
Appeal Decision

Site visit made on 29 March 2017

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27TH April 2017

Appeal Ref: APP/X3025/W/16/3165353

Former Redlands Christian Care Home, 7 Rock Hill, Mansfield NG18 2JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Beech, Hamilton Hargreaves Limited against the decision of Mansfield District Council.
 - The application Ref 2016/0244/ST, dated 28 April 2016, was refused by notice dated 6 July 2016.
 - The development proposed is the change of use and external alterations to provide house in multiple occupation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use and external alterations to provide house in multiple occupation at Former Redlands Christian Care Home, 7 Rock Hill, Mansfield NG18 2JP in accordance with the terms of the application, Ref 2016/0244/ST, dated 28 April 2016, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. Part E of the appellant's appeal form indicates that the description of the development has changed from that used on the original application form. Whilst there is no written confirmation of any agreement between the parties to alter the description, I note the amended wording also appears on the Council's decision notice. As such I am satisfied the application was considered on this basis. For the avoidance of doubt, it is this description that I have used in the header above and in my formal decision.
 3. A different address for the site appears on the Council's decision notice and appellant's appeal form to that given on the original application form. The main difference is the name of the road. The original form cites the address as Rock Hill Gardens, whilst the decision notice and appeal form refer to Rock Hill. While the site plan appears to identify the road as Rock Hill Gardens, this may refer to the close at the end of the road. I have noted that correspondence from the neighbouring property to the site also refers to Rock Hill. While the road name is not entirely clear, for the avoidance of doubt, I have used the address from the decision notice and appeal form as this appears to be the accepted formal address.
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Application for costs

4. An application for costs was made by Mr G Beech, Hamilton Hargreaves Limited against Mansfield District Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues in this case are the effect of the development on:
 - (a) The character of the area;
 - (b) The living conditions of neighbouring occupants, having particular regard to noise, disturbance and privacy;
 - (c) Crime and the fear of crime; and
 - (d) The safety of pedestrians and the efficient operation of the local highway network.

Reasons

Character and Living Conditions

6. The Council's concerns in relation to character and living conditions are primarily based on their assumption that the development would lead to a significant increase in activity and thus I have considered these issues together. Redlands is a large vacant detached building that was formerly in use as a residential care home. It is set back from and slightly above the roadside behind a fairly large front garden which itself is well screened by a high boundary wall and landscaping. The boundary treatment between the site and neighbouring dwellings consists of a mixture of high wall and dense landscaping.
7. The site is located on a cul-de-sac that is accessed from Frederick Street, the junction of which is a short distance from the main road that runs parallel to Rock Hill. This is a single track road which serves 7 buildings, including a small residential development of 5 detached dwellings at the end of the road. Two of these dwellings abut the boundary of Redlands. To the other side is a detached dwelling known as Edge Hill. To the rear of the site is Coronation Street, a residential road of detached and semi-detached dwellings. The rear gardens of a number of these dwellings back onto the site.
8. The Council have argued that the use would be out of character with the predominantly family housing in the area. However, the care home use already differs from this and is capable of catering for multiple occupants without apparent harm. There is also some evidence of other buildings with multiple occupancy uses in the vicinity of the site. Although some neighbours have argued that the use is a business, it is still a form of residential use and would not be out of place in a predominantly residential area. There is no reason therefore why an alternative type of residential use which accommodates multiple residents should lead to any particular harm or conflict with the existing residential character of the area.
9. The building would be large enough to adequately accommodate the bedrooms and shared facilities. There would also be relatively few physical alterations to accommodate the use. The most significant are the alterations to the front garden to create space for parking. This would reduce the existing residential

character of the building to some extent. However, this would be well screened and would have only a minimal effect on the overall character of the site or wider area.

