

Application Ref: 23/01079/FUL

Proposal: Change of use from C3 dwelling to C2 care

Site: 105 Newark Avenue, Dogsthorpe, Peterborough, PE1 4NH

Applicant: Azlae Care Ltd

Agent: Mr Matthew Taylor - Taylor Planning and Building Consultants

Referred by: Cllr Khan

Reason: On the grounds that there is a need for children care homes in the city due to an increasing demand on services

Site visit: 10.10.23

Case officer: Miss Molly Hood
Telephone No. 07967 318633
E-Mail: Molly.Hood@peterborough.gov.uk

Recommendation: **REFUSE**

1 Description of the site and surroundings and Summary of the proposal

Site Description

The application site is a detached dwelling on the corner of Newark Avenue and Nottingham Way, with a large curtilage to the south-west. There is an existing drive forward of the property and along the north-west side elevation, providing off street parking for approximately two vehicles on site.

The Proposal

Permission is sought for the change of use from a residential dwelling (C3) to a children's care home (C2) for up to four young adults, between the ages of 5-15 years old. The application also includes the demolition of the existing outbuilding and the creation of a new staff parking area to the rear.

During the course of the application the Design and Access Statement and Floor Plans were updated to provide greater clarity on facilities/operations.

2 Planning History

Reference	Proposal	Decision	Date
22/01666/FUL	Change of use from residential dwelling (class use C3) to childrens care home (class use C2) with associated development of new vehicular access, gates and new first floor side elevation window	Withdrawn by Applicant	11/04/2023
23/00472/CLP	Use of house as care home for up to 3no. young people (under the ages of 18) with 24 hour care	Refused	06/07/2023

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Local Plan 2016 to 2036 (2019)

LP2 The Settlement Hierarchy and the Countryside
LP08 Meeting Housing Needs
LP13 Transport
LP16 Design and the Public Realm
LP17 Amenity Provision

National Planning Policy Framework (2023)

2 Achieving sustainable development
5 Delivering a sufficient supply of homes
12 Achieving well designed places

4 Consultations/Representations

PCC Wildlife Officer (07.09.23)

No objection, as the plans described do not create any new positive or negative impacts on ecological constraints to the development. The area of land being developed is small and not of biodiversity interest.

Victoria Park Residents Association

No comments received

PCC Peterborough Highways Services (18.09.23 & 23.10.23)

Objection, as the drawings fail to demonstrate the required access width and pedestrian visibility can be achieved for the development. Concerns are also raised regarding the vehicular visibility splays encroaching onto third party land.

The existing 2.8m access is only suitable to serve a single dwelling and the change of use converts this to a business premises triggering the requirements for an access suitable to allow two vehicles to pass.

A total of 6m of space is required to enable vehicles to reverse, turn and leave the site in a forward gear. The revised plan shows only 5m of reversing space behind each parking space to the rear of the site which is not acceptable. The access should measure 5.5m for the first 10m to enable 2 vehicles to pass safely and simultaneously into and out of the site.

Childrens Commissioning (27.10.23)

Peterborough City Council's Children's Commissioning service have not been approached by this organisation to discuss their intended use for this property and would welcome the opportunity to better understand the cohort of children that the home intends to offer care to, and how the needs of Peterborough's children in care might be met. Children's commissioning would also advocate for the completion of a Local Area Risk Assessment, though acknowledge that this is a require for Ofsted registration, not necessarily for the planning application.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 28

Total number of objections: 7

Total number in support: 21

Objection

- Garage currently forms a shared boundary treatment – removal will leave the property exposed.
- Deliveries and staff changeover will cause disturbance.
- Vehicles passing along the boundary with No.107 during day and night.
- Loss of back garden.
- The notion that workers will use cycles or walk is completely without foundation and is rarely the case.
- If all staff drive this means 7 vehicles at hand overtime.
- Will create more traffic and safety issues. Previous accident in this location.
- Busy junction with school traffic.
- Double yellow lines outside the property.
- There are discrepancies on the number of children and bedrooms.
- Shift times are not stated.
- There is no downstairs cloakroom or separation staff facilities.
- No separate staff area to carry out administrative or office duties.
- Why is this left to private individuals rather than the authority?
- Would result in a commercial premises in a residential area.
- The images don't include the new 4ft wall on the front boundary.

Support

- This service is required for vulnerable children.
- Need to support these kids in our residential area and community.
- Only seen one accident in this area.
- Room sizes will be handled by Ofsted.

