

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 29/04/2014</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>John Hill Development Officer</b>	<b>Application No: KET/2014/0088</b>
<b>Wards Affected</b>	<b>Barton</b>	
<b>Location</b>	<b>234 Barton Road, Barton Seagrave</b>	
<b>Proposal</b>	<b>Full Application: Change of use from private dwelling to children's residential care home (as described in KET/2014/0088)</b>	
<b>Applicant</b>	<b>Ms D Aplin</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. Prior to the commencement of the use hereby approved the existing parking area at the front of the property shall be extended up to the northern boundary of the site with permeable block paving to match the existing and the existing paved area shall be altered where necessary to ensure all surface water is captured and drained before it runs off the area.

REASON: To safeguard the amenity of the locality in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Prior to the commencement of the use hereby approved a document demonstrating how regular or expected visitors to the site including staff shall park responsibly particularly in the event all available on site parking is full, shall be submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented concurrent with the commencement of the use hereby approved and remain in place at all times. The document shall include information for visitors on available public transport in recognition of a bus stop being just outside the site.

REASON: In the interests of sustainability in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The dwelling the subject of this permission shall not be used for any purpose other than the specific use decided in the application or as a domestic dwelling.  
REASON: To safeguard the amenity of the neighbouring residential properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2014/**

### **3.0 Information**

#### **Relevant Planning History**

KE 2000/0824 Change of use of shop to residential – Approved February 2001

KE 2001/0794 New dwelling – Approved November 2001

KE 2001/0901 Erection of 2 no. dwellings ( land to rear) – February 2002

Other planning history of sites elsewhere in the Borough that relate to where existing home's are ran by the applicant of the current application.

KET/2010/0375 – Change of use from residential to children's home – 9

Kettonby Gardens, Kettering - Approved 11<sup>th</sup> August 2010.

KET/2012/0097 – Change of use from adult care home to children's care home – 135 Polwell Lane, Kettering – Approved 24<sup>th</sup> April 2012

#### **Site Description**

The officer site inspection was carried out on the 5<sup>th</sup> March 2014.

234 Barton Road is a relatively large 4 bedroom detached property fronting onto Barton Road itself. To its front is a large parking area (that could be extended to 13mx10m) and to its rear a walled garden which contains a single garage which is accessed by a shared driveway that runs to the side property and additionally serves two more recently built detached properties to the rear of no.234.

This part of Barton Road is characterised by generally long established detached residential properties sited within relatively large plots on what is one of the main access roads into the town from the south.

#### **Proposed Development**

The application seeks a planning permission for a change of use of the existing dwelling which falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended to a use falling within Class C2. In this context this is from a private dwelling to a children's residential care home.

The care element would take the form of 4 children with learning difficulties aged between 11 and 18 living at the dwelling as their home. There would be 24/7 care with generally 3 staff during the day and two members of staff throughout the night. There will be a registered manager for the day to day running of the home.

Parking will be primarily to the front of the property where there is an existing paved area which will be extended up to the boundary of the dwelling to maximise the area available. Additionally there is a single garage at the rear of the dwelling. The submission indicates a minimum of 7 vehicles could park on the site as a whole.

#### **Any Constraints Affecting the Site**

None

#### **4.0 Consultation and Customer Impact**

##### **Barton Seagrave PC**

No objection

##### **Environmental Health**

No comment or objection

##### **NCC Highways**

Considers that the front of the property is large enough to take up to 6 vehicles as detailed on a revised parking scheme.

##### **Neighbours**

Objections have been received from 3 neighbouring residents to the site. This includes the two detached properties to the rear of the site that use the same access road as the application property. The third is from a resident who lives opposite the site on the other side of Barton Road. A fourth submission, not objecting, rather drawing the Council's attention to a certain matter, has been received from a resident who lives 3 properties away from the application site.

It has been necessary to undertake 3 consultations due to the receipt of additional information. The responses are set out below.

