

## **Item No. 09**

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| <b>APPLICATION NUMBER</b>                | <b>CB/12/03433/FULL</b>   |
| <b>LOCATION</b>                          | <b>21 Potton Road, Everton, Sandy, SG19 2LD</b>   |
| <b>PROPOSAL</b>                          | <b>Change of use to care home from adult residential home to residential childrens home</b>                                   |
| <b>PARISH</b>                            | <b>Everton</b>  |
| <b>WARD</b>                              | <b>Potton</b>   |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Mrs Gurney &amp; Zerny</b>   |
| <b>CASE OFFICER</b>                      | <b>Amy Lack</b>   |
| <b>DATE REGISTERED</b>                   | <b>12 October 2012</b>  |
| <b>EXPIRY DATE</b>                       | <b>07 December 2012</b>   |
| <b>APPLICANT</b>                         | <b>Mrs D Bavister</b>   |
| <b>AGENT</b>                             |   |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Called to Committee by Cllr Gurney and Cllr Zerny given concern over inappropriate location for the proposed facility.</b> |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Granted</b>   |

### **Site Location:**

The application site comprises a detached single storey building constructed of brown brick with a tile roof. Originally built as a residential dwelling (Use Class C3) this bungalow, until recently was occupied by a residential care home for the elderly (Use Class C2).

To the east is a private access track known as Green Lane, serving bungalow dwellings Greenways and Glebe House to the north of the application site. Northwest of the site is a residential cul-de-sac, The Lawns, comprising two storey semi-detached and detached dwellings. To the west is neighbouring No.19 Potton Road, a semi-detached chalet style bungalow. To the south is Potton Road, which is subject to a speed restriction of 30mph but not any parking restrictions. Beyond is a recreational green, comprising a public recycling collection area immediately opposite the application site. To the western end of the recreational space is a play equipment area.

The external curtilage of the building is almost entirely covered in block paving with a small rear garden and on site car parking provision for at least 4 cars and a turning space at the front.

### **The Application:**

This application seeks planning permission for the use of the site as a residential care home for children (Use Class C2 - residential institutions).

The accommodation can home up to five children (ages 0 to 18 years old) but the applicant has confirmed that the intention is for occupants between 10 to 16 years of

age and care will not be offered to children over 17 years of age.

The application form states that the business will employ up to 14 full-time and 1 part-time member of staff. However, at any one time there will be no more than 4 employees on a shift. At least one member of staff will sleep in and another will remain awake over night.

The children, who are expected to be long-term residents, will have emotional and behavioural difficulties. In some cases this might mean they struggle socially or to effectively regulate their behaviour which means living with a foster family may not be appropriate.

No external alterations or extension are proposed to the existing building by this planning application.

## **RELEVANT POLICIES:**

### **National Guidance**

National Planning Policy Framework (March 2012)  
Circular 11/95 - The use of Conditions in Planning Permissions

### **Regional Spatial Strategy East of England Plan (May 2008)**

SS1: Achieving Sustainable Development  
ENV7: Quality in the Built Environment

### **Core Strategy and Development Management Policies (November 2009)**

CS14 High Quality Development  
DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes

### **Planning History**

|                |   |
|----------------|---|
| MB/00/02004/FA | Erection of timber shed for storage purposes. Approved 26.01.01 |
| MB/85/0053A/RM | Reserved matters: Bungalow. Approved 14.08.86                   |
| MB/85/00053/OA | Outline; Bungalow and double garage. Approved 14.05.85          |

### **Representations: (Parish & Neighbours)**

Everton Parish Council      Access to the playing field and play area will require the occupants of the home to cross Potton Road which suffers from speeding vehicles and use by HGVs. As such, there is concern for highway safety.

An inadequate bus service and lack of shops mean a lack of facilities for children including health provision/doctors surgery.

Everton Lower School

What is the justification for thinking children between 10-16 are best placed within this community and what services have been identified to support these children for recreational time?

How will these children be supervised over 24 hours?

What is the added value to the area as stated by the applicant?

What is the applicant's qualification or track record for such ventures?

Current or future proprietors of the home will be permitted to house children of an Everton Lower School age. The maximum permitted number of pupils at the lower school is 50. This could potentially result in 10 per cent of the school being children from the home. This would be wholly disproportionate of the village community having a significant impact upon the school.

