

Item No - 2

Planning and EP Committee 30 June 2020

Application Ref: 20/00128/FUL

Proposal: Change of use from dwelling to children's home

Site: 58 Warwick Road, Walton, Peterborough, PE4 6DB

Applicant: Mr Nyasha Banhire, 24/7 Support UK Limited
Agent: Mr Richard Garnett, ARC Survey & Design Consultants Ltd

Referred by: Cllr Sandford
Reason: Contrary to Policies LP4 and LP16

Site visit: 26.02.2020

Case officer: Mr D Jolley
Telephone No. 01733 4501733 453414
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Recommendation: **GRANT** subject to relevant conditions

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

Site and surrounding

The application site comprises an extended detached bungalow with converted living accommodation in the roof, located on the eastern side of Warwick Road at the junction with Richmond Avenue.

The site occupies a relatively small corner plot, with the dwelling sited along the northern boundary. The southern and western boundaries of the site are enclosed by a low wall, whilst the northern and eastern boundaries are enclosed by fencing. The dwelling fronts onto Richmond Road, and there is a dropped kerb crossing providing vehicular access to a front drive with space for 4no. vehicles.

The surrounding area is residential in character, with a mix of bungalows and two storey dwellings of a similar period and architectural style.

Proposal

Permission is sought to change the use of the site from a residential dwelling (Use Class C3) to children's home (Use Class C2). The home is proposed to be occupied by 3 - 4 children, aged between 8 and 16 years.

It should be noted that the scheme has been amended from that which was originally submitted, to remove part of the proposal which sought the construction of a 2 metre high fence along the western and southern boundaries, to enclose the garden area.

2 Planning History

Reference	Proposal	Decision	Date
18/01956/HHFUL	Enlargement of roof with extension to front of dwelling and single storey side extension.	Permitted	28/02/2019

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 maybe accepted provided that it needs 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.

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 (13.03.20)

No objections - The proposal requires 3-4 staff to manage during the day which means that there could potentially be space within the property for a single visitor. It is also noted that there are no restrictions in the local area when it comes to on road parking and that in the rare event that there are two or more visitors vehicles could easily be accommodated on the highway for a short duration.

However, to enable the four vehicles to access the property the existing access will need to be widened and the boundary wall adjusted therefore we would recommend the following condition be applied to any planning consent;

Highways Access - The existing access should be increased in width to a minimum of 5.5m before the property can be used.

Police Architectural Liaison Officer (PALO) (11.06.20)

Following receipt of confirmation that the proposed home will be registered with Ofsted, earlier objection (received on 10.03.20) is removed and the change of use is supported.

CCC and PCC Children's Commissioner (16.03.20)

We currently work with this provider for a different type of accommodation (supported accommodation services for children in care, rather than registered children's homes). Feedback from our Access to Resources colleagues (Placement finding) is positive, though we don't have any direct experience with this provider in this proposed scope.

A Children's Home in Peterborough is unlikely to be used solely for Peterborough (or even Cambridgeshire) young people; in the last 12 months Peterborough have made 25 referrals for placements to residential homes and of those 5 didn't progress to placements. We do see a high number of out of county placements, but I would not expect this provision to 'shift' that balance significantly, if at all. Furthermore, I understand that there are challenges in Peterborough in respect of school placements for young people; this home will likely increase that pressure.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 25

Total number of objections: 23

Total number in support: 2

A total of 22no. objections have been received from local residents in relation to the proposal, raising the following concerns:

- Concerned about likely increase in crime
- Noise and disturbance
- Will the children have behaviour or drug problems?
- Construction of a 2m high fence is not in keeping with the surrounding area.
- Devaluation of house prices
- We have been burgled in the past and the proposal will increase this risk
- The Council has failed to adequately notify residents of the planning application
- Sending out the odd letter is not an accurate way to gain the opinion/impression of local residents. A more meaningful survey should be conducted by an office junior speaking to local residents
- Why are you bothering to consult when the decision has already been made?
- The area suffers from drug use
- Many of the young people that are taken into care have such complex needs they should be placed in a home that is in a more secluded area for the safety of them and the others around them

