

Application Ref: 23/01386/FUL

Proposal: Change of use from single dwellinghouse (Use Class C3) to residential care home (Use Class C2) for children with Special Educational Needs and Disabilities (SEND) / Learning Difficulties (LD) / Emotional and Behavioural Difficulties (EBD) and associated alterations

Site: 43 Viney Close, Eastfield, Peterborough, PE1 5LS

Applicant: Mr Lalani
The Beeches UK

Agent: Mr Nam
Bhox Ltd

Referred by: Councillor Jackie Allen

Reason: Concerns with of loss of privacy and amenity to the residents

Site visit: 23.11.2023

Case officer: Karen Ip

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Recommendation: **GRANT** subject to relevant conditions

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

Site and surroundings

The application site is a semi-detached dwelling located on Viney Close, within a residential cul-de-sac. The plot has off road parking spaces to the front and an enclosed rear garden. In addition, there is on street parking with no parking restrictions.

The immediate area is predominately residential, mostly semi-detached dwellings of the same era, around 1950s. Nearby facilities include a variety of shops (at Hill Close), open space areas (Board Close and Reeves Way), two primary schools (Newark Hill and St Thomas More) and two secondary schools (City of Peterborough Academy and St John Fisher). Viney Close is accessed off Reeves Way, which is on a bus route and there are bus stops located close to the application site within walking distance.

Proposal

The applicant is seeking planning permission for the change of use from a residential dwelling (C3) to a children's home (C2) for two children between the ages of 8-18 years old.

2 Planning History

No relevant planning history

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)

LP08 - Meeting Housing Needs

LP8a) Housing Mix/Affordable Housing - Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

LP8b) Rural Exception Sites- Development for affordable housing outside of but adjacent to village envelopes may be accepted provided that it meets an identified need which cannot be met in the village, is supported locally and there are no fundamental constraints to delivery or harm arising.

LP8c) Homes for Permanent Caravan Dwellers/Park Homes- Permission will be granted for permanent residential caravans (mobile homes) on sites which would be acceptable for permanent dwellings.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposals must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

4 **Consultations/Representations**

PCC Peterborough Highways Services (25.10.23)

No objections subject to conditions to be imposed for a plan showing parking and visibility splays and cycle storage provision on site.

The proposal seeks approval for the change of use of an existing 2 bed semi-detached dwelling, to a residential care home for children with Special Educational Needs and Disabilities or Learning Difficulties or Emotional and Behavioural Difficulties.

The 'front garden' of the property is block paved and provides sufficient space for two cars to park side by side, whilst still maintaining pedestrian access to the front door.

It is proposed that there will be a maximum of 2 children staying at the house, and will be supervised at all times, with a maximum of 2 staff on site. The children will be educated away from the dwelling and will be transported by car, taxi, public transport or on foot to and from the site and escorted by a member of staff. If one of the children has very special needs, they would be transported by the local authority using one of their own vehicles.

In highway terms, the movement of children to and from school may not be too dissimilar to a what would be expected from a Class C3 dwelling. This proposal may lead to a slight increase in number of vehicle movements when compared to a Class C3 dwelling, however the increased movements is unlikely to result in any unacceptable harm to highway safety or lead to any capacity issues on the road network.

The number of parking spaces required for the proposed use is similar to that for the existing dwelling, and therefore the proposal is unlikely to lead to an unacceptable increased demand for on-street car parking. If additional parking is required, it could be created (subject to appropriate consents) to the rear of the property, and accessed via The Woodlands. It appears that there may be a historic dropped kerb in this location too, so this should be shown on any 'access' drawings.

The site is in a sustainable location, where staff would have good sustainable choices of travel rather than having to rely on the use of a private car to travel to and from the site. However to ensure that cycling is a viable option for travel, the proposal should include a secure and covered cycling parking within the site.

Children's 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.

