

Report to Planning Committee

Application Number: 2023/0831

Location: 6 Lacewood Close, Bestwood

Proposal: Change of use of property from a residential dwelling house (C3) into a Residential Children's Home (C2) looking after children and young people with emotional and behavioural disorders (EBD) between the ages of 8 and 17 years

Applicant: Mr Moses Musaka – Mocare Health Care Limited

Agent:

Case Officer: Alison Jackson

The application has been referred to Planning Committee having been referred from the Planning Delegation Panel.

1.0 Site Description

- 1.1 The application property is a modern, detached, residential dwelling and associated curtilage located within a small, modern housing estate within the built-up area of Bestwood. Neighbouring properties are predominantly residential. There is a recreation ground and also Bestwood Business Park close by. The wider site of Lacewood Close is covered by a group Tree Preservation order (TPO).
- 1.2 To the south of the site is 10 Lacewood Close; the host dwelling is physically attached to number 8 with number 4, which is in use as a Children's home and benefits from planning permission, to the east.

2.0 Relevant Planning History

2023/0911 – Planning permission was granted on the 15 February 2024 for the proposed change of use of 4, Lacewood Close (C3) to Children's Care Home (C2) (1 Child aged between 8 and 16).

2024/0408 – planning permission has been applied for the change of use of 18, Lacewood Close to be used as a children's home; the application remains to be determined.

2024/0703 - planning permission has been applied for the change of use of 10, Lacewood Close to be used as a children's home; the application remains to be determined.

3.0 Proposed Development

- 3.1 Planning permission is sought for the change of use of property from a dwelling house (C3) into a Residential Children's Home (C2) looking after children and young people with EBD between the ages of 8 and 17 years
- 3.2 A maximum of three children would be looked after at the property. Five members of staff including the manager and deputy manager would be on site during the day and two staff during the night. No members of staff will be residing at the property.
- 3.3 No external or internal changes are proposed to the dwelling. The change of use has been implemented without planning permission.

4.0 Consultations

- 4.1 Parish – raise the following concerns:

- ☐ Uncertain adequate care would be provided.
- ☐ Comprehensive plans should be put in place to ensure that the needs of children are catered for.
- ☐ Concerns over the accuracy of the plans as it appears that the plans show the floor area of two properties.
- ☐ Inadequate parking provision.
- ☐ Traffic congestion.
- ☐ Highway/pedestrian safety.
- ☐ Lack of facilities/services to serve the children's home.
- ☐ Questions over the availability of frontline services to serve the facility.

- 4.2 Highways – no objections.

- 4.3 Environmental Health – no concerns raised however any future issues that are raised with respect to noise will be addressed directly with the care home operator, and enforcement action could be taken should they not engage with the Council.

- 4.4 Residents have been notified by letter and a site notice posted; one letter of representation has been received, the contents of which are summarised below:

- ☐ Parking issues
- ☐ Littering
- ☐ Loss of peace and tranquillity
- ☐ Detrimental impact on health and wellbeing
- ☐ Increased noise/disruptive noise
- ☐ Significant noise issues from occupants of premises
- ☐ Inappropriate behaviour
- ☐ Sleep disturbance to neighbouring residents
- ☐ Concerns over how children are managed at the property
- ☐ It appears that the care home has failed to conduct a proper risk assessment
- ☐ Carers have had to intervene with residents' behaviour which falls under the Deprivation of Liberty Safeguards (DoLS) Regulations
- ☐ Care at some points at the property seems inhumane

5.0 Relevant Planning Policies

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The following policies are relevant to the application:

5.2 At the national level the National Planning Policy Framework (2023) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development. The NPPF, seeks to ensure a high standard of amenity for existing and future users of land and buildings.

5.3 Gedling Borough Council Aligned Core Strategy 2014

- Policy 10: Design and Enhancing Local Identity

5.4 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies in the determination of this application are as follows:

- LPD 32: Amenity
- LPD 39: Specialist Accommodation
- LPD57: Parking Standards
- LPD 61: Highway Safety

Gedling Borough Council Parking Standards SPD.

6.0 Assessment

6.1 The application site is not covered by any site-specific planning policy. The principle of the change of use is, therefore, considered acceptable subject to an assessment against the policies outlined above, the most pertinent of which is considered to be LPD39. The policy indicates that planning permission for such uses will be granted, provided:

- a. *the proposal is located in an existing residential area, close to good public transport routes, shops, community facilities and open space appropriate to the needs of the occupiers; and*
- b. *the proposal would not result in an over concentration of similar uses in any one area, leading to a significant adverse impact on the character of the area; and*
- c. *a satisfactory residential environment can be achieved for the benefit of the intended occupants without detriment to the amenity of adjoining dwellings.*

6.2 I note that the use of the property as a children's home has been implemented without permission, these works have been undertaken at the applicant's own risk and the implementation of the use does not affect how the application will be determined, the application will be assessed against the relevant policies as set out above and as assessed below.

