

North Northamptonshire Planning Committee (North) 1st May 2024

Application Reference	NC/23/00474/DPA
Case Officer	Vicki Burdett
Location	41 Bamburg Close, Corby, NN18 9PA
Development	Change of use from a residential dwelling (Class C3) to a children's care home (Use Class C2).
Applicant	Miss Jessica Bare
Agent	N/A
Ward	Oakley Ward
Original Expiry Date	07.02.2024
Agreed Extension of Time	06.05.2024

List of Appendices

Appendix A – Site Plan

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation as the proposal has received a minimum of five written objections contrary to the officers proposed decision and the Chair and Vice Chair of the Committee, with the advice of a senior planning officer, agree that the objections received contain a substantive material planning consideration determination of which cannot be resolved outside of a committee resolution.

1. Recommendation

- 1.1. That planning permission be GRANTED subject to conditions listed in the report.

2. The Proposal

- 2.1 Planning permission is sought for the change of use from a residential dwelling (Class C3) to a children's care home (Use Class C2).
- 2.2 No changes are proposed to the existing footprint or height of the building. The proposed change of use would result in the care of two children between the ages of 10 and 18 with a primary diagnosis of Learning Disability.
- 2.3 It is proposed to convert the existing 3-bedroom link detached home, to a 2-bed children's care home, incorporating two main bedrooms at first floor level, an office for the caring staff and bathroom. At ground floor level the existing living area and kitchen would remain, with the existing garage proposed to be used as an office/staff area.
- 2.4 In terms of its use, the home will be used for its natural housing purpose of a three-bed house for the accommodation of two children who will be supported and cared for by a maximum of three residential support workers on a day shift and two-night staff (one working staff and a sleep-in staff). The home will have oversight of an on-call manager providing advice and support where needed.

3. Site Description

- 3.1 The application site is situated at No. 41 Bamburg Close in Corby. Bamburg Close comprises of a residential cul-de-sac, accessed from Copenhagen Road. The application site is located within a built-up area.
- 3.2 The existing dwelling benefits from 3 bedrooms, an attached garage, rear garden area and small front driveway.

4. Relevant Planning History

- 4.1 None relevant.

5. Consultation Responses

A full copy of all comments received can be found on the Council's website.

- 5.1 Parish/Town Council
None received.
- 5.2 Neighbours/Responses to Publicity
6 letters have been received in objection. The issues raised are summarised below:
- Objection:
- Parking problems.
 - De-valuation of neighbouring properties.
 - 41 Bamburg Close is link-detached, not detached.

- Garage is connected to neighbouring house which will cause noise problems.
- Loss of privacy into neighbouring garden.
- Do not know how long the children will be living in the home for and staff turnover could be high.
- Security issues.
- Problems at other permitted children's homes
- Anti-social behaviour.
- Area is not right for a children's home.

[OFFICER NOTE: It is advised that matters such as the potential de-valuation of properties in the area is not a material planning consideration].

5.3 Local Highway Authority (LHA)

The site is accessed via a private drive/road which is not under the jurisdiction of the council.

The LPA should take a view on the sharing of private accesses between residential and commercial uses which and does lead to neighbour disputes.

2. The Parking Beat survey evidences availability of parking in the 200m zone as a whole.

Northants Environmental Health

No objections.

NNC Waste

No comments to make.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2023)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) (2019)

North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 – Presumption in Favour of Sustainable Development

Policy 8 – North Northamptonshire Place Making Principles

Part 2 Local Plan for Corby (adopted 2021)

Policy 17 – Settlement Boundaries

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Design/Impact on Character of the Area
- Impact on Neighbouring Amenity
- Highway Matters

7.1 Principle of Development

7.1.1 The proposed development would not include any external changes to the dwelling. The application site is located within an established residential area in Corby whereby the use of the property as a children's home would not be unacceptable in principle, subject to complying with all other relevant Development Plan Policies.

7.2 Design/Impact on the Character of the Area

7.2.1 Policy 8 of the NNJCS states that development should respect and enhance local character by ensuring that it responds to its topography, wider context and the landscape setting.

7.2.2 Consistent with Policy 8 of the NNJCS and the design-led approach advocated by the NPPF, the suitability of a development must be measured in part on its overall quality and function to ensure development is appropriately located and has regard to both the subject dwelling and the surrounding area.

7.2.3 The application involves the change of use of the existing dwelling into a children's care home, for two children. No external alterations are proposed.

7.2.4 The level of activity arising from the proposed children's home is considered to be similar to that of a standard dwelling and therefore the proposed development will be compatible with the residential character of the surrounding area.

7.2.5 Concerns have been raised by residents regarding the application site not being the right area for a children's home. The application site is located within a built-up residential area and therefore in planning terms, no objections are raised regarding the use of the dwelling for C2 purposes. In choosing the site for the proposed use, other legislation will have been used to assess whether the site is suitable for use as a children's home whereby other authorities, such as OFSTED, will be responsible for ensuring the site remains suitable.

7.2.6 It is considered that this proposal would have no adverse effect upon the character of the surrounding area or the visual amenity of the street scene.

7.2.7 The proposal is therefore in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy (2016), Policy 17 of the Part 2 Local Plan, the NPPF (2023), NPPG and National Design Guide. (2019)

7.3 Impact on Neighbouring Amenity

7.3.1 Policy 8 of the NNJCS demonstrates the necessity of protecting amenity by development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties, or the wider area.

