

Item No. 5.1

Planning and EP Committee

Application Ref:	19/00090/FUL
Proposal:	Change of Use from dwelling house (C3 use class) to a supported living housing scheme (C2 Use Class) for up to 6 young adults (16-19 year olds)
Site:	1 Brickton Road, Hampton Vale, Peterborough, PE7 8HS
Applicant:	Mr Anthony Byrne Byrne House Ltd
Agent:	None
Refereed by	Councillors Marco Cereste and David Seaton
Reason:	There is significant public interest in this application and the potential impacts of the development for the nearby residents are such that committee determination of the application is appropriate.
Site visit:	31.01.2019
Case officer:	Mr Chris Mohtram
Telephone No.	01733 4501733 453410
E-Mail:	chris.mohtram@peterborough.gov.uk
Recommendation:	Grant subject to conditions

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

The site and its surrounding area

The application site lies within Hampton Vale which is to the south west of Peterborough, the main arterial route of Fletton Parkway sits adjacent to its north running from east to west. The area is predominantly new build residential development, receiving permission under 91/P0556/OUT.

The application site sits on the southern side of Brockton Road, 40m from the junction with Farrow Avenue to the east. Brickton Road terminates as it veers to the north just past the application site.

The application site includes a 3 storey detached 5 bed dwelling with access to a shared gated parking area along its eastern flank. The dwelling is a mixture of brick, cream weatherboarding and render on its elevations with two distinct dormer windows facing the highway.

The Proposal

The proposal seeks a change of use from a dwelling house (C3 use class) to a supported living housing scheme (C2 Use Class) for up to 6 young adults (16-19 year olds).

No external alterations or other associated development is proposed alongside the change of use. Internally the ground floor dining room will be converted to a bedroom bringing the total number of bedrooms from 5 to 6 under this proposal.

2 Planning History

91/P0556 - Development of a township to include approximately 5,200 houses together with community, educational, social, industrial and commercial areas and associated open spaces, roads and service infrastructure (outline) duplicate – Permitted

14/02255/NONMAT - Non material amendment to Outline Permission 91/P0556 (Development of a township to include approximately 5,200 houses together with community, educational, social, industrial and commercial areas and associated open spaces, roads and service infrastructure) – Determined 15.01.2015

There were other applications within the sites history however the above more relevant to the proposal and therefore included.

3 Planning Policy

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

National Planning Policy Framework (February 2019)

Paragraph 92: To provide the social, recreational and cultural facilities which services the community needs, planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

Peterborough Core Strategy DPD (2011)

CS08 - Meeting Housing Needs

Promotes a mix of housing the provision of 30% affordable on sites of 15 or more dwellings (70% social rented and 30% intermediate housing), 20% life time homes and 2% wheelchair housing.

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)

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.

Peterborough Local Plan 2016 to 2036 (Submission)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. The plan has now been examined by the Inspector who has published a list of proposed modifications. These are being consulted upon for 10 weeks. The Inspector's final report is expected shortly after and the Council anticipates being in a position to adopt the Plan in Spring 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

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.

EQHR - Equality Duty and Human Rights

In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impact have been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.

The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

4 Consultations/Representations

PCC Wildlife Officer (30.01.19)

No objections to the scheme

Hampton Parish Council (08.02.19)

Objection to application, main points are:

Lack of Parking: The parking on the application has listed 4 allocated spaces, which are all within an enclosed gated area. Land registry confirms that only the garage and one space directly in front of the garage is allocated. All other spaces are allocated to other households. There is no allocated parking to the front of the property which is also block paved (with no set pavement/road area) and so additional cars parking here will also cause a health and safety hazard.

The potential for Crime & Disorder .The applicant has a similar property in Bedford and the

postcode for this address has consistently high levels of recorded Anti-social behaviour incidents, although not all incidents can be attributed to the applicants property , they are higher than any surrounding postcode area. The Parish feels that the potential for Crime and Disorder is high and will invariably negatively impact existing residents.