5 Assessment of the planning issues

The main considerations are:

- a) Principle of Development
- b) Amenity of Neighbouring and Future Occupiers

- c) Highway Safety and Parking Provision
- d) Character and Appearance
- e) Other Matters

a) Principle of Development

Permission is sought for a change of use of a residential dwelling (C3) to a children's home (C2). Policy LP8 supports the provision of homes for vulnerable persons, providing that the following requirements of the Policy are applied:

- o Meets an identified need and is supported by Adult Care Commission
- o Will be suitable for the intended occupiers in terms of standard of facilities, the level of independence and the provision of support and/or care;
- o Will be accessible by non-car means to essential services and community facilities as appropriate to the needs of the intended occupiers.
- o Does not conflict with any strategic policy of this plan and does not have any fundamental constraint.

Peterborough City Council's Children's Commissioning service haven't disputed a need in the area, however further detail was sought to better understand the cohort of children that the home intends to offer care to, and how the needs of Peterborough's children in care might be met. Furthermore, PCC Children's Commissioning advocate for the completion of a Local Area Risk Assessment (LARA).

It is acknowledged a LARA is essential for Ofsted registration and not necessarily for the planning application, however the Ministerial Statement from May 2023 identifies applicants should be providing the LPA with these documents. It is considered a Local Area Risk Assessment is a material consideration, as the document supports the assessment of the suitability of the site for the intended occupiers and location to essential services. As such, moderate weight is applied to this document and the application has failed to provide this.

A revised Planning Statement was submitted during the course of the application to outline the operations of the children's care home. The home will serve up to four children aged between 5-15. The care of those children will be always covered by a minimum of two members of staff on site, with a split shift pattern. There will be up to five members of staff on site all day and then two members of staff at night, however exact shift times have not been clarified. The Planning Statement advises the staff will be on 12-hour shift rotation, with staff arriving at the same times.

Even without the submission of a LARA, there is concern with the suitability of the facilities for the intended occupiers. For instance, the floor plans demonstrate four bedrooms and no indication of provision for staff facilities. Clarification was sought from the Agent however only the text within the Design and Access Statement was submitted, which advises there will be no staff sleeping accommodation but an office within the property. This office space has not been identified within the floor plan.

All four bedrooms would be occupied by children and the open plan ground floor, provides no area for designated staff facilities or office. During the day there will be a minimum of five staff and two staff at the premises overnight, however the omission of staff facilities from the submitted plans is unacceptable and concerning regarding the suitability. Furthermore, separation should be provided between the staff and children's bathroom facilities. The revised details have not demonstrated this.

In response to Children Commissioning comments, the lack of detail on the cohort of children raises concern of the suitability of the facilities within the property. It is unclear whether the children's home will support children with additional needs and therefore it cannot be determined whether the facilities in the property are suitable. As such, the accommodation as presented provides an unacceptable facility that cannot be determined as suitable for intended occupiers,

failing to comply with Policy LP8.

It is acknowledged the proposal is accessible to essential services and well placed in terms of access to community facilities and services, with shops and schools nearby. However, the application fails to demonstrate the suitability of the property's facilities for the cohort of children expected and whether the property can accommodate the numbers of staff and children proposed. It is considered the unsuitable facilities significantly outweigh any benefits and the scheme fails to comply to Policy LP8 of the Peterborough Local Plan 2019.

b) Amenity of Neighbouring and Future Occupiers

Principally, the introduction of a children's home (C2 use) within this residential area raises no significant concerns with regard to residential amenity. No extensions or external alterations are proposed to the building; however, the existing garage would be demolished to allow for the vehicular access. Public representations raised amenity concerns relating noise, disturbance, and loss of amenity space for No.105 Newark Avenue.

The curtilage will be reduced to 84sqm, from the original 230sqm, to deliver the new parking and access. It's acknowledged the remaining curtilage is less than half the existing, however the property will maintain a moderately sized secure and private area for the childrens home.

Five parking spaces are proposed within the rear garden, situated along the south-east boundary and served by a vehicular access along the north-west boundary. The garage and driveway for No.2 Nottingham Way is situated to the south-west of the site, which provides a degree of separation to the proposed parking arrangement for No.105 Newark Avenue. As such there are no significant concerns of unacceptable noise or disturbance to this property or amenity space.

The property to the north-west of the application site is a single storey property, with a number of windows on the rear and side elevation, in close proximity to the new access route. When Officers visited the application site, access into the neighbouring property could not be achieved and as such the use of the rooms those windows serve cannot be determined. However, the given the scale of the dwelling it is highly likely this fenestration serves habitable rooms and the LPA must take a cautious approach to prevent unacceptable amenity impacts.

