



Planning Committee Report

Committee Date: 2nd November 2021

Application Number: WNN/2021/0704

Location: 474 Obelisk Rise, Northampton

Development: Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) to accommodate a maximum of 3no children, aged 5 to 18 years old

Applicant: Hanumana Limited

Agent: Architectural Solutions (Midlands) Limited

Case Officer: Andrew Holden

Ward: Kingsthorpe North Unitary Ward

Referred By: Councillor S Rumens

Reason for Referral: Impact on residential amenity

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is for the change of use of a four bedroom dwellinghouse to a children's home for a maximum of three children, with up to three members of staff present at any one time.

Consultations

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

- Ward Councillor

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

- Environmental Health, Private Sector Housing.

Letters of objection have been received from 14 nearby residential properties.

Conclusion

The application has been assessed against the relevant policies in the National Planning Policy Framework, 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:

- Principle of Development
- Impact on the character of the area
- Impact on the amenities of neighbouring and nearby residential occupants
- Amenities of future occupiers.
- Highway Safety / Parking.

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

1. APPLICATION SITE AND LOCALITY

1.1 The application site comprises a detached two storey 4-bedroom house of conventional design, with a large rear garden, and off-road parking to the front, located in a residential area. Neighbouring properties are similar two storey houses, and bungalows.

2. CONSTRAINTS

2.1. There are no relevant planning constraints in this case.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal is for the change of use of the dwelling from a dwellinghouse (Use Class C3) to a children's home to accommodate a maximum of three children aged 5 to 18 years old. There would be a maximum of 3 staff on duty at the property at any one time during the day, but this would generally be two, with a manager visiting occasionally, and maximum of two staff during the night.

3.2. It is stated in the application that "The children who will be looked after at this property are children who the Local Authority would have decided that the child cannot live with their parent(s). For various reasons it can be difficult for the child to be placed with a foster parent as the placement might have broken down, or the protection of children from abuse for their own safety, or it may be that the child might have no family capable to look after them and there are no available places with foster parents".

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
68/0419	Development Of Site As Housing Estate With Shops, Filling Station, Public House,	Allowed On Appeal

	Schools & Open Space.	02/06/1969
72/0225	The Erection Of 38 Dwellings	Approved 26/07/1972
Building Regulations Application 2011	Garage Conversion	Completed 20/06/2011

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

- 5.2. 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 Northampton Local Plan, adopted Neighbourhood Plans and the emerging Northampton Local Plan Part 2. The relevant planning policies of the statutory Development Plan are set out below:

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

- 5.3. The relevant policies of the LPP1 are:

- S10 – Sustainable Development Principles
- H1 – Housing
- H5 – Managing the Existing Housing Stock

Northampton Local Plan

- 5.4. The relevant policies of the Northampton Local Plan are:

- E20 – New development
- H29 – Residential Institutions

Material Considerations

- 5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)

Paragraphs 7-14 – Presumption in favour of sustainable development.

Paragraph 62 – Housing needed for different groups in the community.

Paragraph 130 – Create places with a high standard of amenity for existing and future users.

Section 8 – Promoting healthy and safe communities.

Section 9 – Promoting sustainable transport.

- Northampton Local Plan Part 2 (2011-2029) (Emerging)

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained with the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight to be afforded to the policies relevant to this application is set out below:

- Policy 1 – Presumption in favour of sustainable development (Significant weight)
 - Policy 2 – Placemaking (Moderate weight)
 - Policy 3 – Design (Moderate weight)
 - Policy 4 – Amenity and layout (Moderate weight)
 - Policy 6 – Health and wellbeing (Significant weight)
 - Policy 33 – Highway network and safety (Significant weight)
 - Policy 35 – Parking standards (Significant weight)
- Northampton Parking Standards (SPD)

