

PLANNING COMMITTEE – 12 JANUARY 2021

Application No:	20/02132/FUL		
Proposal:	Change of use of a (C3a) Dwelling to a Children's Care Home (C2) for 3no. children, demolition of garage and associated external alterations to create on-site parking and turning areas		
Location:	1 Barrel Hill Road, Sutton On Trent, NG23 6PR		
Applicant:	Tony Cox		
Registered:	05 November 2020	Target Date:	31 December 2020
	Extension of Time Agreed to 15 January 2021		
Website link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QJ9Z0ZLBK8X00		

CLlr Sylvia Michael has called this Planning Application to the Planning Committee because of the concerns expressed by the Parish Council on highways issues. The request has been agreed by the Review Panel.

The Site

The application relates to an extended two-storey detached dwelling located in the countryside on the outskirts of the village of Sutton-on-Trent. The application site is bounded to the east by the highway, to the north by a private lane and to the south and the west by neighbouring residential dwellings. The application dwelling has been extended to the side and rear so forms an L shape within the northeast corner of the site with a detached garage located to the southwest corner. A low brick wall and railings demarcate the boundary to the front, while the boundaries to the south, east and west consist of a mix of fencing and hedging of varying species and heights. The principal garden area is located to the rear and includes a brick-lined well and a raised area containing play equipment. Beyond the neighbouring residential property to the west is the East Coast Main Line.

Relevant Planning History

14/00693/FUL – Householder application for Alterations and Two Storey Side Extension to House and New Detached Single Garage. Approved 21.05.2014

06/01249/FUL - Demolish existing single storey rear extension, alter cottage internally, erect new two storey rear extension, and new single storey rear extension. Approved 27.09.2006

The Proposal

The proposal is for Change of use from a dwellinghouse (C3a) to a Children's Care Home (C2) for

up to 3 children. The supporting statement states that the ages of the children could be from 8 to 15 and it is aimed at creating a family, rather than an institutional environment, to help the young people prepare for the time when they will leave the home and establish their own independent lives.

Some external alterations would be required to create adequate parking and turning areas within the site, which comprise demolition of the existing garage, the provision of three side by side parking spaces to the rear of the property with turning facility (following the removal and capping over of a well) and two parking spaces provided at the front of the property. The latter two spaces would be served by the existing access point with a new 'exit' point created at the other end of the site frontage (following removal of part of the front boundary wall/railing). An area of approx. 70 sqm would be retained in the rear north-west corner of the site as grassed private amenity/garden area.

It is proposed that a maximum of 5 carers would work from the property, and other than staff changeover, it is unlikely that there would be more than 3 staff at the home at any one time, with two of those sleeping overnight on a 48-hour rota (1 changing each day). There would be no other professional workers, such as social workers, visiting the premises as the carers would provide for all these needs. The children would attend the local high school but home schooling may be used in the initial stages whilst the children settle in (usually for approx. 4/5 weeks). The following table has been produced to illustrate typical weekly movements.

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
48-hour care worker arriving and leaving for 2-day shift (residential care workers)	2	2	2	2	2	2	2
Manager		2	2	2	2	2	
2 Primary Care workers arriving and leaving each day		4	4	4	4	4	
School run		2	2	2	2	2	
Social/recreational visits	4						4
Total Movements (in and out)	6	10	10	10	10	10	6

Figure 1 Table extracted from Revised Supporting Statement

Class C has not been affected by the 1 September 2020 changes to the Use Classes. Relevant permitted development rights apply, although any permitted change to a state-funded school or registered nursery would be subject to prior approval.

Revised plans

Revisions have been made to the application as submitted in order to provide adequate parking and turning areas within the site. For the avoidance of doubt, the assessment outlined below is based on the following plans and supporting documents:

REVISED PARKING LAYOUT AND SWEPT PATH ANALYSIS

REVISED SUPPORTING STATEMENT
HOUSE PLANS, GROUND AND FIRST FLOORS

Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter. A site notice has also been displayed near to the site.

