

APPLICATION NO	PA/2011/0748
APPLICANT	JME Care Ltd
DEVELOPMENT	Planning permission for change of use to residential home and office
LOCATION	Beechcroft House, 1 Colleywell Close, Westwoodside
PARISH	HAXEY
WARD	Axholme South
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Eckhardt – significant public interest and impact on neighbouring properties)

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy H16 (Nursing and Rest Homes) states that the development of both new and converted properties for residential, nursing and rest homes and similar establishments will be permitted provided that:

- (i) the development is located within either the Scunthorpe and Bottesford urban area, Barton-upon-Humber and Brigg, or a medium growth settlement; and
- (ii) the development has no adverse effects upon the amenities of neighbours and the character of the surrounding area. Where necessary, landscaping or other means of screening will be required to protect the interests of nearby residents; and
- (iii) adequate parking within the curtilage of the development should be provided in order to ensure that no on-street parking occurs which would be to the detriment of the free and safe flow of vehicles using the public highway; and
- (iv) developments provide adequate private amenity space to cater for residents and staff; and
- (v) external fire escapes are located away from the frontage of the development, preferably at the rear of buildings and/or in a position where they are unobtrusive to the street scene; and
- (vi) adequate refuse facilities are provided within the curtilage of the development and situated in order that they do not detract from residential amenity by virtue of smell and visual appearance.

Policy DS4 (Change of Use in Residential Areas) states that within residential areas favourable consideration will be given to proposals for a change of use from residential to other uses, provided that the development will not adversely affect the appearance and

character of a residential area or residential amenity by virtue of noise, vibration, traffic generation, reduction in road safety, odorous emissions or other adverse environmental conditions.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

North Lincolnshire Core Strategy: Westwoodside is a rural settlement as defined in the settlement hierarchy within the North Lincolnshire Core Strategy. Policy CS1 (Spatial Strategy for North Lincolnshire) states that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS2 (Delivering More Sustainable Development) states that development should be focused on:

1. previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions;
2. previously developed land and buildings within the defined development limits of North Lincolnshire's market towns, followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs;
3. small-scale developments within the defined development limits of rural settlements to meet identified local needs.

It goes on to state that all future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the overall spatial strategy together with the following sustainable development principles:

- be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport. It should be compliant with public transport accessibility criteria as set out in the Regional Spatial Strategy

- be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements, particularly in relation to junctions on the Strategic Road Network
- where large freight movements are involved the use of rail and water transport should be maximised
- contribute towards to the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities
- contribute to achieving sustainable economic development to support a competitive business and industrial sector
- ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives
- ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development, but where appropriate it is to be recognised that a phased approach may not be required on small-scale development proposals;
- to be constructed and operated using a minimum amount of non-renewable resources, including increasing the use of renewable energy in construction and operation
- take account of local environmental capacity and to improve air, water and soil quality and minimise the risk and hazards associated with flooding; and
- be designed to a high standard, consistent with policy CS5, and use sustainable construction and design techniques.

CONSULTATIONS

Highways: Recommend condition 4.

Environment Agency: No comments or objections.

PARISH COUNCIL

Object to the application, in support of local residents, on the following grounds:

- traffic disruption due to staff, visitors and deliveries
- noise disruption due to the increase in traffic
- parking spaces are to be reduced from two to none and there will be nowhere for staff and visitors to park except on the small, narrow cul-de-sac.

PUBLICITY

Neighbouring properties have been notified by letter and a site notice posted. Letters of objection have been received on the following grounds:

- The proposed development would result in an increase in traffic into the cul-de-sac, posing a risk to highway safety and the safety of children in the area.