Third Party Representations

The owner/occupiers of the following addresses have made representations in objection to the proposal:

- Park Farm, Church Lane
- Glebe House, Green Lane
- Greenways, Green Lane
- 16 The Lawns
- The Elms, 33 Sandy Road
- 17 Warden Hill
- 23 Warden Hill

These can be summarised as follows:

Residential amenity

- Teenagers with behavioural problems just over the shared boundary with Greenways will cause an unacceptable disturbance to these neighbours.

Car parking and highway safety

- Result in additional pressures for car parking on the street;
- The private road Green Lane immediately east was used by staff of the adult care home, compounded by parents of the lower school dropping off and picking up children, this proposal will only exacerbate this situation and

compromise highway safety. No parking should take place in this area or to the front of 21 Potton Road.

#### Suitability of location

- A quiet village with no facilities for children and poor access to Sandy or Potton these children will be left bored around the village looking for amusement;
- The inadequate size of the garden means that the children will not be entertained within the site;
- The playground across the road from the site is used by the children from Everton Lower School, it is not appropriate for older children or those with emotional or behavioural difficulties;
- The children who would be living in this property would be more suited to an environment that has a better representation of society, not stuck in the countryside with no facilities to amuse them;
- Impact upon the villagers and children could be disastrous. The arrival of a gang of children would be a threat to the safety of the existing children of Everton, the security of villager's homes and may shatter the community spirit that binds the village together;
- Everton Lower School is small and does not have the resources to deal with an influx of children requiring additional support;
- This will result in troubled urban children being located in a village location which is alien to them and as research evidence suggests is a situation that has high failure rates; and
- Housing children in this location who then need transport to and from schools and to activities will cost the tax payer. For this reason a travel plan should be required.

The above is a summary of concerns raised by the third party representations that have been received. Full copies of these responses can be viewed on the application file.

A petition signed by 137 local residents has also been received in objection to the proposal. The petition was signed by residents for the following reason:

"We do not believe such a facility would be able to provide appropriate supervision or suitable amenities. We believe the unsupervised presence of the residents

of such a care home would be a disruption and possible danger to our children, adults and elderly, and to our personal possessions and homes'.

A full copy of the petition received and addresses of the residents which signed it can be view on the application file.

## **Publicity**

|                               |  |
|-------------------------------|--|
| Site notice                   | 19.10.12. Posted to front of building. |
| Public meeting with applicant | 21 November 2012                       |

## **Consultations/Publicity responses**

|                    |  |
|--------------------|--|
| Highways           | No response received.  |
| Public Protection. | <p>No objection. But a noise management plan is requested that covers matters such as the number of residents, the likely noise generated and how the applicant intends to manage this, typical use and access to outdoor spaces.</p> <p>This is requested to allow for an evaluation of any likely impact upon neighbours and comment accordingly. Comments then made by the Environmental health team will enable the applicant to consider the possibility of future restrictions being placed on the premises either through planning or 'Statutory Nuisance' legislation.</p> |

## **Determining Issues**

From the consultation responses, representations received and an inspection of the site and surroundings the main considerations of the application are;

1. Principle of development
2. Character, context and design of external spaces.
3. Impact upon neighbouring residential amenity.
4. Car parking and highway safety
5. Refuse and recycling
7. Third party representations
8. Conclusion

## **Considerations**

- 1. Principle of development**

The existing building and its curtilage is currently considered to be in a residential institutional use, falling within Class C2 of the Town and Country Use Classes Order 1987 (as amended).

There is no planning history to suggest that express planning permission has been sought historically for a change of use from a dwelling house (Use Class C3) to a residential institution (Use Class C2). Notwithstanding this, the former use of the site as a residential care home for the elderly (Use Class C2) is thought to have operated continuously for a period of at least 10 years, from the late 1990's, before now standing vacant. However, the applicant has not sought to demonstrate that the site can be lawfully used as a residential institution and thereby immune from enforcement action, instead approval of this application will regularise the use of this site. Accordingly, this application for full planning permission, should consider the use of the site as a residential institution home, in this case for the care and housing of children, on its own planning merits. It is however a material consideration that the site has historically operated as a care home and the local planning authority have no record of complaint.