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 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 9 – Sustainable Design

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM8 – Development in the Open Countryside

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Town and Country Planning (Use Classes) Order 1987, as amended.
- Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

Consultations

Sutton on Trent Parish Council – Object

- The creation of 5 parking spaces is considered inappropriate for the scale and location of the property and will have an overbearing consequence on both the property and that of surrounding neighbours
- The creation of additional car parking spaces will remove the majority of the rear garden which is already minimal. This seems at odds to the nature of the environment for a care facility and to providing the facilities referenced in the supporting statement for its occupants. The external areas will be little other than parking or turning. We question the safety of children freely roaming, and safety in general of having such a large volume of parking and turning in such a small external area and on to a single track road
- Concern as to the number of vehicle movements, time of movements and impact on residential neighbouring properties and highways. The latter, being a single track road,

considered inappropriate for a commercial venture. The points raised by NCC Highways in their original objection do not appear to have been addressed.

- The supporting statement references no material changes needed to the property to facilitate the application. To deliver the parking spaces as drawn requires the removal of an attractive feature front wall and a rear garage. The rear turning circle will also require the removal of a well. Removal of the front wall, being a stand out feature of the property, is in particular considered inappropriate. We consider its removal will have a negative impact on the visual aspect of the property and that of the surrounding area.
- The Title Plan/ownership for the property appears to be at odds with the plans and boundaries shown on the planning application. The front parking spaces appearing to be shown on land outside of the property ownership.
- Concern as to the ability of the Fire Service to operate in this location on a single track road.
- As a general comment we consider the scale and location of the property as wholly inappropriate for the proposed change of use and occupancy levels.

NCC Highways Authority 14.12.2020 –

The applicant has submitted a plan showing a revised parking layout and swept path analyses – Plan number 1BKRaK1 05 MODEL(1) which is now acceptable as the three vehicles parked to the rear of the site have space to manoeuvre to enter and leave in a forward gear. The two spaces to the front have an in/out arrangement and nothing over 600mm is within the splays provided. The Highway Authority has no further objection to the proposal.

Initial comments received on 14.11.2020 highlighted concerns regarding on-site parking provision for staff. Further clarification was sought from the applicant who provided a Block Plan showing 6no. spaces, 3no. along the driveway to the front and 3no. next to the garage to the rear. Highways and planning officers raised concerns regarding this arrangement, which lead to further revisions and the revised parking layout and swept path analyses referred to above (see 'Highway Safety' section of report for further details).

NSDC, Environmental Health –

Consultation in relation to noise nuisance and food safety.

I refer to the above application and support the proposals.

I would be obliged if the application is approved the following is put in the informatives:

The care home will need to register the proposed food business with this Authority not less than 28 days before the business commences its operations. The following link directs you to an online form <https://www.gov.uk/food-business-registration>

5no. local residents/interested parties have commented in objection to the proposal, representations can be summarised as follows:

- Concerns about increase in traffic and risk of collisions down this narrow country lane which has no dedicated footpath and is frequently used by pedestrians, cyclists and horse riders
- Concerns about cars parked on the lane blocking access for emergency vehicles and other large vehicles such as those that come to empty septic tanks, deliver oil and service the railway

- Concerns about vehicles driving up to the dead-end to turn around, restricting access and causing disturbance
- Is there enough space on site to provide parking for staff and visitors and turning areas so cars do not have to reverse onto or park on the road?
- The new proposed parking layout would result in external alterations contrary to the original application and result in health and safety issues
- Concerns about loss of garden space to parking, the well in the garden would have to be filled
- Is the property a 4-bedroom house or a 5-bedroom house? Where would the 3 children and 2 carers sleep?
- Location close to an unmanned railway line is not ideal for children, concerns about safety
- There would be one carer per child, which suggests the issues of the young people are more complicated than stated on the application.
- The garden area is too small for the property and the children
- Concerns about noise/disturbance and headlights shining into neighbouring properties from vehicles manoeuvring particularly during shift changes which could take place early morning or late evening
- Concerns about overlooking/loss of privacy due to 24/7 operation and close proximity to neighbouring properties
- Change of use has already affected the sale of our property with buyers pulling out due to concerns about traffic and lack of access for emergency services and disruption to the lifestyle they anticipated
- Proposal will have a negative impact on existing residents' quality of life and ability to work
- Residents not comfortable sharing personal details with the company and/or staff

1no. local resident has commented in support of the proposal, representation can be summarised as follows:

- Local community would welcome the children
- Overflow parking space could be provided at my property
- Would support the provision of welcome packages for the children

