

<b>Application Ref:</b>	20/01550/FUL
<b>Proposal:</b>	Change of use from C3 (single dwelling) to C2 (children's home) for up to 3 persons
<b>Site:</b>	Lorac Lodge, 4 Turnpike Road, Hampton Vale, Peterborough
<b>Applicant:</b>	Lorac Property Ltd
<b>Agent:</b>	Pink Planning
<b>Site visit:</b>	15.12.20
<b>Referred by:</b>	Councillors Cereste, Howard and Wiggins
<b>Reason:</b>	Concerns of a lack of parking both on- and off-site
<b>Case officer:</b>	Mr M A Thomson
<b>Telephone No.</b>	01733 4501733 453478
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<b>Recommendation:</b>	<b>GRANT</b> subject to conditions

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

### Site Description

The application site comprises a detached 2.5 storey detached dwelling situated on a corner plot, situated within Hampton. The dwelling is served by a detached double garage with off-street parking spaces to front, surrounded by residential properties.

### Proposal

The Applicant seeks planning permission for the 'Change of use from C3 (single dwelling) to C2 (children's home) for up to 3 persons'.

It is understood that the proposed children's home would provide care and support to vulnerable children and those with learning disabilities within the Peterborough area. The home would enable the children receiving care to live as independently as possible within a registered home setting, supported living service with a tenancy or home with cared (HwC) package.

The home would offer different levels of support, according to the service users specific needs. These services may range from everyday life challenges such as domestic duties, shopping, financial management, companionship and more intimate personal care such as washing and dressing. Specialist support and care would be provided to those people with more complex and challenging needs i.e. people with Learning Disabilities, Physical Disabilities, Autistic Spectrum Disorders, Mental Health Illness, Acquired Brain Injuries and Behaviours that Challenge.

No external alterations or other associated development is proposed. Access arrangements would remain as existing.

**N.B.** It should be noted that the proposal has been amended from that which was originally submitted, to reduce the maximum number of children proposed as occupants within the care home. This amendment has been subject to revised public consultation however, this period will not expire until 15 April 2021, after the scheduled Committee meeting.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
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	09/03/1993
06/01840/REM	Erection of 144 dwellings with roads and infrastructure	Permitted	19/02/2007

## **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

#### **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**

### **Hampton Parish Council (04.12.20)**

Objection - The available parking spaces do not accurately reflect what will be required. The garage at the property, although designated as a double garage, does not fit 2 standard sized cars and therefore on-street parking will be required by staff and visitors. Although 5 staff are listed, it is

to be expected that other staff and therapists will also be visiting, also staff handover times have not been included and potentially the property at certain times of the day may require up to 10 parking spaces. Turnpike Road is extremely narrow and that amount of cars parking will cause significant problems for other residents and pedestrians.

#### **PCC Peterborough Highways Services (05.03.21)**

Objection – At least 6 on-site parking spaces are required to be provided to accommodate the day to day parking requirements of the Care Home. This parking provision cannot be provided within the site curtilage, as tandem parking arrangements are only permitted for single dwellings. As such, a parking arrangement of 2 vehicles positioned side by side on the forecourt of the property, in front of the garage, would be acceptable to the Local Highway Authority (LHA), therefore space for at least 5 members of staff would be required to be provided within the public highway.

Parking survey data has demonstrated that at times during the week and at the weekend that the number of vehicles parked on road in the survey area exceeded the acceptable 85% threshold where it states that parking stress becomes a cause for concern.

Further to visiting the application site on two separate occasions, the carriageway was reduced to a single width due to the number of parked vehicles on Turnpike Road, making it difficult for vehicles to pass. A significant number of vehicles were also observed parked along Daisy Drive and Dukes Way.

The development could potentially result in at least 10 additional vehicles parking on street in the vicinity of the site. This would add considerably to the volume of vehicles parked on street even for a short time, which would therefore constitute a highway safety issue for pedestrians and motorists etc. on the public highway especially at the weekend when additional vehicles shall be parked on road.

The LHA would not agree that the level of parking demand for the Care Home would be in line with that of a large family home or small scale house of multiple occupation, and the nearest bus stops are located on Four Chimneys Crescent, situated 400 metres from the application site, therefore it is unlikely that that members of staff would use this method of transport regularly, especially at unsociable hours.