There is no policy basis that resists the loss of housing in the Local Plan but notwithstanding this the use of this site as a care home provides an equivalent amount of residential floorspace, albeit residential floorspace of a different character. On this basis the proposal is considered acceptable in principle. The tests of impact upon the amenity of the village of Everton and its suitability with respect to material planning considerations will be assessed within the main body of the report below.

## **2. Character, context and design of external spaces.**

No external alterations are proposed by this planning application. As such, there will be no visual impact as a result of this proposal upon the character and appearance of the surrounding area. The building will remain to be read as a residential bungalow within the streetscene of Potton Road, a form that is in keeping with this part of the village. The proposal is therefore compliant with policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies (2009) and Central Government advice contained within the National Planning Policy Framework (2012).

## **3. Residential amenity of neighbouring occupiers**

Use of the site as either a single dwelling or as a care home are not, for the purposes of planning, considered uses which are inherently different. With respect to the potential impact of the proposal upon privacy, loss of light, or potential for an enclosing or over bearing impact, no alterations or extensions are proposed to the building and as such the impact of the built form of the site upon the residential amenity currently enjoyed by neighbouring occupiers will be unchanged.

With respect to noise, disturbance, circulation around the site and movements to and from the site these impacts could potentially be more intensive than would be expected by a single dwelling house. However, these movements are unlikely to be so significantly increased to warrant refusal of the application upon these grounds and the site will essentially function as residential accommodation and is

unlikely to be more disruptive in this regard than the previous use of the site as a home for the elderly.

The Environmental Officer consulted on the application has raised concern based on experience from other sites which have changed in use from residential dwellings to uses such as care homes and complaints have been received with respect to noise. Accordingly, they request the submission of a noise management plan to cover matters such as the number of residents, likely noise generated, how this noise will be managed and use of outdoor spaces. In this case such a requirement of the applicant is not considered reasonable. Based on the historic use of the site as a care home and that the proposal will not house any more occupants than a modest sized family dwelling which is in keeping and character with the scale of the residential accommodation in the village, noise nuisance should be controlled via Statutory Nuisance legislation. Should the application have sort permission for a large scale purpose built care home or the change of use of a dwelling with an uncharacteristically large number of bedrooms the potential impact would justify such a requirement.

Establishing the use of the site as being Use Class C2 would mean that the building and its curtilage would not be limited to care provision uses. As such, it is recommended that should planning permission be granted for the change of use to a residential institution then a condition be imposed to restrict future change of use of the site to allow assessment of the impacts of any change in the use of the site (condition 2).

The proposal is considered to adequately respect the constraints of the site and residential amenity of its neighbours and therefore accords with policy DM3 of the Core Strategy and Development Management Policies (2009).

#### **4. Car parking and highway safety**

The site frontage is entirely block paved and makes on site car parking provision for at least four cars. The applicant confirms that at any one time there is unlikely to be more than four staff on site. This car parking provision, supplemented by on-site cycle parking provision proposed in the rear garden area, is considered adequate for the proposed use of the site and will ensure there will be no increased competition for on street car parking nor any impact upon highway safety.

There is adequate space within the rear garden area to accommodate a shed as detailed on the block plan, to provide secure and covered cycle parking in connection with the care home. It is recommended that a condition be imposed to provide full details of the structure and its installation prior to first use of the building as a children's care home (condition 3).

A number of the third party representations and the consultation responses received from Everton Parish Council mentioned the busy nature of Potton Road and need for prospective occupants to cross this road to access the green on the opposite side. The road is subject to a speed restriction of 30 mph and 21 Potton Road fronts onto a straight section of the carriage way which provides good visibility. Onus is with the carers to decide whether or not to allow the children out supervised to cross this road. For the purposes of planning the occupation of the site as a care home poses no greater implications for highway safety than

use as a dwelling house.

The proposal is considered to make adequate on site provision for car parking and cycle parking and will not have any undue impact upon highway safety. In this regard it therefore accords with policy DM3 of the Core Strategy and Development Management Policies (2009).

## **5. Refuse and recycling provision**

The storage of wheelie bins for recyclable and residual waste is proposed to the side of the building. In this location the wheelie bins will not be visible in the street scene but will be accessible from within the site and easily maneuvered to and from the street on collection days in a manner similar to a residential dwelling house. This on site arrangement accords with this Council's current waste strategy and will not unduly impact upon the appearance of the street scene or neighbouring residential amenity compliant with policy DM3 of the Core Strategy and Development Management Policies (2009).