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Councillor Sam Rumens	Calls In the application for the following reason: Concern about the impact on elderly residents nearby in care caused by noise and disturbance, physical risk of harm from the occupants of the proposed home, and impact on mental health due to fear of noise or physical harm.
Environmental Health	Have no objection to the proposal but would suggest a condition restricting the number of children being cared for at the property to "no more than 3", to ensure that the scale of the development is in keeping with the surrounding property uses.
Private Sector Housing	The property is within the additional licensing scheme for Houses in Multiple Occupation (applicable to houses containing three or more unrelated occupiers). If the operators of the property believe they are exempt from licensing they should contact us. <i>N.B. Exemption from licensing has been confirmed.</i>
Private Sector Housing (HMO licensing)	The property is suitable for 3 persons in 3 households as requested. The staff sleeping in the property will not be included in the licence as they would not be using the property as the permanent address.
Local Highway Authority	Comments awaited

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7. RESPONSE TO PUBLICITY

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

7.1. There have been objections from 14 nearby residential properties. The comments received are summarised as follows:

- Loss of a dwelling
- Out of keeping with a residential area
- Comings and goings will be more frequent
- Drive not suitable for stated number of vehicles
- Not suitable as near club selling alcohol
- Similar application turned down, see no difference between that one and this one
- Concerned about anti-social behaviour, children may have criminal records
- Will pose a danger to elderly neighbours
- Vulnerable children may be exposed to drug problems in the area
- Would be run by a private company with no experience, concerns regarding intentions of company in respect of business operation and previous track record of company
- Will be possible to increase the number of children in the future
- House could be extended in the future.
- Application says the house is vacant, but it is occupied.
- Facilities are not suitable, only one bathroom and one toilet, all rooms should be en-suite
- Only one staff bedroom – insufficient and could lead to contamination due to pandemic.
- Already facilities for vulnerable adults in the area which affects residents.
- Different to a family home as different carers would be coming and going.
- Noise and disturbance would be detrimental to quiet area.
- Upkeep of the house and gardens unlikely to be a high priority.
- Restrictive covenants state no building to be used for business and no use which may be a nuisance or annoyance. Proposal is contrary to this.
- House values would be affected
- Would affect mental health – fearful of what could happen at the property
- Contrary to planning policy
- Could be attempting to get around restrictions on HIMOs

8. APPRAISAL

Principle of Development

- 8.1. The proposal is for a residential type of use, which it is considered is appropriate in a residential area.
- 8.2. Some comments from objectors have stated this is not a suitable location due to the potential impact on the children from anti-social behaviour in the area. Comments have also been made about the suitability of the company making the proposal. These are not considered to be planning reasons to refuse the application, in that it can be noted that any such problems in the area could equally potentially arise from other occupants

or a family with children occupying the property as a private dwellinghouse, whilst the conduct of the company and its directors is a matter for the Quality Care Commission.

- 8.3. It should also be noted, as detailed below, that six people living together as a single household and receiving care could also occupy the property without needing planning permission.
- 8.4. Therefore, it is considered that the proposed use is acceptable in principle, subject to the considerations as set out below

Impact on The Character of The Area

- 8.5. No external alterations are proposed and it is not considered that the use in itself would impact on the character and appearance of the area, given that this is a residential use in a residential area. Any impact on neighbouring occupiers or on highway safety and amenity is considered in the following paragraphs.

Impact on the amenities of neighbouring and nearby residential occupants.

- 8.6. The potential for impact on neighbouring occupiers would come as a result of noise from the property and any increase in comings and goings.
- 8.7. The property would be occupied by a maximum of only three children, with two staff on duty at any one time during the day and night, other than during handover periods, which would be brief. There would also be occasional visits from a manager and other professionals such as social workers. It is considered that this would be similar to what could occur if the property was in use as a 4 bed family home.
- 8.8. It is pertinent to note that the use proposed is very similar to a use falling under Use Class C3(b), which allows for up to six people living together as a single household and receiving care, and which could be implemented without the need for planning permission, the principal difference being the need for staff changeover, meaning it is not always the same six people in the property. However, it is considered that the change-over would be similar in its effect on neighbours to that of resident parents leaving for work and arriving home each day, whilst callers such as social workers could be expected to call at any dwellinghouse.
- 8.9. It is further acknowledged that a typical family home would not normally have children in residence on a long term basis, as these would normally grow up and move out, leaving the parents only. However, more long term occupation by children could occur within a dwellinghouse in certain scenarios including a large family, if the occupants were foster carers, or there was a frequent change of occupiers, none of which could be controlled under the planning system and which would have a similar effect to the current proposal.
- 8.10. There have been many comments from objectors, envisaging a situation in which the resident children may indulge in anti-social or criminal behaviour. There is no basis for such assumptions and it cannot be assumed that this would be any more likely to be the case than with the occupation of the dwelling as a family home, the residents of which may or may not indulge in such behaviour. Should excessive noise, anti-social behaviour or criminal activity occur, this would be a matter for the Police or Environmental Health. A refusal of planning permission on this basis would not be justified. Reference is also made in objections to the fear of such behaviour, and the impact this may have on mental health. Whilst these concerns are acknowledged, they do not form a justifiable basis for the refusal of planning permission.