The new turning and parking would run the entire length of the neighbours dwelling and curtilage, offering no separation or buffer. The proximity of the access and turning areas is considered to result in noise and disturbance and due to the uncertainty on shift times, there is the potential for disturbance at unacceptable hours. Therefore, the proximity and scale of the access and turning would have an unacceptable relationship with No.107 Newark Avenue, failing to comply with parts (c) and (f) of Policy LP17.

c) Highway Safety and Parking Provision

Access

Public representations have raised concern with the location on the junction, the busy nature of the roads and the movements of both pedestrians and vehicles associated with the school. The site plan demonstrates five staff parking spaces in the rear curtilage, with access along the north-west of the property. Whilst there is already a gated access to the side of the dwelling, the proposed development would result in an intensification of the movements associated with the property, with some of those additional movements likely to coincide.

The Local Highway Authority consider the scheme to be unacceptable as the existing site access is only suitable to serve a single dwelling and the change of use triggers the requirement to provide an access that allows two vehicles to pass. As a result of the intensification of the site, the access should measure 5.5m in width for the first 10m to allow for two vehicles to pass.

The existing access measures 2.8m in width and there is no remit to amend the access width,

given the spatial constraints of the site. The existing dwelling flanks the south-eastern side and the boundary with No.107 Newark Avenue flanks the north-west. The access proposed is not suitable to allow for two vehicles to pass, as such requiring vehicles to either reverse down the drive or back out onto the highway, which is unacceptable. Appropriate pedestrian and vehicular visibility splays are not demonstrated, providing further highway safety concerns.

Parking

In accordance with Policy LP13 and Appendix C, the development is required to provide one parking space per full time or equivalent staff member. The children's home will have five staff members during the day, dropping to two at night. The proposal can demonstrate the five parking spaces required, to the rear of the property.

Concern was raised over the existing double yellow lines adjacent to the site and the lack of facilities for visitor parking. Visitor parking is on a case-by-case basis, with no set requirement in the Local Plan. The staff levels during the day mean all spaces have the potential to be used, leaving no provision for visitors.

The section of Newark Avenue and Nottingham Way outside the site is subject to parking restrictions. The Local Highway Authority sought additional information on visitor parking, which has not been provided and it is unlikely this can be demonstrated on the site. The Planning Statement advises not all staff drive to the site, however no further explanation is provided. A Travel Plan could be secured via condition to determine the alternate modes of transport staff could utilise to travel to this place of work. This is considered feasible given the proximity of bus stops and the location in the urban area.

The proposal has a substandard access width which cannot be amended given the constraints and the drawings provide insufficient evidence of suitable visibility splays for both pedestrians and vehicles. The proposal is contrary to Policy LP13, with a highway safety risk for pedestrians and vehicle users.

d) Character and Appearance

The appearance of the site front the street scenes of Newark Avenue and Nottingham Way will be unaltered, with the visual changes occurring in the rear amenity space. The demolition of the garage and subdivision of the amenity space is not considered to be detrimental to the character of appearance of the area. Therefore, the scheme is compliant to Policy LP16 of the Peterborough Local Plan 2019.

e) Other Matters

A concern has been expressed in relation to the wall of the garage forming part of the boundary treatment. Matters relating to the works required to remove the garage and the Party Wall Act are a civil matter and not a material consideration in this instance. The removal of the garage would not result in unacceptable amenity impacts and the LPA could impose a condition requiring details of the proposed boundary treatment.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Case Officer recommends that Planning Permission is **REFUSED**:

- R 1 The application has failed to demonstrate the property is suitable for use as a children's home for up to four children, given the insufficient information to determine the suitability of the property's facilities for the cohort of children expected and whether the property can accommodate the numbers of staff and children proposed. Furthermore, the proposal conflicts with other policies within the Local Plan and has fundamental access constraints. Therefore, the development fails to meet the requirements of Policy LP8 of the Peterborough Local Plan 2019.
- R 2 The location of the access route and volume of parking provision for the children's home would result unacceptable residential amenity impacts to the existing occupiers of No.107 Newark Avenue, in particular noise and disturbance. The proposal fails to meet the requirements of Policy LP17, in particular parts (c) and (f).
- R 3 The proposal has a substandard access width with spatial constraints which prevent an acceptable access width being achievable and insufficiently evidenced appropriate visibility splays for both vehicles and pedestrians. The existing site access is only suitable to serve a single dwelling and the change of use triggers the requirement to provide an access that allows two vehicles to pass. The proposal is contrary to Policy LP13, with a highway safety risk for pedestrians and vehicle users.

Copies to Councillors – Councillor Muhammad Asif
Councillor Arfan Khan
Councillor Mohammed Sabir

This page is intentionally left blank