- The road is very narrow and already very busy, the use will generate far more traffic which will cause a safety hazard for motorists and pedestrians
- There will be increased road noise
- Parking problems will result.
- There is no parking for the management for this facility and visitors would be parking on the street bringing issues to the neighbours
- The dwelling has been extended without permission and without consultation with local residents
- This home would not be in the best interest of any child living there as practically the whole of the garden has been built on leaving no space for them to play/kick a ball about or enjoy any outside space
- Effect on my children and elderly residents if the Police are frequently called out to the home due to any incidents which could be any time day/night
- No facilities in the area for the young people
- Already an adults home in the area
- Locks are fitted to the doors and bars to the upper windows. Is this to keep violent residents in or protect the vulnerable retirees of Warwick Road?
- Beggars belief that such a proposal is being considered in an area occupied by retirees.
- Most residents in the area are elderly and they do not need the stress or worry of a home for children with problems
- Know the children need to live somewhere but why in a quiet estate?
- Concerned about what type of children will be living there and whether they will be local.
- We have enough problems with gypsies in the local park, which the Council seem unwilling to resolve, without having even more hassle
- The proposed use would make me feel vulnerable.
- The area is very private and the proposal will increase the number of young people and visitors which will pose a safety risk
- There appears to have been an amount of deceit so far from the Applicant when queried about the high level of security measures being installed. Residents were told that the property was to be a home for a family with a disabled member
 - The property has been overdeveloped and is totally out of keeping for the area and such a request will be obtrusive for the residents
- I believe that the current owner has leveraged the council's rules to make substantial changes to the house under the guise of residential improvements before making this application and undermining the community that surrounds the property in the name of profit

In addition, an objection from **Councillor Sandford** has been received stating:

'I would like this to be referred to planning committee, as in my view the application is contrary to parts of policies LP4 and LP16 of the adopted Peterborough Local Plan.

LP4 requires that new employment uses be in keeping with the character and appearance of the area and that there be no adverse traffic impacts. This is clearly a residential area and a commercial development such as is proposed will be out of keeping with its character and is likely to generate increase traffic movements and parking issues.

LP16 is about design and again requires that new buildings be in keeping with the character of the local area. It also requires that boundary treatments are in keeping with the area and one of the significant concerns of nearby residents is the proposed two metre high fence which they feel will interfere with the amenity of their properties.'

2no. letters of support have also been received, stating the following:

- I support the opportunity to provide help for young people in the dwelling
- Concerns of local residents over potential devaluation of their properties should not take precedence of the wellbeing of children

5 **Assessment of the planning issues**

The main considerations are:

- Fall-back position
- Principle of development
- Neighbour amenity
- Parking and highway implications
- Future occupier amenity
- Impact upon the character and appearance of the surrounding area

a) Fall-back position

Due consideration must be given to development which could take place without the benefit of planning permission – this is known as the 'fall-back' position.

Class C3 (residential dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) is the current lawful use of the site (as the previous temporary permission has now lapsed). 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 however nor does it exclude them. Notwithstanding this, it is accepted that children cannot be considered as capable of forming a household without permanent adult residence in addition.

In light of this, 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 development

Policy LP8 of the Peterborough Local Plan 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 policy states such support is granted providing that it:

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

Given that the proposal seeks a children's care home, establishing need and support is more appropriate from the Council's Children's Commissioner. They have advised that a care home of this type would likely not solely home referrals from the Peterborough area, albeit the Council has made 25 referrals for placement within the last 12 months. The policy does not require that the

identified need be solely from the City, and as such, Officers consider that need has been identified.

In terms of suitability for the intended occupiers, this is discussed in greater detail in section (e) below, albeit it is accepted that future occupiers would be afforded an acceptable quality of life within the home. The site is well-located in terms of services and facilities, set within an established residential area that is well-served by public transport and in relatively close proximity to the City Centre.

Assessment as to the other relevant policies of the Local Plan are considered below, however it is not felt that there is any significant conflict with the City's strategic policies, and the site does not have any fundamental constraints in terms of the use proposed.

It is noted that Councillor Sandford has objected to the proposal stating that the development is not in accordance with Policy LP4 of the Local Plan, as businesses must integrate with an area's character and must not result in unaccepted traffic impacts. However Officers do not consider this policy is relevant to the determination of the application as a children's home is not a business use.

On the basis of the above, Officers consider that the proposed change of use would provide much needed housing for children within care in accordance with Policy LP8 of the Peterborough Local Plan (2019).

c) Neighbour amenity

The level of public opposition to, and concern regarding the proposal is noted, with one of the key areas of concern relating to compatibility of the proposed use within the quiet residential area and the potential for crime, anti-social behaviour and disturbance.