PCC Peterborough Highways Services (22.02.19)

The scheme is recommended for refusal. The proposed development does not provide adequate space within the curtilage of the site to provide the required parking facilities. This would result in vehicles parking within the access and in unsafe locations on the adjoining public highway and would therefore cause detriment to highway safety. This is contrary to Policy PP13 of the adopted Planning Policies DPD: 2012

The parking requirements for the proposed residential care home are to be assessed in accordance with C2 use class i.e.1 parking space per full time equivalent staff plus 1 visitor space per 3 bedrooms.

It states in the information provided (cover letter) that during the day (Mon to Fri) there shall be 3 staff members in attendance. Even though parking standards for C2 use class are maximum it is the view of the LHA that , given the area is primarily residential, staff should be allocated the relevant on-site parking provision as it may not always be the case that members of staff shall reside in the locality. This situation may change in the future.

Visitor parking in accordance with the number of bedrooms is also required which equates to 2 visitor parking spaces (there shall be six bedrooms) these should also be within the applicants control.

The application form also states that there are 4 parking spaces within the red/blue line boundary however as shown on the revised red line boundary plan this does not appear to be the case as it shows only 2 parking spaces (including the garage) that are within the applicants control. Whilst visiting site (on a weekend lunchtime) it was noted that one of the parking bays on the adjacent carriageway was occupied. These parking bays are unallocated and independent of the property and can be used by all so it cannot be guaranteed that these bays will ever be available to be used by staff or visitors.

To conclude there is insufficient space within the site to provide the staff and visitor parking requirements in association with the proposed residential care home. Hence the LHA's recommendation.

Ward Councillors

Have objected to the proposal as follows:

Councillor Marco Cereste (30.01.19) and Councillor David Seaton (04.02.19)

There is significant public interest in this application and the potential impacts of the development for the nearby residents are such that committee determination of the application is appropriate.

Local Residents/Interested Parties

24 Objections received from 31 properties consulted. Main points mentioned:

- Additional traffic movements
- Pressure on existing parking
- Unsafe location for proposal, too close to junction
- Increased noise and anti-social behaviour as well as crime and disorder
- Over surplus of HMO's (House in multiple occupation) within the street
- Social care not able to be delivered as dwelling is too small
- Property is not fire safe

5 Assessment of the planning issues

The main considerations are:

- Background and the 'fall-back' position
- Principle of the change of use
- Design and impact upon the character and appearance of the surrounding area
- Neighbour amenity
- Parking, access and highway implications
- Other Matters

a) Background and the 'fall-back' position

It is noted that a large number of the objections received from local residents objecting to this application. This application seeks a change of use for a care home for up to 6no. children/young adults (16-19) and it is on this basis that the proposal is to be assessed. Notwithstanding the above, due consideration must also be given to development which could have taken place without the benefit of planning permission – this is known as the 'fall-back' position. Class C3 (residential dwelling houses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) is the lawful use of the site. This class not only includes traditional family homes (i.e. where one family unit resides together) but was also expanded in 2010 to include up to six residents living together as a single household where care is provided. The Order gives an interpretation for 'care' and does not explicitly reference children or young adults however nor does it exclude them. Given this potential ambiguity, Officers requested that the current application be submitted on a precautionary basis. However, it should be noted that were the site being used for the care of adults (the definition of which includes people in need by reason of old age, disablement, past/present dependence on alcohol or drugs or past/present mental disorder) planning permission would not have been required and indeed this use could begin at any point without any control by the Local Planning Authority. Similarly, the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for the change of use from Class C3 to Class C4 (small-scale house in multiple occupation) without the need for a planning application. Class C4 would therefore allow for up to 6 unrelated persons to live together with shared communal facilities (which may only include a bathroom or kitchen). The proposal must therefore be considered against the impacts arising from the above permitted development.

b) Principle of the change of use

Policy CS8 of the Peterborough Core Strategy DPD (2011) highlights the importance and emphasises the need to provide housing to meet the needs of all sectors of society, particularly those who are vulnerable and/or have special requirements. This includes those young people who are within the care system and require a safe home in which to live.

