

## Item No. 10

<b>APPLICATION NUMBER</b>	<b>CB/18/00615/REG3</b>
<b>LOCATION</b>	<b>Franklin House, Brewers Hill Road, Dunstable, LU6 1UU</b>
<b>PROPOSAL</b>	<b>REG 3: Change of use: from Care Home (formerly known as Greenacre) to temporary accommodation for homeless people (shared facilities)</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Northfields</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Freeman &amp; Warren</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>15 February 2018</b>
<b>EXPIRY DATE</b>	<b>12 April 2018</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application is made by the Council and at the time of writing, the consultation period is still open.</b>
<b>RECOMMENDED DECISION</b>	<b>Regulation 3 - Recommended for Approval</b>

### **Summary of Recommendation:**

The site is located in a sustainable location and the change of use has brought an empty building back into use whilst meeting urgent housing needs and contributing towards a mixed and inclusive community. The management regime will ensure that the change of use does not have a harmful impact on the character of the area or the amenities of neighbouring residents. No highways issues are anticipated. The change of use is therefore considered to conform with Section 6 of the NPPF, policy BE8 of the South Bedfordshire Local Plan Review and policies H1, HQ1 and T3 of the emerging Local Plan.

### **Site Location:**

The application site comprises a former care home facility located on the south east side of Brewers Hill Road in Dunstable. The area is predominantly residential, but Beecroft Academy lies to the south and Westfield nursery is located to the south east.

The former care home building is a part single, part two storey building, set broadly in a quadrangle, which comprised 42 bedrooms in five blocks, each block being served by communal dining areas and lounges. There is a parking area with 21 parking spaces and a communal garden in the centre of the quadrangle. There is also landscaped open space to the front of the site and around the edges of the buildings.

### **The Application:**

The application seeks retrospective planning permission for the change of use of the site from a Care Home (C2) to temporary accommodation for homeless people with

shared facilities (Sui Generis).

There have been no external alterations to the building, but internally, shared kitchens are being provided to each of the communal dining rooms and additional bathing and washing facilities are being provided.

The facility will be used to provide temporary accommodation for individuals and families who have presented to CBC as homeless and in priority need. The accommodation is not supported housing and is not somewhere where people with dependency issues will be sent for rehabilitation. Housing staff are present on site during normal working hours to provide support and guidance and a security guard is present in the evenings and weekends.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (2012)**

Section 6: Delivering a wide choice of high quality homes

### **South Bedfordshire Local Plan Review**

BE8 Design Considerations

T10 Parking - New Development

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policy BE8 is still given significant weight. Policy T10 is afforded less weight).*

### **Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached pre-submission stage. The consultation ran between 11 January and 22 February 2018. The comments will now be forwarded to the independent planning inspector alongside the Local Plan when the Plan is submitted to the Secretary of State.

The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

In summary it is therefore considered that reference should be made to the emerging plan but limited weight should be applied to the Central Bedfordshire Pre-Submission Local Plan taking into account its stage of preparation, the level of consistency with the Framework and acknowledging that the draft site allocations have now been subject to statutory public consultation. The following policies are relevant to the consideration of this application:

H1: Housing Mix

HQ1: High Quality Design

T3: Parking

**Relevant Planning History:**

Application Number SB/85/00418  
Description Erection of Elderly Persons Home and Day Centre  
Decision Planning permission granted  
Decision Date 30/08/1985

**Consultees:**

Dunstable Town Council No objections.

Highways Officer The proposed development is a change of use from C2 care home to Sui Generis temporary accommodation for homeless people (shared facilities).

Unfortunately, there are no specific parking standards for the proposed use therefore I cannot comment on the parking demand. However, the applicant has stated that there is vehicle parking for 21 cars within the curtilage of the property.

Visibility at the junction of the access on to Brewers Hill Road is acceptable and there are no reported road traffic accidents within the vicinity of the site.

I would not wish to raise any highway objection to the application.

Pollution Team No objection.

Police Liaison Officer The change of use may raise the crime risk profile for the area. Queries what preventative measures have been included.

**Other Representations:**

Neighbours Two neighbours have raised queries about the amount of public consultation and how the site will be managed. More information has been provided on the management of the site and additional consultation has been carried out. At this time, no direct representations have been received from residential neighbours but the consultation period does not expire until 19th April 2018. Any representations received will be reported on the Late Sheet.

