HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

Date 5th October 2020

Application No: HPK/2020/0259
Location Whyecote, Palace Road, Buxton
Proposal Change of use from dwellinghouse (C3 Use) to Children’s Home (C2 Use)
Applicant Mr Lee Reed – Kedleston Group Ltd
Agent Mr Adrian Kearley – Nexus Planning
Parish/ward Corbar Ward Date registered 15th July 2020

If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk

SUMMARY OF RECOMMENDATION

Approve with Conditions

1. REASON FOR COMMITTEE DETERMINATION

1.1 This application has been brought before the Development Control Committee following concerns raised by Councillor Tony Kemp with regards to the intensification of the site

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site relates to Whyecote; a two storey six-bedroom detached property that lies to the north of Palace Road, Buxton.

2.2 The site benefits from a single access to the public highway. The residential curtilage comprises a small garden area to the front, a private driveway leading to an further area of hard standing to the rear, and a further area of garden adjacent to it.

3. DESCRIPTION OF THE PROPOSAL

3.1 The application seeks consent to Change the Use of the existing residential dwelling (C3 Use) to a Children’s Care Home (C2 Use).

3.2 The home will provide care for up to five children between the ages of 12 and 17 with social, emotional and low level mental health issues and/or on the autistic spectrum. The home will be registered with and thereafter inspected by Ofstead.
3.3 Each child would have their own private bedroom and would share a communal lounge, kitchen and bathroom, as per a typical family household environment.

3.4 The home would be administered by non-resident staff who would work in a 12 hour shift pattern to provide round-the-clock area. The Planning Statement informs that there would be a minimum of 2 staff on-site at all times and a maximum of 4 staff at weekends and evenings. It is stated by the applicant that the building would operate like a family dwellinghouse with the difference being that the adult carers would not permanently reside at the property.

3.5 In assessing the application, Officers have requested more detailed information with regards to staffing levels in the form of a rota, which has been submitted together with a Site Plan showing an increase in off-street parking provision.

3.6 The plans and documentation that have been assessed in reaching a recommendation are as follows:

- Application Form
- Existing Elevations and Floor Layouts (Ref: 397-10A)
- Proposed Elevations and Floor Layouts (Ref: 397-16)
- Proposed Site Plan (Ref: 397-80)
- Planning Statement
- Staff Rota

4. RELEVANT PLANNING HISTORY

4.1 The site has not been subject to any previous planning history

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S7 Buxton Sub-area Strategy
EQ6 Design and Place Making
H3 New Housing Development
CF6 Accessibility and Transport

Revised National Planning Policy Framework 2019

Achieving Sustainable Development Chapter 2
Delivering a Sufficient Supply of Homes Chapter 5
Promoting Healthy and Sustainable Communities Chapter 8
Promoting Sustainable Transport Chapter 9
Achieving Well Designed Places Chapter 12
6. CONSULTATIONS CARRIED OUT

<table>
<thead>
<tr>
<th>Site notice</th>
<th>Expiry date for comments: 14th August 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbour letters</td>
<td>Expiry date for comments: 10th August 2020</td>
</tr>
<tr>
<td>Neighbour Re-Consultation</td>
<td>Expiry date for comments: N/A</td>
</tr>
<tr>
<td>Press Notice</td>
<td>Expiry date for comments: N/A</td>
</tr>
</tbody>
</table>

Neighbours

6.1 The application has attracted one objection from a local resident that raises the following material concerns:

- No justification for the local need
- Property is not suitable for this type of use without significant works
- Increase in traffic from other developments will be worsened
- Lack of engagement from the applicant with local residents

Consultees

6.2 The following table shows the comments received from relevant statutory consultees in connection with the original and revised plans.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCC Highways Authority</td>
<td>No Objections:</td>
</tr>
<tr>
<td></td>
<td>I note that the development is for a Change Of Use from a dwelling to residential care home.</td>
</tr>
<tr>
<td></td>
<td>The supporting details suggest a minimum of 2no. staff on site at any one time with up to 4no. at weekends, all working 12 hour shifts. As a consequence of the shifts patterns, it is likely that staff for a starting shift will arrive prior to those on the finishing shift leaving therefore the chances of opposing traffic flows resulting from are considered to be relatively low.</td>
</tr>
<tr>
<td></td>
<td>There will, no doubt, be other trips generated by the development such as deliveries although, as a single entity, servicing and deliveries are likely to be carried out by single vehicles as they would be for the existing dwelling rather than, say, 2 or 3 dwellings where multiple services may be employed.</td>
</tr>
</tbody>
</table>
There may well be some intensification in vehicular activity when compared to a large family home and widening of the access would reduce the likelihood of reversing being required.

However, there would appear to be adequate manoeuvring space within the site and Palace Road is non-classified therefore, bearing all of the aforementioned in mind, it is considered that any objection on highway Grounds would be likely to prove unsustainable.

7. POLICY AND PLANNING BALANCE

Planning Policies

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016.

7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Principle of Development

7.4 The application seeks planning permission for a Change of Use from a dwellinghouse (C3 Use) to a Children's Care Home (C2 Use) on a site that lies within Buxton Town Centre and not constrained by any statutory designation.
7.5 The proposal would make a contribution to the housing needs of children in the local area and responds to the aims of Derbyshire County Council’s ‘Children in Care Placement Sufficiency Strategy 2017-2021’, as referenced at paragraph 5.9 of the Planning Statement.

7.6 The application supports the aims of LP Policies S1, H1 and H3 which together encourages the effective reuse of existing buildings and the provision of a mixture of house types and tenures to promote a sustainable and inclusive community.

7.7 In light of the above, the principle of development is considered to be acceptable subject to all material considerations which are assessed below.