- 7.3.2 Paragraph 131 of the NPPF emphasises high-quality design and a good standard of amenity for improving the character and quality of an area and the way it functions.
- 7.3.3 The proposal involves a change of use from a dwelling to a children's residential home. It is therefore key to assess whether this change of use would create an intensification of use that would be detrimental to the amenities of neighbouring properties.
- 7.3.4 The proposed change of use does not involve any material changes to the property, other than internal changes which do not require planning permission. As such, the proposal by virtue of its lack of external changes would not lead to overlooking, loss of privacy or overdevelopment of the site. Concerns have been raised by residents regarding potential overlooking, however there would be no material changes between the existing dwelling, and the use proposed.
- 7.3.5 The existing dwelling is proposed to be occupied by two children, with a maximum of three carers at one time for a day shift, and two staff members at nighttime. Daily, the home will have in total two children and 2-3 adult carers. The property has 3 bedrooms, therefore 2 children and 2-3 adults would be typical usage of the dwelling and is not considered to over intensify the space. A family with a larger amount of children/adults than this could occupy the property as a standard dwelling and would not be subject to planning enforcement.
- 7.3.6 Based on the information given, it is not considered that the working of the children's residential home will differ significantly from that of the usage of a standard dwelling. It is usual for a dwelling to have multiple deliveries per week, and uncontrolled comings and goings of visitors.
- 7.3.7 Officers consider it necessary to condition the number of children that are allowed to permanently reside overnight to ensure that the change of use does not lead to a detrimental intensification of the dwelling usage and that an acceptable standard of residential amenity is retained for both the occupants of the children's residential home, and its neighbouring properties.
- 7.3.8 Furthermore, concerns have been raised regarding potential noise impacts, anti-social behaviour, security issues, potential staff turnover and limited details on how long the children will be living in the home for. The Council's Environmental Health Officer has been consulted on the application and has raised no noise concerns. When compared with a typical residential dwelling, it cannot be reasonably concluded that a children's care home would result in anti-social behaviour or security issues. The LPA cannot control the occupancy of residential properties, which would be the same with a C2 use. Potential disturbances would be dealt with under separate legislation. The permission is sought is for a permanent change of use, and therefore it is not a material planning consideration as to how long occupants and future occupants can be living in the home for.
- 7.3.9 Based on the assessment above, the proposal is considered to maintain an acceptable standard of amenity for neighbouring properties, as the change of

use would not significantly intensify the usual actions of a standard dwelling and there are no material changes to the scale of the property. As such, the proposal is in accordance with Policy 8 of the NNJCS (2016) and Paragraph 131 of the NPPF (2023).

7.4 Highway Matters

- 7.4.1 The Highway Authority have been consulted and requested for a parking beat survey to be undertaken to evidence the availability of parking in the surrounding area. The Highway Authority advised that at least a further 2 spaces would be required on street based on the staff rota and the numbers of staff likely to be on site at any one time. A minimum of 1 further parking space to the above should also be considered for visitors/inspectors/medical workers.
- 7.4.2 The current dwelling only has parking provision for 1 car on its driveway.
- 7.4.3 A parking beat survey was undertaken which concludes that there is availability for further car parking within the 200m zone. As such, one parking space could be accommodated on the existing driveway, with 2-3 other vehicles able to park in the immediate area where parking restrictions are not in situ.
- 7.4.4 Whilst it is acknowledged that allocated off-street parking would be ideal, the dwelling as existing does not benefit from a large driveway. Moreover, the intended use of a residential children's home is an essential service that North Northamptonshire currently lacks; therefore, it is not considered reasonable to refuse the application on this basis. The parking beat survey confirms there is ample off-street parking within the area. This is also typical for a standard dwelling and the amount of car's parked near the property would not be controlled if this remained as a dwelling.
- 7.4.5 Taking the above points into consideration, it is considered that the lack of conformity with the Northamptonshire Parking Standards (2016) is justified on balance, and the proposal would not lead to a detrimental impact on highway safety grounds given that the associated movement is not likely to significantly increase compared to the use of a standard dwellinghouse.

7.5 Other Matters

- 7.6 Paragraph 96 of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive, and safe communities and, specifically, criterion c) of this seeks to enable and support healthy lifestyles, for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts which encourage walking and cycling. It is considered that the proposal subject to this application will enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds.
- 7.7 Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the

owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

- 7.8 Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.
- 7.9 Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, Officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

8. Conclusion/Planning Balance

- 8.1 To conclude, the proposed development on balance is considered to be acceptable, in accordance with all relevant Development Plan Policies.

9. Reason for Approval

- 9.1 The proposed change of use from a dwelling (C3) to a children's residential home (C2) is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy (2016) and the NPPF (2023), given that the proposal will have a neutral impact by virtue of design and impact on the character of the area. The proposal is considered to maintain an acceptable standard of amenity for neighbouring properties, as the change of use would not significantly intensify the usual actions of a standard dwelling and there are no material changes to the scale of the property. The proposal is in accordance with Para 131 of the NPPF (2023). Moreover, it is considered that the lack of conformity with the Northamptonshire Parking Standards (2016) is justified on balance, given that it is an essential service within North Northamptonshire, and the proposal would not lead to a detrimental impact on highway safety ground given that the associated movement is not likely to significantly increase compared to the use of a standard dwellinghouse.

10. Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of this application.
Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be built in accordance with the approved plans as listed below in the 'Schedule of Plans'. The development shall be completed in accordance with the approved plans.

Reason: To specify the permission and for the avoidance of doubt.

- The use hereby permitted shall accommodate a maximum of two 10–18-year-old children living at the property, at any one time.

Reason: In the interests of the amenity of the nearby residential properties and highway safety.

Appendix A – Site Plan

41, Bamburg Close, Corby, North Northamptonshire, NN18 9PA