The proposal seeks to provide a 'care' home for children/young adults aged 16 to 19 years whereby staff support is provided on a 24 hour basis. From the information accompanying the application, it is proposed for the care to be offered in a semi-independent fashion to prepare residents for life beyond the care system at 19 years. The residents will share communal living facilities including kitchen, dining and lounge areas and the staffing ratio will be as follows:

Mon-Fri (daytime) – 3 staff

Mon – Sun (evening) – 2 staff onsite + 24/7 on-call capacity

Weekends (daytime) – 2 staff on site + 24/7 on-call capacity

Whilst no formal data has been provided in respect of the demand for such care places within Peterborough, correspondence with Children's Services within the Local Authority has indicated a

need for supported housing for young people within the Peterborough area.

Taking the above into account, it is considered that the proposed use would provide much needed housing for older children within care which is fully in accordance with Policy CS8 of the Peterborough Core Strategy DPD (2011), and the benefit arising from this should be afforded a significant amount of weight. Furthermore Local Policy is also supported by the Equalities Act (2010) which seeks to protect people from discrimination within wider society.

c) Design and impact upon the character and appearance of the surrounding area

The proposal as such, it is not considered that the proposal would result in an unacceptable impact to the character, appearance or visual amenity of the surrounding area as no external alterations proposed, it is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

d) Neighbour amenity

It is noted that the majority of objections received by local residents have raised concerns with regards to the incompatibility of the proposed use within an existing residential area, particularly due to harm arising to neighbour amenity. The main concerns appear to relate to an intensification of the use of the site from a traditional family dwelling which residents fear will give rise to undue noise disturbance and increased anti-social behaviour.

As detailed above, it is proposed for the 6no. children/young adults to live akin to a single family unit with shared communal facilities including living room, kitchen and dining room. The occupants will live semi-independent lives but will all likely be in full time education as that is a national requirement now to the age of 18 years. It is not considered that children living together and receiving care in the manner proposed would significantly intensify the use of the site above and beyond a traditional family home.

The facility will have staff on site at all times with strict guidelines for behaviour in place (confirmed by e-mail 07.03.19) and will be subject to inspection by the Council that has commissioned the supply of places at the facility. Therefore there is ample opportunity for interventions should they be found to be necessary. Furthermore, when considering the impacts arising from the 'fall-back' position, it is considered that the proposed use is likely to generate less significant issues in relation to noise and general disturbances. A care home for adults, which would not require the benefit of planning permission, could and would likely result in emergency vehicles/servicing/staff movements throughout the day and night in a fashion which is considerably more intensive than the current dwelling. The proposed occupants relating to the use subject to this application will not require intensive care and, during the night-time, will use the property much like any other family home.

On this basis, it is not considered that the proposal would result in an unacceptable level of harm to the amenities of neighbouring occupants and would likely result in less harm than development which does not require the benefit of planning permission. Accordingly, the proposal is considered to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

e) Parking and highway implications

It is acknowledged that during the period of staff/shift changeover, additional parking demand would be generated which may result in some parking on-street whilst cars are moved. Whilst this would, for a temporary and relatively short period each day, result in increased on-street parking demand, such an arrangement would be likely to occur if the site were occupied by a single family (with a large number of children of driving age) and similarly, if the fall-back position were implemented.

It is also noted that a number of objectors have also raised concerns with regards to the level of traffic generation that would be generated by 6no.children/young adults residing at the premises. These concerns are noted however the children/young adults would be living together within the property akin to a single household. They would be cared for as if they were within a traditional family home and accordingly, service vehicles are unlikely to result. Furthermore, traffic demand would only be generated by staff as the children/young people would not have access to their own vehicles. With regards to visitor traffic, when taking into account the fall-back position, it is not considered that the level of visitor parking demand arising from the proposed supported living accommodation would be above and beyond the levels which could already arise through use of the property as a small scale HMO or a C3 care facility.