10. The previous use accommodated up to 19 people. The day-to-day activities of the care home would no doubt have led to some level of noise. This is not unusual in a residential area. Concerns have been raised about the potential tenants of the development. I have no reason not to accept the appellant's intentions to seek to let the rooms to people in employment only. It is wholly reasonable to assume that the appellant would not wish to entertain bad tenants. However, as I am not convinced that it would be reasonable or enforceable to seek to control the tenancy of the building, I have given only moderate weight to the stated intentions of the appellant. Nonetheless, I do not consider unacceptable levels of noise or disturbance to be the inevitable consequence of multi-occupation, but rather a question of individual behaviour and appropriate management.
11. Notwithstanding the Council's assertion that some proposed rooms could accommodate multiple occupants, the increase in people living on the site is unlikely to be significant. Nonetheless, I recognise some increase in activity is likely from the change of use and the different characteristics and lifestyles of potential future occupants. The likely intensification of activity may lead to some increase in general noise coming from within the building, but I am satisfied that there would be an acceptable degree of separation and screening from adjoining dwellings to ensure there would be no undue harm.
12. There is no detailed evidence before me regarding the vehicle movements associated with the former care home or those likely to be generated by the proposal. It may be unlikely that the residents of the care home regularly used cars, although a care home use in general would presumably not exclude residents able to do so. Moreover, such a use would still generate vehicle movements through the comings and goings of staff and visitors. There would also have been movements generated by deliveries and service vehicles, together with medical staff and ambulances. Some of these would probably have taken place during the night. As such, there would have already been some degree of noise associated with the previous occupiers of the building.
13. Whilst likely there would be some increase in vehicle movements compared to the care home use, it is unlikely that this would be so high as to cause harm to the living conditions of neighbouring occupants. There may also be an increase in pedestrian movements around the site, but this is also unlikely to cause undue noise or disturbance in itself. Neither is it likely that any potential increase in comings and goings from the site would have an unacceptable impact on the residential character of the area.
14. Parking areas within the site would be well screened by various existing boundary treatments. A plan has also been submitted which indicates the spaces would be spread across the site. Any noise associated with cars starting or the slamming of doors would not be focussed on one part of the site or associated with one particular neighbouring property. Such noise is also likely to be short lived, infrequent and not materially harmful.
15. The Council did not raise any particular concerns with regard to the effect on privacy, but this has been raised by interested parties. However, the majority of windows facing neighbouring properties were already in use as bedrooms

and thus there would be no material difference between the existing or proposed uses in terms of overlooking or privacy. The submitted plans indicate there would be two windows at first floor level facing Edge Hill which were previously in use for a sluice room and en-suite bathroom, which would be used as the kitchen. However, there would be sufficient distance between these windows and the neighbouring property to ensure there would be no undue impact on privacy. There are other windows on the ground floor that were previously serving non-habitable rooms that would become bedrooms, but there would be sufficient screening from the boundary wall to ensure no adverse impact from overlooking.

16. As a result of the above, I find there would be no material harm to the character of the area or the living conditions of nearby residents as a result of the development. Notwithstanding the comments of the appellant, I am satisfied that as the development involves the conversion of one type of residential development to another, saved Policy H11 of the Mansfield District Local Plan (1998)(LP) can be considered relevant. I see no conflict with this policy which seeks, amongst other things, to ensure that any building would be large enough to enable a satisfactory conversion, integrate with the existing pattern of settlement and surrounding land uses and would not have a detrimental effect on the character, quality and amenity of the surrounding area.
17. Even if I had concluded differently on Policy H11, the issues it addresses are broadly consistent with the policies in the National Planning Policy Framework (the Framework). In particular, those relating to the need to create a good standard of amenity for existing and future residents. There would therefore also be no conflict with the Framework in this regard.

Crime

18. The Council's decision notice and appeal statement refer to paragraph 69 of the Framework which states that planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion. Local residents raise similar concerns. These are essentially an extension of those raised in relation to living conditions and stem from similar issues relating to future tenancy.
19. There must be some reasonable evidential basis for the fear of crime and adverse effects to be justified. The Police Architectural Liaison Officer (ALO), while giving weight to the stated intentions of the appellant, also raised some general concerns about noise and anti-social behaviour from HMOs where tenants were not employed. However, there was nothing specific about this development or location in these comments and their generalised nature do not persuade me that even if the tenancy of the development were not controlled, it would inevitably lead to problems.
20. The ALO highlighted 12 instances of anti-social behaviour in a 12 month period near to the site. These were mainly related to groups of people drinking in the street. Local residents have also noted issues relating to drug abuse, but no detailed evidence of this has been provided. In any event, it is not clear that these were associated with the other residential institutions located in the area, nor is this evidence that an additional HMO would lead to any increase in such activity. A HMO exists when tenants live together, form more than one

household and share facilities with other tenants. I find nothing within the evidence to suggest that this form of development would necessarily result in crime or anti-social behaviour, or a justifiable increase in the fear of crime.