- Additional on-street parking would be generated by the development and this would be dangerous as the cul-de-sac is narrow with limited spaces for parking.
- The proposed use would result in noise and disturbance for neighbouring residential properties as a result of comings and goings to the care home, 24 hours a day, 365 days of the year.
- More information is required of the exact type of patients to be cared for as they may pose a risk for children on the cul-de-sac.
- The proposed use could result in an increase of antisocial behaviour in the area.
- Westwoodside is a minimum growth settlement and as such the proposal is contrary to policy H16 which states that residential homes should only be allowed in larger settlements (Scunthorpe, Barton, Brigg and the medium growth settlements).
- Westwoodside is not a suitable location for the proposed use as it is a rural village with limited services.
- Should the proposed development be approved it would set a precedent for further commercial development within Westwoodside.
- All properties within this area of Westwoodside have a legal covenant on their deeds prohibiting the use of dwellings as commercial properties.
- The proposed development, if approved, would result in a reduction of property values in the area and make selling dwellings on Colleywell Close very difficult.

ASSESSMENT

The application site is a detached bungalow located on a small residential cul-de-sac in Westwoodside. It is surrounded by residential properties on all sides and is located within a residential area with a mix of single-storey and two-storey detached dwellings. There is a large area of hard-standing to the front of the bungalow and an area of private garden space to the side and rear. The property has a low (less than 1 metre) wall along the frontage adjacent to Colleywell Close, a 1.5 metre high close-boarded timber fence along its rear boundary and a close-boarded timber fence along its eastern boundary which increases in height from approximately 1 metre to approximately 1.5 metres as it runs back into the site away from the road. The site is accessed off Colleywell Close to the front of the bungalow.

This application seeks planning permission for the change of use of the property to a small-scale residential care home, to cater for a maximum of three people with mild learning disabilities with the aim of helping them develop the skills necessary for independent living.

The main issues to consider in the determination of this application are whether the proposed residential home will have a detrimental impact on highway safety in the area and whether the proposal complies with policy H16 of the North Lincolnshire Local Plan.

Following comments from neighbours and the parish council, the applicant provided additional information regarding the nature of the home and how it would operate. The

proposed residential home would be run as family home environment and would cater for a maximum of three clients at any one time. There would be a maximum of two members of staff on site when the home is fully occupied and at night there would be one member of staff present. There would be no need for external deliveries to the site as anything that is needed would be delivered by the applicant, who would manage the home. Visits to the home would be no more frequent than would be expected of a normal family home. Social workers would visit each client three times within their first year of residence and once per year thereafter. Families would be able to visit, however this would only be occasionally (once or twice a year) as clients usually return to their parents'/family homes for visits. The clients would travel further afield by car when necessary, just as other families in the area do.

Therefore the level of traffic that would result from the use of the property as a small-scale residential home would not be excessive and would not differ greatly from the level of movements that could be expected of a normal family dwelling. As such the proposed development would not result in unacceptable noise or disturbance to neighbouring properties as a result of traffic movements. Additionally the council's Highways department has been consulted on this application and has raised no concerns or objections to the proposed use with regard to highway safety. The use of the property as a small-scale residential home would not pose a risk to highway safety or the safety of children in the area as a result of traffic generation.

The applicant originally suggested on the application forms that the level of parking provision on the site would be reduced from two parking spaces to no parking spaces as part of the change of use, which suggests that additional on-street parking would result. However after clarifying the parking arrangements with the applicant it became clear that a mistake was made when filling in the application form and that no parking spaces would be removed from the site. Indeed there is a large concrete area to the front of the property at present, which would be retained and used for the parking and turning of vehicles. This area is capable of accommodating more than two vehicles and allows cars to turn around within the site without having to reverse out onto the road. Therefore the proposed development would not result in significant additional on-street parking. The council's Highways department is happy with the proposed parking/turning arrangements and has raised no concerns or objections.

As previously stated, additional information regarding how the home would be run and the type of clients it would care for was submitted by the applicant. The residential home would cater for a maximum of three clients of either gender, between the ages of 18 and 65, with mild learning disabilities, which may be a cognitive problem at birth or hereditary, mild autism. Clients would be assessed fully before being admitted to the residential home and the home would be inspected regularly to ensure that it complies with the high standards set by the Care Quality Commission. The home would provide clients with care and support with the aim of helping them develop the skills required to eventually move to more independent living. The clients that would be housed within the home are not dangerous and would not pose a threat to children or the surrounding community.