Comments of the Business Manager

Principle of development

The property lies within an open countryside location and beyond the defined settlement boundary for Sutton on Trent. It is currently used as a residential dwelling and there is no planning history to the contrary. The proposed change of use of an existing dwelling to a care facility in a rural location does not comfortably fit within any particular policy. Policy DM8 of the Allocations & Development Management DPD supports small-scale employment development where it can be demonstrated that a need for a particular location exists. The same policy goes on to state that community uses in the countryside will be supported on sites in close proximity to settlements and proposals will be required to demonstrate they meet the needs of communities and in particular any deficiencies in current provision. The property is on the edge of the settlement of Sutton on Trent which is defined as a Principal Village. Whilst the proposal would provide a facility for children who need care it could not strictly be referred to as a community facility given it would be in private ownership. Notwithstanding this, the company 'Esland Care' has specifically identified this property as suitable for use as a small, specialist children's home, which indicates there is a need for this type of accommodation in the area. Therefore, weight could be attributed to the proposal on this basis.

The principle of the development is therefore considered acceptable subject to the detailed considerations outlined in the assessment below.

Impact on the open countryside

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design 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.

No physical alterations are proposed to the external appearance of the building itself. A revised proposed parking layout has been provided which details that up to five vehicles could be parked within the site, with sufficient space to manoeuvre allowing vehicles to enter and leave the site in a forward gear. The existing garage would need to be demolished and part of the rear garden repurposed to provide spaces 1-3, while spaces 4-5 would be sited to the front of the property, where an in/out arrangement would be created. There is sufficient space to the front of the property for the proposed parking spaces 4-5 and the area of landscaping shown to provide a softer boundary to the front, albeit this planting must be limited to no higher than 600mm to allow for visibility splays. The proposed turning area to the rear of the property currently comprises of a patio and an area of garden laid to lawn including a brick lined well. Whilst this well is historic; a pump ("P") is marked on the 1887 historic map in the approximate position; the Council's Senior Conservation Officer has confirmed that it does not have any significance and they would have no objection to it being capped off, which is not in itself something that requires planning permission. Given these alterations would be sited to the rear of the property, and the only alteration to the front of the property would be the creation of two parking spaces and formation of a new "exit" access, it is considered that on balance, the proposed change of use and the associated external alterations to facilitate it would not have an unacceptably harmful impact on the rural character and appearance of the immediate locality and wider open countryside.

Highway safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

A revised proposed parking layout has been provided which details that up to five vehicles could be parked within the site, with sufficient space to manoeuvre allowing vehicles to enter and leave the site in a forward gear. Nottinghamshire County Council Highway Authority has considered the revised proposed parking layout and swept path analyses and raised no objection to the proposal.

The Parish Council and local residents' comments and concerns regarding highway safety have been noted. It is understood that cars belonging to the current owner/occupiers of the property have been parked to the front of the property both within the site, i.e. where spaces 4-5 are proposed, and on the highway. It is also understood that cars belonging to neighbours are sometimes parked on the highway. Whilst there is sufficient space for at least four cars to be parked on site currently, the layout does not provide any turning space, so when multiple vehicles are parked on the driveway, there is a tandem arrangement which means one has to move to let another out. Therefore, occasionally, it has been more convenient for the current owner/occupiers to park their vehicles on the road. The revised proposed parking layout would enable each vehicle to enter and leave the site in a forward gear, without another vehicle having to be moved out of the way. Consequently, subject to a condition requiring the parking layout to be provided prior to occupation, it is not considered that the proposal would result in highway safety concerns and would accord with the relevant requirements of Spatial Policy 7.

In terms of the number and frequency of vehicle movements associated with the proposed change of use. The Revised Supporting Statement indicates there would be a maximum of 10 vehicle movements per day, reduced from 12 due to overnight care workers being on 48-hour shifts instead of 24-hour shifts, with one changing each day. This level of activity is not expected to materially increase the amount of vehicular traffic along Barrel Hill Road nor result in an increased risk of collisions.