Westfield Nursery A letter has been received raising concerns about the lack of secure fencing between the nursery grounds and the site.

**Determining Issues:**

The main considerations of the application are;

1. Principle of Development
2. Affect on the Character of the Area

3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

## **Considerations**

### **1. Principle of Development**

- 1.1 The application site is located within a built-up, predominantly residential area within close proximity to public transport links. Dunstable Town Centre is located approximately 1.2km walk / drive from the site. The site is therefore considered to be in a sustainable location.
- 1.2 Section 6 of the NPPF requires Local Planning Authorities to create sustainable, inclusive and mixed communities and ensure that sufficient affordable housing to meet the needs of their communities. It also encourages Local Planning Authorities to bring empty buildings back into residential use.
- 1.3 Policy H1 of the emerging Local Plan also seeks to meet the needs of all sections of the community and to encourage sustainable, inclusive and mixed communities.
- 1.4 The change of use has resulted in an empty building in a sustainable location being brought back into use to provide accommodation to meet identified housing needs. It is considered that the change of use is in accordance with Section 6 of the NPPF and policy H1 of the emerging Local Plan and is acceptable in principle.

### **2. Affect on the Character of the Area**

- 2.1 As there have been no external changes as a result of the change of use, there is no physical impact on the character of the area.
- 2.2 The change of use may result in some level of change to the character of the area by introducing a different demographic to the site than the previous care home occupants. The positive aspect of this is that this may lead to a more inclusive and mixed community in the area.
- 2.3 Notwithstanding this, the comments of the Police Liaison Officer are noted. It is considered that the management arrangements comprising support staff on site during the working day and a security guard at night is likely to minimise any negative impact on the community in terms of the change of demographic.
- 2.4 Therefore it is considered that the change of use will not have a harmful impact on the character of the area and will therefore conform with policy BE8 of the South Bedfordshire Local Plan Review and Policy HQ1 of the emerging Local Plan.

### **3. Neighbouring Amenity**

- 3.1 As there are no physical changes, there will be no impact on the amenity of neighbouring occupiers in terms of privacy, loss of light or overbearing.
- 3.2 The changing demographic of the facility may result in an increase in activity and noise at the site, however, it is considered that the management regime at the

site (described above) would be responsible for ensuring that noise emanating from the site would not be excessive.

- 3.3 The comments of Westfield Nursery School are noted and it is considered reasonable to impose a condition requiring the erection of fencing along the boundaries of the site with Westfield Nursery School and Beecroft Academy, to be retained thereafter.
- 3.3 Subject to the imposition of the recommended condition, the change of use of the site is therefore considered to conform with the policies set out above.

#### **4. Highway Considerations**

- 4.1 The site has 21 car parking spaces and the comments of the Highways Officer in regards to parking provision are noted. Having regards to the demographic of the occupants, it is considered that the new use is unlikely to generate a materially greater amount of parking demand than the previous care home use and therefore the proposal is unlikely to have an impact on the safety and capacity of the surrounding highway network.

#### **5. Other Considerations**

##### **5.1 Human Rights issues:**

The application raises no Human Rights issues.

##### **5.2 Equality Act 2010:**

On the basis of the use of the site, it is considered appropriate to impose an informative advising the applicant of their responsibilities under the Equality Act 2010.

#### **Recommendation:**

That Planning Permission be APPROVED subject to the following:

#### **RECOMMENDED CONDITIONS**

- 1 Within three months of the date of this permission secure fencing of either palisade or close boarded style with a height of 1.8m - 2m shall be erected on the boundaries of the site with Westfield Nursery School and Beecroft Academy and shall be retained thereafter.

Reason: To safeguard occupiers of the site and users of the neighbouring sites.

(Policy BE8, SBLPR and Section 7, NPPF)

- 2 The development hereby permitted relates to the details shown on the submitted plan: location plan dated 02 February 2018.

Reason: To identify the approved plan and to avoid doubt.

#### **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy

Framework (NPPF).

2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. This permission is granted under the provisions of Section 73A of the Town and Country Planning Act 1990.
4. The applicant's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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