The Care Home has the potential to generate a significant level of traffic, and in the absence of adequate on-site parking this would constitute a highway safety issue for all users of the public highway.

For these reasons, the LHA are of the view that this area is not an appropriate setting for a commercially run business, as there is so little parking capacity remaining within the area, which should be retained for residents.

#### **Updated 29.03.21**

Objection - Even though the number of children that shall be in residence shall reduce from 5 to 3 there shall still be a resultant increase in the number of vehicles parking on street. There are still the staff handover periods, additional staff and visitors who shall visit the site to take into consideration.

The parking survey showed that, at times, there was no space available on the nearby streets for additional parked vehicles.

The LHA maintain the view that what little parking capacity there is remaining in the area should be retained for residents.

#### **PCC Pollution Team (16.12.20)**

No objection – The supporting information is noted, particularly that the home would be staffed at all times, and therefore have no objections to the proposal.

## **Police Architectural Liaison Officer (PALO)**

No objection - The Detective Inspector from our Protecting Vulnerable People department has been consulted, and confirmed that whilst Hampton is not a hotspot area, there is ease of access to Peterborough which is in terms of child exploitation. That said, they are supportive of the location if the care is of a 1-1 basis due to complex needs. There is also an assumption that the home will be registered under Ofsted.

## **Local Residents/Interested Parties**

Initial consultations: 8

Total number of responses: 17 (including the Parish Council)

Total number of objections: 16

Total number in support: 0

**At the time of writing this report, the application is subject to a public re-consultation in relation to the amended description of development which has reduced the number of children from 5 to 3. The revised consultation period ends on the 15 April 2021.**

### *First round of consultation (original submission)*

15x letters of objection have been received raising the following concerns:

- The number of children and staff would make the proposal unlike a typical household
- There is insufficient on-street parking for current residents, and because of the road width, when cars are parked this only allows room for one car
- There are concerns of shift change, when 5x staff leave and 5x staff arrive, twice a day
- Noise and disturbance associated with the use of the care home, including shift change
- Should family members visit, where would they park?
- The garages are very small and realistically they would not be used for parking
- Young adults may have their own vehicles
- There may be an increase in the use of other vehicles, such as emergency services; this residential road is not suitable for this type of use
- Hampton centre would be a better location for this development, it would provide transport links so therefore the people working in the care home would have the option of using public transport instead of driving
- The development would require additional bin storage and what would happen with medical waste
- It is not clear whether the Applicant has done the required assessment for the proposed location, as per the Care Standards Act, which includes establishing any information about public protection relevant to the future safety & welfare of children who may be cared for in the children's home from the local Police Force
- Within the Design and Access Statement the phrase "unacceptable degree" has been used in connection with the impact on the neighbouring residents by the Applicant, however they have failed to provide any evidence of any mitigation measures which would be put in place to guarantee that the occupants and visitors of the proposed development would not be involved in any nuisance anti-social behaviour or crime in the neighbourhood
- The application has not defined the age limit, the type of young adults and the process through which young adults will be brought to the facility. In the absence of these details, it is likely that young adults with potential violent or uncontrollable behaviour can reside in the property
- Concerns that the proposed use may result in anti-social behaviour and calls for the Police
- The house and location is not suitable for young adults with potential violent and uncontrollable behaviour, and there is a fear for wellbeing and safety
- I bought my property because it would be surrounded by family housing and the community it came with it. Properties being used for businesses and HMO's is not what I wanted or bought into
- There are concerns as to the competency of the business
- There is an unfenced lake within 50 metres of the application site, which is not safe for anyone

- with mental health issues never mind children
- Concerns re the extent of public consultation
- Concerns with the competency and experience of the Applicant
- Devaluation of property

Objections have also been received from **Councillors Cereste, Howard and Wiggin**.

**Councillor Cereste** has called the application to Planning Committee due to concerns relating to a lack of parking.

**Councillor Howard** has stated: 'This application is flawed and doesn't reflect the significant parking challenges already faced on this road. The parking plan proposed doesn't work in reality as it assumes all staff come and go to swap cars on the driveway/garage at the same time, which is impossible for a house hosting youngsters with needs. This is before the additional visitors that would come to the house. I also ask for this application to be referred to the Planning committee'.

