

<u>Application Number</u>	WND/2022/0777
Location Description	22, FALLOWFIELDS, CRICK, NORTHAMPTONSHIRE, NN6 7GA
Site Details	CHANGE OF USE FROM DWELLING TO CHILDREN'S CARE HOME (CLASS C2).
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Applicant	INTERPIDCARE
Agent	S IBRAHIM, SI DESIGNS
Case Officer	MR E MCDOWELL
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Ward	BRAUNSTON & CRICK WARD
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Reason for Referral	Requested by Councillor R Humphreys
Committee Date	8 MARCH 2023
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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

Consultations

The following consultees have raised **objections** to the application:

Crick Parish Council:

The following consultees have raised **no objections** to the application:

Local Highway Authority

Crime Prevention Design Adviser

WNC Children's Services:

Some 35 objections have been received and 1 support, 2 concerns and 1 no comment

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Highway Safety
- Impact on residential amenity
- Suitability of the premises for the proposed use.
- Design/appearance

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

APPLICATION SITE AND LOCALITY

The application site comprises an end terrace dwelling at the end of a private cul-de-sac on an established residential estate within the village of Crick.

The dwelling itself is a simple unit occupying the end plot next to the Crick by Pass. The unit is served by a separate garage unit that sits within a row of 3 garage units immediately to the south west of the terrace. These garage units have a parking plot to the front of each and all three share an access and turning area with up to 3 other detached residential properties on this cul de sac.

From the parking area pedestrian access to the subject unit is along a footpath to the front of the terrace units. The terrace unit is served by a private garden to the rear.

CONSTRAINTS

The site lies within the confines of Crick village which is designated as a Primary Service Village in the part 2 Local Plan

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposal is to convert the residential unit into a care facility providing care for up to 2 children with support from staff working on a rota basis. In planning terms the use would change from a residential use (Use Class C3) to Use Class C2 being a residential use where accommodation is being provided to those in need of care.

The applicant's agent advises that 2 staff will be on site at any one time working on a rota basis with additional part time staff providing cover over holiday periods. The agents advise that the home will be regulated by Ofsted and the agency will visit 2 times per year to inspect.

No physical external alterations are proposed to the property and the existing garage and parking plot would remain as existing.

RELEVANT PLANNING HISTORY

**No planning history at this property relevant to this application.
An application at no.18 the other end terrace unit was withdrawn for and identical proposal.**

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development

Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 (LPP2)

The relevant policies of the LPP2 are:
SP1 Daventry District Spatial Strategy
RA1 Primary Service Village

Crick Village Neighbourhood Plan (Revised Version 2021)

Policy Crick 3 Protection of local community facilities.

Policy Crick 7- Supporting the Development of Small Businesses

Policy Crick 8 –New Residential Development

Material Considerations

Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report.

Consultee Name	Position	Comment
Crick Parish Council	Object	Highway issues – traffic generation, vehicular access, insufficient parking and highway safety Loss of residential amenity: Overlooking and loss of privacy: Noise and disturbance: Incompatibility with surrounding area:
WNC Children’s Services	Support the application	The Provider is known to the trust
WNC Local Highway Authority	No objections	Following submission of a revised parking layout showing an addition parking space directly in-front of the dwelling as well as secure cycle parking within the site boundary, the LHA withdraws its previously held objection. Whilst there may be a need to carefully manage parking at shift changeover times, this can be achieved without a significant impact on the public highway
Crime Prevention Design Adviser	No Objections	The suggestion that a parking space can be provided immediately outside no22 seems implausible as there is a lot of soft landscape and would involve traversing in front of no18 and 20. Best avoided. The property will be regularised by

RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

Some 35 objections have been received and 1 support, 2 concerns and 1 no comment

The objections can be summarised as follows but not in any order of priority or significance:

- Loss of affordable rental property for local people;
- Increase in no. of vehicles visiting the property which will lead to increased noise and disturbance to neighbouring properties;
- It is likely that the home will accommodate "troubled" children which will lead to increased anxiety amongst local residents;
- "Troubled" children will require increased care and supervision (Social Workers or Health workers) leading to significant levels of traffic to and from the premises;
- "Troubled" children will inevitably lead to doors constantly being slammed, shouting, screaming, vehicular movements at all times of day and night including emergency vehicles, ;
- Crick is not an appropriate or sustainable location for a C2 use :
- This is an ill conceived scheme evident by the lack of information or detail in the planning submission to address the basic issues raised;
- Concerns about antisocial behaviour because of a lack of information on the type of children to be housed here;
- Restrictive covenants on the property prevent this type of use;
- Nothing to do for young people in the village:
- The garage will not be used for parking meaning increased congestion and conflict on limited space available in this small cul-de-sac;
- No Yellow notices have been displayed on or near the site;
- There are often occasions when children run away and have to be brought back by police at all hours increasing noise disturbance on neighbours;
- Applicants appear to be a "one man band" out to make profit;
- Having a facility in a built up area operating 24/7 365 days a year will have a negative impact on property prices and all our health and well being;
- No detail on what type of children will be looked after which is essential if impacts on local residents is to be properly considered;
- A terrace property is inappropriate and should be a detached property