21. Notwithstanding this, crime and anti-social behaviour resulting from any deficiencies in management should not be tolerated any more than with another form of residential use. Both the local authority and the Police have processes in place to manage and take action against anti-social behaviour and crime.
22. When I visited the site there was evidence of fly tipping in the grounds which is itself a form of anti-social behaviour. In addition, the response from the ALO highlighted 9 instances of suspicious behaviour from people entering the site as a result of it being unoccupied. The vacant nature of the site is arguably already having a negative impact in relation to the fear of crime in the area. The occupation of the site would give some confidence that such activity would cease. This benefit may not necessarily be unique to the proposal before me and any appropriate re-use of the building could achieve a similar result. Nonetheless, the only evidence of anti-social behaviour directly related to the site relates to it currently being vacant and the development would help to address it. As such, this represents a benefit of the proposal that weighs in its favour.
23. Some residents have suggested there is a large amount of affordable housing in the area and this is leading to issues of anti-social behaviour and crime. No substantive evidence has been provided which demonstrates what the mix of housing is in the area, or identifies any correlation between the mix of housing and issues relating to crime in the area or anything which would persuade me that the proposed land use would exacerbate any existing problems. In addition, there is nothing before me which would lead me to conclude that the future use or occupation of the building would result in harm to residents, visitors or staff associated with other residential institutions in the area.
24. It is appreciated that local residents have genuine concerns about the potential for an increase in crime and anti-social behaviour. However, as with general noise and disturbance, these activities are not an inevitable consequence of multiple occupants residing in the same building. The allegations against the development are not supported by substantive evidence and the weight I can give to them in my overall decision is limited.
25. In conclusion on this matter, I find that the development would not have a material effect on crime or the fear of crime and thus there would be no conflict with Paragraph 69 of the Framework.

Highways

26. There is currently no pavement on either side of the road between the site and Redcliffe Road. A stretch of pavement does begin opposite the site and continues up to the end of the cul-de-sac. A branch from this also provides a pedestrian access down to the main road.
27. The existing lack of pavement covers only a relatively short stretch of road between the site and Redcliffe Road. The Council have argued that the lack of pavement forces pedestrians into the carriageway. This may be true, but it is also already the case. There is nothing before me which demonstrates the

existing situation has led to any significant problems relating to pedestrian safety.

28. The potential intensification in the use of the access has not been quantified, but is not likely to be significant. The stretch of road in question is straight, with good visibility along it in both directions, is slow moving, serves few dwellings in total and is not open to through traffic. Local residents will also already be aware of the potential for pedestrians to be walking along this stretch of road and will be aware of the need to take necessary precautions. I am not convinced therefore that the development would lead to any greater risk to pedestrian safety than the current situation. Any increase in pedestrian activity from the site is also unlikely to be so high as to create significant levels of conflict between pedestrians and vehicles when considering the relatively low levels of traffic likely to be using the road.
29. Moreover, pedestrians are unlikely to be walking on the near side against the wall of the site and thus when cars are pulling out they would be easily seen on the opposite side of the road. There is also an alternative route to the main road heading east from the site. I have noted the Highway Authority's (HA) comments that pedestrians are unlikely to use this if their destination is west of the site as it would mean doubling back. Nonetheless, the alternative exists and should pedestrians have any concerns over their safety, then they have the option of avoiding this short stretch of road. The distances involved are not, in my view, so prohibitive as to make this an unreasonable alternative.
30. Having observed the verge along which any pavement would be laid, I agree that it would be unlikely to be achievable without removing the trees. I would also agree that the trees provide some benefit to the area in terms of its general character and appearance. As such, I have some sympathy with the Council's position in not wishing to impose a condition that may lead to a different kind of harm. However, as I am not persuaded that the development would result in any material harm or increase in risk to pedestrian safety, then the development does not need to provide any mitigation and the condition would not be necessary in any event.
31. The visibility from the existing access and other nearby junctions has been questioned by interested parties. There appears to be a discrepancy between what is shown on one plan and what is on the ground. However, having observed the access, it is a minor issue and does not give rise to any particular concern. The existing access has been in use for some time, and while residents have provided anecdotal evidence, there is nothing substantive which demonstrates it has resulted in any safety problems. Furthermore, while the road is narrow and oncoming vehicles may need to manoeuvre or wait in order to allow others to pass by, this is not an unusual or inherently dangerous situation and is presumably already something which residents are aware of and expect. No objections were raised by the HA relating to this issue and, for similar reasons to those given above, I saw nothing that would lead me to conclude there would be any harm resulting from the development.
32. The Council have not set out the detailed nature of their concerns in relation to the alleged detrimental effect on the surrounding highway network as a result of the intensification of traffic associated with the development. Irrespective of the fact that the care home use of the site is capable of generating vehicular movements, the likely number of trips generated by the proposal is unlikely to

have anything but a negligible effect on the operation of the highway network in the vicinity of the site, both in terms of safety or congestion.

33. While my visit can only represent a snapshot of normal highway conditions, I saw no evidence of on-street or inconsiderate parking taking place and I have no reason to assume that the development would lead to any such problems. The development would provide 22 parking spaces and I am satisfied that this would be adequate to accommodate the needs of the residents and minimise the risk of on-street parking taking place. As such, I am satisfied that the development would not result in the obstruction of emergency, or other vehicles, accessing the street.
34. In conclusion on this matter, I find there would be no material harm to highway or pedestrian safety or the efficient operation of the transport network as a result of the change of use. Accordingly, there would be no conflict with LP saved Policy M16 which seeks, amongst other things, to ensure development has regard of the needs and safety of all modes of travel and does not have a detrimental effect on the surrounding highway network.