**Councillor Wiggin's** comments are set out within the Parish Council comments above.

#### Second round of consultation (revised description)

To date, 4x letters of objection have been received in relation to the revised proposal as follows:

- The current parking situation is stressed at best and any increase to traffic and subsequent parking would result in problematic parking for current residents and their visitors
- Road safety is also an issue as there are several families with young children in the area
- It has been indicated that parking is an option in Dukes Way however cars parked in the locations indicated force cars out into the road and into the path of any oncoming cars coming from the lower part of Dukes Way
- Letting this house be used for any purpose greater than it is currently will increase the number of cars and make parking worse
- The position is just not suitable, please do not let this happen
- The proposed site is in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with the property
- Will be directly impacted by the increase in noise, disturbance and nuisance from essentially the change use from a residential to a business property
- Not only will there be a continual coming & going of residents, staff, family, friends & support workers because of a business operating but also due to the unknown nature of the residents (other than complex and challenging needs) a high likelihood of an increased level of anti-social behaviour, which will impact of the enjoyment we gain from our garden (No.2 Turnpike Road)
- The adverse effect on the residential amenity of neighbours, by reason of (among other factors) noise, disturbance, overlooking, loss of privacy, overshadowing, etc. and assuming a worst-case scenario with regard to the actual residents, this is a material grounds for refusal of planning permission
- It is possible that the property will incur regular visits from Police and other emergency services to deal with issues thus the proposed Change of Use will affect the character of the neighbourhood
- Given the 24-hour cover (i.e. 1:1 care), this would suggest a need for 12 car parking spaces, based upon a typical 42-hour working week, and this does not include additional parking requirements for family/friends and support workers
- Given the already high density of on-road parking in the street, often leading to the road being reduced to a single width even a small increase in traffic will directly impact residents, as well as making it difficult for emergency services to access the area
- Given the Council's own Highway Engineers have objected to the proposed planning due to concerns this would adversely affect highway safety and the convenience of current residents this is another material reason why the planning should be refused
- We have been provided with no evidence that the property will be registered with Ofsted, and

- that the Service Provider has any experience of running a Children's Home
- Concerned that the property is not suitable for vulnerable children of any age, given that it is a 3-Storey Building which has not been designed with fire escapes (to meet fire regulations) as initial use was classified as Residential

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

The main considerations are:

- Principle of development
- Highway safety and parking
- Character and amenity
- Amenity of future occupiers
- Crime and anti-social behaviour

### **a) The fall-back position**

Due consideration must be given to development which could have taken place without the benefit of planning permission – this is known as the ‘fall-back’ position - and is a material planning consideration. Class C3 (residential dwellinghouses) 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 however nor does it exclude them. Notwithstanding this, it is accepted that children living together cannot lawfully form a ‘household’ and therefore the provision of care for children does not fall within Class C3.

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) The Principle of Development**

The proposal would result in a change of use of the site from residential dwelling (Use Class C3) to a residential care home (Use Class C2). In this case, the use sought specifically relates to a Children’s Care for up to 3 children with learning disabilities. The application has been accompanied by a Planning Statement albeit the information contained therein is limited in terms of describing the use proposed. Further to this Statement, the Applicant has provided more detailed information regarding the intended use, which is set out in Section 1 above.

Notwithstanding this, the planning system is concerned with the use class proposed, and not the specific users (operators or occupiers) and therefore this specific operating model proposed by the Applicant has been considered in a limited capacity. The main assessment relates therefore to a children’s care home in a more general sense.

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. However there are a number of criteria which must be met in order for a development proposal to be supported:

- 1) There must be an identified need, and be supported by the Council's Care Commissioners;
- 2) It must be suitable for the intended occupiers in terms of standard of facilities;
- 3) It should be accessible by non-car modes to essential services and facilities; and
- 4) The proposal should not conflict with other strategic policies contained within the Local Plan.

Turning first to the matter of need, the Council's Children's Commissioners have advised that the Council does have an identified need for residential service provision locally. This is needed to ensure that the Council can meet the scope and range of need for such care, and maintain children and young people in their local communities including attending school (existing special school or on-site Ofsted registered provision) and receiving health services.