Children's Commissioning (17.11.23)

We are in support of this sort of provision within Peterborough and have no concerns to raise about this specific application.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 22

Total number of objections: 22

Total number in support: 0

22 letters of objection were received, 6 of which were multiple objections from the same address. Concerns summarised below:

Design

- Do not need this type of home in this area - who will keep them in check
- Concerns with fire escape as the children's bedrooms are upstairs and carers are downstairs
- The house is not disabled friendly.
- The property at 43 Viney Close is a small one and will not accommodate the use of residential house without further development of property.
- A 2 bed home is not suitable for this use
- Concerns over economic viability of a home which is currently only 2 bedroom. Assuming a large extension would be needed to create enough bedrooms to take the number of occupants to make it economically viable. This would not fit in with the current properties in the street.
- The ground stability/drainage will be able to have the capacity of a residential home because this street was built for a residential home but not a business.

Amenity

- Noise levels will increase
- Additional noise will upset pets
- Already have noisy neighbours and a school field nearby, this will increase noise further
- There is already noise from the school - additional noise from the house will impact quality of life and lack of privacy
- The property is a semi-detached and close to neighbouring properties - concerns of noise and disturbance
- Vehicular activity at shift change at 7am and 10pm would be stressful for children and impact sleeping patterns, which in turn impact studies at school
- There is absolutely no way that this won't cause disturbance, especially to the adjoining neighbours.
- There is a special needs school nearby which already generates a lot of noise throughout the day; the possibility of this continuing through the night and weekends is unfair on existing residents.
- There is a special needs school nearby - already concerned on the level of traumatizing screams, bad language and disruption this type of environment creates in the area. Just in the summer it was impossible to sit in the back garden without listening to a special needs child screaming and swearing as if they were being subject to terror.
- Turning no 43 Viney close to a residential care home will not bring disturbance from smells, Noise and disruption from the proposed development, overlooking or loss of privacy because we will have people travelling in and out of our street.
- The area should be kept peaceful
- No longer be able to enjoy playing in the garden because children with those conditions can throw things

Highways

- Children will not be able to freely play on the street/road and they would be run over
- Parking is already an issue in this narrow street and cul-de-sac.
- Increase in traffic from social services, taxis for school and/or emergency services - compromise safety of others
- Damage to verges may impact look of the street and result in health and safety risk for pedestrians
- The care home would be a business, so waste collection by 3rd party would create more traffic,

noise and obstruction to residents

- Using a property for this purpose will inevitably increase vehicular traffic, including perhaps the potential for unprecedented emergency services visits

Other

- Fear of antisocial behaviour and vandalism to homes and cars
- Property values will decrease
- There are vulnerable residents in the area
- Residents here are families, elderly and shift workers
- Do not want troubled kids in the street
- Is there a risk assessment or people impact assessment to understand the impacts
- Areas frequented by children with EBD and associated alternations are highly linked to anti-social behaviour, drug use, vandalism etc. and we don't want our quite peaceful street to be sacrificed accommodate such a proposal.
- The council did not send me notice in writing of this proposal, despite my proximity to the property in question, but rather was informed by a concerned neighbour. I feel such a lack of transparency to be somewhat negligent.
- The Beeches PLC that are proposing the change of use, are currently developing their new school for children with behavioural and learning difficulties in Thorpe Road, Peterborough. This would suggest that potential residents will be attending this school in the future. Therefore, a long term plan should be to buy a property closer to the school, which would reduce travelling costs and carbon emissions. This should be actively supported and encouraged by Peterborough Council as part of the council's Climate Commitment to reduce carbon emissions.
- Question the choice of placement for safety reasons saying that some of the children may have emotional and behavioural difficulties and therefore be at risk if they go out unsupervised.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact to the character and appearance of the site and surrounding area
- Impact of the proposal on the neighbours amenity
- Highway safety and parking provision

a) Principle of development

Policy LP8 supports the provision of homes for vulnerable persons. The proposal would result in a change of use from C3 (residential dwelling) to a residential care home (C2).

LP8 - Accommodation for Vulnerable People

Planning permission will be granted for accommodation which is entirely aimed at meeting the housing needs of the most vulnerable, provided that the development:

- 1. Meets an identified need and is supported by Adult Social Care Commissioning;*
- 2. 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;*
- 3. Will be accessible by non-car means to essential services and community facilities as appropriate to the needs of the intended occupiers;*
- 4. Does not conflict with any strategic policy of this plan and does not have any fundamental constraint.*

Although the policy states Adult Social Care Commissioning, this extends to Children's Commissioning also in relation to homes for vulnerable children.