Other matters

35. Concerns have been raised relating to how such things as the storing and collecting of refuse bins would be addressed. The submitted plans identify an area for bin storage and the Council has suggested a condition requiring the approval of the details of this. The collection of the refuse would be a matter for the management of the building or the occupants. However, there is no reason to believe that the bin store would become a focus for anti-social behaviour or cause any significant issues in relation to highway safety. As such, this would not alter my overall conclusions as set out above.
36. A concern has been raised in relation to drainage and the capacity of the sewerage system. Again, the site was previously in use for residential purposes and a relatively small increase in occupation should not lead to any problems of sewer capacity. This issue does not outweigh my conclusion that the development is acceptable.
37. I see no reason why the change of use of the property would necessarily lead to an exacerbation of any issues relating to the maintenance of the grass verge outside the property or to other issues such as litter. In addition, the potential increase in vehicular movements associated with the development is unlikely to have any noticeable effect on air pollution in the area. As such, it is unlikely there would be any effect on the health of nearby residents.
38. The issues of Council Tax, property values and the future sales of property have been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property. Neighbours have also highlighted that they would be happier to see a different form of residential development on the site, but this is not a matter before me and I must consider only whether the proposal before me is acceptable.

Conditions

39. I have considered the suggested conditions from the Council in accordance with the guidance contained in the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides

certainty. I have used the model Planning Inspectorate condition in this instance in the interests of clarity and precision. I have also removed the suggested reference to the Planning Support Statement, as I do not consider it adds anything in terms of the physical alterations to the building or change of use.

40. The appellant has submitted a Plan referenced TPS/15/29D. This is not referred to in the Council's suggested conditions, but I have noted reference to it in the comments of interested parties. I am therefore satisfied that the Council considered it in their decision and it has been subject to consultation. As such, I have included reference to it in the condition.
41. In the interests of the character and appearance of the area and living conditions of neighbouring occupants, I have imposed a condition requiring the submission, approval and implementation of a landscaping scheme for the site. I have removed reference to the car parking areas, as this is addressed in another condition. By necessity, this is a pre-commencement condition to ensure the development proceeds in the approved manner. In the interests of the living conditions of nearby residents, I have imposed a condition limiting the hours that demolition, construction works or deliveries can take place. I have made a minor amendment to the suggested wording to ensure the full scope of the potential works is addressed.
42. Notwithstanding the details shown on the approved plans, I consider it necessary to impose a condition requiring the agreement of the precise details and implementation of the vehicular access parking layout in the interests of highway safety and living conditions. I have amended the suggested wording to ensure the access and parking spaces are retained thereafter and in the interests of clarity. Similarly, in the interests of the living conditions of future occupants of the building and those of neighbouring properties, I have imposed a condition requiring the approval of the precise details of the bin store and its installation prior to the occupation of the development. I have made minor amendments to the suggested wording for clarity and to ensure the bin store remains in place. These are by necessity pre-commencement conditions to ensure the development is carried out in accordance with approved details.
43. For the reasons given above, I do not think it is necessary to impose the suggested condition requiring the installation of the pavement. The Council have suggested a condition requiring a tenant management plan. However, the wording suggested only requires the submission and approval of the document and does not require the appellant to implement it once agreed. Moreover, there is little detail in either the officer report or appeal evidence as to what would be included in the plan. I do not consider that I have been provided with sufficient evidence to justify that this condition is necessary, reasonable or enforceable.

Conclusion

44. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, Drawing No TPS/15/27B, Drawing No TPS/15/28B, Drawing No TPS/15/29D other than as required by Condition 3, 4 and 5.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping including areas of hardstanding. The scheme shall include as appropriate: details of proposed and existing shrubs and hedgerows including details of those to be retained and any to be removed, planting plans, written specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants noting sizes and proposed numbers/densities where appropriate and a programme of implementation. The development thereafter shall be undertaken in accordance with the approved details.

All planting, seeding or turfing indicated in the approved scheme shall be carried out in the first planting and seeding seasons following occupation of the building or the completion of the development, whichever is sooner, and any plants which within a period of five years from the completion of the development die, are removed, or become in the opinion of the local planning authority seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 4) No development shall take place until the precise details of the vehicular access to the site and parking layout have been submitted to and approved in writing by the local planning authority. The access and parking areas shall be constructed in accordance with the approved details and made available for use prior to the occupation of the development hereby approved and retained as such thereafter.
- 5) No development shall take place until the precise details of the proposed bin store facility shall have been submitted to and approved in writing by the local planning authority. The approved bin store facility shall be installed in accordance with the approved details and made available for use prior to the occupation of the development hereby approved and retained as such thereafter.
- 6) Demolition or construction works and the delivery of materials shall take place only between 0800 and 1800 on Monday to Friday, and between 0800 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.