With regards to the matters of future occupier amenity and accessibility, these shall be assessed in more detail below. However, in summary, it is considered that the proposal meets with these criteria and further, does not conflict with any other strategic policies within the Local Plan.

Taking the above into account, it is considered that the proposed use would provide much needed housing for children within care, in accordance with the criteria set out within Policy LP8 of the Peterborough Local Plan (2019), and the benefit arising from this should be afforded a significant amount of weight. The principle of development is accepted.

### **c) Highway Safety and Parking**

It is noted that all objections received from local residents, Hampton Parish Council and local Ward Councillors raise the matter of parking and highway safety as their primary concern in relation to the proposal.

The property would accommodate a maximum of 3x children and/or young adults, and the Applicant has advised that these children would be supported by a team of 3x staff who would work on a rotating shift pattern to ensure 24-hour cover. The shifts would be: 8am to 8pm (day shift); and 8pm to 8am (night shift).

Whilst this staffing level is noted, Officers acknowledge that, depending on the nature of need, there could be more parking demand generated by the proposal, including (but not limited to): specialist therapists; social workers; family; friends; and education providers. Therefore, the proposal has the potential to generate additional parking demand above and beyond the staff who provide the main care for occupants. This matter has, in particular, been raised by the Local Highway Authority (LHA) who object to the proposal.

Notwithstanding this, it is also accepted that 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. The children would not likely own or drive their own vehicles.

Policy LP13 and Appendix C of the Local Plan set out parking standards for new development. For a Class C2 use, the parking standards are a 'maximum' of no more than 1x parking space per full time member of staff, and 1x visitor parking space per 3x bedrooms. Consistent with other planning applications for similar uses elsewhere within the City, Officers take a pragmatic approach and seek that 1x parking space is provided per member of staff who provides the main care to occupiers (i.e. not support staff who are not based at the property). Accordingly, on the basis of the staffing levels proposed by the Applicant, 3no. parking spaces are required.

The property is presently served by 6x parking spaces - 2x within a double garage, and 4x parking spaces on the driveway to the front of it. However, the LHA has advised that in this case, tandem parking is not appropriate owing to the increased potential need for moving cars to gain access/egress, and given that the spaces within the garage would be difficult to access during shift change given their narrow width and depth. As such, the LHA considers that the site only has two

useable parking spaces for the use proposed.

To an extent, Officers concur with this view, however it is considered that there is scope to accommodate 3no. vehicles on-site without the need for significant manoeuvring within the public highway. Two vehicles could be accommodated within/just to the front of the garages, whilst another was on the front-most portion of the site to one side. This would enable all spaces to be accessed without the need for another to be moved. Accordingly, Officers are of the view that the 3no. parking spaces required by staff directly caring for the children on a constant basis can be accommodated within the site. To ensure that no additional constant (i.e. throughout the day and night) parking demand is generated by staff, a condition is considered necessary to restrict the number of main staff within the site to no more than 3 at any one time other than shift changeover. This has been agreed by the Applicant and explains the use of the phrase 'up to' within the description of development as some children being cared for may require more than 1:1 care.

It is acknowledged that during the period of staff/shift changeover, additional parking demand would be generated which would result in some parking on-street whilst cars are moved. In addition, the proposal would generate additional parking demand through visitors.

Furthermore, it is noted that the Applicant has submitted a parking survey which the LHA has advised demonstrates, at times during the week and at the weekend, the number of vehicles parked on roads in the survey area exceeded the threshold of 85% capacity which is the benchmark the LHA sets for acceptably capacity to meet new parking demand and at the point whereby parking stress becomes a cause for concern.

It is owing to this capacity issue that the LHA has maintained its objection to the proposal, even with the reduction in the number of children who would be cared for and consequently, the number of associated staff/visitors.

All of the above is noted, and Officers are aware and mindful of the well-documented significant on-street parking congestion which causes concern to local residents. However, whilst the proposal 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 most pertinently, if the fall-back position were implemented.

On this basis, whilst Officers accept that the proposal would result in on-street parking demand, such increased demand could result from development which does not require the benefit of planning permission and on that basis, a reason for refusal in regard to parking capacity and highway safety could not be sustained.

To ensure that the parking demand generated by the proposal does not significantly and regularly exceed the assessment above, it is recommended that permission only be granted for a 2 year temporary period. This would enable review of the use whilst in operation, to ensure that the additional parking beyond the staff providing direct care does not result in unacceptable impact to the surrounding public highway above and beyond the fall-back position.