Details of the proposal are specified within the Design and Access Statement which advises, the home will serve up to two children aged between 8-18. The care of those children will be always covered by a minimum of two members of staff on site, with a split shift pattern between day and night.

- There would be a maximum of 2 children or young people on site
- Property would be supervised by staff 24/7
- There would be a maximum of 2 staff for each shift
- Day shift (07:00-22:00) and night shift (22:00-07:00)
- There would be an office room (which can be used as sleeping room at night) available for staff, and the night shift staff would rotate the usage of the sleeping room to allow the supervision of the property through the night

Children's Commissioning Services have been consulted on this proposal.

On the 27th October, they advised that the applicants had not been in touch with them to discuss the proposal. It was noted the comments requested a Local Area Risk Assessment to evidence the suitability of the home location, however this assessment is not a requirement under Policy LP8 and is instead a requirement by Ofsted and can be handled by that authority.

Through email conversations, on the 15th November, they advised "This is an area of need for Peterborough currently, however I am mindful that the transformation programmes proposed are expected to greatly reduce Peterborough's need for residential provision moving forward."

They since had a meeting with the provider, The Beeches, and an update with regards to the meeting was sent to both Councillor Jackie Allen and Children's Services on the 17th November.

On the 21st November, Children's commissioning confirmed that they are "in support of this sort of provision within Peterborough, and have no concerns to raise about this specific application."

The floor plan demonstrates a separate office/sleeping room for staff members which also includes shower facilities. The facilities provided are suitable for the intended occupiers (up to two children) and the site is considered in good proximity to nearby services and community facilities.

Based on the information provided by the applicant, and no fundamental objections from Children's Commissioning, the proposal can be supported, on the basis that the property is located within a residential area and is a suitable site.

On the basis of the above, the principle of development is considered to be acceptable and in accordance with Policy LP8 of the Peterborough Local Plan (2019), subject to the following material planning considerations.

b) Design and impact to the character and appearance of the site and surrounding area

The proposed change of use would change the use class of the building only from use class C3 to C2. The site would still retain the residential character of the site and there would be no changes on the external appearance of the property.

In addition, C2 use within residential areas in semi-detached dwellings is not unusual or out of character. It is accepted that children and young persons homes are better suited within a residential community rather than being segregated in an institution away from communities.

With regards to concerns that the proposal would need to be extended to meet viability, this proposal has no extensions proposed and a condition shall be appended to ensure no more than two young persons between 8-18 shall reside here to ensure no expansion would occur in the future without further planning permission.

The boundary treatments would remain the same as existing, except a new 1.8m fence would be put up on the shared boundary between the site and no.45, where there is not one as existing. The proposed height of the fence is no different to other garden boundary fences in the area and would not result in harm for the site or the surrounding area.

The operational standard and risk assessment aspect is a requirement of Ofsted and handled by the relevant bodies under separate legislation. This is beyond the scope of Planning.

On the basis of the above, the proposal is considered to be in accordance with Policy LP16 of the Peterborough Local Plan (2019).

c) Impact of the proposal on the neighbours' amenity

As there are no extensions, enlargements or alternations to the property proposed under this application, it is not considered that the proposal would cause unacceptable overbearing, overshadowing or loss of privacy impacts to surrounding neighbours.

It is recognised that there would be differences in movement of the proposed use at times, such as the staff change-over periods and this would be similar to a small house in multiple occupation.

Consideration has been given that the proposal may have noise impact, however given the occupancy of only a maximum of 2 adults and 2 children/young people, the home is expected to operate as a normal family home would. The scale of the residential care home raises no significant concern of unacceptable amenity impacts and the proposal is not uncharacteristic to the residential area.

The young occupants would be supervised 24 hours a day and 7 days a week by care staff, so therefore any disturbance would be limited and would not adversely impact the amenity of neighbours or future occupiers.

In light of the above, the proposal is considered to be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

d) Highway safety and parking provision

The site has a full paved area to the front with dropped kerb for off street parking with sufficient space for 2 vehicles with pedestrian access.