##### **Original submission consultation**

Objections received from all the residents referred to above.

The objections from the residents of the two properties to the rear cover the following matters:

- Draw attention to the access and parking arrangements only allow 234 to use the access road for access to their garage at the rear of the property and to the parking area at the front of the property and are not allowed to park on it any time or use it as a turning area.
- The first floor windows at the rear of 234 overlook a kitchen window and main bedroom window.
- There will be an increase in light and noise disturbance with a 24/7 use.
- Access is hazardous onto the busy Barton Road with a bus top immediately outside.
- Consider application detrimental to quality of life.
- Generally concerned at the close proximity of the proposed use, the lack of space for parking and the anticipated resulting congestion, noise and general disturbance that will arise.

The objection from the resident living opposite the site covers the following matters:

- If vehicles have to reverse onto Barton Road this will be hazardous

- having regard to significant vehicle movements along it.
- Refer to a recent incident when a child was knocked over.
- Unclear as to the nature of the children's disabilities that will live at the house.
- As neighbouring properties are occupied by the elderly it doesn't feel right to have this type of facility located here.
- Fears for the safety of their children.

The representation from the resident living 3 properties away from the application site covers the following matters:

- Do not want to object but want to make the Council aware of a similar property in Polwell Lane which is considered to be a hazardous location in highway safety terms being close to junction with Hilltop Avenue. Barton Road is a lot busier.
- 234 only has parking for 2 vehicles, always at least 4 cars outside Polwell Lane.

#### **Revised parking scheme consultation**

Objections received only from residents living in the two properties to the rear covering the following matters:

- No available space for 6 vehicles to park in the front as they have to be able to turn and exit the parking area in a forward gear.
- 6 vehicles backing onto drive will cause problems.
- Reiterate no parking on access drive.
- Reject proposal on health and safety grounds as elderly residents.
- If 6 cars are using the site then calculates that there could be 36 vehicle movements over a 24 hour period.
- Application caused stress.
- Disabilities of children not known.
- Should find a more environmentally friendly environment.
- The close proximity of the 3 houses is rather small for the proposed business enterprise.
- Purchased house not expecting business use next to them.
- Need more information on children.

#### **Supplementary information consultation – additional detail of nature of proposed use**

Objections received only from residents living in the two properties to the rear covering the following matters:

- Highlight health conditions.
- Proposal could cause difficulties in getting in and out of the site with their caravan.
- Do not address concerns re traffic increase and staffing.
- Access into the site still not addressed.
- Will be day and night traffic flow.

## **5.0 Planning Policy**

### **National Planning Policy Framework (NPPF)**

Section 7 Delivering a wide choice of high quality homes

### **North Northamptonshire Core Spatial Strategy (NNCSS)**

Policy 13 General Sustainable Development Principles

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of development
2. Impact on character and appearance of the area
3. Impact on amenity of neighbouring residential occupiers
4. Parking
5. Other

### **1. Principle of development**

Residential care accommodation has for many years been promoted by successive governments to be located within the community at large. The most recent national guidance, the National Planning Policy Framework, has as one of its aims as set out in paragraph 50, to deliver 'inclusive and mixed communities' and that this should include catering for 'people with disabilities'.

The proposed development accords with this approach subject to complying with the safeguards of delivering sustainable development generally as set out in Policy 13 of the North Northamptonshire Core Spatial Strategy which is discussed below.

There is therefore no objection to the principle of locating such uses in existing residential areas. Indeed planning permission has been granted for the same organisation that is behind making this application that run two similar homes at 9 Kettonby Gardens in Kettering and 135 Polwell Lane in Barton Seagrave.

### **2. Impact on the character and appearance of the area**

The character and appearance of the area within the application site, 234 Barton Road, is located is wholly residential. The proposed use will not alter this.