In light of this, the views of Cambridgeshire Constabulary have been sought. The Police initially responded, raising concern as to the proposed change of use, and provided incident statistics in relation to another children's home within the City at No.22 Broadway Gardens. They advised that at that home, since the start of 2018, 43 calls were logged by the police. Of these, 28 related to incidents of missing persons owing to children absconding from care (19no. calls reports and a further 9no. calls relating to the children returning). Other reports include: 1 x violence; 1x suspicious circumstances; 1 x malicious nuisance; 2 x domestic incidents; and 1 x concerned behaviour. However it is not clear from the information provided by the Police how many of these calls were substantiated and action taken.

However, the context of that home differs significantly from the proposal subject to this application. No.22 Broadway Gardens was operating during the period quoted above for up to 6 children aged 16-18 years. It was therefore not registered with Ofsted and housed older teenagers. The proposal subject to this application would provide housing for no more than 4 children, and occupants would be aged 11 to 16 years. Caring for children below the age of 16 shall result in the need for the home to be Ofsted registered, with regular inspections taking place. On this basis, the Police have removed their initial objection and now offer their support to the proposal as there will be far more regulation of the care home, with Ofsted having more regulatory powers. Therefore, if further incidents occur on site which require the Police, the Police can 'log' the call-outs with the Ofsted boards, who would monitor and consider further actions against the care home if necessary. It would also provide the Police with additional leverage if the care home is failing to protect its young and vulnerable residents.

It is proposed that the use operates in a use similar to a single family dwellinghouse, utilising shared communal facilities including living room, kitchen and dining room. The occupants will live semi-independent lives, with special needs, learning or physical disabilities, and will likely be in full time education. 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.

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. Officers do not consider that the proposed occupants would generate additional disturbance above and beyond this.

Taking into account, Officers do not consider that the use of the site as a children's care home would give rise to unacceptable harm to the amenities of neighbouring occupants. On this basis, the proposal is considered to be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

d) Parking and highway implications

It is noted that several of the objections received from local residents have raised concern with regards to parking demand, and the impact that the proposal would have upon the safety of the surrounding highway network to the site.

Given the use proposed, the Council's adopted parking standards state that 1no. parking space is required for each full time member of staff within the home. The Applicant has advised that, with 4no. children proposed for care, there would be a maximum of 4no. care staff on site at any one time during the day, and 2no. at night. Within the site frontage, 4no. parking spaces are proposed, alongside turning such that vehicles can enter and exit the site in a forward gear. The site is therefore considered to accommodate sufficient staff parking. The Local Highway Authority (LHA) has raised no objections on this basis, but has advised that the vehicular access into the site is required to be widened to accommodate the arrangement proposed. This may be secured by way of a planning condition.

It is acknowledged that during shift changeover, there will be additional parking requirement for a short period of time, however this would not occur frequently throughout the day, and there is considered to be sufficient space within the surrounding public highway such that inappropriate parking would not result.

In addition to staff parking, the parking standards require that consideration be given to visitor parking, albeit this must be assessed on a case-by-case basis. In this case, given the very small scale of the operation, it is considered that any visitor parking could easily be accommodated within the surrounding road network without unacceptable harm to highway safety. The surrounding roads are not restricted by way of parking restrictions and it is noted that during the Officer's site visit (circa 15:30 hours), there was ample parking availability on-street. Furthermore, when taking into account the fall-back position, it is not considered that the level of visitor parking demand arising from the proposed children's home would be above and beyond the levels which could already arise.

In light of the above it is considered that the proposal will not unacceptably harm highway safety and is in accordance with Policy LP13 of the Peterborough Local Plan (2019).

e) Future occupier amenity

Some objections have been raised in regards to the level of amenity that occupants of the proposed children's home, with some raising that the use proposed would be better suited to a more quiet and less urban area.

The proposed care home would consist of 4no. bedrooms, a kitchen, lounge, lounge/diner and office. The primary habitable rooms and bedrooms would all have acceptable space and fenestration for their purpose, with adequate natural daylight and outlook. It is however acknowledged that the garden area is located to the front/side of the property and is not subject to privacy given its low boundary wall. It is however considered to be of a reasonable size. At approximately 90sqm it is considered that the garden provides an adequate amount of private

amenity space for future occupiers.

To address the privacy matter, the original proposal sought the construction of a 2 metre high fence around this garden area, however it was considered by Officers that this would appear unduly obtrusive and incongruous within the streetscene and accordingly, it was removed from the scheme. Instead, the Applicant seeks to plant hedges and shrubs to improve privacy. Whilst this would not be as effective as a fence, it is considered sufficient to provide some privacy to the garden area. Furthermore, the property is presently lawfully a residential dwellinghouse and affords those occupants with no private outdoor amenity area. It is not considered that the proposed occupiers would be more in need of a private outside space than a family, and accordingly the proposal could not be resisted on these grounds.

