

Item No. 1.7

Ref. No. [DMPA/2021/0668](#)

Valid date: 23/04/2021

Applicant: R Amir

Agent: Edward Jones Architecture Services

Proposal: **Change of use from dwellinghouse (use class C3) to care home (use class C2) at 4 Padstow Close, Stenson Fields, Derby, DE24 3LH**

Ward: Stenson

Reason for committee determination

This item is presented to the Committee at the request of Councillor D. Shepherd based on local objection.

Site Description

No. 4 Padstow Close is a large, six bedroom, detached property. The rear garden is enclosed by timber fencing, where the front is open plan with hardstanding available for two cars to park. There is an integral garage which can also accommodate one further vehicle.

Padstow Close is a residential cul-de-sac located within Stenson Fields with access to local amenities.

The proposal

This application seeks to change the use of the residential dwelling (Class C3) to a children's care home (Class C2) for five children.

Applicant's supporting information

A Planning Statement was received as part of the planning application submission on 22 April 2021. However, the information contained within this was brief. A more detailed Planning Statement was requested and received on 26 May 2021. This second statement was amended on 9 December 2021 to clarify how many staff would be present within the home at any one time and also the parking arrangements.

Relevant planning history

2005/0810 - Erection of extension - Approved 30/08/2005.

Responses to consultations and publicity

25 letters of objection have been received from nearby residents. The issues raised are as follows;

- a) The area is not suitable
- b) There are no facilities for children nearby
- c) Increase in traffic
- d) Increase in on street parking
- e) Increase in noise levels
- f) Lack of information submitted/provided.

Stenson Fields Parish Council - Object due to lack of parking, proposed layout and the provision of one bathroom for the number of children.

Councillor Singh (Ward Member) - Objects due to increase in traffic, potential for anti-social behaviour and lack of communication with the emergency services (highways safety).

DMPA/2021/0668 - 4 Padstow Close, Stenson Fields, Derby DE24 3LH



Derbyshire Police (Designing Out Crime Officer) - Objects due to unsuitable location.

Highways Authority - No objections.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

Local Plan Part 1 (LP1): S2 (Presumption in Favour of Sustainable Development), H20 (Housing Balance), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), INF2 (Sustainable Transport), BNE1 (Design Excellence).

Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development)

The relevant national policy and guidance is:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of development;
- Neighbouring amenity; and
- Highway safety.

Planning assessment

Principle of development

In regards to the principle of the proposed development, the focus is towards the impacts on neighbouring amenity arising from the proposed use, and the potential impact on highway safety. With no external changes proposed to the property, there are no design concerns. The existing dwelling is located within an urban area, and a mix of housing is needed throughout the district, so whilst a C2 use is proposed; support for the proposal is gleaned from Policy H20, which acknowledges the need to provide a mix of housing throughout South Derbyshire, as such the proposal is supported in principle.

Neighbouring amenity

The close proximity of this dwelling to others around it means the potential for disturbance is elevated. Consideration has been given to similar appeal decisions elsewhere and case law pertaining to such changes of use and indeed whether a material change in both use and outward effects would occur. In brief, the use of a dwellinghouse by children in care and concurrent occupation by care workers is not generally seen as a material change as the occupants are still living together as a single household. The proposal here however is somewhat different with the care workers not forming part of the 'family' but instead coming and going on a shift pattern to oversee and mentor the children. Notwithstanding the fact that in planning terms a material change of use occurs, the effects arising from this change are broadly similar to two parents coming and going to work each day and providing guardian responsibilities to their children. Whilst five children might seem a high number, it is not out of the ordinary for a six bedroomed dwelling and modern conventional families. Whilst there is elevated potential for children with behavioural difficulties, this is not a factor upon which the application 'hinges' as this could legitimately (and does) occur in a conventional family situation. The outward noise and disturbance effects are likely to be broadly similar, with no material change to privacy or overshadowing given that the proposed internal layout will be similar to the existing situation.

A condition will limit control on the numbers of children residing and the minimum number of staff in order to ensure proper control – especially given the elevated potential for children with behavioural difficulties and the need to afford some degree of protection to adjoining occupiers. It is considered that with this condition, the concerns of the police regarding the suitability of the location can be mitigated.

Highway safety

The property benefits from three parking spaces (two on the hardstanding to the front and one within the integral garage). The use is likely to require regular use of the three spaces, so there is considered to be sufficient provision. In addition, the Highway Authority have raised no objections on highway safety grounds. As a result, there are no concerns in regards to the impact on highway safety and the proposal is considered to comply with Policy INF2.

Other Matters

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation

Approve subject to the following conditions:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with 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 permitted shall be carried out in accordance with the Proposed Plan received on 22 April 2021; unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the residential care home hereby approved shall not be used for any purpose, including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of protecting the amenity of adjoining occupiers.

4. The number of dependent residents at the property at any one time shall not exceed five and there shall be a minimum of two carers at the property at any one time when dependent residents are present.

Reason: In the interests of protecting the amenity of adjoining occupiers, recognising the nature of the use.