## **7. Third party representations**

The sustainability credentials of the site are relatively poor. As cited in a number of the third party representations received, the site is not located within easy walking distance of an existing local centre with shops and services and public transport to neighbouring towns of Potton and Sandy is limited. Notwithstanding this, the application is for the residential care of children, whom as per a private dwelling house, would rely on their parent/guardian for transportation. Despite a relatively small, hard-landscaped rear garden, immediately opposite on the other side of Potton Road there is a large recreational ground and provision of play equipment.

The reasoning for the petition suggests the prospective occupants of the care home, when unsupervised, would be a disruption and possible danger to children, adults and elderly in Everton, residents' personal possessions and their homes. This suggestion of criminal and anti-social behaviour is not evidenced and is not a planning consideration upon which the approval or refusal of this planning application should rest. Should occupants of this care home or any other member of the community partake in antisocial or criminal behaviour this should be a matter for the police, not the local planning authority to pre-empt or enforce against.

Other bodies will also regulate how the home operates. The business will be subject to inspection by Ofsted, who must give permission for the home to operate and will assess the accommodation against a number of standards to ensure the home provides appropriate care and meets the needs of the resident children. Their consideration will include the suitability of the site and its location.

In response to the local concern about the suitability of the location the applicant maintains that this is no different than that for the other children who currently live in Everton. The village benefits from a recreational park and the children will be able to attend groups and activities outside of the village. The community has the potential to offer a safe and caring environment, and occupying the children's time with paid activities does not enable them to learn to live together or what would be expected within a family home. The



applicant confirms that there will be carers looking after the children on a 24 hour basis and if it is considered safe for the child then they may play locally without supervision. The applicant wishes to highlight that the children of the home have the same rights as any other children.

With respect to schooling, the resident children are likely to have differing educational needs. Some may already attend a mainstream school and the applicant confirms that efforts will be made to retain the children within their current school. Where mainstream schooling is not considered appropriate the organisation 'Active Support' will collect and drop-off the children. Given the age range of children that are likely to be accommodated it is unlikely that any will attend Everton Lower School. Notwithstanding this, consideration must be given to the possibility that should the site still be in use as a residential dwelling as originally built and there would be nothing to preclude its occupation by a young family placing similar pressures on the provision of schooling at the Lower School.

One of the third party representations received asked what added value there will be for the local community. The applicant has responded confirming that there will be job opportunities for those who have the relevant experience and qualifications and the skills that the staff and management offer could benefit the local school should they wish for any such support. The applicant is a qualified Social Worker who has worked within children services for 11 years which includes a number of years as an assistant manager within residential care for a Local Authority.

## **8. Conclusion**

The occupation of the building by a residential institution providing care of resident children is considered acceptable. The appearance of the building will remain as a residential dwelling house, in keeping with the character of the surrounding village. Provisions for cycle parking, refuse and recycling storage and on site car parking are considered adequate and will not unduly impact upon the appearance of the street scene or neighbouring residential amenity.

Notwithstanding the concerns raised by the local community, the majority of which are not material planning considerations and subject to other legislative controls, for the reasons given above the proposal is considered to have a neutral impact and is acceptable for planning purposes. Approval is recommended.

## **Recommendation**

That Planning Permission be approved for the reasons set out as follows:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The application site shall be used as a residential care home for no more

than 5no. children at any one time falling within Class C2 of the Use Classes Order and for no other use specified in Use Class C2 of the Schedule or the Town and Country Planning (Use Classes) Order 1987, or any Statutory Instrument revoking and re-enacting that Order without modification.

Reason: To fully assess the impact of occupation of the site by any other use.

- 3 Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [Site Plan; Block Plan; Floor Plan].

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed use of 21 Potton Road as a residential institution for the care of children (Use Class C2) is acceptable in principle. The use will have a neutral impact upon the character of the surrounding area, car parking and highway safety. There would be no significant harmful impact upon the living conditions of neighbouring occupiers nor the wider local community. The development accords with the Central Bedfordshire Core Strategy and Development Management Policies (2009).

### **DECISION**

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