#### **d) Character and Amenity**

A number of objections received have raised concerns with regards to the proposed use in terms of noise/general disturbance and impact upon neighbour amenity.

Further to reducing the number of children who would be cared for within the property to a maximum of 3, Officers consider that based on the site characteristics and constraints of the site, this would be appropriate. It is considered that a maximum of 3 children with 3 permanent carers within the site would be akin to use as a residential dwelling, and the occupants would be living together as a household in the main with shared kitchen and communal facilities. The proposal would therefore be no more intensive in terms of its impact that if the property were occupied by a large family.

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

As such, further to reducing the number of children to a maximum of three and subject to a two year temporary consent, it is considered that the proposal would not result in unacceptable harm to the amenities of neighbouring occupants and is therefore in accordance with Policy LP17 of the Peterborough Local Plan (2019).

**e) Amenity of Future Occupiers**

Each child would be provided with an en-suite bedroom which is considered to afforded satisfactory levels of natural light and outlook. The layout of the property is such that the ground floor communal living areas would be spacious, and more than sufficient in size for up to 3no. occupants. A rear garden would be available to occupants and the property would remain laid out as a traditional family dwelling. There are no known concerns with regards to the security of the surrounding residential area and as such, there are no grounds on which to conclude that future occupiers would not be afforded a satisfactory level of amenity. The development would therefore accord with Policy LP17 of the Peterborough Local Plan (2019).

**f) Crime and Anti-Social Behaviour**

The Police Architectural Liaison Officer has raised no objections to the proposal, advising that the Detective Inspector from Cambridgeshire Constabulary’s Protecting Vulnerable People department has been consulted, and confirmed that whilst Hampton is not a hotspot area, there is ease of access to Peterborough which is in terms of child exploitation. That said, they are supportive of the location if the care is of a 1:1 basis due to complex needs. There is also an assumption that the home will be registered under Ofsted.

The planning system cannot require or secure that the proposed children’s home register or be regulated by other bodies, including Ofsted. Albeit it is noted that this is the intention of the Applicant. Nor can the planning system require that occupants solely be located from the Peterborough area such that the City Council be responsible for review/monitoring of the home. However, there is considerable primary legislation relating to the care of children and any Local Authority housing children within the premises would, if significant problems regarding crime/ASB, likely remove the children from the setting.

Whilst it is accepted that children’s care homes across the City do not operate without incident, there is no strong evidence to suggest that they generate levels of crime or ASB such that unacceptable harm to surrounding communities results. On this basis, in light of the lack of objection from the Police and without substantive evidence to the contrary, it is considered that the proposal would not result in significant increased crime or ASB risk.

**g) Best interest of children and the Public Sector Equality Duty contained in the Equality Act (2010)**

Paragraph 28 (Reference ID: 21b-028-20150901) of the National Planning Practice Guidance refers to children’s best interests, and states: ‘Local authorities need to consider whether children’s best interests are relevant to any planning issue under consideration. In doing so, they will want to ensure their approach is proportionate. They need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. This will include considering the scope to mitigate any potential harm through non-planning measures, for example through intervention or extra support for the family through social, health and education services’.

As confirmed by the Council’s Children’s Commissioners, it is accepted that there is a need for this type of care within the area. Subject to reducing the number of children to a maximum of three, and

limiting the permission to a temporary two year temporary consent, this will provide the Local Planning Authority the opportunity to assess the impact of the proposed use on the area, the 'environment' and 'wider community'.

Officers are conscious that in determining the application the Council must have regard to the needs of those with a protected characteristics-in this case the proposed occupiers would have relevant characteristics asunder the Public Sector Equality Duty, contained in S149 of the Equality Act 2010 (PSED, 2010), however for the reasons expanded upon above, the scheme can only currently be supported for a temporary period.

#### **h) Other Matters**

The following matters have been set out within letters of objection, not discussed above:

- *Bin storage and disposal of medical waste*

Officer response: Should planning permission be granted, a condition could be used to secure satisfactory bin storage. Medical waste would need to be disposed of in accordance with relevant guidance, which is separate to the planning process.

