



## Report to Planning Committee

<b>Application Number:</b>	<b>2024/0703</b>
<b>Location:</b>	<b>10 Lacewood Close, Bestwood</b>
<b>Proposal:</b>	<b>Change of use from a residential dwelling house (C3) into a Residential Children's Home (C2)</b>
<b>Applicant:</b>	<b>Mr Moses Musaka – Mocale Health Care Limited</b>
<b>Agent:</b>	
<b>Case Officer:</b>	<b>Joe Davies</b>

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 the dwelling at 12 Lacewood Close and to the north are the dwellings at 4, 6 and 8 Lacewood Close. 4 Lacewood Close is in use as a Children's home and has planning permission. To the west and east of the site is the public highway.

### 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).

2023/0831 - planning permission has been applied for the change of use of 6 Lacewood Close to be used as a children's home; the application remains to be determined.

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.

### 3.0 Proposed Development

- 3.1 Planning permission is sought for the change of use of the property from a dwelling house (C3) into a Residential Children's Home (C2). No further information regarding the proposed use, such as the number of children to be housed at the property, has been submitted. Furthermore, it was difficult to establish from the external site visit, whether the use had been implemented.
- 3.2 No external or internal changes are proposed to the dwelling.

#### **4.0 Consultations**

- 4.1 Highways – no objections.
- 4.2 Bestwood Parish Council – No comments received.
- 4.3 Nottinghamshire Police – No comments received.
- 4.4 Environmental Health – No comments received in relation to this application, but raised concerns under 2024/0408 about the proposed number of children's homes proposed on Lacewood Close under various applications. These concerns were that the children that live in these homes naturally gravitate towards one another, because they have something in common, meaning that even if ran separately, these homes will be linked by the children, and this can quickly lead to Anti-social behaviour and noise disorder, something that would be extremely difficult for Environmental Health to enforce against, as this would essentially involve criminalising children with complex needs.
- 4.5 Secondly, these places typically have 2-4 staff members on site, plus a period of staff changeover which could mean twice that number of staff during changeover periods, so up to 8 cars per home potentially.
- 4.6 They stated that there should ideally be only 1 children's home in the street and at the absolute most, 2 children's homes. They stated that they would not feel comfortable with 4 houses in one area, especially not one street.
- 4.7 Residents have been notified by letter and a site notice has been posted, no comments have been received.

#### **5.0 Relevant Planning policy**

- 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 18<sup>th</sup> July 2018. The relevant policies in the determination of this application are as follows:

- LPD 32: Amenity
- LPD 39: Specialist Accommodation
- LPD 57: 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:

- 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*
- 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*
- a satisfactory residential environment can be achieved for the benefit of the intended occupants without detriment to the amenity of adjoining dwellings.*

It is unclear whether or not the children's home is currently operational. Regardless, the application needs to be considered on its own merits against the relevant policies as set out above and as assessed below.

### Location

6.2 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.

6.3 In line with the comments received from the Council's Environmental Health Team under 2024/0408, it is considered that should all of the applications be granted for children's homes in Lacewood Close, this would result in a significant over-concentration of similar uses in one area. This over-concentration could lead to a proliferation of anti-social behaviour and noise

disorder to the detriment of neighbour amenity, that would be incredibly difficult to enforce against.

- 6.4 Whilst it is noted that planning permission has been granted for the change of use of the property at 4, Lacewood Close to be used as a children's home, this was granted before the applications at numbers 18 and 10 were submitted. As a result, at the time this application was determined there was no over-concentration and the proposal was compliant with Policy LPD 39. It is also noted that an application for a children's home at 6 Lacewood Close is currently proposed to be recommended for approval, subject to the outcome of the planning committee meeting, that it has been called into. This would have been the second children's home in the street and there is an argument to be made that 2 children's homes may not be an over-concentration and compliant with LPD 39. However, any more than 2 would not comply with LPD39. For the avoidance of doubt, the four applications are determined and the recommendations 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.
- 6.5 Now that further children's homes are proposed at 18 Lacewood Close and 10 Lacewood Close, it is considered that this would result in an over-concentration of this use and would be contrary to Policy LPD 39. The principle of the proposed development is therefore considered to be unacceptable and planning permission should therefore be refused.

#### Design and Visual Amenity

- 6.6 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

- 6.7 Whilst there would be no external alterations to the dwelling that would result in loss of light or overlooking, it is considered that the over-concentration of up to 4 children's homes in one cul-de-sac, is likely to result in significant noise and disturbance to neighbouring properties and would have an adverse impact on the amenity of neighbouring dwellings.
- 6.8 The impact on neighbour amenity is, therefore, considered to be unacceptable and contrary to Policies LPD 32 and LP39 of the Gedling Local Planning Document 2018.

#### Highway Safety

- 6.9 The Highway Authority has raised no objection to the proposal. Whilst there could potentially be an increase in vehicular movements and vehicles parked at the property over and above the current C3 use, it is considered that a refusal of the application on highway safety and parking provision grounds in accordance with Paragraph 115 of the NPPF would not be justified and could not be sustained. Furthermore, the Council's Local Plan and Parking Standards SPD (February 2022) do not identify specific parking requirements for the use

proposed. The impact of the proposed development on highway safety and parking grounds is therefore considered to be acceptable and in accordance with Policies LPD 57 and LPD 61 of the Gedling Local Planning Document 2018.

#### Other Matters

- 6.10 No physical changes are proposed and, as such, the proposal will not impact on the group TPO in the area.
- 6.11 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.

#### Conclusion

- 6.12 The proposed change of use if approved would lead to an over-concentration of similar C2 uses, with up to 4 properties being used for this purpose within one cul-de-sac. This could potentially result in noise disturbance and anti-social behaviour, which would be difficult for the Council to enforce against under legislation, having a significant adverse impact on the character of the area and on neighbour amenity. The proposed change of use would therefore be contrary to Policies LPD 32 and 39 of the Gedling Part 2 Local Plan (2018) and planning permission should therefore be refused.

Recommendation: **REFUSE PLANNING PERMISSION:** for the following reasons.

#### Reasons

- 1 The proposed change of use if approved would lead to an over-concentration of similar C2 uses, with up to 4 properties being used for this purpose within one cul-de-sac. This is likely to result in noise disturbance and anti-social behaviour having a significant adverse impact on the character of the area and on neighbour amenity. The proposed change of use would therefore be contrary to Policies LPD 32 and 39 of the Gedling Part 2 Local Plan (2018) and planning permission should therefore be refused.

#### **Notes to Applicant**

You are advised that as of 16th October 2015, the Gedling Borough Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website.