Residential amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

To the south of the application property is the neighbouring detached property at No. 2 Barrel Hill Road and to the west is the neighbouring detached property at No. 3 Barrel Hill Road, which is accessed via the private access lane to the north. Separation distances measure approximately 6.5 metres to the south and approximately 7.0 metres to the west. The three properties are located relatively close to one another and, as such, the proposal has the potential to affect the amenities of neighbouring residents. Residents of both neighbouring properties have commented in objection to the application and raised concerns regarding noise and disturbance, overlooking and loss of privacy, and other matters summarised under 'Consultations' above. A key concern is the potential for the proposed change of use to increase the number and frequency of vehicle movements and this to cause noise and disturbance to neighbouring residents. Whilst the proposed change of use may result in an increase in vehicle movements, it is not considered this would be significantly more than what could reasonably be associated with a dwelling of this size,

where a number of residents, depending on age, could own and drive cars resulting in multiple movements at various times of day and night. Therefore, notwithstanding the relatively close proximity of the neighbouring properties, it would be unreasonable to refuse planning permission on these grounds.

In the Revised Supporting Statement submitted in support of the application, the property is described as a 4 bedroom property, although it has previously been described as a 5 bedroom property. While there are only 4 bedrooms to the first floor of the property, there is a ground floor dining room that could be repurposed as a bedroom if required. It is understood that the 3 children would each have a bedroom, while the 2 overnight carers may share or work on a shift basis with one sleeping while the other one stays awake to provide care if required. This is similar to sleeping arrangements associated with a traditional family home and unlikely to result in any adverse impacts on the amenities of neighbouring residents. The number of residents cared for at the property would be controlled by the description of the proposal and any proposed increase in numbers in the future would require the express permission of the local planning authority. Concerns regarding overlooking/loss of privacy have been noted, however, with no changes likely to the existing internal layout of the property and no insertion of any additional external openings, it is unlikely the proposed change of use would result in any increased reduction in privacy over and above the existing scenario.

Turning to the external private amenity space. Whilst it is regrettable that some of the existing garden space would be lost in order to provide adequate onsite parking and turning space, on balance, it is considered that a reasonable level of amenity space would remain for future residents of the property. The revised proposed parking layout indicates approximately 1.5 parking spaces would encroach into the existing garden area, which would result in the loss of approximately 20% of the existing raised area. This would leave approx. 70 sqm of what is arguably the most functional part of the existing garden area, which currently accommodates a three swing set/climbing frame, a large sized trampoline and a washing line. This would remain a functional space capable of accommodating play equipment of similar or smaller scale and/or an outdoor seating area and an outdoor drying space/washing line. The brick lined well already compromises the usability of the garden area proposed to be resurfaced and used as turning space; it currently sits in the centre of a small grassed area on the edge of an already hard surfaced patio area to the rear of the property. Although the turning area could not be formally identified as private amenity space, when not in use it could provide additional outdoor space for residents to use.

Other Matters

The comments from neighbouring residents are noted. Whilst the property is located close to the East Coast Main Line, it is not considered future residents would pose or be at any greater risk than a family with children of similar ages to those who would be cared for by this application proposal. As detailed above, it is not considered that the proposed change of use would result in any significant amenity concerns.

The comment regarding perceived impact on property sales/prices is noted; however, this is not a material planning consideration that can be given any weight in the consideration of this application.

A Class C2 use is defined as a use for the provision of residential accommodation and care to people in need of care. Class C2 also includes uses such as a hospital, nursing home, residential

school, college or training centre. Given the residential nature of the area, it is considered important to restrict the use of the application site to a care home use only and prevent any permitted change to any other use within this class (such as a hospital, school, college or training centre) without planning permission being first obtained. It is therefore considered appropriate to impose a suitably worded condition to this effect.

Conclusion

The principle of the proposed residential home for up to 3 children, including elements of care, is considered to be acceptable. The proposed change of use would not result in any harm to the rural character or appearance of the site or wider area, highway safety, nor residential amenity. It is therefore considered that the proposal would meet with the relevant aims of the NPPF, Spatial Policy 8, Core Policy 9 of the Core Strategy and Policies, DM5, DM8 and DM12 of the Allocation and Development Management DPD. Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown 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 plans, reference

REVISED PARKING LAYOUT AND SWEEP PATH ANALYSIS
REVISED SUPPORTING STATEMENT
HOUSE PLANS, GROUND AND FIRST FLOORS

Reason: So as to define this permission.

03

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved scheme to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing danger to road users.

04

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

Reason: In the interests of highway safety

05

Notwithstanding the provisions of Article 3 of the Town and Country Planning (Use Classes) Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) this permission shall only permit the use of the premise as a 'Children's Care Home for 3no. children' within Use Class C2.

Reason: To ensure that the use of the premises remains compatible with the character of the surrounding area and in the interests of residential amenity and highway safety.