APPRAISAL

The proposal

The proposed development would involve the change of use of the existing dwelling to a care facility for up to 2 children changing from Use Class C3 (residential dwelling) to Use Class C 2 (residential accommodation with an element of care provision for those in need of it). The age range would be between 0 and 16 but is not specified at this stage. The two children would receive 24hr care provision with staff working on a rota basis. The submitted information indicates 8 full time staff and 2 part time staff providing onsite support on a rota basis with no more than 2 staff at the premises at any one time (with exception of shift changeover).

The submitted drawings indicate that two of the 3 bedrooms would be used for each child with the 3rd bedroom being used as a staff room. The ground floor arrangement would remain as a kitchen lounge and ground floor w/c.

Overall the idea is to provide a normal domestic setting for the two children to live in with help and support of those staff on site as close to a normal residential household as possible.

Externally no parking provision would remain as it currently exists with a single garage and at least 1 parking space to the front of that garage served off the cul-de-sac.

Principle of Development

The development plan is silent in respect of planning policies specific to C2 uses however the guiding principles of the development plan seek to support sustainability by concentrating new development in towns and villages whilst seeking to protect the open countryside from inappropriate development.

To that end Crick village is identified as a Primary Service village in the Part 2 Local Plan under Policy RA1. PSVs are the largest villages in the district and perform an important role in providing a range of services and facilities to meet the day to day needs of their own residents and immediate surrounding areas. Policy RA1 of the Part 2 Local Plan sets out the criteria against which new development in or around a PSV will be judged. These include the need to be within the village confines being of an appropriate scale without adversely impacting on existing local services and facilities as well as the need to protect the form character and setting of the village. Furthermore Policy RA 1 requires development to be accessible to other facilities and services within the village by walking and cycling and to protect the amenity of existing residents.

Similarly the Crick Neighbourhood plan doesn't specifically reference C2 uses in its policies but follows on from the Part 1 and Part 2 Local Plans in seeking to ensure new development is accommodated within the village confines and that

regards should be had to protecting residential amenity , the form character and appearance of the village as well as local services and facilities.

A C2 use is, in planning terms, is defined as provision of residential accommodation and care to people in need of care. In this context I am satisfied that the principle of a C2 use within the village confines and in a primarily residential area can be supported in principle. That said I do accept the impact of such a use should be judged on its merits having regard to its impact on the immediate surroundings within that residential area. Such considerations are set out below and reflect the concerns raised by both the Parish Council and local residents.

Crime and fear of crime

Amongst the concerns raised by local residents is the fear of crime and antisocial behaviour arising from housing "troubled children" at the premises. Whilst I accept these may be genuinely held views and fear of crime is capable of being a material consideration I note that no objections have been raised by the Police.

Similarly the Children Support services raise no objection to the application and it is worthy of note that the application premises would be subject to Ofsted registration.

These considerations together with the fact that the premises would be used for only 2 children who would be supported on a 24 hours basis (living together in a normal domestic setting) in my view would minimise the risk of antisocial or criminal behaviour (if it were to occur) on the local wider community such that it would not result in any significant level of crime in the area that would justify a refusal of planning permission.

Disturbance to local area

Linked to the above is concerns from local residents that the proposed use would lead to increased comings and goings particularly at unsociable hours which would lead to unacceptable levels of disturbance to local residents.

In response the applicant advises that the set up here would be no different to a normal household. All comings and goings would be managed in a way that would not cause disturbance to immediate neighbours.

In my view the fact that staff would be changing shift on a regular timed basis as part of the planned management of the home would result in routine changeover rather than an adhoc situation of cars leaving and coming at unsociable hours. The changeover in shifts as indicated would be to allow for day and night shifts suggesting that changeover would occur in a regulated

manner and at times more likely to coincide with normal peaks of traffic flow in the morning or early evening. This is not dissimilar to normal flow of traffic that would be evident on a residential estate where residents leave to go to or return from their normal place of work.

