

**Application Ref:** 15/01198/FUL

**Proposal:** Change of use from C3 to C2

**Site:** 500 Oundle Road, Orton Longueville, Peterborough, PE2 7DF

**Applicant:** Mr Sajeed Malik

**Referred by:** **Cllr North**

**Reason:** Noise, land use compatibility and highways

**Site visit:** 03.09.2015

**Case officer:** Mr M A Thomson

**Telephone No.** 01733 453478

**E-Mail:** matt.thomson@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

### **Site Description**

The application site is a detached two storey residential dwelling with a detached triple garage. The property is set back from Oundle Road screened by a mature boundary hedge. The property has a large rear garden which is surrounded by a variety of boundary treatments. The property including the triple garage has off street parking for at least 10 vehicles.

### **History**

In 2011 planning permission was granted for a change of use from C3(a) (dwellinghouse) to C2 (residential institution) under App Ref: 11/01372/FUL for up to 6 autistic clients aged 18-50 years with 4 members of staff (one staff member on site overnight) however this permission was not implemented and has since lapsed.

### **Proposal**

The proposal is a change of use from a C3(a) (dwellinghouse) to C2 (residential institution) providing care for 5 males who have experienced neglect, abuse, behavioural, emotional and social difficulties aged 10-16 who would be supported by three full time members of staff. The business would be operated by Semi Independent House who would provide support and a structured homely environment. External changes proposed are the creation of an access ramp to the front door and parking area to front.

### **Permitted Development**

Under the Town and Country Planning (Use Classes) Order 1987 (as amended) it is possible for up to six people (including carers) to live together as a single household and receive care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems without the need for planning permission.

Planning permission is required in this instance as there would be 5 boys and 3 members of staff residing on site due to Ofsted requirements.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
11/01372/FUL	Change of use from C3 residential to C2	Permitted	09/11/2011
07/00558/FUL	Change of use to guest house from dwelling	Permitted	06/06/2007
06/00992/OUT	Erection of a bungalow	Permitted	28/07/2006
06/00736/OUT	Erection of bungalow	Withdrawn	26/06/2006

## **3 Planning Policy**

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

### **Peterborough Core Strategy DPD (2011)**

#### **CS16 - Urban Design and the Public Realm**

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

### **Peterborough Planning Policies DPD (2012)**

#### **PP02 - Design Quality**

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

#### **PP03 - Impacts of New Development**

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.

#### **PP12 - The Transport Implications of Development**

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

#### **PP13 - Parking Standards**

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

## **4 Consultations/Representations**

### **PCC Transport & Engineering Services (02.09.15)**

No objection - the Local Highway Authority has requested at least 9 parking spaces be provided, the access width be increased to 5.5m (or 5m if a separate pedestrian access can be achieved), as well as satisfactory pedestrian and vehicle visibility splays.

### **Orton Longueville Parish Council**

No comments received

### **PCC Tree Officer (17.08.15)**

No objection

## **Local Residents/Interested Parties**

Initial consultations: 11  
Total number of responses: 2  
Total number of objections: 2  
Total number in support: 0

Two letters of representation have been received from the same address raising the following concerns;

- Noise and disturbance to residents (absconding from the property);
- Crime;
- Wider community unaware;
- Change of use of the building from a dwelling to a business;
- Management of business;
- Maintenance of the property;
- Boundary dispute; and
- Devaluation of neighbouring property.

Cllr North has referred the application to Committee because of concerns relating to noise, land use compatibility and highways.

## **5 Assessment of the planning issues**

### **Principle of Development**

The objective of the proposal is to create a family home environment where young persons (aged 10-16) would receive support to develop the skills and abilities for independent living.

By way of background information each home is operated by a registered manager, and this person is responsible for ensuring that the home is run in accordance with the regulations set out in the Children's Homes (England) Regulations 2015. The regulations are made up of 9 quality standards which must be met. Ofsted are the registered authority for children's homes, who also regulate and inspect children's homes at least twice per year, one of which is a full inspection. Inspections assess the quality of care being provided for children, the outcomes the children are being supported to receive and tests compliance with the relevant regulations.

If Ofsted find that a children's home has failed to meet a relevant regulation, it would set out requirements that the registered manager must meet. Failure to meet regulations may lead to enforcement action being taken.

It is understood that Local Authorities are responsible for placing children in the homes. There is therefore a robust assessment to ensure that each child's needs are met and there would be no conflict with the other young people already placed at the home.