In regards to those comments made which advise that the children's home would be better suited within a different location, alternative locations cannot be considered in the determination of this application. The Local Planning Authority must assess the proposal as submitted, against the adopted planning policies and taking into account all relevant material planning considerations and cannot consider whether there are/are not more appropriate sites elsewhere.

In light of the above it is considered that the proposal provides an acceptable level of amenity for future occupants and is therefore in accordance with Policy LP17 of the Peterborough Local Plan (2019).

f) Design and impact upon the character and appearance of the area

Following the removal of the proposed high fence around the front of the dwelling is considered that there will be no material impact upon the character of the area. The Applicant now proposes a natural landscaped boundary which will have a softer less obtrusive impact as compared to a fence and does not constitute development (i.e. no planning permission is required).

The alteration of the use, from C3 to C2 would not result in a material change in character of the site or surrounding area. The site would remain in residential use, albeit with an element of care. The design and access statement states that there will be between 6 and 8 people at the site at any time, half being residents and half being carers. This level of activity and the likely comings and goings to and from the site is commensurate with that of a large residential dwelling of 9 rooms and in themselves are unlikely to result in an unacceptable level of trip generation. This is particularly considered given the fall-back position.

Residents have objected stating that the proposal is not right for the location proposed. However it is considered that care homes such as this should be sited in residential locations, particularly as the use remains residential in nature. The concerns of residents, that the area is broadly occupied by pensioners/the elderly is noted, however the area cannot be considered to be a dedicated retirement area and to resist the proposal on this basis would not be sound in planning-terms.

In light of the above, it is considered that the proposal would not unacceptably harm the character of the area and is in accordance with Policy LP16 of the Peterborough Local Plan (2019).

g) Other matters

In response to those objections received but not addressed above:

- Devaluation of property values: This is not a material consideration in the determination of the application.

- Concerns of drug use by occupants: As detailed above, given the age of children within the children's home, it would have to be registered with Ofsted and would therefore be subject to accordance with those standards. Regular inspections will be made and in the event that serious issues regarding crime and anti-social behaviour, Ofsted would have the power to close the home.

- Inadequate public consultation: The Local Planning Authority fulfilled its statutory duty in regards

to public consultation on the application proposal.

- Previous property extensions without planning permission: Application 18/01956/HHFUL permitted the alterations to the dwelling, however the motive behind the alteration is not a material planning consideration and would not have been taken into account at the time.

- Lack of facilities for occupants: The application site is located within an established residential area which is well-served by facilities and services. The lack, or availability, of specific facilities for children is not a matter for which the proposal could be resisted.

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 principle of development is sound and the proposal would not unacceptably harm the character of the area, the amenity of the occupiers of neighbouring dwellings or highway safety; in accordance with policies LP8, LP13, LP16 and LP17 of the Peterborough Local Plan (2019).

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 in accordance with drawings:

- Existing Site Plan (drawing number 1942/PL1);
- Proposed Site Plan (drawing number 1942/PL2 Revision A);
- Existing Plans (drawing number 1942/PL3);
- Elevations (drawing number 1942/PL4);
- Proposed Plans (drawing number 1942/PL05);
- Location Plan (drawing number 1942/PL06); and
- Proposed Elevations (drawing number 1942/PL7 Revision A).

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 aged from 8 to 16 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).

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 LP13 and LP16 of the Peterborough Local Plan (2019).

- C 4 No more than 4no. children shall live at the property and receive care at any one time, and no more than 4no. staff shall be present within the site at any one time other than during shift changeover.

Reason: To ensure that no undue pressure for parking results which may pose an unacceptable danger to highway safety and in order to preserve the amenities of neighbouring occupants, in accordance with Policies LP13, LP16 and LP17 of the Peterborough Local Plan (2019).

- C 5 Notwithstanding the submitted drawings, the use hereby permitted shall not be begun unless and until the vehicular access to the site has been widened to 5.5 metres in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019). This is a pre-commencement condition to ensure that the vehicular access is of sufficient size to accommodate the staff parking demand generated by the development.

- C 6 The use hereby permitted shall not be begun unless and until the area shown on drawing number 1942/PL2 Revision A 'Proposed Site Plan' for the parking and turning of vehicles has been laid out and made available for use. Thereafter, the area shall be retained solely for those purposes in connection with the care home use hereby permitted and shall not be used for any other purpose in perpetuity.

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

Copies to Councillor. Barkham, Councillor Sandford and Councillor Shaheed