

BOROUGH OF KETTERING

Committee	Full Planning Committee - 24/04/2012	Item No: 5.3
Report Originator	Louise Haggan-Craig Development Officer	Application No: KET/2012/0097
Wards Affected	Barton	
Location	135 Polwell Lane, Barton Seagrave	
Proposal	Full Application: Change of use from adult care home to childrens care home	
Applicant	Ms D Aplin	

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. No vehicles making deliveries to or from the site shall enter or leave the site, and no plant or machinery shall be operated, except between the hours of 0800 and 1800 hours Mondays to Fridays and between 0830 and 1300 hours on Saturdays. There shall be no deliveries, or operation of plant or machinery, on Sundays or recognised public holidays.

REASON: To minimise noise disturbance to neighbouring residents in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-
NONE

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in The National Planning Policy Framework, Policies 1 and 46 of The East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy. There are

no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KET/2008/0847 - Change of use from dwelling (C3) to care home (C2) including the erection of 5 no. 1 bed dwellings – REFUSED (Appeal dismissed 27/11/09).

KET/2008/0486 - Front and rear dormer roof and ground floor side extensions - APPROVED.

KET/2005/1148 - Certificate of Lawfulness for a Proposed Use: Use of dwelling to accommodate five adult residents living together as a single household plus non-resident care staff – APPROVED.

Site Description

Officer's site inspection was carried out on 27th March 2012.

The application site is located on the eastern side of Polwell Lane opposite the junction with Hilltop Avenue. The area is characterised by substantial dwellings set back from the main highway. Many of the properties including the application property benefit from large parking areas situated in front of the dwellings. The subject property and its immediate neighbours benefit from large rear gardens which stretch eastwards to meet further residential curtilages. Vehicular access into the site is gained directly from Polwell Lane.

Proposed Development

This application is for a change of use from an adult care home (falling within C3 use class) to a children's care home (C2).

Any Constraints Affecting The Site

C Road.

Consultation and Customer Impact

Barton Seagrave Parish Council

Response received 26th March 2012. No objection subject to the following:

- Adequate provision for off road parking for up to 7 full time employees with on site turning facilities in the interests of highway safety.

Highway Authority

No comments received to date.

Neighbours

Two letters of objection received which raise the following concerns:

- The care of children involves a wide range of visitors to the property which will result in parking issues particularly obstruction to Hilltop Avenue.
- The application will result in long term parking (belonging to staff) in adjacent roads both day and night. Parking has caused problems for us in gaining access to our rear garage and noise issues with respect to car

alarms.

- The location of the property is not suitable for this change of use due to the fact that Polwell Lane is a rat run and also used for school runs which creates excessive traffic and could result in potential accidents for children/pedestrians.
- The property was designed as a single family residence with room for 2-3 cars only. There is not enough parking for the use proposed.
- There is a record of dangerous parking from workers and visitors using the site.
- Numerous road traffic accidents have occurred in this area.
- The noise and traffic generated from this use will have a negative impact upon the local area.
- A recent appeal was dismissed at this site for parking reasons.

5.0 Planning Policy

The National Planning Policy Framework

Section 6 – Delivering a wide choice of quality homes

Section 8 – Promoting healthy communities

Development Plan Policies

East Midlands Regional Plan

Policy 1 – Regional Core Objectives

Policy 46 – A Regional Approach to Behavioural Change

North Northamptonshire Core Spatial Strategy

Policy 7 – Delivering Housing

Policy 9 – Distribution and Location of Development

Policy 13 – General Sustainable Development Principles

Local Plan

Policy 35 – Housing: Within Towns

6.0 Financial/Resource Implications

None.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Character
3. Parking and Highway issues
4. Amenity

1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with

the Development Plan unless material planning considerations indicate otherwise.

Policy 13 of the North Northamptonshire Core Spatial Strategy provides for changes of use such as the one proposed subject to specific criteria being satisfied. In particular, development should be suitable in terms of its character in relation to the surrounding area, it should not impact upon the amenity of existing or future occupiers of adjoining properties and it should form a suitable relationship with the highway network. Core Principles in paragraph 17 of the National Planning Policy Framework supports this approach, highlighting the important role these matters play in sustainable development.

The C3 (residential dwelling) use class which is the current use permitted at the site also includes small community care homes consisting of up to six people living together as a single *household* including under arrangements where care is provided. The existing use of the property benefits from a Lawful Development Certificate confirming that five adults residing at the property along with non-residential care staff falls within the C3 residential use class.

The Courts have ruled (North Devon District Council v First Secretary of State) that a *household* needs more than just children. Children are not capable of looking after themselves and actually run a home. As such the concept of living together as a *household* means that a proper functioning household must exist and that both children and carers must reside at the premises for it to be a C3 use. This is not the case for this proposed use; the change in the character of the use (from adults with non-residential care to children with non-residential care) is a material change of use which requires planning permission.

Article 2 of the Town and Country Planning (Use Classes) Order 1987 defines 'care' for the purposes of Class C2 to mean '*personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past and present mental disorder and also includes the personal care of children and medical care and treatment*'. As the proposed use seeks to provide care for and accommodate children, the proposed use falls within the C2 use class as opposed to the existing C3 use class.

2. Design and Character

The character of the immediate area is a residential one. The exterior of the property will not alter as a result of the proposed change of use. Unlike the previous application which was dismissed at appeal (KET/2008/0847) the application is not proposing to develop the garden or increase the numbers of people residing at the property. It is proposed that five children will live on site with non resident staff working shift patterns made up of six full time staff and two part time staff (the equivalent of seven full time workers). As such it is considered that the property will retain its residential character and as such accords with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Parking and Highway Issues

Two objection letters have been received from neighbouring properties with

specific concerns about traffic and parking as a result of activity on this application site. It is accepted that levels of activity are slightly higher for this site than a typical family property due to shift patterns for workers and associated vehicular movements but it is considered that these movements are not to such an extent that a reason for refusal could be upheld on these grounds. Firstly, the existing lawful use on site already provides for the numbers living at the property which takes also account of the non resident workers. Secondly, the site benefits from a large area of hard standing to the front of the property which the applicant has identified as a parking area for at least four cars. This is considered to be an acceptable amount of off road parking provision taking into account that three members of staff are present at any one time at the property on a shift pattern basis and one space is left available for visitors. Given the existing lawful on site and levels of parking and activity associated with that use, it is considered that the level of activity for the proposed use is not significantly different. However, bearing in mind that the care home staff would be present 24 hours a day (working various shifts) it is necessary to restrict any delivery times to prevent disruption at unsociable hours. Taking all the above into account the application is considered to be acceptable in highway terms and as such accords Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Amenity

The impact of the proposed change of use on the amenity of existing and/or future occupiers of adjoining properties is a material consideration. One concern highlighted by a neighbour is the issue of noise created by the intended use. The change of use to a care home for children (C2) could increase levels of activity when compared to a residential property but it should be acknowledged that for a number of years the property has been running as an adult care home with similar numbers of people on site as is proposed for this application. Thus it is considered unlikely that the proposed use would result in a level of noise above that which would reasonably be associated with a large residential dwelling/existing lawful use. The property is not proposed to be altered or extended as a result of this proposed change of use and as such levels of privacy, overlooking, access to light will remain as per the existing situation.

Conclusion

Taking all the above into account and subject to the imposition of the recommended conditions, it is considered that this application is acceptable and complies with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Louise Haggan-Craig, Development Officer on 01536 534316

SITE LOCATION PLAN

135 Polwell Lane, Barton Seagrave
Application No.: KET/2012/0097



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