**Design, Character and Appearance**

7.8 LP Policy EQ6 sets out the design principles for new development in the Borough, requiring proposals to respond well to existing development and contribute positively to the surrounding area. Chapter 12 of the NPPF emphasises the importance of good design.

7.9 The proposed change of use does not include any physical external development to the main dwelling. At the request of Officers an updated Site Plan has been submitted which shows a small portion of the side garden to be tarmacked and utilise for off-street parking provision.

7.10 It is considered that these minor works (that if carried out within the existing use as a dwellinghouse would not require planning permission) would not result in any harm to the character and appearance of the site or wider street scene, and thus complies with LP Policies S1 and EQ6 and relevant paragraphs within Chapter 12 of the NPPF.

**Residential Amenity**

7.11 LP Policy EQ6 requires development to achieve a satisfactory relationship with adjacent development and to not cause unacceptable effects of amenity which include visual intrusion; overlooking; noise; light pollution; or any adverse impacts on local character and amenity. Chapter 12 of the NPPF emphasises the need for development to respect the amenity of existing and future occupiers.

7.12 The proposed use as a Children’s Home would lead to an increase in the number of vehicle movements within the immediate locality. However, given the urban characteristics of the street this would not lead to any harm to the amenity of neighbouring properties.

7.13 Whilst it is acknowledged that the children that would be residing at this home could potentially have behavioural or mental health challenges,
which could result in concern about more noise or amenity impacts than would be the case with a conventional family dwelling, it is neither fair nor indeed reasonable to prejudge and/or stereotype future residents. By the same token, if the use were to remain is as C3 use that is not to say that future occupants would not have children who could be equally noisy or have similar challenges. The proposed use is a residential use which is entirely appropriate within a residential area. Any issues which arise from noise, anti-social behaviour etc, are management issues for the home and would be addressed by other agencies such as OFSTED, social services or the police, as appropriate, if and when they arose. It is not therefore considered that the amenity of any neighbouring property would be adversely affected by the proposed use in accordance with LP Policy EQ6 and relevant paragraphs under Chapter 12 of the NPPF.

Parking Provision and Highway Safety

7.14 LP Policy CF6 requires that new developments are located where the highway network can satisfactorily accommodate traffic generated by the development and requires applicants to submit details of parking which includes the proposed parking provision based on an assessment of the parking needs of the development. Appendix 1 of the Local Plan contains the Council’s parking guidance, which for C2 Uses requires 4 x spaces to serve the proposed use (2 x spaces plus 1 x additional space for every 4 bedrooms).

7.15 Paragraph 108 of the NPPF requires applicants to demonstrate that safe and suitable access can be achieved for all users. Paragraph 109 goes on to state that applications should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.16 The Planning Statement submits at paragraphs 5.25-5.26 that the site can currently accommodate parking provision for up to 5 x vehicles and that no more than 3 x spaces would be required for staff at anyone time. This contradicts with paragraph 2.3 of the Planning Statement, which states that a maximum of 4 x staff would be on site at evenings and weekends.

7.17 Officers considered that further details were required to full assess the vehicle movements and require parking provision associated with the use, and raised concerns that the current parking area does not allow for each member to independently arrive and exit the site (i.e. they would ‘box each other in’).

7.18 Further to the above, the applicant submitted a Site Plan (Ref: 397-80) which shows 5 x independent staff parking spaces, with additional spaces for the House Pool Car (used for school runs; leisure trips etc.); and a Visitor (e.g OFSTED Inspector). A staff rota has been submitted
which at page 4 clarifies that a maximum of 5 x staff member would be on site at any one time.

7.19 Given that the updated Site Plan shows provision for all 5 x staff which can independently access and leave the site without blocking each other in, this demonstrates compliance with the Council’s parking guideline and allows each car to exit the site in a forward gear. It is thus considered that the proposed use would not result in any adverse impact on highway safety, despite an increase in the number of overall vehicle movements comparable to a family dwellinghouse, in line with LP Policy CF6 and paragraph 108 of the NPPF.

Other Issues

7.20 The objection argues that no suitable justification has been provided for the development. Any application is assessed against relevant local development plan policies and other material considerations which include the NPPF. The home would provide accommodation for vulnerable children in a location within a large town with excellent access to services, facilities, education institutions and public transport links. The principle of development is thus accepted and no further justification required.

7.21 Objections relating to vehicle movements and highway safety have been addressed above. The objection received on the grounds that the building is not suitable for this proposed use is rejected. On the contrary, this type of use needs to be within an existing residential area within close proximity to schools, services and other facilities. The building is absolutely appropriate for its proposed use.

7.22 The objection cites a lack of pre-application engagement with local residents. Whilst it is desirable for developers to engage with both the Authority and local residents, this is not a procedural requirement and is therefore not material to the determination of the application.

Conclusions/Planning Balance

7.23 The application seeks consent for the proposed change of use from a dwellinghouse (C3 Use) to a Children’s Care Home (C2 Use) at Whyecote, Palace Road, Buxton.

7.24 The application supports the aims and objectives of Local Plan Policies S1, H1 and H3 and Chapters 5 and 8 of the NPPF. The principle of development is thus supported subject to all relevant material considerations.

7.25 The applicant has alleviated initial concerns from Officers in connection with inconsistencies in the supporting Planning Statement and – notwithstanding highways comments - the lack of independent off-
street parking and the ability to turn and exit the site in a forward gear, by submitting a Site Plan and supplementary staffing rota information.

7.26 In light of the above, the application is considered to comply with all relevant local development plan policies and other material considerations including the NPPF and thus constitute a sustainable form of development. In line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions.

8. RECOMMENDATIONS

A. Resolve to grant permission subject to a signed S106 Agreement and in accordance with the following conditions:

1. Time Limit 3 years

2. Development carried out in accordance with approved plans and supporting staff rota

B. In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.