The regulations seek that the children are enrolled at local schools and integrate with the local community. As such it is not considered that the proposal, either through its occupation or day to day activities would be markedly different to that of a large residential dwelling.

In addition, as previously stated, the premises could be occupied by 5 children and one member of staff without the need for planning permission, and it is not considered that the additional 2 members of staff would materially change the impact of the proposal. The proposal would therefore accord with Policy CS16 of the Peterborough Core Strategy (2011) and PP2 of the Peterborough Policies DPD (2012).

### **Design, Layout & Amenity**

Policies CS16 and PP2 seek to ensure any development would not have an adverse impact on the character of the area. Policy PP3 seeks to ensure that development would not result in

unacceptable harm to neighbour amenity.

The property benefits from a large rear amenity space with mature boundary treatments on all sides, and is set back from a busy road. The proposed access ramp is not considered to harm the appearance of the host building and the site has sufficient space to provide parking to front.

The Applicant's intention is to operate the premises as a residential dwelling whereby young persons would benefit from a secure environment. A letter of representation has raised concern that the young persons would be left unattended, could be left to their own devices or abscond from the property. There would be three full time members of staff and the Applicant has confirmed that they would not be left unattended. Should this be the case and a complaint was made to Ofsted, the home would risk being subject to enforcement action.

Concerns of an increase in crime have also been raised. Whilst fear of crime is a material planning consideration, the proposed development is not considered to increase levels of crime, and given the size of the plot and nature of development proposed the scheme is not considered to result in adverse levels of noise or activity over and above that which is permitted under the Use Class Order, or a large family home.

The proposal is considered to accord with Policy CS16 of the Peterborough Core Strategy (2011) and PP2 and PP3 of the Peterborough Policies DPD (2012).

### **Access and Parking**

The property benefits from a large parking area to front, with a detached triple garage. The Agent has clarified that there would be 3 full time members of staff and the Local Highways Authority have requested 9 parking spaces be provided. A revised access and parking arrangement has been submitted (SMEL/2013/04A), which illustrates 9 spaces and an adequate access, which is considered to satisfy LHA concerns.

The previously approved scheme sought to secure cycle parking, however Policy PP13 and Appendix A of the Peterborough Policies DPD (2012) states one secured space per bedroom, unless a garage is provided within the curtilage. There is a triple garage on site, therefore cycle parking can be provided.

Subject to securing the parking and access matters by condition the proposal would accord with Policies PP12 and PP13 of the Peterborough Policies DPD (2012).

### **Other Matters**

- There is an on-going boundary dispute with respect to trees. The proposed change of use would have no impact on existing trees, and any dispute would be a civil matter between the two parties;
- Wider community unaware - the proposal has been advertised in accordance with the proper regulations; and
- Devaluation of neighbouring property - This is not a planning matter and cannot lawfully be considered.

## **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 and specifically:

- the proposed use, external changes and parking provision would not result in an adverse impact on the visual amenity or character of the area, nor result in an increase in crime, and the proposal accords with Policy CS16 of the Peterborough Core Strategy DPD (2012) and PP2 of the Peterborough Policies DPD (2012);

- the proposed use would not unacceptably harm the amenity of adjoining neighbours by reason of noise or disruption, and therefore accords with Policy CS16 of the Peterborough Core Strategy DPD (2012) and PP3 of the Peterborough Policies DPD (2012); and
- the proposal would provide satisfactory car and cycle parking to serve the use, as well as a satisfactory access; therefore the proposal would not constitute an adverse highway safety hazard and would accord with Policies PP12 and PP13 of the Peterborough Policies DPD (2012).

## **7 Recommendation**

The Director of Growth and Regeneration 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 Prior to the use of the building hereby approved the parking and access arrangement shall be provided in accordance with Drwg SMEL/2013/04A and these spaces shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: In the interest of Highway safety and providing satisfactory parking, in accordance with Policies PP12 and PP13 of the Peterborough Policies DPD (2012). This is a pre-commencement condition as the measures need to be in place at the outset of the use.

- C 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted) Development Order 1995 (or any statutory instrument revoking and re-enacting that Order) the building shall be used to provide assisted living for no more than 5 persons aged 10-16 at any one time and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987) (or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to protect the character of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

Copies to Councillors: S M Scott OBE, D A Seaton, N V North

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