Location

- 6.3 In accordance with LPD 39, planning permission will be granted for specialist accommodation provided the proposal is located in an existing residential area, close to good public transport routes, shops, community facilities and open space. The proposal must also not result in an over concentration of similar uses in any one area, leading to a significantly adverse impact on the character of the area.
- 6.4 The application site is located within a residential development. There are bus stops along Moor Road as well as a community centre and parks close by.
- 6.5 I note that planning permission has been granted for the change of use of the immediate neighbouring property, no.4, Lacewood Close to be used as a children's home, however I do not consider that the use of two neighbouring properties for children's homes would result in an over concentration of similar uses within the area as set out within policy LPD39.
- 6.6 I also note that planning permission has been sought for the change of use of two further properties on Lacewood Close to be used as children's homes, as set out above, these applications are currently pending consideration and have therefore not been concluded. I therefore consider that as the applications for the change of use of 10 and 18 Lacewood Close have not been concluded the introduction of one more children's home alongside the already granted children's home would not result in an overconcentration of uses in this location. For the avoidance of doubt, the recommendations for the applications are put forward based on the order in which they were submitted, in that 4 and 6 were submitted before those at 10 and 18. It is the threshold of 2 on the street that is considered to be the overriding issue rather than their exact location, given their relative close proximity to one another.
- 6.7 As such it is considered that the proposal in addition to the other existing children's home in the area, would not lead to a significant adverse impact on the character of the area.
- 6.8 Overall, it is considered that the application property meets the criteria of LPD 39 in terms of being a suitable location for the proposed use as specialist accommodation for children.

Design and Visual Amenity

- 6.9 As no external alterations are proposed to the property, the impact on design and visual amenity is considered to be acceptable.

Impact on Residential Amenity

- 6.10 I do not consider that the use of the property as a children's home would result in significant noise and disturbance to neighbouring properties, given how the site is proposed to operate. I note that the Council's Public Protection Section have raised no objections to the proposal but have commented that if noise issues do arise these could be investigated by the Council and appropriate

action taken where necessary. I am satisfied therefore that if issues do arise these can be dealt with appropriately to avoid any impact onto neighbouring properties.

- 6.11 The application property can accommodate up to 3 children with staff members also present during the day and night as set out above. The facility will be run in a manner similar to that of a “traditional” family, with the children having their own bedroom and sharing communal facilities with staff members. Whilst the number of staff present in the day may exceed that of a typical family, there are not considered to be any reasons for this to result in an unacceptable loss of amenity for the residents of neighbouring properties, beyond circumstances that could be caused by a “traditional” family living at the property.
- 6.12 The shift changes that occur between the day and night shifts may result in some increased levels of activity at certain points, however, it is considered that this would not be significantly different to comings and goings that can be experienced as a result of a typical family residing at the property.
- 6.13 Overall, it is considered that where the proposed facility will differ from “traditional” family life is relatively limited, and will not go so far as to result in an unacceptable loss of amenity for the residents of the neighbouring properties.

Highway Safety

- 6.14 The Highway Authority has raised no objection to the proposal.
- 6.15 The application property has an existing driveway that can accommodate 1 car, as well as a garage that can accommodate a further vehicle. There is also a parking area at the head of the cul-de-sac in this location which can accommodate additional parking.
- 6.16 The Council’s Local Plan and Parking Standards SPD (February 2022) does not identify specific parking requirements for the use proposed. I consider in this instance that the parking provision available is acceptable and would result in no undue impact on highway safety. I do consider that a condition should be attached to any grant of planning permission to ensure that the garage remains available for the parking of vehicles at all times, this will ensure that parking provision remains on site for the dwelling.
- 6.17 Whilst the proposal may result in some increase in journeys to and from the property, it is not considered that this will be to an extent over and above those experienced in a “traditional” family home so as to result in an unacceptable impact on highway safety.

Other Matters

- 6.18 No physical changes are proposed and, as such, the proposal will not impact on the group TPO in the area.

- 6.19 Issues regarding care being provided at the property would be a issue for the care providers in terms of how behaviours of children are managed and dealt with.
- 6.20 Concerns regarding littering would be a management issue for the care providers but should significant issues arise these matters could be investigated by the Council's Public protection Section.

Conclusion

- 6.21 The application site is considered to be in an appropriate location for use as a children's care home in accordance with policy LPD 39 of the Gedling Part 2 Local Plan (2018). It is considered that the use will not have an unacceptable impact on the residential amenity of occupiers and parking and access arrangements are considered to be acceptable. It is therefore considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 12) and Policies LPD 32, 39 and 61 of the LPD.

Recommendation: **GRANT PLANNING PERMISSION:** subject to the following conditions:

Conditions

- 1 The use shall operate in accordance with the details as set out within the application form received on the 16th November 2023, the location plan received on the 16th November 2023, the e-mail received on the 23rd February 2024 setting out the details of the operation of the premises and the plan received on the 16th October 2024 showing the accurate floor plans of the property.
- 2 The existing garage as shown on the floor plans received on the 16th October 2024 shall remain in use for garage purposes ancillary to the dwelling house which it serves. It shall be kept available for the accommodation of private vehicles at all times and shall not be used for any other purpose.

Reasons

- 1 For the avoidance of doubt.
- 2 To provide parking for the site.

Reasons for Decision

The application site is considered to be in an appropriate location for use as a children's care home in accordance with policy LPD 39 of the Gedling Part 2 Local Plan (2018). It is considered that the use will not have an unacceptable impact on the residential amenity of occupiers and parking and access arrangements are considered to be acceptable. It is therefore considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 12) and Policies LPD 32, 39 and 61 of the LPD.

Notes to Applicant

The applicant is advised that all planning permissions granted on or 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.