The proposed use is for a home for 4 children aged between 11 and 18 who require 24/7 care but who will live there permanently unless unforeseen

circumstances dictate otherwise. The activities that will go on within the property will be of a domestic nature in the main with some adaption where necessary to meet the disability requirements of the children. Externally the garden will be used for the same purpose as will the parking area which is not expected to be full at all times. The submitted parking layout shows the maximum spaces available, it is not expected they are all needed to serve the use at any one time.

The dwelling will primarily function as a dwelling and wholly appear as a dwelling if the proposed development were to be approved and implemented. The existing residential character and appearance of the area will be maintained.

In this regard the proposal is compliant with the aims and objectives of Policy 13 of the North Northamptonshire Core Spatial Strategy.

### 3. Impact on the amenity of the neighbouring residential occupiers

Concerns and objections have been raised by residents living near to the site, particularly from the two detached houses to the rear, that the proposed use will give rise to levels of general noise and disturbance and undue overlooking from first floor windows.

To assess if any unacceptable levels of noise will be emitted as a result of the proposed use the actual occupation by the 4 children and their carers needs to be considered. Fundamentally will the proposed use generating any noise noticeably in excess of any noise that could be generated by a large family who could occupy it for its approved purpose. There is no evidence or indication that it should be and therefore any objection of unacceptable noise levels resulting from the proposed use is not considered to be a defensible planning objection.

In assessing if the proposed use will give rise to any degree of overlooking over and above that which could take place now as a result of its occupation by a typical family it is concluded it should not. There is no reason to believe that the children occupying the dwelling or the carers would look out of the windows at first floor any more than members of a typical family would. In any event the proposed use does not give rise to loss of the existing residential privacy.

The proposal is therefore considered compliant with Policy 13l of the North Northamptonshire Core Spatial Strategy.

### 4. Parking

The proposed parking scheme has been revised since originally submitted and takes the form of providing 5 spaces at the front and one at the rear, the existing single garage. To accommodate the 5 at the front an existing grassed area adjacent to the boundary is to be removed and the paved area extended. The County Council as Highway Authority have not raised any objection to the proposal.

In terms of the parking at the front the size appears large enough to

accommodate the 5 spaces as proposed provided the area is suitably surfaced. Any permission will need a condition requiring a permeable surface for the front, in accordance with details to be submitted to and approved by the Council.

The objections of the neighbouring residents have been noted in relation to their fears that the access road to their properties will be obstructed as a result of cars visiting the home. However this does not appear to be an inevitable outcome from the proposed use. To an extent this is dependant upon how people respond in consideration of each other. In practice, and based on evidence from the other sites where a similar use exists, the proposal seems likely to result in around 3 or 4 vehicles regularly needing to park at the front of the property at any one time. Consequently there should be no hazardous use of the vehicle access onto Barton Road.

To address the concern of potential inconsiderate parking on the access road the applicant has been asked to provide regular visitors with information about the parking arrangements and to advise these regular or expected visitors and staff that in the event the front parking area is full to arrange to park away from the site if the front is not available but in any case not to block the access. This is covered by the attachment of an appropriate condition. A regular visitors/ staff advisory note is to be prepared to this effect i.e. a mini "travel plan". This would also note the availability of accessing the site by public transport, there being the bus stop outside the site.

The proposal is therefore considered compliant with Policy 13d of the North Northamptonshire Core Spatial Strategy.

#### 5. Other

It is noted that the proposed use falls within Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended. This includes the provision of residential accommodation and care to people in need of care (other than a use within Class C3 dwelling houses). Use as a hospital or nursing home. Use as a residential school, college or training centre. Some of these uses would not be acceptable in this location. A condition is recommended to attach to any permission restricting the use to the current proposal or a private domestic dwelling.

#### **Conclusion**

The proposed dwelling is considered compliant with the relevant national planning policy guidance and the relevant policy of the Development Plan. It is therefore recommended that planning permission is granted subject to conditions.

#### **Background Papers**

Title of Document:

Date:

#### **Previous Reports/Minutes**

Ref:

Date:



Contact Officer: John Hill Development Officer on 01536 534316