The Local Highway Authority have advised no objections, subject to conditions that a plan is provided to show 2 parking spaces with the appropriate visibility splays and details of cycle parking to be submitted before implementation. The LHA have also noted that "the proposal may lead to a slight increase in number of vehicle movements when compared to a Class C3 dwelling, however the increased movements are unlikely to result in any unacceptable harm to highway safety or lead to any capacity issues on the road network." Their comments also stated "the site is in a sustainable location, where staff would have good sustainable choices of travel rather than having to rely on the use of a private car to travel to and from the site. However to ensure that cycling is a viable option for travel, the proposal should include secure and covered cycling parking within the site."

In accordance with Policy LP13 the development is required to demonstrate one parking space per full time staff member. It is clear that the paved area to the front would have sufficient space to accommodate two off street parking spaces, and with up to two staff members per shift, the proposal would meet the parking requirement. Although this is the case, a drawing is still required to show the spaces and visibility splays, as well as cycling storage, so therefore these are required by condition.

In light of the above and the recommendation of the Local Highway Authority, the proposal would adhere to LP13 of the Peterborough Local Plan (2019).

e) Other

The council did not send me notice in writing of this proposal, despite my proximity to the property in question, but rather was informed by a concerned neighbour. I feel such a lack of transparency to be somewhat negligent.

- As per the Council's Statement of Community Involvement, notification is only required to be sent

to neighbours immediate to the planning application site. A site notice would be posted if neighbours cannot be identified. On this occasion, our records show that the adjacent neighbours were identified, and therefore letters were sent out to notify them of the application and a site notice was not required.

The Beeches PLC that are proposing the change of use, are currently developing their new school for children with behavioural and learning difficulties in Thorpe Road, Peterborough. This would suggest that potential residents will be attending this school in the future. Therefore, a long term plan should be to buy a property closer to the school, which would reduce travelling costs and carbon emissions. This should be actively supported and encouraged by Peterborough Council as part of the council's Climate Commitment to reduce carbon emissions.

- Planning cannot recommend locations for applicants to purchase or submit planning applications for. Officers can only assess the application on the site it is proposed, and each site is assessed on its own merits. Officers cannot assume that the occupants would attend the school as suggested.

Loss of property value – this is not a material consideration and cannot be taken into account.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan.

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission is **GRANTED** subject to the following conditions:

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 The development hereby permitted shall be carried out, including the materials to be used, in accordance with the following approved plans:

- Existing Site and Location Plan Drg no 537SD03
- Proposed Plans REV C Drg no 537SK01
- Proposed Elevations Drg no 537SK02
- Proposed Site Plan Drg no 537SK03

Reason: For the avoidance of doubt and in the interest of proper planning.

C 3 There shall be the presence of at least one staff member at the development hereby permitted 24 hours a day and 7 days a week.

Reason: In the interest of neighbour amenity in accordance with Policy LP17 of the Peterborough Local Plan (2019).

C 4 The application site shall be used only for the semi-independent provision for two young people aged between 8-18 within Class C2 Residential Institution of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or the equivalent to

that Class in any statutory instrument amending or replacing the 1987 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) Order 2015.

Reason: To ensure that any future change in use is assessed by the Local Planning Authority, particularly with regard to car parking provision and amenity considerations and in accordance with Policies LP13, LP16 and LP17 of the Peterborough Local Plan (2019).

- C 5 Prior to occupation of the care home, a drawing shall be submitted to show the site access and parking arrangements along with all available visibility splays (vehicle-to-pedestrian and vehicle to-vehicle) clear from any obstructions over 600mm in height. The access, parking and visibility shall be provided in accordance with the approved details prior to the occupation of the care home, and thereafter retained.

Reason: In the interests of highway safety, in accordance with Policy LP13 of the adopted Peterborough Local Plan (2019).

- C 6 Prior to its implementation a scheme of cycle parking including details of its location, along with details of the type of cycle stands and shelters to be provided shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be installed in accordance with the approved details prior to first occupation of the dwelling/building to which it relates and thereafter retained.

Reason: In order to ensure that sufficient and suitable cycle parking is available in accordance with Policy LP13 of the adopted Peterborough Local Plan (2019).

Copies to Councillors- Councillor Jackie Allen
Councillor Samantha Hemraj
Councillor Shabina Qayyum

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