application for Meadow View also sought a change of use for up to 5 children).

In order to establish whether Nottinghamshire Police's advice has changed since 2015, I have consulted them on this application; they have been asked to provide comments prior to the Planning Committee meeting and therefore if a response is received, it will be reported to Members during the meeting.

However, assuming the advice of the Police remains unchanged, I would be minded to concur with the view of peers at Bassetlaw District Council that 1 additional child is not likely to undermine community cohesion in this case.

Other Matters

Local residents raised comment that the deeds of the properties within the vicinity state that the buildings shall not be used for business. Matters relating to the deeds of a property fall outside the remit of the District Council and as such are a civil matter that the applicant would need to consider during the purchase of the property. For clarity, planning permission from the local planning authority would not override any deeds for the property.

Concerns have also been received with regards to the applicant and their management of other properties within the County. Whilst the concerns are noted, the LPA is only able to assess the acceptability of the change of use, not the end user and therefore potential issues surrounding the applicant are not a material planning consideration.

Some local residents, as part of their objections, have offered their opinions on other, more suitable sites elsewhere in Newark. Whilst their suggestions may be appropriate alternatives, the applicant has asked the LPA to assess whether the property subject of this application is appropriate and therefore it is the duty of the LPA to assess only this property against local and national planning policy as part of this planning application.

Conclusion

The NPPF (para.11) and LDF Policy DM12 make clear that development proposals that accord with an up-to-date development plan should be approved without delay.

Having considered the merits of the proposed change of use for No.1 Elm Close, I believe that it is entirely consistent with the requirements of the relevant plan policies and the Strategic Objectives for the sustainable development of the District. Overall, the proposed change of use will have negligible effect on the character of the area, the amenity of existing neighbouring residents or highway safety. Furthermore, the perceived fear of crime is not considered to justify a reason for refusal on this basis.

it is therefore recommended to Members that planning permission should be granted, subject to conditions to control the number of children living at the property at any one time to ensure that the use is carried out as assessed by the Local Planning Authority.

RECOMMENDATION

That full planning permission is approved subject to the conditions below.

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Location Plan – GIS\LF\60357\01-01 (received 21st January 2019)
- Proposed floor plans (received 21st January 2019)

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

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

Reason: In the interests of residential and visual amenity.

04

No more than five children shall be placed in the home at any one time, even on a temporary or emergency nature. In addition to this, there shall be a minimum of two staff on site at any time.

Reason : To ensure that the development takes the form of that envisaged in the submission of the planning application.

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

02

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

Application case file.

For further information, please contact Tim Dawson on ext 5679.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Director Growth and Regeneration

Committee Plan - 19/00106/FUL