Informatives

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

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.

03

The care home will need to register the proposed food business with this Authority not less than 28 days before the business commences its operations. The following link directs you to an online form <https://www.gov.uk/food-business-registration>

BACKGROUND PAPERS

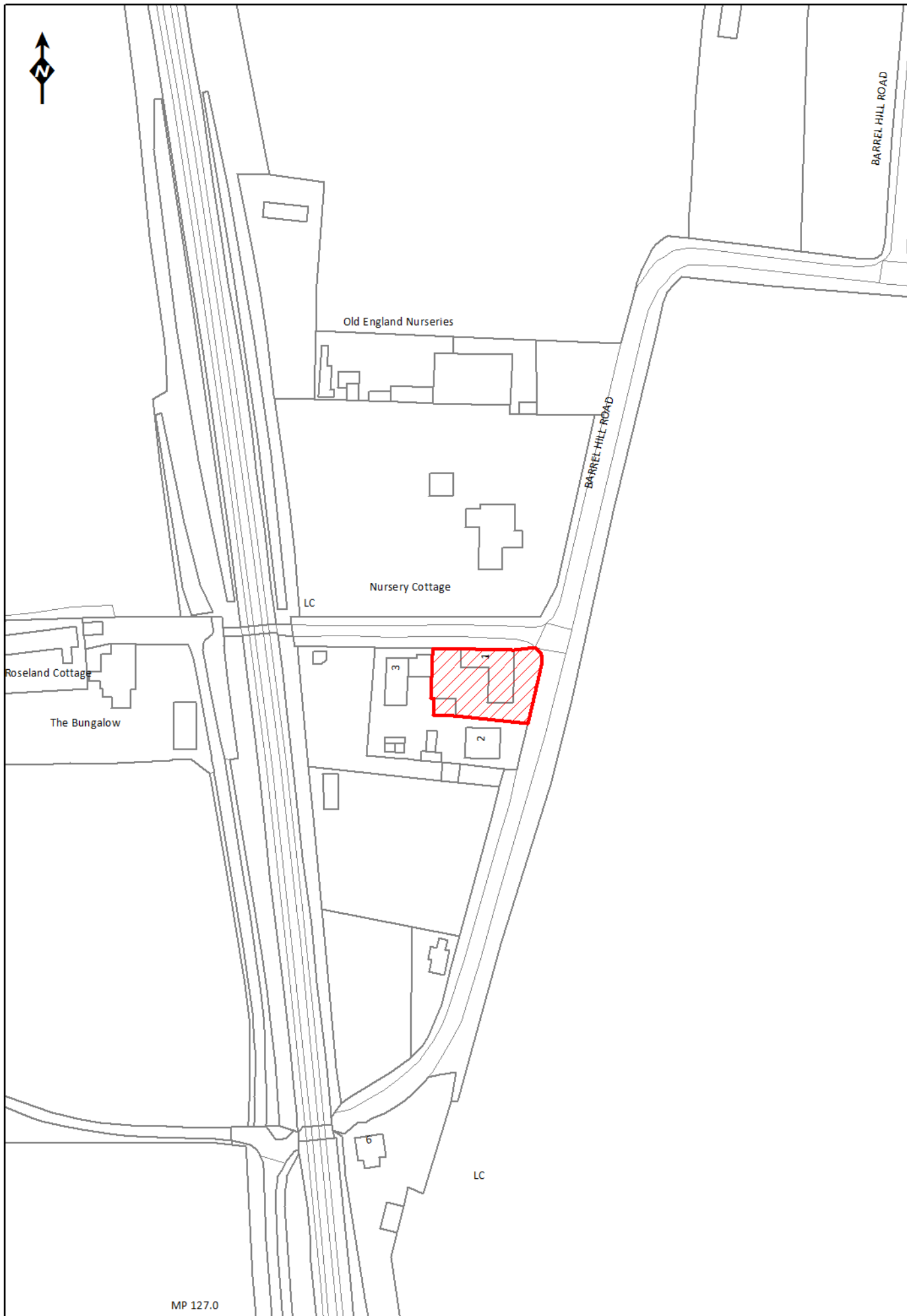
Application case file.

For further information, please contact Amy Davies on ext 5851.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/02132/FUL



BARREL HILL ROAD

Old England Nurseries

Nursery Cottage

LC

Roseland Cottage

The Bungalow

LC