- *No defined age limit on occupiers or detail provided as to how occupiers will be chosen*

Officer Response: This proposal would be for a children's home, therefore up to the age of 18.

- *Inappropriate use within a residential area/proliferation of houses in multiple occupation and businesses*

Officer Response: The Government, through the changes to the Use Classes Order in 2010, introduced Classes C3(b) and C4 which allow for small-scale care homes and houses in multiple occupation for up to 6 persons. This therefore indicates the acceptability of such uses within residential areas. Notwithstanding this, the proposal has been considered against the relevant policies of the Peterborough Local Plan and taking into account all material planning considerations.

- *There are concerns as to the competency of the business*

Officer Response: The competency of the business is the responsibility of the undertaker and any relevant regulatory body, which is separate to the planning process.

- *Proximity of the lake and safety of the children*

Officer Response: The lack is located within a residential area, surrounded by residential dwellings. There is no reason to consider that occupants of the proposed children's home would be any more at risk than existing residents.

- *Concerns regarding the extent of public consultation*

Officer Response: Neighbouring occupiers have been consulted in accordance with the Council's statutory duty under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

- *Devaluation of property*

Officer Response: This is not a material planning consideration and cannot legally be considered.

- *Accordance with Fire Regulations*

Officer Response: This is not a material planning consideration and is covered by the Building Regulations. A change of use under this separate legislation is required and this would consider fire safety.

## **6 Conclusion**

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 development would go towards providing housing to meet the needs of the most vulnerable, as such the principle of development accords with Policy LP8 of the Peterborough Local Plan (2019);
- Subject to a temporary consent, this would provide opportunity for the Local Planning Authority to ensure that the proposed use would not unacceptably harm the character of the area, that it would not result in an unacceptably adverse harmful impact to neighbouring amenity, and would provide satisfactory amenity for future occupiers, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019); and
- Subject to a temporary consent, this would provide opportunity for the Local Planning Authority to assess whether there are any adverse Highway safety concerns, and that satisfactory parking can be accommodated on site, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

## **7 Recommendation**

The case officer recommends to the Planning and Environmental Protection Committee that Planning Permission is recommended to the **GRANTED subject to no new substantive objections being received as a result of the ongoing public consultation which expires on 15 April 2021, and 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 use hereby permitted shall be discontinued no later than a period of two years following the date that the use is commenced ('the commencement date'). The Applicant, or their Successors in Title, shall notify the Local Planning Authority of the commencement date in writing, no later than 14 calendar days following the date that the use hereby permitted commences.

Reason: In order to review the impact of the proposal upon the public highway in terms of parking demand, and the amenities of neighbouring occupants, in accordance with Policies LP13 and LP17 of the Peterborough Local Plan (2019).

C 3 The use hereby permitted shall be a care home for children aged up to 18 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 notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (or any statutory instrument 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 Policy LP13 of the Peterborough Local Plan (2019).

C 4 No more than 3no. children shall live at the property and receive care at any one time, and no more than 3no. 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 and LP17 of the Peterborough Local Plan (2019).

C 5 Prior to the commencement of the use hereby permitted, details of commercial bin storage and collection shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bin storage and collection measures shall be implemented in accordance with the approved details, and retained and maintained as such in perpetuity.

Reason: In the interest of protecting the character of the area and highway safety, in accordance with Policies LP13 and LP16 of the Peterborough Local Plan (2019).

C 6 The parking area as shown to the side of the dwelling on the drawing 'Existing Block Plan (1:500)' shall be made available for the parking of staff prior to the commencement of the use hereby permitted. Thereafter, it shall be retained and maintained for the purposes of the parking of staff vehicles in connection with the use hereby permitted.

Reason: To ensure the development is provided with satisfactory parking, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C 7 Prior to the first occupation of the use hereby permitted, 3no. secure cycle stands shall be provided on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be maintained as such throughout the period of this permission.

Reason: In the interest of ensuring that the site is served by sufficient cycle parking and to encourage more sustainable methods of travel, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan (1:1250)
- Existing Block Plan (1:500)
- R1024 TP0001 Rev A – Proposed Ground Floor
- R1024 TP0002 Rev A – Proposed First Floor
- R1024 TP0003 Rev A – Proposed Second Floor

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

Copy to Councillors Cereste, Seaton and Wiggin