It should be for consideration also that under Parking Policy PP13 (DPD 2012) the parking requirement for a dwelling of 4 bedrooms or more is 2 off street parking spaces and also a requirement for 1 visitor space to be provided for every 4 dwellings. Highways in their comments are stating that the requirement is for 5 spaces.

The number of looked after children permitted within the site can readily be restricted by way of a condition to ensure that this is not exceeded as can the specific use within Class C2. Such a restriction would ensure that any alternative uses which create additional parking demand can be subject to further assessment through a new planning application. Whilst the applicant has indicated that only one full time member of staff will use vehicular transport as other workers are resident to the local area and will arrange alternative means of travel. This however cannot be relied upon to be the case for the life time of the use so little regard can be given to this.

Accordingly, and subject to condition proposed above, it is not considered that the current proposal would generate parking demand or traffic above and beyond levels arising from development that would not require planning permission. On this basis, the proposal is in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

f) Other Matters

In response to those objections raised by local residents which are not discussed above

- **Saturation of the surrounding area**– It is noted that local residents feel that the surrounding area has become ‘saturated’ with care homes however this has, to some extent, resulted from changes made by the Government to the Use Classes Order. The creation of small-scale care homes of up to 6 persons has been considered appropriate within local communities and to not result in a significant additional impact above and beyond ‘traditional’ family homes. The proposal would provide differing care to those properties within the surrounding area and would operate much in the same way as a single family unit. Furthermore, the Council has no adopted planning policies which place a limit on such uses and it is not considered that the cumulative impact results in unacceptable harm to the amenities of surrounding occupants or the general area.
- **Fire regulations**– This is not a material planning consideration and is covered by the Building Regulations or HMO licensing.
- **Crime and disorder** - There is no evidence to suggest that the proposal will result in any significant increase in crime and disorder to the locality.
- **Equality Act** – under the proposal children/young adults with a disadvantage background will reside at the property with the objective to prepare them for living independently outside of the care system. Given their disadvantaged background weight should be given to this factor in the determination of the application.

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 proposal would provide much-needed housing for up to 6no. children/young adults in a semi-independent manner to act as a transition between full-time care and independent adult living, in accordance with Paragraph 92 of the National Planning Policy Framework (2019) and Policy CS8 of the Peterborough Core Strategy DPD (2011) and would in equality terms benefit a significantly disadvantaged group;
- adequate on-site parking is provided to meet the demands of the development and no unacceptable impact would arise in terms of the safety of the surrounding highway network, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in an unacceptable degree of harm to the amenities of neighbouring occupants nor is there any significant rise of crime and disorder arising, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

7 Recommendation

The case officer recommends that Planning Permission is

The case officer 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 in accordance with the following approved plans:

- Site Location Plan – 20.02.19
- Floor Plan as existing – 17.01.19
- Proposed Floor Plan – 28.01.19

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

- C 3 The use hereby permitted shall be a care home for children/young adults aged up to 19 years only and for no other use within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification) and no more than 6 children/young adults shall reside at the home at any one time.

Reason: Only the impacts arising from the specific use above have been considered and alternative uses within Class C2 may result in additional parking demand which cannot be accommodated within the site and may lead to unacceptable harm to highway safety, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

- C4 Prior to occupation of development the parking spaces shown on the submitted Site location Plan (20.02.19) shall be laid out for vehicles to park clear of the public highway and those areas shall not thereafter be used for any purpose other than the parking of Staff vehicles in association with the C2 Care facility at 1 Brickton Road, hereby approved.

Reason: To ensure that there is an acceptable level of parking to serve the specific use, in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the Peterborough Local Plan (Submission Stage) (2018).

This page is intentionally left blank