Amenities of future occupiers.

- 8.11. Turning to the amenities of future occupiers, all habitable rooms would be served by windows and the property is generously sized with a large amount for communal space at ground floor level and a private rear garden. The plans have been considered by Private Sector Housing, who have stated facilities are adequate, however the property is exempt from HMO licensing as it would be occupied by a registered care provider and therefore matters relating to bathroom and other facilities would be subject to control by the Care Quality Commission.

Highway Safety / Parking.

- 8.12. It is stated in the application that three parking spaces would be provided. In fact, only two spaces could be provided as per parking space standards, although physically three typical cars could fit.
- 8.13. The adopted parking standard for a C2 use, as proposed here, calls for one space per full time staff or equivalent, plus one visitor space per three beds, making a requirement for four spaces. The current adopted standard for a four bedroom house is also three spaces plus one visitor space. The proposal would not, therefore, result in an increase in the shortfall of parking on the site. It can be noted also that the site is in a sustainable location, within one minute's walk of bus stops, with buses to the town centre running every 15 minutes during the weekday and is also a five minute walk to the nearest local shop, meaning occupiers, staff and visitors need not rely on private cars.
- 8.14. Therefore, it is considered the proposal would not exacerbate the existing parking shortfall on site or adversely impact on existing highway conditions or amenity in this regard.

Other Matters

- 8.15. Comments have been received suggesting the property is effectively a House in Multiple Occupation (HIMO), and that the application may be being made in an attempt to "get around" the density limits for such a use. Comments from Private Sector Housing do indicate that in their terms, the property would be classed as a HIMO, however this is not the planning use and it has further been clarified that it would be exempt from classification as such being operated by a registered care provider. The proposal must be assessed on the basis that it is submitted, as a proposal for a C2 Children's Home, and it can further be noted that a separate planning permission would be required should the property subsequently be proposed for use as a HIMO (Use Class C4). It is also pertinent to note that there would be no need to attempt to bypass the density restrictions on HIMOs in this instance, as there are none recorded within 50m of the site.
- 8.16. It has also been stated that the proposal is contrary to restrictive covenants affecting the property. Whilst this may be the case, the existence of such covenants is a civil matter outside of planning considerations and is not a valid reason for the refusal of planning permission.

9. FINANCIAL CONSIDERATIONS

- 9.1. CIL is not payable.

10. PLANNING BALANCE AND CONCLUSION

10.1. The proposal would have no significant impact upon the character and appearance of the area, neighbour amenity and parking and highway safety. The proposal is therefore in conformity with the National Planning Policy Framework; Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy; and Policies E20 and H29 of the Northampton Local Plan.