As previously stated, the clients to be housed within the home would not be individuals with behavioural problems, they would be people with mild learning difficulties which may prevent them from living on their own at present. Indeed the applicant states that some of the young people are capable of living on their own but may choose to take advantage of the extra support available at the home. Full-time staff would be on hand to provide the clients with care and support should they need it and would be able to monitor their

behaviour. As such there is no reason to believe that the proposed residential home would result in an increase in antisocial behaviour in the area.

Policy H16 (Nursing and Rest Homes) of the North Lincolnshire Local plan states that new nursing and rest homes will only be allowed in either the Scunthorpe and Bottesford urban area, Barton-upon-Humber and Brigg, or a medium growth settlement. However changes to local planning policy have had important implications on the interpretation of this policy. On 28 June 2011 the Local Development Framework Core Strategy was adopted by North Lincolnshire Council. The core strategy superseded several policies within the North Lincolnshire Local Plan. One policy that was replaced was policy ST2 (Settlement Hierarchy) which set out the settlement hierarchy for North Lincolnshire (which settlements were medium growth, minimum growth etc). Under the new settlement hierarchy for North Lincolnshire as set out in policy CS1 (Spatial Strategy for North Lincolnshire) of the core strategy there are no longer medium growth settlements as referred to in policy H16 of the local plan. Therefore the first criteria of policy H16, requiring new nursing and rest homes to be located in medium growth settlements, Barton, Brigg or Scunthorpe, no longer applies. Instead a decision has to be made based upon the other criteria of policy H16 of the local plan along with the provisions of policies CS1 and CS2 of the core strategy.

It is considered that the proposal complies with the other criteria set out in policy H16 of the local plan as it will have no unacceptable impact upon the amenity of surrounding properties or the character of the surrounding area, it has adequate parking provision and amenity space for such a small-scale development and it will not impact on the amenity of the area by virtue of fire escapes or refuse facilities. Policy CS1 of the core strategy states that in rural settlements such as Westwoodside development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

It should be noted that although the proposed development is for a change of use to a new residential home, the property is an existing bungalow and the home would be on a very small scale, catering for a maximum of three clients. Therefore the proposed home would have a minimal impact on the area compared to a more traditional-sized care home and would operate more along the lines of a family home. Due to the small-scale nature of the development, it would not place an unacceptable burden on local services or infrastructure. This small-scale development is in keeping with the character and nature of the settlement and as such Westwoodside is an appropriate location.

The proposed development is considered acceptable because of its own individual circumstances and any similar application would also be judged on its own merits. The surrounding area would still be residential in nature and indeed the applicant property would still have the appearance and character of a residential property. All planning applications are judged on their own merits and should this application be approved then it would set no precedent for future development in the area.

Legal covenants and restrictions are not a material planning consideration and as such are not a valid reason for the refusal of a planning application. Should a covenant exist on the property preventing its use as a commercial premises then planning permission would not overrule it. This would be a private, legal matter for the applicants to resolve and has no bearing on the determination of this planning application.

Devaluation of property is also not a material planning consideration and is not a valid reason for refusal of planning permission, it is purely speculative and has no bearing on the determination of planning applications.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2011/0748/01 and PA/2011/0748/02.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

The premises shall not be used otherwise than as a residential care home and for no other purpose (including any other purpose in class C2 of the schedule to the Town and Country Planning (Use Classes) Order 2005 or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason

To prevent the uncontrolled introduction of a use which may potentially have an adverse impact on the character of the surrounding area without an opportunity to examine this against the criteria in policy DS4 of the North Lincolnshire Local Plan.

4.

The existing vehicle access and parking facility shall be retained and shall remain available at all times to service the needs of the development.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.



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Regeneration and Planning

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