Likewise residential estates will experience traffic during the normal course of the day be it from local services such as bin collection, postal deliveries or trades people visitors entering or leaving an estate in the normal course of the day. In this context I don't accept that the proposed use of a modest property for the care of 2 children living in a normal domestic environment would result in any significant levels of activity to would make it significantly different to that of a normal household.

Accordingly I don't consider that the proposal would give rise to such levels of activity that would result in a significant adverse impact on the amenities of local residents in a manner that would warrant refusal of planning permission.

Highway safety

The application property is an end terrace of 3 served off a cul-de-sac with 4 other detached properties in close proximity. Three of those detached properties share vehicular access with the three terraced properties off this private cu-de-sac.

Much concern has been raised by local residents about the adequacy of parking to serve the proposed development citing inaccurate details submitted by the applicants agent about what space is actually available. It is suggested that the garage cannot be counted as a parking space since it will not be used leaving only the area in front of the garage as parking space to serve the development.

This space in front of the garage block extends towards a shared turning area with a neighbouring property which in turn leads back towards shared private drive affording access back to Fallowfields estate road. This private shared parking and turning areas are not adopted and therefore do not form part of the public highway.

I accept that space in front of the garage is limited for the parking of vehicles but the use of the space is ultimately a matter for the individual owners/occupiers of the properties using it. Any potential for conflict or inconvenience caused as a result of cars being parked or moved with undue care or consideration for other neighbouring properties could arise as a result of the occupation of the subject property or indeed any other property on this close in the course of normal residential occupation or even shared occupation of the subject property.

The Local Highway Authority has been consulted on the application and has raised no objections. The applicants have indicated that the use of the parking

space will be managed in a considerate manner so as to minimise impact for others in this small cul-de-sac.

On balance I do not consider that the proposal would lead to conditions that would adversely impact on highway safety sufficient to warrant refusal of planning permission.

Impact on residential amenity.

The property would be used to provide supervised care to two children living in a domestic setting. No alterations are proposed to the external appearance of the property such that windows and doors and outside amenity areas will remain as if it were a normal dwelling

Whilst I acknowledge concerns raised about the potential impact that "troubled children" could have on the local area I am not convinced that use of the property as proposed would result in loss of amenity to existing properties in terms of privacy as a result of overlooking from the property.

Similarly the use of the outdoor private garden would to my mind be no different than its use as a private garden serving a dwelling house.

On balance I do not consider the proposed use of the property would result in the loss of amenity to existing residential properties that would be sufficient to warrant refusal of planning permission.

Other matters

Reference has been made to existing covenants preventing the use of properties for business use. These are not material to the determination of this application and could in any case be pursued outside of the planning regime as a private civil matter.

Other comments have suggested that there is nothing for young people in the village making it an inappropriate place for this type of facility. On the contrary officers consider Crick to be a particularly active and welcoming village with a wealth of activities and facilities that could provide a supporting environment for this type of facility.

I note concerns about the loss of affordable housing in the village as a result of this proposal. However the property is not secured as an affordable housing unit by way of section 106 agreement and whilst the use would take the property away from the private housing market I am not persuaded that this would be sufficient to warrant refusal on planning grounds particularly when balanced against the benefit of providing care to those needing it in a domestic setting.

FINANCIAL CONSIDERATIONS

CIL is not payable on this development.

PLANNING BALANCE AND CONCLUSION

I note the genuinely held concerns of local residents about the proposal but on balance consider that the proposed use represents a sustainable form of development which does not conflict with the provisions of the development plan and which not result in harm to the amenity of the local area or immediately adjoining neighbours sufficient to warrant refusal on planning grounds.

RECOMMENDATION/COMMENTS

Grant permission with delegated authority to the Assistant Director for Planning subject to the following conditions and reasons:

CONDITIONS AND REASONS

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the amended submitted plans as referenced below:
Sheet No.1 Existing and proposed plans and elevations;
Block site plan V3**
- 3. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as a children's care home for up to 2 children and for no other purpose (including any other use falling within Class C2 of the Order).**

REASONS

- 1. 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. To ensure that the development is carried out in accordance with agreed amendments and to afford the LPA the opportunity of assessing any changes to the approved plans and their impact on the surrounding area.**
- 3. To afford the LPA the opportunity of assessing the impact of alternative uses on the surrounding area.**

NOTES

- 1. As required by Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015 (as Amended) the following statement applies:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner with a view to seeking solutions to problems arising in relation to the consideration of this planning application.