11. RECOMMENDATION / CONDITIONS AND REASONS

11.1 Approval is recommended subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: . ASM-20-H2-1, ASM-20-H2-2.

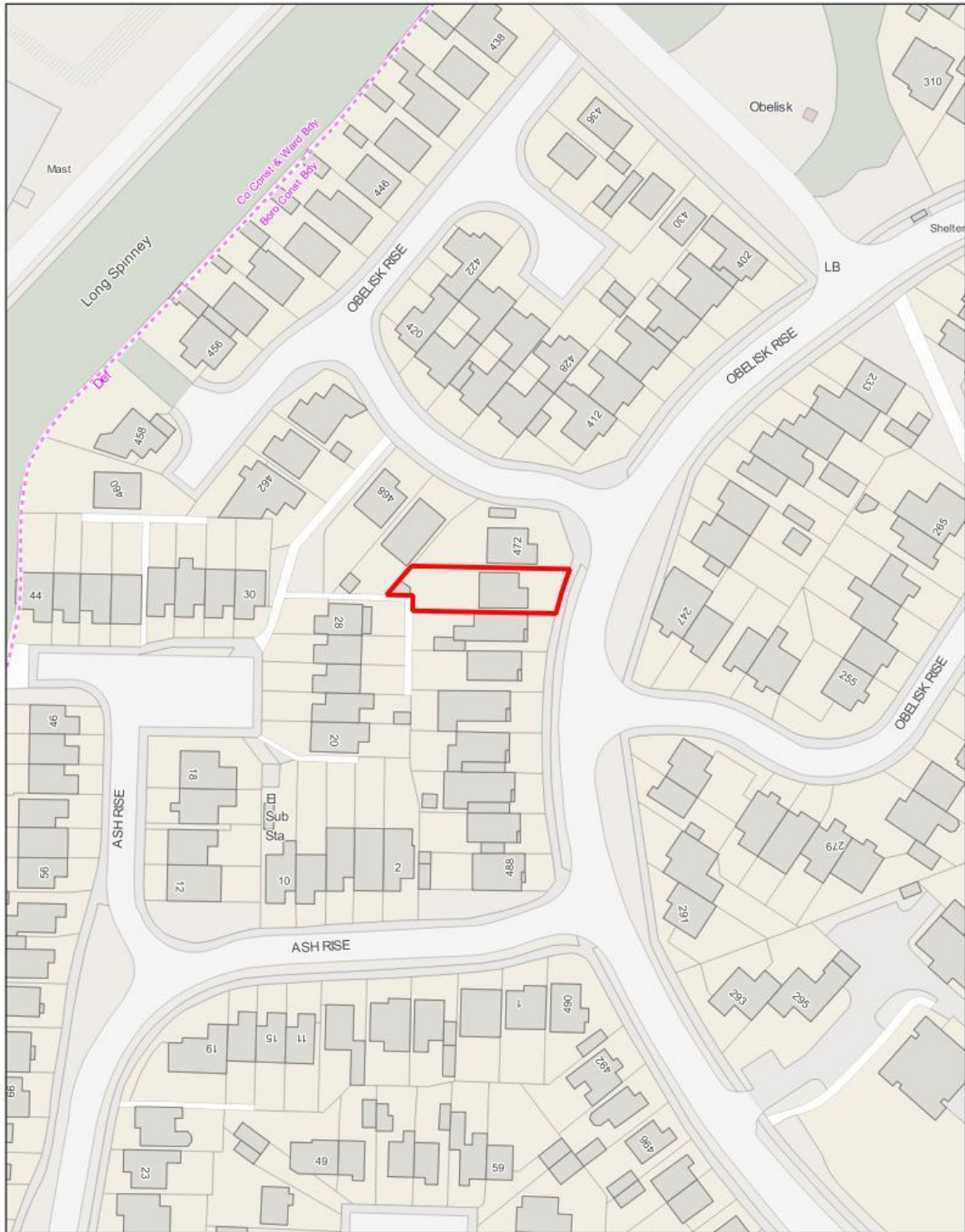
Reason: For the avoidance of doubt and to accord with the terms of the planning application.

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

Reason: In the interests of the amenity of the area and neighbouring residents, highway safety and to ensure that effective planning control is retained by the Local Planning Authority in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

4. The children's home hereby permitted shall be occupied by a maximum of three children and up to three full time members of staff in the daytime and two full time members of staff in the night time (other than during staff changeover).

Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.



**West
Northamptonshire
Council**

Title: **474 Obelisk Rise**

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Date: 22-10-2021

Scale: 1:1,000 @A4

Drawn: M Johnson